

**STRANDED PAKISTANIS IN BANGLADESH SINCE 1971:
ISSUES AND POLICIES**

*Dissertation submitted to Jawaharlal Nehru University in partial fulfilment of
requirements for award of the degree of*

MASTER OF PHILOSOPHY

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2016



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DECLARATION

I do here by declare that the dissertation entitled “**Stranded Pakistanis in Bangladesh since 1971: Issues and Policies**” submitted by me for the award of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this university or any other university. I have undertaken the plagiarism test and the dissertation fulfils the criteria for originality.

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We recommend that this dissertation be placed before the examiners for evaluation.

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Dedicated to

My Mummy and Papa

Smt. Sunita Singh

Ujainwal & Shri Hjeet Singh

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ACKNOWLEDGEMENT

The successful completion of this dissertation work depends largely on the encouragement and guidance of many individuals and institutions. I take this opportunity to express my profound gratitude to the people who have been instrumental in the successful completion of this work.

I am fortunate enough to have Prof. Sanjay K. Bhardwaj as my revered Supervisor. Without his untiring and uncompromising effort, the completion of this modest attempt of my research work would not have seen the light of the day. His valuable comments, suggestions and thoughts provoking guidance, moral support and constant encouragement carried me a long way in the journey of this work. I am greatly indebted for his concern and understanding, which helped me endure all difficulties.

I am also thankful to all the staff of my Centre, JNU Central Library, Institute of Defence and Strategic Analysis, Teen Murthy Library and South Asia Foundation Library for the cordial academic support and valuable information.

I would be at loss, if I do not extend my special and sincere thanks to my dear Senior friends, Mr. Prashant Kumar Sharma, Ms. Hoimonti Barua, Mr. Jigme Wangdi, Mr. Vikas Kumar, Ms. Minnati Kalo, Ms. Aparajita Sinha, Ms. Sarita Nandmehar, and Ms. Ashwati CK, all Research Scholar at Jawaharlal Nehru University, for providing me their painstakingly moral and academic support throughout my period of research.

Furthermore, I extend my sincere thanks to some of my dear friends at JNU, Ms. Naina Khatri, Ms. Sonia, Mr. Hemant Kumar and Mr. Purushottam, for their constant support to me during my period of research.

I am highly indebted to my dear younger sisters, Mrs. Priyanka Bidlan and Ms. Sonali Ujjainwal, and my younger brother, Mr. Suraj Singh Ujjainwal, for the care and affection they have exposed towards me.

Finally, I would like to state that I am solely responsible for mistakes and lapses that might have remained untouched during the completion of this work.

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List of Abbreviations

| | |
|--------|---|
| AFDB | Al-Falah Bangladesh (NGO based in Dhaka, Bangladesh) |
| ADB | Asian Development Bank. |
| AYGUSC | Association of the Young Generation of Urdu Speaking Community. |
| BRAC | Bangladesh Rural Advancement Committee |
| BLAST | Bangladesh Legal Aid Service Trust |
| BBS | Bangladesh Bureau of Statistics |
| CRO | Central Relief Organization |
| CDC | Community Development Corporation |
| CDL | Council of European Commission for Democracy through Law |
| DCC | Dhaka City Corporation |
| DSF | Democratic Students Federation |
| ICRC | International Committee of the Red Cross |
| ICFM | Islamic Countries Foreign Ministries |
| ICCPR | International Covenant of Civil and Political Rights |
| LGRD | Local Government and Rural Development Ministry |
| MQM | Muthahidu Quami Movement |
| NGO | Non Governmental Organizations |
| PRC | Pakistan Repatriation Council |
| RAAI | Rabita Al-Alam-Al-Islam |
| RTB | Rabita Trust Board |
| RMMRU | Refugee and Migratory Movements Research Unit |
| ROSC | Reaching Out of School Children |
| SNA | Sindh National Alliance |
| SSF | Sindh Students Forum |
| STD | Sexually Transmitted Diseases |
| SPGRC | Stranded Pakistanis General Repatriation Committee |
| SEEP | Social and Economic Enhancement Program |
| TIGP | Target International Giving Program |

| | |
|--------|--|
| UNDP | United Nations Development Programme |
| USPYRM | Urdu Speaking People's Youth Rehabilitation Movement |
| UPPR | Urban Partnership for Poverty Reduction |
| UNHCR | United Nations High Commissioner for Refugees |
| UNGC | United Nations General Assembly |

Introduction

1.1. Background

Bangladesh and Pakistan has common roots of history. They struggled against the same colonial power which was ruling them on undivided India. In 1947, when Indian sub-continent got independence from the colonial rule of British Empire. India and Pakistan as nation was formed. The ‘Two nation theory’ was the main base of separation and creation of Pakistan an independent Muslim state from Indian subcontinent. Eastern part of sub-continent currently known as Bangladesh came under Pakistan ‘only on the basis of religion’ and became East-Pakistan. Due to political instability and fragile economic conditions Pakistan came under the military rule. During military rule East Pakistan was ignored in the decision making process due to its least representation in armed forces. Under the constitution of 1962, provincial autonomy of East Pakistan was also missing. The ignorance of Pakistan towards East Pakistan was there till 1971. Linguistic, cultural and ethnic differences were the major reasons for their further separation into two independent nations such as Pakistan and Bangladesh (Redclift 2011).

Communal riots were also an important reason behind migration of Muslims from to India to Pakistan. Stranded Pakistanis were also victims of communal riots and were migrated to East Pakistan. Their earlier residence places like Bihar, Patna, Bhagalpur, West Bengal and other eastern part of India were worst hit due communal riots. Many people died and injured during the communal riots. In August 1946, many Hindus were killed during the communal riots of Calcutta. As a result many Muslim people were also killed in Bihar known as Great Bihari killing. Many Muslims were homeless during the riots of Bihar and Calcutta. Due to communal riots many Muslims migrated to East Pakistan. Creation of Pakistan was based on religion and declared as homeland for Muslims and massive population movement was done. It was the massive refugee movement during that time. Many Muslims were migrated to East Pakistan. The last refugee movement was in 1964-65. The Urdu speaking refugees in East Pakistan got

shelter at Mohammedpur and Mirpur in Dhaka; Raufabad, Sher Shah, Feroz Shah and Hali Shahar in Chittagong; Khalispur Satellite Town in Khulna and New Satellite Town in Jesore. Many other reasons were also important for migration into East Pakistan like urbanization and industrialization was also a reason behind migration towards East Pakistan. Biharis in East Pakistan was taking the business of Bengali Hindus, who was the prey of communal riots and partition. Bengali Hindus escaped to India in order to save their lives. (Afroz 2011-12). Many reasons for also important behind exodus of stranded Pakistanis to East Pakistan;



Figure No.1: Reasons behind the exodus of stranded Pakistanis in Bangladesh

The “Stranded Pakistani” of Bangladesh popularly known as ‘Bihari Muslims community’ originally migrated from Indian provinces of Bihar, Assam, Orissa, and West Bengal during partition of Indian sub-continent in 1947. These Muslims mostly from eastern part of India were migrated to East Pakistan on the basis of ‘Two nation theory’. However majority of them were from Bihar. Hence they are also known as Bihari Muslims. They escaped from Indian province due to communal riots and wanted

to preserve their Islamic way of life. Partition of India was the biggest upheaval in Indian sub-continent. Many Bihari Muslims were also killed in the communal bloodshed known 'Great Bihar Killing'. Approximately 700,000 Bihari Muslims migrated from India to East Pakistan. Initially they were whole heartedly welcomed in East Pakistan by West Pakistan on the basis of Two-nation theory as they are Urdu-speaking community and linguistically different from the people of East Pakistan. Stranded Pakistanis believed that their future was safe with Pakistan because they are distinct group of Muslims in Bangladesh (Khan 1997).

Earlier Stranded Pakistanis had a sense of superiority in East Pakistan because they spoke Urdu and Urdu was declared as official language in both the wings of Pakistan in 1948 (East and West wings). Stranded Pakistanis believed themselves as the 'Real Architects' of Pakistan in East wing of Pakistan because Urdu was the language of ruling elites of West Pakistan. In their policy approach stranded Pakistanis were the first choice of government of Pakistan and it made government jobs more accessible for Urdu-Speaking community as compared to Bengali people in East Pakistan. The gap between Stranded Pakistanis and Bengali people of East Pakistan was getting more widened and it affected the nation building process of Pakistan. Stranded Pakistanis in East Pakistan had more economic and political powers, due to their similarities with the Urdu speaking elites of West Pakistani Leadership.

Stranded Pakistanis got much attention by West Pakistan. Bengali people were treated as semi Hindus because government of Pakistan believed that Bengali Muslims were more loyal to India and disloyal to Pakistan hence they shifted all attention to the stranded Pakistanis and Bengali Muslims of the East Pakistan was triggered by the leaders of West Pakistan. Stranded Pakistanis got official jobs in trade, commerce, armed forces, railways, private industries, post and telegraph etc and on the other side Bengali Muslims were mainly enrolled in the sector of agriculture. Due to all advantages Stranded Pakistanis supported West Pakistan in the time of language movement 1952, general election of Pakistan in 1970 and they were against the during the time of liberation war of

Bengali Muslims in 1971 and supported Pakistan. They were also known as collaborators (Kelley 2010).

In 1948, Urdu was declared as the official language of Pakistan by Jinnah. It was totally ignored that Urdu was not the language of majority people in East Pakistan. It was the language of ruling elite class. On the other side Bengalis were a distinct group in East Pakistan. The majority in East Pakistan was Bengali Muslims. The Bengali people strongly opposed the linguistic dominance on them in Urdu was declared as the official language of both the wings of Pakistan which later became the strong reason behind separation of Pakistan into two independent nations. Moreover the lack of participation in decision making process and other economic importance paved the way for separate nation state for East Pakistan. It was cleared that religion was alone not sufficient to build a national identity. Linguistic, culture and ethnic values also played major role in the making of strong national identity (Bhardwaj 2009-10).

In 1970 General election, Awami League won all seats and demanded their share in government and power in decision making process. On the other hand session of national assembly was postponed for indefinite period by President Yahya Khan. Supporters of Awami League took it as refusal of the government to transfer the powers. Sheikh Mujibur Rehman was arrested and his party was banned by the Government of Pakistan. Supporters of Mujib escaped from Bangladesh and planned a provisional government.

On March 26, 1971, liberation war was started and after nine month on 16 December 1971, Bangladesh emerged as an independent nation. Animosity increased between the two wings of Pakistan after the bloody crackdown by Pakistan army. Fight between Pakistani army and Bengali freedom fighters such as Mukti Bahini and Niomito Bahini increased day by day which paved the way for independence of Bangladesh. As a result of this violence many people from Bangladesh moved towards the eastern parts of India and became refugee there. Due to migration issue, India decided to intervene in the issue and tried to resolve it. On the other side Pakistani army had to face two different fronts where one side population from East Pakistan and other side bigger Indian army. Finally

Pakistan army surrendered and Bangladesh came into force. Separation of East Pakistan from West Pakistan becomes the major factor for relations between Bangladesh and Pakistan. After the evacuation of Pakistani army from Bangladesh, Bihari community was unwelcomed in both the countries. They have been living in refugee camps since evacuation of Pakistani army. The Bitterness of liberation war and violence was not easy to vanish from the history of two states. Although no further conflicts arose between Bangladesh and Pakistan like liberation war but their relations have gone through various ups and downs. Many issues were still not resolved like the issue of stranded Pakistanis. (Afroz 2011-12).

Liberation war had a direct impact on the lives of Stranded Pakistanis. They actively participated in the liberation war in a support of Pakistani army to crush the emergence of Bangladesh. In the immediate aftermath of liberation war, strict action from the Bangladeshis was taken against stranded Pakistanis due to their collaboration with Pakistani army. Stranded Pakistanis were forced to leave their homes and their properties were confiscated (Khan 2001). After the liberation war of Bangladesh, bitterness was increased widely. Initially Pakistan refused to recognize Bangladesh and Bangladesh was not ready to talk with Pakistan without any prior recognition. United Kingdom and Indonesia played a role of mediator in the issue but their efforts failed to resolve the problems between Bangladesh and Pakistan. In 1974, finally Bangladesh got reorganization from Pakistan during the OIC Conference, Lahore. It helped to normalized relations between two states for some extent (Mahmood, et.al 2015).

On the other side problems were started for Stranded Pakistanis with the emergence of Bangladesh. Their citizenship and benefits were in danger due to their massive support of West Pakistan as they were against of the liberation war and opposed the Bengali nationalism. Stranded Pakistanis triggered by the Bangladeshi Government and millions of Bihari Muslims left behind with label of 'Stranded Pakistani or Stranded Biharis'. This Urdu-Speaking community was persecuted in Bangladesh and due to their hard support of Pakistan they faced problems. (Ahmad 2003).

Urdu-Speaking community was targeted by government of Bangladesh and Bangladesh Abandoned Property Order 1972(Control, Management and Disposal) was declared. On the basis of this government official order property belonged to those people who were not present in Bangladesh and those engaged in the military operation against Bangladesh, their property will be confiscated by the government of Bangladesh. This Urdu-Speaking community was the citizens of Pakistan and they were against the independence of Bangladesh, the state allowed to seize their property (Zahed 2013). Unfortunately, they had no choice hence they took shelter in refugee camps. These camps were organized by the Geneva based International community of the Red Cross.

Initially Bangladeshi government offered them two options either to live in Bangladesh as citizen of the country or repatriate to Pakistan those who want to go Pakistan. Most of the people from the community of Stranded Pakistanis wanted to be repatriated to Pakistan during that time in the beliefs that they are not safe in the Bangladesh. In March 1973, Prime Minister of Bangladesh, Sheikh Mujibur Rahman took this issue before UNHCR and requested to resolve this issue in the possible way by its intervention. The International Committee of the Red Cross (ICRC) also took initiative to resolve the issue of stranded Pakistanis and took positive steps towards the repatriation of stranded Pakistanis. Stranded Pakistanis were registered by these agencies for repatriation.

Subsequently, New Delhi Agreement was signed on 28th August 1973 by the three countries India, Pakistan and Bangladesh. After that another agreement was signed by the three countries in Delhi on 9th April 1974 known as “The Tripartite Agreement”. According to these agreements between 1973 to 1974 some 178,069 Stranded Pakistanis were repatriated out of 534,792 members of the Stranded Pakistanis who registered themselves for repatriation under International Committee for the Red Cross (UNHCR, 2009). As follows in 1977, 4790 families, in 1979, 2800 families, in 1981, 7000 families, in 1984, 6000 and finally 50 families were repatriated in 1993 for the last time. It was the last repatriation in 1993. After that again Bangladesh government tried to restart repatriation process but it slowed down over the time, which clearly indicates the negative attitude of Pakistan on this issue (Farzana 2009).

On the other side many national and international NGOs worked side by side for betterment of stranded Pakistanis. United Nations High Commissioner For Refugee (UNHCR), *Rabita-al-alam-al-Islami* and *Rabita Trust Deed* played an important role in the repatriation process of Stranded Pakistanis but from the very beginning Pakistan was reluctant to accept stranded Pakistanis due to its fragile economy and domestic political conflicts in the form of ethnic clashes between Muhajir Quami Movement (MQM) and other groups like the Sindh National Alliance, the Awami National Party, the Sindh Student Federation, and the Democratic Student's Federation (Kaushik 1994).

This Urdu-Speaking community lives in 66 camps scattered across Dhaka, Chittagong, Saidpur, Rangpur, Khulna and other districts of Bangladesh. The conditions of the camps are very unhygienic, water logging, lack of sanitation, poor drainage system. Because of all these problems many diseases spreading frequently in the camps like dengue, water diseases and Diarrhoea etc. Access of education was limited for camp children (Khan 1997).

Stranded Pakistanis were faced identity crisis also. They are living in the refugee camps and were living a life of refugee but they were not identified as refugees by United Nations High Commissioner for Refugees (UNHCR) because they were not qualified under UNHCR definition of refugee. According to the definition “well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” and be “outside the country of his nationality and ...unable or owing to such fear ...unwilling to avail himself of the protection of that country”. But Stranded Pakistanis are not fit into this definition because they are not displaced people. So they were deprived from the benefits of refugees (Farzana 2009).

As far as security is concern, they are deprived of the sense of security which is very necessary for the dignity of life. As per the UNDP report, human security is measured by seven specific values which help to manage livelihood and dignity of life. Stranded Pakistanis were deprived from these seven specific values which were stated in UNDP

report such as environment security, personal security, food security, economic security, health security, political security, and community security of a person. Stranded Pakistanis are deprived of all the above-mentioned seven specific values. Lack of economic opportunity they hardly manage their jobs and live a standard life. They are deprived from basic necessities in the absence of economic opportunities which is reflecting their economic insecurity and food security as well (Khan and Samadder 2007).

Generation gap is also there in the community of stranded Pakistanis. Younger generation of stranded Pakistanis believed that they are Bangladeshi and they have no relation with Pakistan because they have not seen Pakistan ever. They were born in the Bangladesh and this is their country. On the other side older generation still dream to go Pakistan one day but younger generation wants to live in Bangladesh with equal citizenship rights and fair opportunities with other citizens of Bangladesh. Stranded Pakistanis are divided into two different groups. One who still is waiting for the repatriation to Pakistan and other group which is searching better opportunities in Bangladesh. These two different ideologies based groups formed different committees for their objectives such as Stranded Pakistanis General Repatriation Committee (SPGRC), 'the Committee for Rehabilitation of Non-Bengali' and Stranded Pakistanis Youth Repatriation Movement (BRAC 2007).

When younger generation assessed their situation and realized that they had never seen Pakistan, they were not the participant of liberation but still they are paying for what their forefathers did. Many questions were rooting around their mind that why they are discriminated, why they are called stranded Pakistanis or collaborators, Pakistani dalals etc. In 2001, first step has been taken for citizenship right by young generation of Stranded Pakistanis. A group of 10 stranded Pakistanis from Young Generation of Urdu-Speaking Community (AYGUSC), Geneva camp filed a petition in the High Court for their registration in the voter list and for national ID cards. As per the Constitution of Bangladesh citizenship was given on the basis of their birth. They demanded to be voter of Bangladesh as per citizenship. This was the first steps toward the end of their

statelessness. In 2003, The High Court responded to their petition and granted them citizenship rights but this legal verdict was limited only for those petitioners. It was the first positive step took by Bangladesh regarding the citizenship status of Stranded Pakistanis in Bangladesh (Rahman 2003).

In 2003 High Court ruling was only limited to 10 petitioners but this positive judgment open the gate of citizenship in Bangladesh after such a long struggle. It motivated other youth of Stranded Pakistanis who wanted citizenship in Bangladesh and was struggling for a long time. In May 2007, another petition was filed by the members of the Urdu-Speaking People's Youth Rehabilitation Movement (USPYRM) before the High Court for their registration in the voter list and national ID cards but this time it was not filed for only few people. In fact this time it was filed on the behalf of whole young generation of stranded Pakistanis. In May 18, 2008, High Court acted positively on this petition and ordered election commission to register them and provides national ID cards without any further delay.

It was assumed that it would provide them better opportunities and equality on social, culture and economic level like other citizens of Bangladesh but even after receiving nationality and national ID cards they still treated as stranded Pakistanis (Ilias 2012). They are still living in camps and no change has occurred in their camps. They are discriminated on the basis of race and language. Still there is a conflict between local Bengalis and Urdu speaking Bihari community. On the other side Pakistan still reluctant to take those Stranded Pakistanis who wanted to repatriate. In 2009, Stranded Pakistani General Repatriation committee and Organization of Repatriation filled a petition for repatriation but after five years in 2014 Pakistan considered that petition and rejected which clearly indicate the reluctance of Pakistan.

As far as standard of living is concerned most of the Poor stranded Pakistanis work as wage labour, Rickshaw puller, barber and Saree making etc. Lack of ownership of land and limited access of facilities made them more vulnerable. Living condition of stranded Pakistanis is still poor because shortage of clean drinking water and other facilities made

them more vulnerable. Due to all these problems, they have to face identity issues and deprived the common facilities by the government on the basis of their identity as stranded Pakistanis. Due to their identity as stranded Pakistanis, they are face discrimination in the mainstream society. It is very difficult to get a job outside the camp and those who got job outside the camp failed to manage it. It was not only on the basis of their merit, their identity as stranded Pakistanis (camp dwellers) also played negative role for them. Discrimination and feelings of insecurity became the part of their lives. Drug peddlers used camps to run their drug business because no one protests against them in the camps and they involve camp dwellers too into their drug business.

As a result younger generation of camps was divided into two groups. One group is influenced by the drug peddlers and became part of many criminal activities. On the other side second group is for those who want to ban drug activities in the camps. As far as condition of women is concerned, they are more vulnerable as compared to men in the camps of stranded Pakistanis. Many times strangers intrude in their camps without any prior permission and disturb their privacy. Women of camp hardly dare to come out from their camps at night in order to avoid unexpected incidents. On the other side internally in the camp, they faced sexual harassments and molestation due to poor inadequate sanitary systems and facility. Due to all these problems, school dropout rate of girls is higher than boys in camps. As a result of this women confined themselves in the household works and hardily went outside from the camps in a search of jobs. All these kind of negative activities keep them away from standard living conditions and forced them in trafficking or prostitution (BRAC 2007).

1.2. Review of Literature

The literature has been critically reviewed under the following themes:

Issues and Challenges of Stranded Pakistanis in Bangladesh

After the legal verdict of Supreme Court of Bangladesh in 2008 and stranded Pakistanis got nationality of Bangladesh but still some stranded Pakistanis were waiting to be repatriated to Pakistan and still they are stateless. Patil and Trivedi (2000) talked about the statelessness and citizenship. They clearly stated that in the contemporary world citizenship dispute became an important feature and human insecurity is a source of statelessness. They also talked about citizenship disputes and according to them in contemporary era citizenship disputes were generating tensions between different states and community and directly impacted upon the stability of nation. They also stated that humanitarian organization played an important role to resolve the problem of statelessness. All this statements directly belongs to the stranded Pakistanis and the issue of their statelessness clearly creates tensions and problem for the country.

Ahmad (2003) examine status of Stranded Pakistanis and talked about the difference between refugee and stateless. She defined a refugee people and stated that refugees have a nationality but are deprived from the national security on the other hand stateless persons do not have the nationality and national security. Article identified Stranded Pakistanis as stateless and according to her they do not come under the definition of the 1951 convention because they are not displaced people and they do not have nationality and national security. On the other hand Article 2B of the Bangladesh Citizenship Temporary Provisions Amendment Ordinance, 1978 (Ordinance no.VII of 1978) strictly do not consider Stranded Pakistanis as citizens of Bangladesh.

Sen (1999) defined Stranded Pakistanis as *de facto* stateless. He argued that after Pakistan denationalized Stranded Pakistanis they became *de facto* stateless people. He also talked about the issue of statelessness. In 1947, the statelessness issue received preliminary attention and UN was requested by the Human rights commission on the issue of legal

status for those persons who are not protected by any government. This article differentiates refugees with a nationality and refugees without a nationality.

Farzana (2009) provides a brief idea about the status of Stranded Pakistanis. Basically the author testify the status of Stranded Pakistanis by arguments and counter arguments whether they are refugees, migrants, stateless, or minority with the use of various definition, conventions and the historical background of Stranded Pakistanis. According to the author of this article Urdu-Speaking community not match any with any legal identity or category as per the international standard. This article provides a brief idea about unique identity of stranded Pakistanis and considered them as “Artificial minority”.

Ghosh (2004) also provides a brief idea of various statuses, definitional and conceptual issues. He considers Stranded Pakistanis as stateless neither refugee nor minority. He discusses about the convention which is related to the status of stateless persons. He defines stateless persons into two categories which are *de jure* and *de facto*. According to the author, those people who are not citizens of any country due to they lost their citizenship during life time or at the birth and failed to adopt a new citizenship, they comes in the category of *de jure* stateless persons. On the other hand those people who left their previous country where they were citizens initially and leave their earlier citizenship and national protection, comes in the category of *de facto* stateless.

Khan and Samadder (2007) gave a brief idea about the challenges and problems of the Stranded Pakistanis in Bangladesh. This article discusses about the conditions of the Urdu-Speaking community camps and gives a brief idea about their camp life that how suffer from various problem and issues and also talked about the seven specific values of human security, such as health, food, environment, economic, personal, community and political and clearly define that Stranded Pakistanis are deprived from these seven values and it directly affects their dignity of life.

They indicate the insecurity and deprivations of Stranded Pakistanis. This article is based on the field work from May to September 2007 in several parts of Bangladesh like

Rangpur, Khulna, Syadpur and Dhaka. This article documented that the condition of Stranded Pakistani's camps is very unhygienic, there is no facility of safe drinking water, water logging is very common and the result is that they suffer from various health problems. They are living in these camps since there was no security. They also talked about the gendered violence and sexual harassments. The condition of women of Stranded Pakistani's who are forced to move in human trafficking and prostitution is vulnerable and fragile which is a major concern for the society. The drug peddlers used these camps very easily because these camps are very safe place for their illegal activities but Stranded Pakistanis could not protest against them.

Farzana (2008) explore the condition of the camps and problems of the Urdu-Speaking Community. Various table and statics are used by the author who shows empirical data about the Stranded Pakistanis and explore the major challenges and problems of Stranded Pakistanis in the camps which are scattered in various region of Bangladesh. Author used various survey reports on camps life of Stranded Pakistanis in Bangladesh and also discusses the primary problems of the camps. Since 1971, the population of Stranded Pakistanis has doubled due to high birth rate. Seven to ten members of family share very small room.

According to the author's personal fieldwork in September- November 2002, health and sanitation problems are major challenge for them. Field survey indicated that there is very few numbers of toilets and latrines available and insufficient in numbers. As per the survey report of refugees international, In Rangpur there are ten latrines available for 5000 residents of camp and two working wells available. Lack of medical care, lack of economic opportunities and education are the other problems of Stranded Pakistanis.

Ilias (2012) also explores the condition of Stranded Pakistanis after the legal verdict of Bangladeshi Supreme Court in 2008. Stranded Pakistanis got nationality of Bangladesh those who wanted to be citizens of Bangladesh in accordance to law. They got national ID cards but after the accommodative approach of Bangladesh they are still treated as

Stranded Pakistanis and still they live in inhuman conditions. There is no change which has occurred in the living camps which is the classic example of inhuman condition.

Policies and Perspectives of Bangladesh

According to the Overseas Development Institute's (2015), this case study provided the idea about policies and perspective of Bangladesh regarding stranded Pakistanis. It also explores the perspective of Bangladesh before and after the legal verdict of citizenship right of Stranded Pakistanis. According to the case study initially Bangladesh perspective was not positive about the citizenship right because older generation of Stranded Pakistanis were focused on the repatriation process not on the rehabilitation. But in course of time ideology of Stranded Pakistanis were changed and the younger generation giving more attention to the rehabilitation not on the repatriation. It defined the legal verdicts of Bangladeshi Supreme Court. In the year 2003 first positive step was taken towards the citizenship right of Stranded Pakistanis but it was limited to only ten petitioners. After that in the year 2008 remarkable verdict came out from the Bangladeshi Supreme Court and Stranded Pakistanis became nationals of Bangladesh. Urdu speakers first time registered and voted in the Bangladesh election and got access to national identity cards.

According to the case study even after the verdict on nationality, the ideology of bureaucrats and other citizens has not been changed for Stranded Pakistanis. In 2011 a survey was held in Geneva camp. It was found that 73% residents had a national identity card and other more of them applied for the national identity Card. A paralegal program was set up by the Council of Minorities in partnership with Namati (International NGO) and Nagorik Uddyog (Bangladeshi NGO) in 2013. This paralegal program helps the camp residents to obtain the legal documents and collected the systematic data of camp residents experience in state service and administrative process. It played important role in the policy-influencing and further legal action. According to this case study another remarkable step has been taken by Bangladesh government in January 2015 in which Ministry of Home Affairs confirmed in writing that there was no official policy to deny citizenship to Stranded Pakistanis.

Khan (1997) provided an idea about earlier policies and perspective of Bangladesh regarding Stranded Pakistanis. Initially Bangladesh focused on the repatriation of Stranded Pakistanis. In this regard New Delhi Agreement was signed between Bangladesh, Pakistan and India in 1973 and after that in 1974 Tripartite Agreement was signed. All effective steps had taken by the Bangladesh government to repatriate left behind Stranded Pakistanis. Stranded Pakistanis live in very miserable conditions with inhuman situation but Bangladesh focused only on their repatriation due to their demand of being repatriation.

Khan and Samadder (2011) talked about the conditions of camp residents in Bangladesh and provided the idea about the lack of effective policies of welfare from the Bangladesh. After the legal verdict of nationality in 2008 from Bangladeshi Supreme Court they are still deprived from the welfare policies. Local elites and local government bodies (Chairman, member of UP and ward commissioners of City Corporation or municipality) have still treated them like Stranded Pakistanis. These camps are haven for the drug dealers, Gender violence and sexual harassment is very common in the camps. There are no qualitative education facilities in the camps and no access to legal services. They need effective social, political, and economic policies from the Bangladesh government.

Annul SHAR report (2010) provides an idea about the policies and perspective of Bangladesh in the year 2010. According to this report also legal verdict of Bangladeshi Supreme Court in 2008 played a significant role in the rehabilitation of Stranded Pakistanis who wanted to be citizens of Bangladesh. This verdict applied only to those Stranded Pakistanis who were minor at the time of Bangladesh creation and born after the creation. According to this report in March 2010, Bangladesh took step forward to rehabilitate camp residents from squalid camps to proper housing buildings. Government took a massive project of 45 high-rise buildings.

Repatriation Process of Stranded Pakistanis and Pakistan's Response

In the article “*Bangladesh-Pakistan Relations: A Hostage to History*” Mahmood, Amna. et.al. (2015) provided brief understanding on repatriation process of Stranded Pakistanis and the response of Pakistan. It provided a various data of Stranded Pakistanis who repatriated to Pakistan on the basis of two important agreements. One is ‘New Delhi Agreement 1973’ and other is ‘Tripartite Agreement 1974’ under the three categories: (1) non-Bengalis, the people domiciled in former west wing of Pakistan, (2) employee of central Government and their families regardless of their original domicile people and (3) members of the divided families irrespective of their original domicile and thereafter 25,000 others who constitute hardship cases. Domestic acceptance of Stranded Pakistanis in Pakistan is very minimal. This article explores the clashes in the Pakistan province where they were repatriated. They opposed the repatriation because after the repatriation economic opportunity was minimal. All the time regimes were changed but issue remained unchanged. Financial problems, lack of fund and minimal domestic acceptance of Stranded Pakistanis were still a big problem

Mantoo (2013) talked about the repatriation process of Stranded Pakistanis and provided an idea of how repatriation process has started between Bangladesh and Pakistan. In 1973 Prime Minister of Bangladesh took this issue before the UN and UNHCR took initiative called repatriation process. The International Committee of the Red Cross (ICRC) also took initiative with UNHCR to repatriate the stateless Stranded Pakistanis from Bangladesh to Pakistan. The repatriation process was started in 1973 with accordance of New Delhi Agreement and tripartite Agreement 1974.

Various humanitarian organizations like UNHCR, *Rabta trust deed*, *Rabita Al-Alam-Al-Islam*, The International Committee of the Red Cross (ICRC) played an important role in the repatriation process of Stranded Pakistanis. But most of the time repatriation process was stopped due to lack of funds and Pakistan internal political clashes. In 1993 last repatriation was done and a small group of 325 Stranded Pakistanis was repatriated. After that no further repatriation took place. On the other hand Pakistan declared that Pakistan fulfilled repatriation process as per the decided in agreement.

Kaushik (1994), examines the repatriation process and deadlocks in repatriation. This chapter covers the Pakistan-Bangladesh relations during the Benazir Bhutto and Nawaz Sharif regimes. In both regimes repatriation process faced major setbacks. Various Sindhi Nationalist organizations opposed the repatriation of Stranded Pakistanis in Sind province where Stranded Pakistanis repatriated. Sairiki speaking people of southern Punjab also opposed the repatriation of Stranded Pakistanis in their province. On the other hand leaders of *Jamaat-i-islami* and Pakistan Democratic Party nailed Nawaz Sharif's government over the delay of Stranded Pakistanis. He also provides the idea that how internal political clashes in Pakistan emerged on the repatriation process. On the other hand insufficient funds was the other major reasons of delaying in repatriation

1.3. Definition, Rationale and scope of study

Stranded Pakistanis, who had migrated to East Pakistan from eastern states of India, in India, languish in camps scattered across Bangladesh waiting with a sense of despair and displacement to be repatriated to a land that refuses to give them recognition Pakistan. After the independence of Bangladesh the issue of stranded Pakistanis got much attention by the scholars and researchers because suddenly a huge number of people from the same community became stranded within the same place where they were earlier living with the national protection and availing citizenship rights. Actually from the very initial period on the partition of sub-continent stranded Pakistanis migrated from Indian provinces like Bihar, West Bengal, Assam etc and shifted to the East Pakistan but their role in liberation war of Bangladesh became them stranded in 1971. They are also known as Bihari Muslims or Urdu speaking community in Bangladesh and before the legal verdict of their citizenship in Bangladesh, they were identified as “Artificial minority”

The proposed research seeks to examine the present scenario of the Stranded Pakistanis in Bangladesh who were stranded from 1971, after the creation of Bangladesh. On the other hand Bangladesh has denied accepting them as their citizen due to their urge to being repatriated. Initially repatriation process was started under the New Delhi Agreement 1973 and tripartite agreement in 1974. Repatriation process was held between

1973 to 1993. This research study examines the status of Stranded Pakistanis after the creation of Bangladesh and also analyzes the obstacles in their repatriation process and internal political clashes in Pakistan. It also provides the idea about the role of humanitarian organization and provides brief understanding of the problems and challenges of Stranded Pakistanis in Bangladesh. It also examines the deferent approaches about the repatriation between younger and older generation of Stranded Pakistanis. The proposed study also examines the status of Stranded Pakistanis after the legal verdict of Bangladeshi Supreme Court in 2008 about their Bangladeshi citizenship.

1.4. Objectives of the study

The study will strive towards the following objectives:

- To understand the causes of the origin and migration of Stranded Pakistanis in East Pakistan.
- To understand the status of statelessness of Stranded Pakistanis.
- To examine the socio-cultural and linguistic status of Stranded Pakistanis in Bangladesh.
- To analyze the deadlocks of the Stranded Pakistanis repatriation.
- To analyze the Pakistan's response over the repatriation of Stranded Pakistanis.
- To identify the problems in Stranded Pakistani's camps in Bangladesh.
- To understand the policies and perspective of Bangladesh on Stranded Pakistanis, before legal verdicts of Bangladeshi Supreme Court regarding Bangladeshi citizenship of Stranded Pakistanis.
- To understand the condition of human rights of Stranded Pakistanis after the legal verdict of Bangladeshi supreme court regarding the Bangladeshi nationality of Stranded Pakistanis.

1.5. Research Questions

The study will be guided by the following questions:

- What is the status of Stranded Pakistani?
- What is the status of the statelessness of Stranded Pakistanis?

- What is the condition of Stranded Pakistanis in camps?
- What are the issues and problems of Stranded Pakistanis in Bangladesh?
- What is the Pakistan's response over the repatriation of Stranded Pakistanis?
- What are the main hurdles in repatriation of Stranded Pakistanis?
- What are the policies of Bangladesh for Stranded Pakistani?
- Are Stranded Pakistani benefited by the policies of Bangladesh government?
- Are Stranded Pakistanis actually enjoying the human rights after the legal verdict of their Bangladeshi nationality?

1.6. Hypothesis

The proposed study seeks to test the following hypothesis

- The legal verdicts and government policies have placed Stranded Pakistanis as Bangladeshi nationals in due course.
- Stranded Pakistanis adherence to the ideology of Pakistan had kept them stateless even after the creation of Bangladesh.

1.7. Research Methodology

The proposed study is descriptive, exploratory and explanatory in nature. The research will use historical and analytical methods. The study proposes to refer to both primary and secondary sources of information and data by using inductive method. The research method will include qualitative techniques. The primary sources will include various reports of the Governments of Bangladesh, official documents, judicial verdict and the reports of the Multilateral Agencies. The secondary sources include books, journal articles, newspapers, internet materials, unpublished research documents, blogs, documentary and other relevant materials published in Media from time to time, which will be used in the proposed study.

1.8. Chapters plan

The proposed study will deal with following chapters:-

Chapter One: Introduction

This chapter will set out the relevance and scope of the study. It provides the brief idea about the history of Stranded Pakistanis of Bangladesh and main root causes of the problem and response of the both governments of Bangladesh and Pakistan.

Chapter Two: Issues and challenges of Stranded Pakistanis in Bangladesh

This chapter will focus on the Issue and challenges of stranded Pakistanis in Bangladesh .It also provides the brief idea about the condition of Bihari camps and major challenges faced by Bihari Community such as their poor living conditions, gender violence in the camps of stranded Pakistanis, internal issues like how drug dealers use their camps as safe place for their drug business and their identity issues etc

This chapter will also focus on the status of stranded Biharis and examines from which status they belong according to the international convention. It will also provide the brief understanding of Bihari community after the emergence of Bangladesh

Chapter Three: Policies and Perspectives

This chapter focuses on the policies and perspectives of the stranded Pakistanis. It will analyze the policies taken by Bangladesh government for stranded Pakistanis and what was the perspective behind the policies. This chapter also analyzes the present policies and perspectives of Bangladesh and its impact on the lives on stranded Pakistanis

Chapter Four: Repatriation Process of Stranded Pakistanis and Pakistan's Response

This chapter will provide the brief idea about the repatriation process of stranded Pakistanis. It analyzes the hurdles in the process and the achievements regarding the repatriation process of stranded Pakistanis. It also provides the idea about Pakistan's attitude towards repatriation of stranded Pakistanis, how international agreements had start the repatriation process and negative attitude of Pakistan towards the issue. It also

discusses the domestic problems of Pakistan which became hurdle for possible repatriation

Chapter five: Conclusion

Finally the last chapter deals with the overall assessment of the various issues relating to the stranded Pakistanis in Bangladesh and also focus on the present situation of Bihari Community in Bangladesh. It also provides some suggestions and recommendations to resolve the issue and problems of stranded Pakistanis

Issues and Challenges of Stranded Pakistanis in Bangladesh

2.1. Prologue

In 1971 after the emergence of Bangladesh the issue of Stranded Pakistanis was also emerged. Initially a large number of Stranded Pakistanis migrated from India during the period when communal riots were on full swing and settled in East Pakistan but after creation of Bangladesh the community of stranded Pakistanis became stranded in Bangladesh. Pakistan refused to accept them as their citizens and they became Stranded Pakistanis a stateless community in Bangladesh. Stranded Pakistanis faces many problems and challenges due to their statelessness. Many issues still remain unsolved like unhygienic conditions of stranded Pakistani's camp, lack of security, social integration with other citizens of Bangladesh, effective welfare policies of government and its effective implementation. Condition of women is also a major concern because women in camps are more vulnerable as compared to men. Stranded Pakistanis are deprived of the human security values and living in a vulnerable condition. They suffered with the identity crisis also which was made them stranded community.

2.2. Introduction

Camps of Stranded Pakistani's are located in various parts of Bangladesh such as Dhaka, Syadpur, Khulna and Rangpur etc. About 300,000 camp dwellers are parts of these camps. They live in very unhygienic conditions because they have no facilities of safe drinking water. They have limited medical facility in camps. They suffered due to weak economic condition. Discrimination in the society is became part of their lives. Their identity crisis was also a major problem for them. There has not been major physical change occurred in their camps since the establishment of their camps and other problems still remain same like water logging is very common problem for camp dwellers, there is no proper sanitation facilities and they using common bathrooms and toilets which are few in the numbers against demand. As a result of these problems they are suffering from various health problems and disease. Sense of security is also missing

in these camps. Their standard of living is also poor hence many issues and challenges are remaining same for Stranded Pakistanis (Farzana 2008).

Many younger Stranded Pakistani boys do not want to live in camps and they want to live peacefully outside the camps due to their fear of easy prey of crime. Mugging and other criminal activities which happened outside the camps and camp dwellers were blamed. Camp dwellers were assumed to be the criminals and were targeted as the culprits of such unlawful activities. On the other hand they have very limited access to education facilities because of their identity of Stranded Pakistanis. Moreover it's very difficult for them to manage any job or other means of living. Therefore, few Stranded Pakistanis achieved secondary or degree certificates after they hide their identity as camp dwellers because they faced discrimination when their identity was disclosed. (BRAC 2007).

As far as the security is concern, security means leading a safe and secure life in a society which guaranties the standard living conditions and open many developmental ways for safe and secure life. It gives the opportunity to manage livelihood which is directly linked with the human life and its dignity. According to UNDP report 1994, there are seven specific values of human security, such as food, economic, environmental, health, community, personal, and political security. If these all specific values are analysed in details for example like Food security ensures the availability of healthy and nutrients food for a person by his income and his resources. Economic security indicates the accessibility income opportunities for a person which fulfils his needs. Environmental security indicates those opportunities which makes human habitation possible, it includes the land for living, safe drinking water, pollution free air etc. Health security indicates a safe and disease free life and access basic medical facilities to everyone without any discrimination. Community security indicates safe and secure environment of cultural dignity and inter-community peace within which an individual lives and grows. Personal security ensures personal freedom of a person which helps him to live him a crimeless and violence free life. It becomes more important in the case of women and children because they are the most vulnerable category of human being and are affected by crime and violence. Finally political security means protection against human rights violations.

Stranded Pakistanis are deprived from all the above-mentioned seven specific values. Lack of economic opportunity they hardly manage their jobs and live in a poor standard life. They are deprived from basic necessities in the absence of economic opportunities which reflects their economic insecurity and food security as well. (Khan and Samadder 2011).

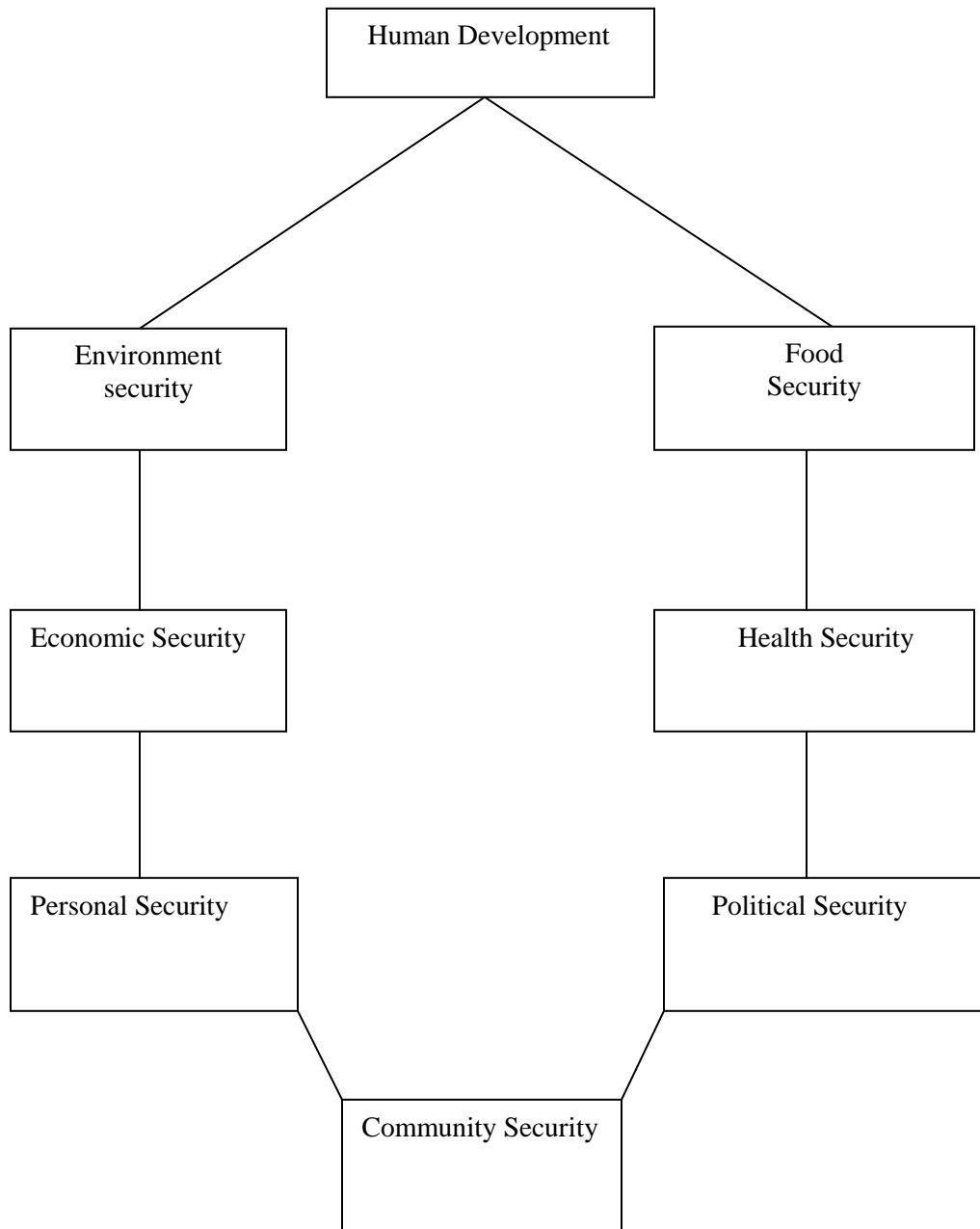


Figure 2, Seven specific values of human development

Article 21 of the Universal Declaration of Human Rights says: “Everyone has the right of equal access to public service in their country” as far as this statement is concern this is not fit on stranded Pakistanis. Stranded Pakistanis are not getting job opportunities in the government sector and most of them also have no jobs in private sector also. It is not due to their merit or eligibility but their identity as Stranded Pakistanis makes them more vulnerable. Although they have now got citizenship of Bangladesh as accordance of law but still they are treated by the identity of Stranded Pakistanis or Pakistani collaborates (Ilias 2012).

They do not have sufficient income resources hence they are unable to get medical treatments or medical care outside the camps on the other hand there is no proper medical care facilities in the camps to resolve health problems. Poor medical facilities pushed them towards various health problems and make them more insecure, which clearly violated their health security. Stranded Pakistanis have no land ownership which is very basic requirement to make human habitation possible and absence of ownership of land is a violation of human rights. Stranded Pakistanis are deprived from personal security also because they faced identity crisis for a long time and they were not considered citizens of Bangladesh before the legal verdict of their citizenship but even after the legal verdict of Supreme Court of Bangladesh in 2008 about their citizenship they are still treated as stranded Pakistanis. On the other side they have no proper access to political security due to their lack of participation in the governmental bodies. (Sholder 2011).

Anxieties and tension always prevailed in the mind of Stranded Pakistanis when the country observes different national days. Even school going students of Stranded Pakistani’s are also filled with this anxiety. They are humiliated by local peoples which is affecting their standard of living and mentality as a result they lost their interest to communicate with other society and people and became child labourers in the local industries or factories, but they faces discrimination in the work place also in their wages, which also fills their mind with anxiety and frustration.

There are many issues and challenges in terms of population, living conditions, health care facilities, education, employment, gendered violence sexual harassments of women in the camps and other problems of stranded Pakistanis

2.3. Camps as haven of the drug dealers

Stranded Pakistani's camps are the heaven of drug peddlers and due to easy access in camps drug business is going on in full swing. It was considered that mostly camp dwellers were involved in the drug business activities. Drug peddlers are making life of camp dwellers more vulnerable with drug business and endangered the lives of the camp dwellers also. Drug peddlers got immense support from the political parties or local influential persons which makes easy access in the camps because these camps are very safe place in order to run their drug business. On the other hand poor camp dwellers are not in a position to protest against them. Even many camp dwellers also got involved in the drug business in the search of a good life. They takes it as a income generating resource. As a result young generation was addicted of drugs and endangered their lives in the drug activities

In consequences, the camps were divided into two groups. One is who involved in the drug business as seller or buyer and other who is against it. Second group of Stranded Pakistanis who opposed the drug business in the camps failed to protect their camps from drugs because local influential persons and political parties favoured drug peddlers due to their personal interests and took advantage from the drug peddlers. Many camp dwellers faced violence against them and faced tortured because they opposed the drug peddlers and raised their voices against them. On the other side drug peddlers influenced camp dwellers with money and engaged stranded Pakistanis in drug business. Sometimes they forcefully tried to engage camp dwellers in the drug business by torturing and threatening. Many times camps of stranded Pakistanis were raided by the law enforcing agencies in a search of criminals. It was assumed that criminal may be a member of the community of stranded Pakistanis for any criminal activities outside the camps area and arrested them without any valid proof or reason (Khan and Samadder 2011).

2.4. Condition of Women in Camps and Problems

Women generally are more worried and victimized of all offences; they are not safe while walking on roads at nights and getting raped causing the greatest concern (MirelessBlack et al 1997). Women are more vulnerable in the camps .They want to preserve and believe in the Islamic way of life but they are always worried living in a fear and insecurity and their Personal security was violated when strangers intrude in their camps without any prior permission and disturb their lives. Many times their pictures of personal lives were clicked by strangers who also violate their personal security and privacy. Women are always worried in camps for fear of their sexual harassment and psychical assault and rarely do they come out from their houses in nights.

They cannot walk freely in the camps especially in the night hours. On the other side poor sanitary facility, lack of toilets, Bathrooms increased their fear and chances of sexually assaults especially in night. Women experienced teasing and sexual harassments and it is very common problems of women in the camps which increased their fear of insecurity. As a result they are reluctant in going outside the camps and confined themselves with their households. They hardly involve themselves in any occupation outside the camps. It directly impacted on their lives. They reluctant to send their children especially girl child to school and other occupation outside the camps because they have a fear in their mind of getting verbal and physical assaulted. These are also the main reasons behind their vulnerable condition. They could not protest against exploiters because they have a fear of being assaulted. These types of insecurities and problems are the major setback for their income generating resources and chances of education for girls. As a result of these problems their poverty increased and chances of trafficking or prostitution also increased.

These camps are easy access areas for criminals because it is very easy to enter in camps. There are no security barriers that can stop anti social elements. On the other side poor stranded Pakistanis have minimal power to stop them to enter in camps. Perpetrators take advantage of poor infrastructure and enter into camps which make conditions more vulnerable for camp dwellers. Many women are in the camps reluctant to go outside the

camps in search of income generating resources but those who dare to go outside the camps always have a fear of being sexually assaulted. On the other hand women who were involved in weaving Banarasi sarees or related activities and works as maid outside the camps but it could not fulfil their needs. (BRAC 2007).

Education in the life of women can play an important role for their betterment. It is not only important for their economic development but it also aware them for their rights in the society. The level of awareness along with the sense of agency also generate for women through education. It leads them towards equal opportunities with gender equality. Education is also linked with the less marital violence. It can open the gate for favourable conditions with violence free life for women. Women from the community of stranded Pakistanis more suffers in the absence of equal opportunities in education (Chaudhuri and Abdullah 2014).

2.5. Population in Stranded Pakistani's Camps

Stranded Pakistani's camps are facing two primary problems; one is population density and second is over population. Since 1971 stranded Pakistanis have doubled in terms of population and the major reason behind is high birth rate in the camps. People are mostly uneducated and problem of overpopulation is increasing day by day. Facilities are limited in the camps and people are almost double in terms of numbers. According to a survey report in 1992, the demographic figure of this community was 238,093 in 66 different camps throughout Bangladesh. Since 1972, the condition of their camps is unchanged but people are increased over a time. It is creating extreme population density. Presently, it is reported that the demographic figure is approximately 300,000 people. However, no proper survey has been done recently. These camps are very squalid in nature due to over population. Families share very small rooms. Approximately seven to ten people live in an eight by ten feet living space. They all are frustrated with camp lives sometimes. Stranded Pakistanis are trying to integrate with the local people and escaped from the camps. Among them very few camp dwellers were integrated but they still facing anger from the local people and unfortunately they fail to survive among local people. They came back to the camp life because they are not able to survive outside the camps. Local

people treated them as Pakistani collaborators or agent of Pakistan. Even new generation of Stranded Pakistanis who never seen Pakistan and are believed themselves Bangladeshi. They are treated as Stranded Pakistanis because their forefathers were sided with Pakistan on the time of liberation war of Bangladesh. Their identity as Stranded Pakistanis is the biggest hurdle in their social integration and lack of financial stability and economic opportunities eventually return to the camps (Khan and Samadder 2011).

2.6. Economic Conditions of Stranded Pakistanis in Bangladesh

Stranded Pakistanis have no economic security and due to this economic insecurity they always face financial problems due to these problems they are deprived from the many basic necessities. Initially when they shifted into camps and became stranded, relief fund was the main income resource for them but in course of time relief fund was reduced. It was reported that government of Bangladesh used to spend about US\$ 250,000 a month on this community to fulfil their basic necessity but it was insufficient. However this amount was reduced and in some cases this support was stopped. For example, government was provided monthly relief materials in Stranded Pakistani's camps but in most of the camps this program has been postponed or stopped. Most of the camps are not getting relief support from the government but some few camps still getting some help. (Farzana 2008).

On the other side some nongovernmental organizations came forward to help Stranded Pakistanis and provided food aid. For example, small amount of food aid was provided to families of stranded Pakistanis by Bangladesh Red Crescent. It was reported that amount of food was not sufficient against the demands of stranded Pakistanis. Land ownership is very important for every human being, as far as stranded Pakistanis are concerned they are confined in the boundaries of their camps. They have no land outside the camp area. In fact they have no ownership right of their camps land because is government property. (Sholder 2014).

Those camps which are located outside the Dhaka area their economic condition is adverse because Stranded Pakistanis have very limited opportunity of getting employed

in agricultural activities. Mainly camp dwellers enrolled in the petty jobs like daily wages like labourers, rickshaw pullers, barbers, and sari makers. They face discrimination and harassment also as a labourers or rickshaw puller. Most of them engaged in the weaving and producing Banarasi Saree But now imported goods inflows in the market in a large scale which directly put negative effect on the camp dwellers business of sarees. In a result their saree business is getting down day by day. On the other side anti social elements also put negative effect on Stranded Pakistani's economic resource. Hence there is very little opportunity of economic development for Stranded Pakistanis in the camps or outside the camps. There is no loan facility for small business like clothes and looms which virtually exist for camp dwellers. They have to combat with the local people and other camp dwellers. Most of the time they face arson attacks from the local people and conflicts between camp dweller and local Bengali people are day to day affair. (Redclift 2011)

Women of these camps are more vulnerable and they face worst situations as compared to men in the camps. Women have been forced into human trafficking and prostitution for living. A large number of old people have turned to begging because they have no better option to survive their lives. Due to economic insecurity many camp dwellers are involved into criminal activities to earn their livelihood and camps became heaven for criminal activities which directly put negative impact of women's freedom to earn their livelihood inside the camps and outside the camps (Farzana 2008).

Stranded Pakistanis are in vulnerable condition in Bangladesh. They are the vulnerable section in Bangladesh. They had no fix identity. As a result they had to face various problems. According to a survey which was held in Mirpur Muslim Camp located in Section 11, Pallabi Thana, and Dhaka. The population of Mirpur Muslim Camp almost 2500 and 500 households lives in this camp. In this survey, 120 samples were selected out of 500 households. According to this survey report 17.5 per cent respondents were embroidery worker 16.7 percent were weaver and 5.0 per cent of respondents were doing other occupation. There were some small businessmen and skilled labour also 12.5 and 6.7 percent respectively. As per the survey report their average income was about 616

Taka which was not enough against their need. The monthly incomes of 120 respondents were 0 taka to 12000 taka and 42 per cent respondents were jobless. (Afroz 2011-12). On the other side according to Sholder, the range of monthly income in CRO camp was 0 to 13000 taka and in Geneva camp 2000 to 15000 taka (Sholder 2011). According to Sholder, in CRO camp monthly income ranges from 0 to 13000 taka and in Geneva camp monthly income ranges from 2000 taka to 15000 taka (Sholder 2011). The data shows that they are living in miserable conditions. It is very difficult for them to get good job outside the camps due to their extremely poor level of education. Their illiteracy also a obstacle for them to get a good job. (Afroz 2011-12).

2.7. Health and Sanitation Problems of stranded Pakistanis

Since 1972, When the camps of Stranded Pakistani's have constructed there have hardly any change occurred in the structure of camps. Initially camp dwellers wanted to go Pakistan and agreed to live in the camps on temporary basis. In course of time when Stranded Pakistanis lost their hope to be repatriated to the Pakistan and young generation believe themselves as a Bangladeshi and demanded citizenship rights. Still they are living in the very unhygienic conditions of the camps. After the legal verdict of their citizenship from Bangladesh they live in the same conditions which they initially faced. Still the conditions of camps are very unhygienic and dirty because only population density increased but area and other basic requirements remain same. There are no health care facilities and no sanitation facilities also. Problems of dweller's are remained same and health problems and many contagious diseases and water borne diseases occurred time to time. They have to live in very dirty and stinky areas. Drainage system of the camps is extremely poor which caused water logging in the camps. As a result contagious disease especially diarrhoea and dengue is very common. Government is not playing positive role in the betterment of the camps. Government employed cleaners never comes in the camps area to clean the garbage. (Kelley 2010).

Everybody needs safe drinking water to preserve their lives from the contagious disease. Safe drinking water is also a major concern of the camp dwellers. Residents of these camps suffer from shortage of safe drinking water and sanitation problems. They have to

depends on the tube wells due to there is no government supplied water facilities. On the other side Tube wells are not in a sufficient numbers in camps. Stranded Pakistanis are facing inadequate water supply. For example , in Hatikhana camp (Saidpur) as per the reports 400 families living in this camp and only 9 tube wells working in this camp which is inadequate as per the numbers of consumers of water. In Adamjee camps also have the same situation. Camp dwellers visits near ponds to fulfil their water requirements. Shortage of clean drinking water resulted in many skin diseases in camps. Situation became worst for women because they have to face sexual harassments and many times sexually attacked. They have very little power to protect themselves against these activities due to their condition (Khan and Samadder 2011).

Camp dwellers are using same toilets and bathrooms due to acute shortage of numbers of toilets and condition of bathrooms are also very unhygienic. It is one of the major reasons of health disease According to a survey report of Refugees International, in Rangpur City (in the North Western part of Bangladesh), there are only two working wells and ten latrines for the 5,000 residents of Camp. As reported Mirpur's Millat Camp, where there is only one latrine for 6,000 people Men and women share the same toilets and other available facilities and most of the time they have to stand in queue for their turn (Ahmad 2003).

After the legal verdict of Bangladeshi High Court sanitation problems still remained. Two surveys were conducted under the Fulbright research project supported by the US Department of State. This research project was conducted over the period of nine months from December, 2009 through August, 2010. One survey was conducted in Geneva Camp, it is biggest camp of Stranded Pakistanis with the population of around 25,000 and it is Centre of much of their political and economic activities. Second survey conducted in CRO Camp, one of the smallest Camps in Dhaka, population of this camp is around 282 people.

There are four public toilets in the CRO Camp, two assigned for women and two for men. On an average each toilet is used by 70 people. They have to bring water by buckets with

them because there is no water connection to the toilets. There are only two water pumps in the camp. One pump is basically used by women for bathing and washing cloth purposes and another one is located in the front of the building. The water contained a high level of iron and other heavy metals which directly impacted on the health of camp dwellers. Situation became worst in the dry season. Second survey was conducted in Geneva Camp. It is a biggest camp of Stranded Pakistanis with the population over 25,000 people. As per the reports there are 265 public toilets in Geneva Camp. On an average each toilet is used by 100 people. Out of 265 public toilets 50% toilets are out of order, so the numbers of usage of toilets doubled. Due to lack of public toilets families of Geneva trying to built their own private toilet, but due to shortage of space hardly few managed (Sholder 2011). According to a survey, which was conducted in Mirpur Muslim camp, about 1,220 male and 1280 females were living in this camp. There were only 4 latrines for 2500 people. The education facility was also poor in this camp. There were no schools except a primary school. (Afroz 2011-12).

2.8. Medical Facilities in the Camp's of stranded Pakistanis

Medical facilities are very poor in camps. There is no sufficient number of medical clinics and camp dwellers never get proper medical attention due to their economic problems. For example, one of the biggest camp of Stranded Pakistani's is Mohammadpur Geneva Camp around 25,000 people live in this camp and in the name of medical facility in the camp there is only one medical clinic in this camp named 'Al-Falah Medical Clinic'. (Afroz 2011-12).

Other camps also faces similar problem. All camps have no sufficient medical facilities and a large number of camp dwellers are not enough capable to afford the medical treatment outside the camps due to their poor economic condition. Moreover some camps have no medical clinic like Adamji camp and they are living without any medical treatment. Lack of medical care resulted infant mortality in the camps. Suitable medical facilities are invisible in the camps and people died in the absence of it. A large number of people died every year in the absence of medical care. As a result, chronic diseases like polio, unsafe delivery of new born baby, Sexually Transmitted Diseases (STD), skin

disease and other diseases are very common in these camps. On the other side some national and international organizations come for the help of these camp dwellers. Dhaka Shishu (children) Hospital funded by Asia Development Bank (ADB), World vision Bangladesh and others come forward to give treatment and medical facilities to stranded Pakistanis. It was on the free basis in some parts of Dhaka based camps. Unfortunately all members of stranded Pakistanis are not benefited with medical facilities because medical facilities are limited but camp dwellers are in a large number (Farzana 2008).

2.9. Education Facilities in the Camp's of stranded Pakistanis

Education is important for every human being, it is important not only for individual's development but its impact cannot be ignored in the country's development also. Those people who are uneducated unable to generate good income resources and they cannot develop their standard of living. Stranded Pakistanis people come under in this category. Education is major concern for these camp dwellers because they cannot get equal education opportunities. They are deprived from the education facilities due to their financial problems. They do not afford good educational institutes for their children because they cannot afford to pay high fees of good education institutes. They have very little access of education. On the other side not only their economic capability affects on their education accessibility but their identity as Stranded Pakistanis also played a major role as a setback for the educational accessibility to these camp dwellers. It's very difficult to get admission in the schools and other educational institutes for these camp dwellers with their identity of Stranded Pakistanis. Although, few stranded Pakistanis managed to get secondary or degree certificates by hiding their identity as Stranded Pakistanis but when their original identity disclosed they faces discrimination. They have to quit the schools and other education institutes as well. On the other side education facilities in these camps also not in the good condition and poor camp dwellers cannot afford to send their children (BRAC 2007).

An initiative have been taken by the Bangladesh government to improve the literacy rate in Bangladesh which was called "Reaching out of School Children" (ROSC), it is a six year long project to educate 5 hundred thousand deprived children by 2015. However the

children of Stranded Pakistani's are not covered in this project which shows how education facilities are very low for the children of these camp dwellers (Farzana 2008).

Many times when few Stranded Pakistanis can afford to send their children to school outside the camps. They failed to enrol their children in the school because before they got nationality of Bangladesh in 2008, they were asked for nationality card, home address or parent's occupation and in the absence of these some technical requirements. They were failed to enrol their children in the schools outside the camp. Those who somehow manage to enrol their children, they found it difficult to conceal their identity. When they failed to concealed their identity as camp dwellers school immediately dismissed the admission when they come to know that the student came from the camp (Sholder 2011).

The schooling facilities are extremely inadequate inside the schools. Approximately 55,000 families are living in various camps throughout the country. It is reported that current number of schools is 500 in the camps across the country and as per the reports from the children of stranded Pakistanis one per cent attended the school that shows high illiteracy in the community of stranded Pakistanis. On the other side they get minimal assistance from the government. In deprivation of any government assistance push them to depend on themselves but it is very hard for economically weak stranded Pakistanis to manage high quality of education for their children. As a result, most of them stop their children to going to school and involve them into household works.

In the Mohammadpur Camp, there is only one school in the camp area which was established in 1974, known as Non Local Junior High School. As per the reports in 1993-94 the strength of students was 450 but in course of time the numbers of students decreased. This school is from nursery to level eight with very minimal staff. Due to financial assistance from government the numbers of students decreased. Some NGOs such as Social and Economic Enhancement Program (SEEP) side by side work to provide education facility to the children of poor stranded Pakistanis but due to economically weak condition of stranded Pakistanis and minimal assistance from the government, many children still not getting education specially girl child (Farzana 2008).

Young Generation of the camp dwellers are more educated than the older generation of camps.

Table No.1: CRO Camp Education Statistics

| Category | No Education | < class 8 | ≥ class 8 | ≥ class 10 (SSC) | class 12 (HSC) | > class 12 (university) | Total |
|--------------------------|--------------|--------------|--------------|------------------|----------------|-------------------------|----------------|
| Old Generation (39+) | 23 46.00% | 15 30.00% | 5 10.00% | 7 14.00% | 8 0.00% | 0 0.00% | 50 100.00% |
| Men | 7 25.93% | 9 33.33% | 4 14.81% | 7 25.93% | 0 0.00% | 0 0.00% | 27 100.00% |
| Women | 16 69.57% | 6 26.08% | 1 4.35% | 0 0.00% | 0 0.00% | 0 0.00% | 23 100.00% |
| Young Generation (18-38) | 11 16.00% | 47 42.73% | 29 26.36% | 13 11.82% | 7 6.36% | 3 2.73% | 110 100.00% |
| Men | 7 11.86% | 18 30.52% | 21 35.59% | 7 11.86% | 4 6.78% | 2 3.39% | 59 100.00% |
| Women | 4 7.84% | 29 56.87% | 8 15.69% | 6 11.76% | 3 5.88% | 1 1.96% | 51 100.00% |
| Total | 34 21.25% | 62 38.74% | 34 21.25% | 20 12.50% | 7 4.38% | 3 1.88% | 160 100.00% |

Note: SSC= secondary school certificate (given after class 10); HSC= higher secondary school certificate (given after class 12)

Source: Sholder (2011), "Housing and Land Rights: The Camp-Dwelling Urdu-Speaking Community in Bangladesh" Page No. 20

As per the reports young generation of CRO camp achieved 9.09 per cent degrees beyond SSC level and reached higher secondary school or university but older generation rarely achieved education beyond SSC level education of old generation of camp dweller were affected by low level of income, less educational opportunities, impact of partition as well as their status of statelessness or stranded.

Generally literacy means the ability to read and write. The definition used by the Bangladesh Bureau of Statistics in the 2008 Literacy Assessment Survey is: Literacy is the ability to read, understand, interpret, communicate and compute in verbal and written forms in varying contexts. Basically an individual in learning process can develop its potentials and knowledge that help him to participate in community affairs and its development. Literacy is ability to participate in the wider context of development. As per the reports the literacy rate for the Old Generation in CRO Camp is 24% and the literacy rate for the Young Generation is 47.27%. It clearly shows 23.27% growth in the camp dwellers. 35.29% of women from the young generation are literate but in the older generation only 04.35% women were literate. Likewise, 57.63% of men from the Young Generation in CRO Camp are literate but in older generation only 40.74% men were literate.

Another survey was conducted in Geneva camp which is considered as biggest camp. As far as the education is concerned situation is Similar to the CRO Camp. Younger generation is more educated as compare to older generation. Even Geneva camp dwellers have higher literacy rate as compare to CRO camp. In Geneva Camp literacy rate is 66.09 per cent which higher as compare to CRO camp's literacy rate 52.73 per cent. One of the major reasons behind the higher literacy rate of Geneva camp is its location because this Camp is at the centre of much of the community's economic activities (Sholder 2011).

Table No.2: Geneva Camp Education Statistics

| Category | No Education | < class 8 | ≥ class 8 | ≥ class 10 (SSC) | class 12 (HSC) | > class 12 (university) | Total % |
|--------------------------|--------------|--------------|--------------|------------------|----------------|-------------------------|---------------|
| Old Generation (39+) | 24 52.18% | 15 34.79% | 3 6.52% | 1 2.17% | 1 2.17% | 1 2.17% | 45 100.00 |
| Men | 9 47.37% | 5 26.32% | 2 10.53% | 1 5.26% | 1 5.26% | 1 5.26% | 19 100.0 |
| Women | 15 57.69% | 10 38.46% | 1 3.85% | 0 0.00% | 0 0.00% | 0 0.00% | 26 100.00 |
| Young Generation (18-38) | 30 26.09% | 46 40.00% | 20 17.39% | 9 7.83% | 2 1.74% | 8 6.96% | 115 100.00 |
| Men | 18 29.03% | 20 32.27% | 12 19.35% | 6 9.68% | 1 1.61% | 5 8.06% | 62 100.00 |
| Women | 12 22.64% | 26 49.06% | 8 15.09% | 3 5.66% | 1 1.89% | 3 5.66% | 53 100.00 |
| Total | 54 33.75% | 62 38.74% | 22 13.75% | 10 6.25% | 3 1.88% | 9 5.63% | 160 100.00 |

Note: SSC= secondary school certificate (given after class 10); HSC= higher secondary school certificate (given after class 12). Source: Sholder (2011), “Housing and Land Rights: The Camp-Dwelling Urdu-Speaking Community in Bangladesh” Page No. 3

2.10. Identity Crisis

Identity is very important aspect for every person in the world. Two factors are important for Individual or group identity: first, the shared expectation of the society and second, the groups or individual’s ties with its past history or roots (Rahman 2003). According to Marcia “identity has been called as ‘a sense’, ‘an attitude’, ‘a resolution’, and so on. Identity means a self-structure, an internal, and a self-constructed dynamic organization of drives, abilities, beliefs, and individual history (Marcia, 1980: 159).” Identity shows

how a person connected with the others. The concept of 'identity' is very broad. It can be various types such as: personal identity, social identity, and national identity etc.

- Personal Identity

The personal identity is directly related to the concept of 'Identity'. Personal identity means a understanding of person for her/ himself. In other words self- definition is also co-related to the concept of 'Personal Identity'.

- Social Identity

The concept of 'Social Identity' is related to the group or community. It depends on where s/he belongs. Social identity is important for every individual because in society there are some rules and regulation which everyone has to follow.

- National Identity

Nation identity is most important for all every individual and group. National identity is also important for citizenship rights. National identity means all the citizens of a country follow the same identity and identify with a national identity. It provided some special privileges to a citizen. It is also played an important role to maintain international relations. (Afroz 2011-12).

Stranded Pakistanis faced identity crisis which is very major setback for this community. They were treated in Bangladesh as "foreign" (Pakistanis) that are stranded. They live in a refugee camps but they are not treated as refugees and they are always deprived of the refugee status because they do not come under the conventional sense. According to the Article 6(A) (1) of the Statute of UNHCR and Article 1(A) (2) of the Refugee Convention 1951, "refugee" is a person who related to the following three criteria:

- (a) The person is outside the country of his nationality, or in the case of stateless persons, outside the country of habitual residence
- (b) The person lacks natural protection; and
- (c) The person fears persecution.

Stranded Pakistanis come under these three criteria which make them applicable as refugee in Bangladesh. But Stranded Pakistanis are not considered as refugees because according to the cessation clauses of the 1951 Convention and the UNHCR Statutes of 1950, a person shall not be considered a refugee if, among others: (1) he/she has voluntarily re-established him/herself in the country which he/she left or outside which he/she remained owing to fear of persecution. This clause is related to the Stranded Pakistanis because initially they were migrated from India in 1947 to East Pakistan (Bangladesh) and secondly they became citizens of Pakistan after 1951. According to Section 3(d) of the Pakistan Citizenship Act, "At the commencement of this Act every person shall be deemed to be a citizen of Pakistan who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan subcontinent outside those territories with the intention of residing permanently in those territories". According to Pakistani citizenship law Stranded Pakistanis are considered as citizens of Pakistan (Zahed 2013).

Therefore, after the partition of Indian sub-continent Stranded Pakistanis were not considered under refugee situation, they were rehabilitated in the newly demarcated territories. Identity crisis of Stranded Pakistani's occurred after the independence of Bangladesh which was separated from Pakistan. All of a sudden this community became stranded and were identified as Stranded Pakistanis. On the other side they were not considered as refugees because they were not displaced people and suddenly became stranded in their current resident area. This dilemma of identity rendered the Stranded Pakistanis in Bangladesh a peculiar status, which can be called "Artificial Minority." The term "Artificial Minority" requires an insight of the concept of minority first. The term "minority" is defined in many ways. According to the American Heritage Dictionary of the English Language, a minority is religious, ethnic, or other group having a distinct presence in the society with little representation or power as compared to other groups of the society.

In municipal and international legal systems, "minority" notify a particular meaning. Sub Commission on Prevention of Discrimination and Protection of Minorities in 1977 in

Article 27 of International Covenant of Civil & Political Rights (ICCPR) of 1966 defined first time the term of 'minority'. The article notes: Minorities are considered to be a group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members being citizens of a state, possess ethnic beliefs or linguistic characteristics differing from the rest of the population and show if only implicitly, a sense of solidarity directly towards preserving their culture, traditions, religions or language.

According to this definition, the protection of minorities is related to the criteria of citizenship/nationality, it was supported by legal definitions in charters and covenants. According to the Council of European Commission for Democracy through Law (CDL) a minority is: A group which is smaller as compare to the other groups of the society in numbers, whose members have different features rest of the population in terms of ethnic, religious or linguistic. If only implicitly, by the will to safeguard their culture, traditions, religion or language. Any group who comes under this definition shall be treated as an ethnic, religious or linguistic minority.

After the analysis of these definitions shows that the term "minority" is consisted by five elements:

- (1) Number,
- (2) Subordinate status,
- (3) Ethnic or religious or linguistic traits,
- (4) A will/wish to safeguard or preserve or strengthen the patterns of lifestyle, and
- (5) In some cases citizenship.

The most acceptable definition of the term 'minority' is those people who are in a subordinate position in the society due to their down numbers in the society as compare to those groups of the society who are in a large number in the society and they have to be different by "ethnic or religious or linguistic traits" from the majority people. With the reference to the definition of national minority, the Jews are a religious minority in Germany, the Swedish-speaking Finns are the largest linguistic minority in Finland, and South Asians, Chinese and African blacks are ethnic minorities in the United States. In Austria, the Roma are an ethnic minority group, and Asian and West Indians are racial

minorities in London. In the context of minority groups, different countries can be identified in multiple ways, but these minority groups are part of the larger national identity. (Farzana 2008)

Bengalis are the major ethnic group in Bangladesh. Bangladesh consists with the 98 per cent Bengali people. There are other ethnic groups also who are considered ethnic minorities. These minority groups are Chakma, Marma, Rakhain, Kol, Vil, and Shaontal. They are different groups from the majority Bengalis in terms of ethnicity. Basically they are living in a particular geographical location (mountainous areas) and maintain their distinct ways of life, culture, religion, language, traditional customs and values. (Mantoo 2013)

Stranded Pakistanis has the minority characteristics in Bangladesh as per the definitions provided earlier. They speak Urdu hence they are ethnically different in Bangladesh. They maintain their traditions, rituals and cultural values in social life. All these characteristics make them a different ethnic community in Bangladesh. Despite all the characteristics of minorities they are not considered as a minority group. They have been given different status which is “Artificial,” that identified them neither as refugees nor as minorities. They are “Artificial Minority” because they are the result of the historical legacy of 1947, and of a political context of 1971, which gave them peculiar status as “Artificial Minority” because they live in artificially designated areas (camps) under international agreement. Although they are “Minority” because they were less than majority people in Bangladesh but identified as artificial minority. Due to identity issue they are not consider as minority or refugee and they deprived from all the benefits and privileges. Neither have they had citizenship privileges nor refugee benefits from the international community. As the consequence they have to carry unresolved identity issue for such a long time which deprived them from benefits which affected their social, political and economic life (Farzana 2008).

It is interesting to note that the citizenship laws of Bangladesh apparently do not debar them from being citizens of the country. Article 2 of the Bangladesh citizenship (Temporary Provisions) Order, 1972(President's Order 149 of 1972) provides:

“Notwithstanding anything contained in any other law, on the commencement of this Order, every person shall be deemed to be a citizen of Bangladesh

(i) who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of such territories on the 25th day of 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 citizen by any other law for the time being in force” (Paulsen, 2006, UNHCR, vol.25, issue3, p:58).

Since all the stranded Pakistanis were migrated to East Pakistan or Bangladesh before 25th march 1971, with intention to be settled in the East Pakistan on the basis of two-nation theory and communal riots, on the basis of it Bihari Muslims could be recognized as Bangladeshi citizens. But according to Article 2B of the Bangladesh citizenship Temporary Provisions Amendments Ordinance, 1978(Ordinance no.VII of 1978) categorically states that a person shall not qualify to be citizens if he or she ‘owes, affirms or acknowledge, expressly or by conduct, allegiance to a foreign states. (Siddiqi 2013)

Nationality for every person is ensured by International law. Universal declaration of Human rights, Article-15 stated that everyone has right to have nationality, and will have a native country. “Everyone has the right to seek and to enjoy in other countries asylum from persecution” (Universal Declaration of Human Rights, Article 14); Universal declaration of Human rights says in Article 24(3) “Every child has the right to acquire a nationality.” But as per the reports still about 11 million people are stateless and they do

not have citizenship of any country because of communal wars and ethnic conflicts. (O'Neil et.al 2015).

The Universal Declaration of Human Rights article 12(4) stated that the right of citizen specially "the right of a national to return ". In this context Pakistan violated international rules by denationalizing of Stranded Pakistanis. This declaration ensure that Stranded Pakistanis have right to return to Pakistan. Due to Pakistani selective acceptance in to new territory, majority of Stranded Pakistanis became stateless (Zahed 2013).

Identity crisis of Stranded Pakistanis still follows them even after the Supreme Court verdicts of about their citizenship status. As a result they have to live under poor standard of living. Economic opportunities are also limited for them. The fear of crime is a matter of concern in the society, which consistently increasing over last 40 years and Stranded Pakistanis attracted much attention and become an interesting subject for researchers who interested in discovering the dark side of the society. (BRAC 2007).

2.11. Different Approaches of Stranded Pakistanis

Different approaches in the community of Stranded Pakistanis are also a major issue. Generation gap found in the approaches of Stranded Pakistanis. Initially the biggest issue of Stranded Pakistani's was to be repatriated themselves to Pakistan and wanted the citizenship privileges of Pakistan. Now the preferences of Stranded Pakistani's have been changed and generation gap is clearly indicated in their preferences. Young generation of Stranded Pakistanis wanted the citizenship of Bangladesh instead of Pakistan. The reason behind it is they have never seen Pakistan and they were not involved in liberation war. They were born and brought up in the soil of independent Bangladesh and believed to be a citizen of Bangladesh. They want to achieve all privileges of citizenship in Bangladesh and other citizenship rights as well on the ground of birth as per the constitution of Bangladesh.

On the other side older generation of Stranded Pakistanis still wanted to repatriate to Pakistan. Young generation of Stranded Pakistanis claimed that they are not getting fair

opportunities to work. They are also concerned about their status because they wanted minority status like Hindu, Buddhist and Christian community. Stranded Pakistanis are divided into two groups, one group which consists of the young generation who believed in Bangladesh and believed that they have better opportunities in Bangladesh. On the other side second group which consists of older generation people who opposed the liberation war of the Bangladesh. They wanted to be repatriated to Pakistan. Several committees was formed by these two groups to achieve their goals and objectives namely General Repatriation Committee (SPGRC), 'the Committee for Rehabilitation of Non-Bengali,' and Stranded Pakistanis Youth Repatriation Movement (Afroz 2011-12)

These committees played an important role for Stranded Pakistanis. Some committees who supported older generation were still trying to repatriate Stranded Pakistan and other committees who were struggling for citizenship rights and other privileges for young group of Stranded Pakistanis because they believed their future depended on the Bangladesh. Representative of the Stranded Pakistanis Youth Repatriation Movement (SPYRM) states that, "By virtue of birth, we are Bangladeshi citizens and we want to live in this country with equal status like other citizens of Bangladesh. (Mantoo 2013)

2.12. Conclusion

Stranded Pakistanis are facing insecurity and vulnerability in Bangladesh. They are facing discrimination in the society and they suffered it in every sphere of their lives. As far as human rights are concerned they are deprived of seven specific values of human security such as food, economic, environmental, health, community, personal, and political security. The condition of their camps is also vulnerable. Drug peddlers are using their camps to run their drug business which make camp condition more vulnerable. Population density and over population is also major concern for stranded Pakistanis because their population increased but their living space remains same since the establishment of camps. They have no proper medical facilities and education facilities and due to their poor economic condition they cannot afford education, medical and other facilities. Those who manage to send their children to school outside camps are also facing discrimination. They also suffered with the identity crisis. They were deprived

of the refugee status and other benefits during identity crisis. They were not considered as refugees because they were not displaced people. They lost their citizenship during liberation war of Bangladesh and became stateless. On the other side still they are treated as stranded Pakistanis after the legal verdict of their citizenship in Bangladesh. Generation gap is also there in the community of stranded Pakistanis. Old generation of stranded Pakistanis are still waiting for repatriation to their dream land Pakistan but on the other side new generation of stranded Pakistanis has different views. New generation of stranded Pakistanis are more focus on their rehabilitation in Bangladesh. They want equal citizenship rights in Bangladesh with other Bangladeshi nationals. Condition of women is more problematic in camps. Fear of physical assault and sexual harassment is always there in their minds.

Policies and Perspectives of Bangladesh

3.1. Prologue

Issue of stranded Pakistanis is important to both countries of Bangladesh and Pakistan. Bangladesh tried every possibility way to resolve the issue of stranded Pakistanis. On the other side negative attitude of Pakistan towards the issue of stranded Pakistanis still a hurdle in the solution of the issue. Initially Bangladesh was more focused on the repatriation of stranded Pakistanis and raised this issue before UN and other countries but due to harsh relation between Bangladesh and Pakistan, this issue became more problematic. The perspective of Bangladesh has been changed over the time due to demand of new generation of stranded Pakistanis of citizenship rights in Bangladesh. In 2003 and 2008 judiciary of Bangladesh accepted the demand of stranded Pakistani's citizenship right in Bangladesh. Stranded Pakistanis got citizenship and other benefits. Legal verdict came with many positive effects but still they are treated as stranded Pakistanis. Their condition is still remaining same even after the legal verdict of their citizenship in Bangladesh. Their past still hunting them and linguistic differences also a major problem in the social integration of stranded Pakistanis.

3.2. Introduction

Perspective and policies of Bangladesh played a major role in the lives of stranded Pakistanis. It is very important to analyze how Initially Bangladesh dealt with the issue of stranded Pakistanis and what were the policies taken by the Bangladeshi government? What was the initially perspective and what is the current response of Bangladesh towards stranded Pakistanis. All those questions help to understand seriousness of Bangladesh regarding the issue of stranded Pakistanis. Stranded Pakistanis faced discrimination on the basis of their different ethnic identity, nationality and race. When Pakistani army retreated from Bangladesh, clashes between stranded Pakistanis and local people of Bangladesh emerged which led stranded Pakistanis to take shelter in the camps.

Currently they are living in 116 camps across Bangladesh, even 32 camps only in situated in Dhaka. Geneva camp is the biggest camp of stranded Pakistanis around 25000 people living in this camp (O'Neil et.al. 2015).

This oppression forced stranded Pakistanis to leave their properties and take shelter in refugee camps for safe life. Stranded Pakistanis were targeted by the new Government of Bangladesh for their loyal support of Pakistan. On the basis of harsh relation between stranded Pakistanis and Bangladesh government, Bangladesh Abandoned Property Act 1972 (Control, Management and Disposal) was declared. This order was clearly stated that all the properties which belong to Stranded Pakistanis would be confiscated by the Bangladesh Government. Basically this order was about acquisition and control over the property of those persons who;

- 1) were not present in Bangladesh,
- 2) ceased to occupy their properties
- 3) Or property of enemies.

This order covered all those persons who were engaged in military operations against the Bangladesh and provided special rights to the Governmental authorities to confiscate all properties which belonged to those people who were included in any of the above category. On the basis of stranded Pakistani's engagement in military operation against Bangladesh and in favoured of Pakistan. Bangladesh applied this order on them. As a result stranded Pakistanis escaped from their homes and took shelter in the refugee camps. (Zahed 2013)

There are many reasons which are responsible for the change of Bangladeshi perspective in course of time towards stranded Pakistanis. Initially Stranded Pakistanis were offered citizenship from Bangladesh but most of the stranded Pakistanis choose to be repatriating to Pakistan rather than getting citizenship of Bangladesh that time. On the other side Pakistan reluctant to accept them back as their citizens. As a result stranded Pakistanis become de facto stateless.

Second, when Red Cross withdrew from the stranded Pakistani's camps in 1973, stranded Pakistanis become fully dependent on Bangladesh for aid and assistance. The population in these camps increase day by day but the perimeters of these camps did not increase. Families in camps mostly shared 8ft by 8ft rooms along with very limited numbers of toilets and bathrooms. At the time of monsoon people from camps faced drains overflow and flooded homes with sewage. Water bills were never collected from camps but they always faced shortage of clean drinking water. Many diseases and health problems are very common in the camp life such as leprosy, Asthma, Diarrhoea etc. They also faced social problems such as unemployment, poverty, child labour and early marriages of girls.

Third, initially stranded Pakistanis denied citizenship of Bangladesh which became further more problematic in improving of their situation. As a result camp residents were deprived from the basic rights, such as rights to vote, passport facility, legal identity and opportunities to participate in public sphere for good economic condition. These problems pushed them into an uncertain future and unsecured life. Many involve themselves in low paid jobs such as rickshaw pullers, barbers, butchers etc

Fourth, stranded Pakistanis faced discrimination in term of their identity as camp dwellers. They are discriminated by the non camp residents or mainstream Bangladeshi society. Some camp residents manage to send their children in school outside the camps and some got job in the mainstream society but when their identities were disclosed as stranded Pakistanis (camp dweller) they faced harassment and discrimination. Those who manage to live outside the camps; they also faced problems to find a landlord to rent them. (O'Neil, et.al. 2015).

This chapter will further provide the idea about further shifts in the Bangladeshi perspective like during the repatriation period of stranded Pakistanis from 1973 to 1993 and about the role of Bangladesh in the legal empowerment of stranded Pakistanis and how it impacted the lives of stranded Pakistanis in the positive or negative way.

3.3. Perspectives of Bangladesh towards the Repatriation of Stranded Pakistanis to Pakistan

After liberation war of Bangladesh, stranded Pakistanis were offered two options either to accept citizenship of Bangladesh and stay here or repatriate to Pakistan. Initially stranded Pakistanis chose to repatriate to Pakistan. In stranded Pakistanis, two third of the population went with the second option. They wanted to repatriate to Pakistan because they did not want to fall prey to Bengalis in Bangladesh for taking stand in favour of Pakistan in the liberation war. Basically they wanted to avoid uncertain future in Bangladesh. It is noticeable that Pakistan from the very beginning was not positive towards the repatriation of stranded Pakistanis due to its fragile economic and political instability. Pakistan was not ready to accept a large number of stranded Pakistanis. This reluctance of Pakistan left the issue of stranded Pakistanis in the middle. Bangladesh's perspective towards stranded Pakistanis was cleared. Bangladesh has no problem to repatriate stranded Pakistanis for their desire destination Pakistan. Bangladesh took all the possible steps towards the repatriation of stranded Pakistanis (Mantoo 2013).

Initially all stranded Pakistanis wanted to repatriate to Pakistan which was supported by the Bangladesh. Mr. Sheik Mujibur Rahman the former Prime Minister of Bangladesh took the initiative for repatriation of stranded Pakistanis. Prime Minister Mr. Sheik Mujibur Rahman took the issue to the United Nations and the UN secretary General Kurt Waldheim to ensure the repatriation of stranded Pakistanis to Pakistan. It clearly indicated the seriousness and positive attitude of Bangladesh towards stranded Pakistani's issue but on the other hand Pakistan ignored the issue and shown its negative attitude. Bangladesh agreed to take back Bangladeshis from Pakistan, but Pakistan was not serious about this exchange of Bangladeshis in Pakistan for the Biharis (Stranded Pakistanis) in Bangladesh (Zahed 2013)

With the positive steps towards the repatriation of stranded Pakistanis, Bangladesh took help by the agreements for possible repatriation such as the Shimla Accord of July 1972 which played an important role for the issue and normalized the relation for some extent between India and Pakistan. It also played an important role in the issue of repatriation of

stranded Pakistanis. This accord allowed New Delhi to take initiative to resolve trilateral problems among India, Pakistan and Bangladesh. As a result New Delhi Agreement was signed on August 28, 1973 (Ahmad 2003).

The New Delhi agreement was signed on 28 August 1973. This agreement clearly stated that

- Pakistan agreed to accept substantial number of non-Bangladeshis from Bangladesh
- Bangladesh and Pakistan will meet and decide the number of people who wanted to repatriate to Pakistan

As per the accompanying memorandum Pakistan agreed to accept three primary groups of stranded Pakistanis

1. Persons who were domiciled in what was West Pakistan,
2. Employees of the central government (Pakistan) and their families,
3. Members of divided families and 25000 hardship cases.

These three categories covers all those people who temporarily went to East Pakistan but had their permanent residents in West Pakistan (Pakistan), second, all those people who were enrolled in the central Government (Pakistan) and posted in East Pakistan (Bangladesh) and their families and third, who comes under the hardship cases (Orphans, widows etc). This agreement was also played an important role in the reorganization of Bangladesh internationally by Pakistan and it prepared a bridge for the next meeting of Bangladesh and Pakistan (Farzana 2009).

In 1973, UNHCR took initiative in this issue and worked side by side with International Committee of the Red Cross (ICRC). Stranded Pakistanis gathered from all the camps for the registration of repatriation to Pakistan. After this agreement repatriation process started and several phases of repatriation of stranded Pakistanis took place from 1973 to 1974, approximately 170,000 stranded Pakistanis were helped by International Committee of Red Cross. (Mantoo 2013).

The second meeting among three countries India, Pakistan and Bangladesh led to the agreement which was called 'Tripartite Agreement'. It was signed on 9 April 1974. In this agreement it was clearly stated that Pakistan has to receive those people who fall under the first three categories without any limit of numbers. On the other side Pakistan treated the repatriation process of stranded Pakistanis as hardship cases and not as legal obligation. Pakistan continued to follow its negative attitude towards the issue which directly impacted on the clearance process and made the process more slow for stranded Pakistanis. It was one of the major setbacks for Bangladeshi government. Following this agreement several phases of repatriation were done. (Kelley 2010).

After several phases of repatriation, Pakistan again showed its reluctance on the issue of repatriation for remaining stranded Pakistani. Mujib again requested Pakistan to restart repatriation process but Pakistan was not ready for that. Again economic and domestic pressure led Mujib to the third world committee of United Nations General Assembly (UNGC) and commonwealth leader's Conference in Jamaica in May 1975. Unfortunately his positive efforts did not come out with the positive result. In 1975, Mujib was assassinated and the repatriation issue again stopped. After Mujib regime repatriation issue was again put up by the military government of general Zia-Ur-Rehman. He visited Pakistan to resolve the issue and following his visit in 1977, Pakistan's foreign secretary visited Dhaka and repatriation process again restart (Mantoo 2013).

As follows in 1977, 4790 families, in 1979, 2800 families, in 1981, 7000 families, in 1984, 6000 and finally 50 families were repatriated in 1993 for the last time. It was the last repatriation in 1993. After that again Government of Bangladesh tried to restart repatriation process but it slowed down over the time. Which clearly indicate the negative attitude of Pakistan on this issue (Farzana 2009).

3.4. Legal Empowerment of Stranded Pakistanis and Perspective of Bangladesh

Stranded Pakistanis did not attempt to get citizenship right in Bangladesh until 2001. The major inspiration came within the camps. The old generation of stranded Pakistanis, who have been living in these camps since the independence of Bangladesh considered

themselves as Pakistanis and believed that there is no other option for their better future. They formed “Stranded Pakistanis General Repatriation Committee” (SPGRC) for their possible repatriation but unfortunately their desire of repatriation faded. They had no alternative plans left for future. It was reported that more than 80 per cent of the total population had been born in camps. In this new generation had the different views on repatriation issue as compare to old generation of stranded Pakistanis (Sholder 2011).

Stranded Pakistanis was frustrated when no one came forward for the help of new generation of stranded Pakistanis and frustration increased day by day. Few of them within the community came forward and assessed their situation. They found that they were not the participants of the liberation war in fact the new generation of stranded Pakistanis were not born or minor at the time of liberation war. There were many questions in their mind that why they were discriminated? , why they were deprived from the benefits of citizenship? Why they are called “Biharis” or “Stranded Pakistanis”? In fact they had never seen Bihar or Pakistan. The only one answer for all those questions is they had no legal identity or they had no citizenship status in Bangladesh (Illias 2012).

New generation of stranded Pakistanis follows the different worldview and interests. They speak Urdu as well as Bengali. They identified themselves more to be the citizens of Bangladesh and not Pakistan. They believed that they were born in this country and they are Bangladeshis. They have never seen Pakistan. They were neither present at the time of liberation war nor were participant. New generation of stranded Pakistanis more focused on rehabilitation and legal identity from the state. The initial aim of stranded Pakistani’s was repatriation but this goal was faded in course of time because new generation of stranded Pakistanis wants to integrate themselves with the main stream society of Bangladesh and demanded their social and legal identity as Bangladeshi citizen (Sholder 2011).

Now the perspective of stranded Pakistanis has changed. They believe that rehabilitation is necessary than repatriation and getting citizenship of Bangladesh became their main agenda and objective. They believe that voter registration of camp residents was a major

step towards their citizenship right in Bangladesh. In the election of 2001 in Bangladesh many young stranded Pakistanis tried to enrol themselves in the voter list of national election but election commission refused to register them with their camp address. A group of ten camp dwellers from Geneva camp filled a petition against the denial of election commission in the high court. In a result of their petition a two member bench of high court ruled in the favour of these camp dwellers. The judgment comes on May 5th 2003, the High Court ruling clearly stated that Geneva camp comes in the territory of Bangladesh and camp dwellers of Geneva camp should be enrolled in the voter list but it was limited only those petitioners (O'Neil, et.al.2015).

On the basis of citizenship Act, the court found that petitioners were not disqualified on the basis of their camp address. The court ruled that election commission has to register the petitioners in the electoral roll. This decision however was only applicable for those 10 petitioners but it opened the gate for stranded Pakistanis and indicated the positive Bangladeshi's perspective towards stranded Pakistanis. In 2007, when civil military caretaker government was in the centre, election commission was directed to prepare a new registration list of voters and ordered to issue new national identity cards. It was asked by the election commission to chief advisor (The head of the caretaker government) for the enrolment of stranded Pakistanis in the new voters list of election commission. In the absence of the response from the government again stranded Pakistanis filled the writ petition to the supreme court of Bangladesh but this time petition was submitted on the behalf of whole community of stranded Pakistanis.

In 2008, again Supreme Court of Bangladesh acted positively and ruled in favour of stranded Pakistanis. This time court ruling was not limited to those stranded Pakistanis who filed petition but it covered the whole community of stranded Pakistanis. This court ruling clearly stated it will cover only those stranded Pakistanis who were born after the liberation war of Bangladesh or were minor at that time. (Hashmi 2013).

Again government did not appeal against the court decision and after three months the election commission registered almost 80 per cent camp dwellers and considered them as

eligible voters. The 2008 legal verdict cleared all the assumption of citizenship rights of stranded Pakistanis in Bangladesh. Election commission issued the national identity cards to registered stranded Pakistanis. Legal verdict of Supreme Court of Bangladesh played an important role in restoring the voting rights of stranded Pakistanis. On the basis of legal verdict stranded Pakistanis applied for national ID cards and even received it. All the process has been administered by the interim government of Bangladesh in 2008. In whole process approximately 150,000 stranded Pakistanis registered themselves. It clears the dilemma of citizenship right of stranded Pakistanis in Bangladesh. A survey has been done in Geneva camp after the legal verdict of citizenship in 2008; it was found that 73 per cent of camp dwellers of stranded Pakistanis had a voter ID cards and over 18 per cent had applied for the voter ID cards (Sholder 2011).

After the landmark decisions of High Court in 2003 and after that in 2008, citizenship right was given to Stranded Pakistanis in Bangladesh those who opted for Bangladeshi citizenship, whereas the High Court decision in 2003 was limited only to ten petitioners but in 2008, High Court ruled that those who were born after independence of Bangladesh had the right of Bangladeshi citizenship, Bangladeshi court strictly made a decision in regard of Stranded Pakistanis to enrol them as citizens of the nation who met with the all the requirements and wish to take citizenship of Bangladesh and voting rights. High Court directed election commission of Bangladesh to distribute national ID cards to them without any further delay and enrolled them into further elections.

In addition to voting rights, the National Identity Card provides stranded Pakistanis access to a range of services, including:

- Issuance and renewal of passport, driving license, trade license, and tax and business identification number
- Opening bank accounts
- Beneficiary owner's account with stock exchanges
- Utilities (e.g. gas, water, electricity, telephone, mobile, internet, and cable television)
- Registration for examinations
- Any public services
- Marriage registration

- Loans
- Government-subsidized accommodations
- Allowance and relief
- Owning land and motor vehicles;
- Admission to State schools; and
- Undertaking procedures before courts

As a result of legal verdict around 80 per cent of eligible Stranded Pakistanis got National Identity Cards. Some other eligible Stranded Pakistanis have allegedly chosen not to register as voters. They had a dilemma in their mind that if they registered themselves as voters, their long standing call for repatriation to Pakistan never comes true. They have a fear of lose other benefits like rent free camps, electricity etc in the camps (UNHCR 2009).

Following the May, 2008 High Court ruling, many camp dwellers had a fear of discontinuation of all privileges and the residents may even be evicted from the Camp lands. There was a rumoured that government may confiscate their land because they are no longer internally displaced population (Parveen 2008). Governments of Bangladesh decided that no rent would be collected from the residents of the Camps and government would continuously provide them free electricity and other benefits which they were enjoying earlier. This situation has been continuing since the formation of these camps and still rent collection or other payments for the use of electricity have been never collected from the government (Sholder 2011).

Table .3: Citizenship Rights and Responsibilities

| Rights | Responsibilities |
|--|--|
| <ul style="list-style-type: none"> • Freedom to express oneself. • Freedom to worship • Right to vote in elections for public officials. • Right to apply for employment. • Right to run for elected office. • Freedom to pursue life, liberty, and the pursuit of happiness | <ul style="list-style-type: none"> • To support and defend the Constitution • To stay informed of the issues affecting the community. • To participate in the democratic process. • To respect and obey federal, state, and local laws. • To respect the rights, beliefs, and opinions of others. • To participate in local community. • To pay income and other taxes honestly, and on time, to federal, state, and local authorities. |

Source: Afroz (2011-12), “Stateless Diaspora: A Sociological Study on Biharis in Bangladesh”, page no.36

Stranded Pakistanis are no more stranded or stateless now as compared to other refugees like the refugees from Myanmar, but they have been living in inhuman conditions since they are accommodated in the camps. According to the article of 25 of the United Nations Declaration of Human Rights “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family” but standard of living never upgrade of these people. Moreover, some authorities in the Ministry of Home are not aware of the High Court’s ruling. As a result of this Stranded Pakistani community deprived from the other benefits. Even they cannot get passports because some concern

authorities are not aware of the High Court's ruling. Few lucky camp dwellers obtained passport because department did not object when the court verdict was shown to them (Ilias 2012).

After the legal verdict for stranded Pakistanis still their camps are segregated, influx of Bengali migrants from rural areas are also seen in some camps. For instance, as per the survey report of Town Hall Camp in Mohammadpur Dhaka. It has around 30% of the population of Bengali migrants now. Population continually increased in the camps due to migration and high birth rates but the camp areas are not increased. The average house size is still remained as earlier 8'x10' structures that were built with the help of the ICRC in 1972. Camp dwellers cannot afford major development in the camp structure but the camp structure converted from kutcha dwellings into semipucca or fully pucca structures. Basically kutcha structure is made of bamboo, plywood, thatch, or corrugated iron sheets. They were living in the kutcha structured camps but when camp dwellers realized their future depends in Bangladesh, many families trying to renovate their houses as according to their financial resources but now many houses have been converted into semipucca structure. Some home appliances are common in the camps like TVs, refrigerators, UPS generators, and expensive dishware, as accordance to their financial capabilities. It shows that standard of living of some families have a little change over the time. But their public infrastructure systems are rapidly deteriorating. Their water and sewage lines, toilets, trash disposal sites, bathing areas, are unchanged. For instance, 265 communal toilets in Geneva Camp about 50% are out of order. These public infrastructures got minimal maintenance (Sholder 2011).

The 2008, court ruling clearly stated that election commission was directed to register those stranded Pakistanis who wanted to enrol themselves for election without any further delay. It was assumed that after the end of the statelessness and becoming a citizen of Bangladesh opened the gate for them for easy access of social, cultural and economic benefits. Stranded Pakistanis are looking forward to be facilitated in the main stream society after the legal verdict. But unfortunately still they are treated as "Stranded Pakistanis" even after the legal verdict (Illias 2012).

There are two major questions emerge after the legal verdict of citizenship of stranded Pakistanis. One, how has the high court judgment affected the lives of stranded Pakistanis? What are the positive and negative effects on the community of stranded Pakistanis? Second, how further rehabilitation will take place to integrate camp dwellers with mainstream society?

As the answer of first question it is important to analyze the positive and negative impact of legal verdict on the lives of stranded Pakistanis. In Bangladesh there are many other camps except camps of stranded Pakistanis. These camps are related to local Bengali people and other communities. The psychical condition of their camp is almost same as compared to camps of stranded Pakistanis but as far as perspective of Bangladesh is concern there is only one fundamental difference between stranded Pakistanis camps and other camps that the camps of stranded Pakistanis were created when they were internally displaced and it was declared that they would not pay any rent for their camps. They have been exempted from paying any electricity bill and water bill since the establishment of camps. After the legal verdict of their citizenship in 2008 in which they were registered as voters of Bangladesh but still there is no rent collected from these camp dwellers. Following the May 2008 high court judgment emerged the fear in stranded Pakistani's community that if they became citizens of Bangladesh, they have to pay rent for their accommodation and other bills and all the privileges would be discontinued (Sholder 2011).

Stranded Pakistani's identity as 'Stateless people' indicated lack of improvement in legal recognition from Bangladesh or any other state. After the legal verdict of High Court regarding citizenship rights of stranded Pakistanis this community people were entitled with the new social identity as "Citizens". New identity of stranded Pakistanis as a citizen of Bangladesh helped them to forget old identity as "Statelessness". As far as exercising the rights of citizenship is concern, the new social identity of stranded Pakistanis provided the chance of equal footing with other citizens of Bangladesh. This new identity also helps in some positive developments which are mentioned below:

3.5. Provided Platform for Further Empowerment

Citizenship rights of stranded Pakistanis provided a chance to stranded Pakistanis for improvement in their situation and challenge the obstacles which are creating problems for them. For example BLAST is an organization which is currently working with the council of minorities on a writ petition of stay order on eviction of several camp lands in Mirpur, against government. As importantly a new form of mobilization had emerged in the community of stranded Pakistanis which was provided by citizenship rights. The new sense of mobilization and action provided awareness in this community for their legal rights. Now they are aware about their entitlements and others services but this time there is no need to pay additional money to the local brokers for their legal documentation. A new form of class action and legal activities can be seen in the new generation of stranded Pakistanis. In other words 2008 ruling created a greater representation for stranded Pakistanis (O'Neil, et.al. 2015).

3.6. Access of National Identity Cards and Registration of Birth

Access of national ID cards is major breakthrough for stranded Pakistanis in Bangladesh. It was a first major positive development for stranded Pakistanis. National ID cards is an official proof which guarantees citizenship of the country and proves that they belong to this country and it cleared all the confusions about their legal status in the Bangladesh. These national ID cards are official document which help them to access many social services provided by the government and ensure their voting rights in elections. It gave a chance to them for participation in the political sphere of Bangladesh. These National ID cards also ensure birth registration of stranded Pakistani's new born babies who were under 18 years old.

Birth registration is also an important legal document which proves that these children were born in Bangladesh and they are Bangladeshi as other children in the country. These

legal documents played an important role in merging of stranded Pakistanis with the mainstream society. It would also help their children for better future in this country as compared to older generation of this community. It was a milestone which confirms their legal identity in Bangladesh which lacked for more than three decades (Redclift, 2011).

3.7. Access to Voting Rights and Public Services

Access of voting rights is a major development in the life of all eligible stranded Pakistanis since 2008. Access of voting rights helps them to choose their own candidate in the election. They felt very proud when political leaders visited their camps at the time of elections and then they realized that they are also an important part of the country and country needs their opinion in state's decision making process. Casting voting rights is not only a political right of this community but it also provided chance to fill the gap between stranded Pakistanis and other citizens of Bangladesh after a long period of alienation from the mainstream society. They felt that they belonged to this country and major part of this country. It also played an important role to boost their confidence level. Government was also aware of the suffering of this community, for example, in the budget of 2011 of Bangladesh, certain amount from the budget was allocated for the rehabilitation of this community. Moreover, there was an initiative also taken by the Bangladesh government and Malaysian government for the rehabilitation of this community. This agreement included the housing projects for stranded Pakistanis in Geneva and Mirpur camp in Dhaka city (UNHCR 2009).

3.8. Physical Development in the Camp's of stranded Pakistanis

It is noticeable that after 2008 physical development inside the camp took place only in Geneva camp. A project had started in Geneva camp regarding clean water which provided clean water to the camp dwellers and it is relatively clean and without smell. The numbers of toilets increased to about 30 to 40 for male and females in the camp with water and electricity connections. These all developments were done by the local MP and Ward Commissioner of Mohammadpur area. In the centre community camp road was renovated and was made permanent in nature and were more convenient to use. Toilets were renovated in staffs' quarter camps also. On the other side as per the reports it was

claimed by stranded Pakistanis that physical developments in the camp area were initiated by the community people with help of some NGOs and there was lack of government cooperation (Persoob, 2014).

3.9. Social integration

The legal verdict of citizenship had impact on stranded Pakistanis integration with Bangladeshi society. Allotment of national ID cards were made easy for them and they got more access to the schools and employment outside the camps. However, still there is much more development needed in terms of education and employment opportunities because many children from camp still has failed to achieve high level education. The primary reason of low literacy rate in the camp is their economic problems of the camp dwellers and due to this reason. It is very difficult to manage higher studies of their children.

Attainment of national ID cards opened the gate of economic opportunities for stranded Pakistanis of easy access of employment opportunities which was denied earlier in the absence of citizenship right but still stranded Pakistanis faced problems to find jobs outside the camps. The camp address was mentioned on their identity cards. For example those camp dwellers that lived in Geneva camp have no “Proper Address” and only name of the camp is mentioned on their ID card. Camp dwellers have no proper postal address and because of this they are discriminated in the jobs outside the camp and unfortunately job applications of stranded Pakistanis are rejected (Sholder 2011).

3.10. Enhancement in the confidence of stranded Pakistanis

Legal verdict came with the psychological changes among the stranded Pakistanis. It increased the moral strength of stranded Pakistanis in the camp after 2008. It gave the opportunity to the young generation of the stranded Pakistanis to stand up for their rights. High Court decision provided a strong platform to stranded Pakistanis for claiming their citizenship rights in the country. It should be notice that worries about eviction from the camps can be analyzed by several factors. Members of stranded Pakistanis now have the voting right in Bangladesh. The right of voting in the election filled them with the sense

of security because their votes are now important for the political parties. Stranded Pakistanis can use this political right as a tool for bargaining with the government for their rights to remain in the camp lands. It can secure their land and housing rights in exchange of their vote. Another factor that decreased the possibilities of their eviction from the camp land is establishment of schools, medical clinics, and mosques in the camps. Presence of these structures was problematic and controversial for eviction process of stranded Pakistanis from the camp. It is recommended that camp land should be transferred to the camp dwellers on the 99 years lease (Persoob, 2014).

3.11. Policies regarding stranded Pakistanis after citizenship status

The CDC (Community Development Cooperation) project started in 2007 and it raised fund from the well wishers of the stranded Pakistanis. In the premises of Al-Falah-Model clinic the first foundation school was started. In 2010, foundation schools were increased in terms of numbers and 40 foundation schools were established throughout Bangladesh in various camps like Mirpur, Mohammadpur, Chittagong, Bogra, Khulna, Rangpur, and Syedpur. In 2009 and 2010 CDC was supported by a USA based donor agency “Target International Giving Program (TIGP)” but it was very unfortunate that CDC did not get any financial assistance in 2011-2012. As a result the numbers of foundation school close down to 30 in 2012 and sponsorship programs were also reduced due to lack of financial assistance. In 2013 CDC got one year financial support from Target International Giving Program (TIGP). The major goal of the CDC is to increase educational opportunities for children of stranded Pakistanis. The primary objective of CDC is to provide education to the children who have been living in camps and it provided chances to this community to participate in the mainstream society (Al- falah, 2012).

It was reported that on March 4, 2010, Dhaka City Corporation (DCC) announced that multi-storeyed modern apartments would be build for stranded Pakistanis at the Geneva Camp in Mohammadpur area. The cost of construction was Tk. 1259.62 Crore. The planed was to build 45 buildings at the land of Geneva and Town Hall Camp. Each building would have the capacity of accommodating 126 families (a total of 5,670 families). It was reported that LGRD Minister Syed Ashraful Islam and Deputy Jahangir

Kabir Nanak were in favour this project which would have the capacity to provide each family with a 575 square-foot apartment with two bedrooms, one toilet, a common space, and a kitchen. It was seen as an ideal plan but many questions emerged that time like how would be amount fixed of rent for camp dwellers and how this project will be financed. The main question was that stranded Pakistanis lived in camps with no rent and other bills because camp dwellers were unable to pay any money to government due to their fragile economic condition. This is one of the main reasons that most of the camp dwellers could not managed to live out the camp. Another question was that where will the camp dwellers shift during the construction? Unfortunately this project was not successful. The same cases were also seen in the other countries like in India city corporations in Mumbai and Calcutta failed to relocate slum dwellers high rise apartments, and even in the United States, public housing projects were failed such as Cabrini Green in Chicago. On the other hand some projects got success in the rehabilitation of camp dwellers such as work of the Urban Partnerships for Poverty Reduction (UPPR) project in urban slums in the country. These projects became successful because it was led by the camp dwellers and actual needs were addressed which government and any other agencies could not identify. All successful projects were bottom-up community-led projects and those project supporting top-down rehabilitation projects were not successful like Dhaka City Corporation (DCC) project.

Actually the construction of high-rise apartments could not fulfil the needs of camp dwellers. Many camp dwellers have their pet animals like goats and other animals as part of their trades. It was not possible to accommodate camp dwellers with their animals in the high-rise apartments but they could be accommodated in low-rise houses. For better rehabilitation projects some organization had to work with camp residents like Centre for Urban Studies and NDBUS which started to work with the camp residents in Dhaka to develop ideas for such housing projects. It presented their idea regarding improving the housing and infrastructure in their publication “Low Cost Housing Design for the Urban Poor” (2010) and presented the innovative designs for rehabilitation in Dhaka-based slum settlements in Korail, Rayer Bazar, and Kalshi (Sholder 2011).

In July 2013, first community based paralegal network was set up by the council of minorities with the help of Namati and Nagorik Uddyog. Actually Namati is an international organization and Nagorik Uddyog is Bangladeshi NGO. The council of minorities' paralegal programs helps stranded Pakistanis to obtain legal documents. It creates the awareness within the community for acquiring the legal documentation like birth certificate, passport etc. Paralegal programs played an important role in providing a collection of data related to stranded Pakistanis which helps the government to know stranded Pakistani's experience regarding state services and administration process. This important data about stranded Pakistanis helps the government to make effective government policies and changes for further developmental action. The paralegal program was established in various camps such as Mirpur, Mohammadpur camp in Dhaka, Mymensingh, Khulna, Chittagong and Syedpur. This paralegal work is supervised by the council of minorities and training is provided by the BLAST. The main function of this paralegal program is to resolve civil legal issues and provide all the data about stranded Pakistanis to the government for effective policy making as per the reports. On 22 January 2015, the ministry of home affairs confirmed in writing about the citizenship status of stranded Pakistanis and there was no official policy which denied the citizenship status of this community. In fact in 2009 an order was issued by the ministry that camp residents with the national identity card could be issued with passport. The council of minorities helped the applicants for acquiring their passports (O'Neil, et.al. 2015).

3.12. Social identity and difficulties in accessing rights after becoming the citizens in Bangladesh

Stranded Pakistanis got citizenship of Bangladesh in 2008 but problems of stranded Pakistanis not resolved even after receiving citizenship rights. They had to face various problems to exercise their citizenship rights in the country. As a survey report which was done by Tasmia Persoob in the article "Social Identity and Its Impact on the Camp Based Urdu Speaking Community in Bangladesh (2014)", this survey was done on 200 people from stranded Pakistanis in which their personal opinion was recorded and they shared their experiences of difficulties in accessing rights. They have to face major problems in exercising their citizen's rights due to their camp address. The slum-like conditions of

these camps is major hurdle towards their standard living. The unhygienic and dirty environment is a major obstacle in their lives. It affects their mental and physical health. On the other side camp address became hurdle in accessing public services financial support from institutions and police assistance etc. Camp address created vulnerable environment for the camp dwellers and affected their right to work like other citizen of this country. They had to face inconvenience in the getting passport, bank books, and trade licenses due to their camp address. Theoretically after the legal verdict of their citizenship in 2008, they were now eligible to get equal rights as other citizens and public services without any obstacle but practically they are unable to avail all benefits which they are eligible to avail theoretically. In real life it was seen that their identity as camp dwellers separated them from practical accessing of rights. Their legal identity as citizens of this country became weaker than their identity as camp dwellers. These people are seen as a 'Stigmatized Group' by general people due to their past. Initially they were a migratory group, they are different in terms of linguistic aspect, all these factors were responsible for their social exclusion as camp dwellers and perceived negatively as a 'stigmatized group' by general people.

3.13. Camp's Haunting Past and Linguistic Difference

According to the 2003 UN Habitat Agenda adequate shelter means to have more than a roof over one's head. It also means to have adequate privacy; adequate space; physical accessibility; adequate security; adequate basic infrastructure, such as water-supply, sanitation, and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost (article 60). It also states that, "Within the overall context of an enabling approach, according to Article 61 Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing (Sholder 2011).

Social identity of stranded Pakistanis was linked with their linguistic difference in the country. Their past as migratory group and their participation in the liberation war constructed a negative image in the mind of general people of Bangladesh for them. In

fact legal verdict of their citizenship did not eradicate their negative image as stranded Pakistanis or ‘Mohajir’ which meant refugees. The history of stranded Pakistanis in terms of their participation in the liberation war labelled them as ‘Razakars’ (associates of enemy) and still this social stigma alienated this community from the main stream of the society. According to Bangladeshi Constitution, A person should not be discriminated on the basis of religion, nationality, caste, sex or place of birth but language factor is missing from it. After past incidents of stranded Pakistanis, language was second most important reason behind the problems of stranded Pakistanis. Bangladeshi nationalism was based on the Bengali language and linguistic difference became the reason for their alienation from the mainstream society because of legal verdict, the stranded Pakistanis were able to enjoy voting rights, right to nationality and many other citizen rights for the first time since they became stranded in Bangladesh. Change in their legal identity as citizen impacted their access of rights in the country but the social stigma as stranded Pakistanis also attached with their image and affected their further accessing rights (Persoob, 2014).

3.14. After Citizenship Continuing Problems

2008 court ruling has a symbolic and psychological value. After the court ruling it was assumed that stranded Pakistanis would come into the mainstream and legal verdict would be made easy but court ruling has failed to combat official and social discrimination. The identity of stranded Pakistani’s as camp dwellers continuously has been an obstacle for the access of the government jobs and other entitlements (Hussain 2012). Legally stranded Pakistanis became Bangladeshi citizens and Bangladeshi government accepted them as their citizens but still there is lack of cooperation between stranded Pakistanis and other citizens of Bangladesh. Discrimination against stranded Pakistanis is still continuing. Life of stranded Pakistanis has not changed yet (O’Neil, et.al. 2015).

Since the legal verdict of citizenship, problems and condition of stranded Pakistanis have not changed yet. Discrimination with the camp dwellers is still a common factor of their life. On the other side Court ruling increased fear within the community of stranded Pakistanis because some people from this community had a fear that after legal verdict of

their citizenship and applying national ID cards could be the reason for their eviction from camps. They assumed that after achieving citizenship they would have to pay rent for their camp residence and other bills related to water and electricity because after citizenship right they would all come under same category as other citizens of Bangladesh and like other citizens they also have to follow countries rule and regulations (O'Neil, et.al. 2015).

It was observed that after legal verdict quarrels between stranded Pakistanis and other people still continued. Many times local elites and local government bodies agitated Bengalis to attack stranded Pakistanis rather than resolving the conflict. On the other hand stranded Pakistanis did not want to approach government bodies or law enforcement agencies on the basis of their previous bitter experiences. The community of stranded Pakistanis had to deal with local mastans who exploited them. Actually local mastans demanded money from them which was donated by foreign or Islamic NGO to the stranded Pakistani. During the distribution of relief fund to the stranded Pakistanis problematic situations emerged between local mastans and stranded Pakistanis. Stranded Pakistanis are no more stateless or refugees as compare to other refugees like refugees from Myanmar but still they live in camps with inhuman condition (Khan and Sammadar 2011).

As per the Article 25 of the United Nations declaration of human rights; “Everyone has the right to a stranded of living adequate for the health and well being of himself and of his family” but this declaration does not fit on the condition of stranded Pakistanis because they are still deprived of a standard living. After the general election of 2008, a significant announcement had been made by the Bangladeshi government. It was announced that a massive project to construct 45 high-rise building at Mohammadpur to rehabilitate many stranded Pakistanis from Geneva camp. It was announced by the Dhaka city cooperation. In the year 2011-2012, during the announcement of national budget of Bangladesh, the finance minister Mr. Abdul mall Muhith had been announced budget for land management and housing sector. In the history of stranded Pakistanis it was the first official budget announced for rehabilitation of the non Bengalis of Geneva camp at

Mohammadpur in Dhaka but there was no visible sign for the compliance of the announcement. In most of the cases stranded Pakistanis are not getting passport and other legal document because some concerned authorities in the ministry of home are not aware of the legal verdict of court regarding citizenship of stranded Pakistanis but when the legal verdict is shown to them they cannot refused. (Illias 2012).

3.15. Conclusion

Stranded Pakistanis were against the liberation war of Bangladesh. They sided with Pakistan and in favoured of operation of Pakistan over Bangladesh. In 1971, Bangladesh got independence and Bihari community in Bangladesh was became stranded. As far as perspective of Bangladesh is concern Bangladesh was from the very beginning in favoured of repatriation of stranded Pakistanis to Pakistan. Bangladesh tried every possible way for repatriation of stranded Pakistanis to Pakistan. On the domestic level government of Bangladesh never collected any accommodation rent from the camps of stranded Pakistanis. In course of time views of stranded Pakistanis on repatriation to Pakistan has changed and new generation more focuses on rehabilitation in Bangladesh. In a result stranded Pakistanis applied for their citizenship in Bangladesh. A group of ten camp dwellers filed a petition in Bangladeshi High Court for their voting rights in the country. Fortunately, legal judgment came in favour of stranded Pakistanis but it was limited only for the petitioners. In 2007, again stranded Pakistanis filed petition for their citizenship rights but that time it was filed on the behalf of whole community of stranded Pakistanis who want to be a citizen of Bangladesh. Fortunately again legal verdict came in the favour of stranded Pakistanis and they were registered for the voting cards. Legal verdict regarding the citizenship status of stranded Pakistanis comes with many positive effects like it gave chance to this community to social integration. It provides them a legal status and provides platform for further empowerment. Council of Minorities is working for the betterment of stranded Pakistanis with national and international NGOs like Namati and Nagorik Uddyog. But unfortunately stranded Pakistanis still treated as enemy who fought against Bangladesh. Government of Bangladesh should focuses on current problems of stranded Pakistanis and identified the obstacles which hurdle in the development of stranded Pakistanis

Repatriation process of Stranded Pakistanis and Pakistan's Response

4.1. Prologue

Initially stranded Pakistanis were welcomed by the Pakistani ruler due to their similarities in religion, language and culture. On the basis of all these resemblance stranded Pakistanis got all attention from the rulers of Pakistan. As a result stranded Pakistanis opposed the liberation war of Bangladesh and they also stood with West Pakistan in the time of Language movement in 1952 and general election of 1970 as well. Issue of stranded Pakistanis emerged after the independence of Bangladesh when Bangladesh denied to accepting citizenship of Stranded Pakistani. Approximately 300,000 Biharis have been living in 66 refugee camps in Dhaka, Chittagong, Khulna, Mymansing, Rangpur, and Jessore of Bangladesh. UNHCR does not recognize them as refugees which was the reason behind the deprivation of benefits of refugee. On the other side Pakistan reluctant to accept them as its citizens but with efforts of Bangladesh repatriation process was started. Repatriation process was started in 1973 and last repatriation had done in 1993. Still some stranded Pakistanis want to repatriate to Pakistan but this issue was always affected by many factors like Pakistan's political instability, local domestic process and fragile economy.

4.2. Introduction

The issue of stranded Pakistanis emerged with independence of Bangladesh. Ownership of stranded Pakistanis was cancelled and they became stateless community. This issue was not easy to resolve but unnecessary delay has made it more complicated. On the other side neither Pakistan accepted them as their citizens nor stranded Pakistanis wanted to be citizens of Bangladesh and in a result of Urdu speaking community became stateless. Stateless people are those people who have no legal nationality of any country. Initially they were displaced at the time of partition of India in 1947 because of and religious riots and they were accepted by the Pakistan and they got nationality of Pakistan

in accordance of Pakistan Citizenship Act of 1951, but after the emergence of Bangladesh Pakistan refused to accept them as their citizens. (Paulson 2006).

The Universal Declaration of Human Rights article 12(4) clearly stated about the right of citizen specially “the right of a national to return “. On the basis of this declaration stranded Pakistanis have right to return and Pakistan should accept them but reality is different. In this regard Pakistan violated the international rules due to Pakistan’s selective acceptance of stranded Pakistanis in their changed territory and a large number of people became stranded after the denationalizing of stranded Pakistanis. As per the Universal declaration of Human rights, Article-24(3) “Every child has the right to acquire a nationality.” But the in reality around 11 million people are stateless they have no citizenship of any country due to ethnic conflicts, communal war and in the state formation. Stranded Pakistanis are still Pakistani nationals according to the Pakistan Citizenship Act 1951. As per the Section 3(d) of Pakistan Citizenship Act 1951 “At the commencement of this Act every person shall be deemed to be a citizen of Pakistan who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan subcontinent outside those territories with the intention of residing permanently in those territories”. As per the Pakistani citizenship law stranded Pakistanis are the citizens of Pakistan but they became stateless when Pakistan refused to accept them as their citizens (Zahed 2013).

4.3. Repatriation Process of Stranded Pakistanis

After the Independence of Bangladesh Bihari community became stranded in Bangladesh. In 1972-73 Stranded Pakistanis were offered two options by Bangladesh either to accept Bangladeshi citizenship or stay here or repatriate to Pakistan which they could register through UNHCR and International Committee of the Red Cross (ICRC). In 1973, the UNHCR took initiative and became involved in the issue of stranded Pakistani to help them and ensure their repatriation process to Pakistan. The International Committee of the Red Cross (ICRC) also working side by side with UNHCR to ensure the repatriation process of stranded Pakistanis. First, these organizations settled Stranded Pakistanis in different camps on the temporary basis and started registration for

repatriation to Pakistan. It was reported 539,639 stranded Pakistanis registered themselves for repatriation. According to ICRC, 95 per cent stranded Pakistanis wished to go Pakistan and 5 per cent to India due to belief of stranded Pakistanis that they are not safe in Bangladesh and their future lies in Pakistan not in Bangladesh (Sen 2000).

Stranded Pakistanis were not ready to stay in Bangladesh due their fear of being targeted by the Bengali people in the Bangladesh because stranded Pakistanis were against the liberation war of Bangladesh and they favoured of the West Pakistan. Hence two third of the population of stranded Pakistanis chose to repatriate to Pakistan. On the other side Pakistan was reluctant to take them back as their citizens. One year after the independence of Bangladesh, Prime Minister of Bangladesh, Sheikh Mujibur Rehman, brought the repatriation issues of stranded Pakistanis before Secretary General of UN, Kurt Waldheim to resolve the issue of repatriation. On the other side from the very beginning Bhutto government was not in favour of the repatriation process of stranded Pakistanis due to Pakistan's fragile economy and domestic resistance. (Mantoo, 2013)

The Shimla accord of July 1972 played an important role to normalize relationship between India and Pakistan. It also took initiative to influence Dhaka to settle the trilateral problems between India, Pakistan and Bangladesh. As a result, New Delhi Agreement was signed on 28 August 1973. (Farzan, 2008).

It was the first positive step towards the possible repatriation process of stranded Pakistanis. This agreement has clearly stated that:

1. The Government of Pakistan initially agrees to receive a substantial number of stranded Pakistanis who opted for repatriation to Pakistan from Bangladesh.
2. Pakistan and Bangladesh together will decide what additional number of people who wished to repatriate Pakistan may be permitted to do so.

On the basis of this Memorandum, Pakistan agreed to accept three primary groups for repatriation to Pakistan which were:

1. Persons who are domiciled in what was West Pakistan.
2. Employees of the Central Government (of Pakistan) and their families; and

3. Members of the divided families irrespective of their original domicile and thereafter 25,000 others who constitute hardship cases.

According to these conditions, it covers all those individuals who have permanent residents in the West Pakistan but earlier they had gone to East Pakistan on the temporary basis. Actually these conditions covers all employees of the federal Government (of Pakistan) and their families, and a small number of hardship cases, it includes orphans, widows and others who have no immediate relatives in Bangladesh (Farzana 2009). In the meantime prime minister of Bangladesh Mujibur Rahman took initiative in the exchanging of Bengali with Bihari (stranded Pakistanis) to Pakistan. Bangladesh was willingly ready to accept Bengalis from Pakistan and the registration of 128,000 Bengalis had been done. But on the other side Pakistan agreed to accept only 58,000 military personnel, former civil servants, members of divided families and 25,000 hardship cases, totalling 83,000(Sen, 2000).

Pakistan agreed on the basis of New Delhi agreement in 1973 and reiterated that Pakistan was ready to receive all those stranded Pakistanis who fall under these categories without any limit as to numbers. The applications for repatriation had been rejected by Pakistan on the basis of various reasons. On the basis of mentioned categories, Government of Pakistan denied citizenship to other stranded Pakistanis which were in a large numbers and wished to be repatriated. First, it can be argued that why all railway employees were not included in the category of central employees. They should be considered in that category because since the service tenure and other conditions were same to the other central employees. As a result many stranded Pakistanis who applied for repatriation their applications had been rejected. Government of Pakistan violated its own category people by not accepting railway employees as central government staff. Second, it was also problematic that Pakistan unilaterally determined the people who fall under the category of divided family. It was more restrictive.

It was reported around that 75 per cent of stranded Pakistani's families were separated due to the unilaterally definition of Pakistan on divided families. It made more problematic of issuance of clearance documents because grand-parents, parents,

unmarried siblings were not considered as part of the same family. On the Bangladesh side it was asserted that Pakistan should follow a broader and Islamic definition of the family because Pakistan's definition of divided families was too narrow and restrictive, which was based on the western concept of the family. Third, it was decided by Pakistan and Bangladesh that the persons who repatriate to Pakistan as hardship cases would be examined on the basis of other two categories if they come under the remained then additional hardship cases. On the other side Pakistan limit the number to 25,000 of hardship cases. In reality, many stranded Pakistanis remained in Bangladesh due to reluctance of Pakistan (Sen 1999).

After this agreement several phases of repatriation took place with the help of International Committee of Red Cross (ICRC). It was reported that 1973 to April 1974, around 170,000 stranded Pakistanis were repatriated to Pakistan for the first time (Farzana, 2008). This agreement also played an important role in recognition of Bangladesh by Pakistan and finally Pakistan recognized Bangladesh on 22 February 1974. After the recognition of Bangladesh another agreement was signed for the possible repatriation of Stranded Pakistanis in the second meeting of the three countries' foreign ministers in New Delhi on 9 April 1974 and New Tripartite Agreement was signed. It is noticeable that Pakistan would accept only those people who fall under the three category and treated the question of stranded Pakistanis repatriation as "hardship cases" rather than as a legal obligation. It was the hurdle to repatriation of other stranded Pakistanis who did not fall in the three mentioned category but wished to be repatriated to Pakistan because they believed themselves as Pakistani citizens not as Bangladeshi citizens and do not feel secure in the Bangladesh on the other side clearing process from Pakistan's side was slow which made repatriation issue more problematic. It clearly indicated the failure of Bangladesh on the issue of Stranded Pakistanis repatriation because a large number of Stranded Pakistanis who were not falling in the mentioned category wanted to repatriate to Pakistan and on the other side, Pakistan was reluctant to take all stranded Pakistanis. (Persoob 2014).

After the initial repatriation took place Pakistan clearly showed its negative attitude towards the issue of stranded Pakistanis and denied to accept remaining stranded Pakistanis in Pakistan. In June, 1974 during the Mujib-Bhutto talks in Bangladesh. It was requested by Mujib to Bhutto that Pakistan should accept remaining stranded Pakistanis who wanted to repatriate to Pakistan but Bhutto clearly refused by saying that “I have not come to Bangladesh with a blank cheque”. Bangladesh was in domestic and economic pressure to resolve the issue of stranded Pakistanis. Mujib took this issue very seriously and raised the issue in the Third World Committee of the United Nations General Assembly (UNGA) in December 1974 and Commonwealth leader’s conference in Jamaica in May 1975 but the issue of Stranded Pakistani’s repatriation was not resolved and diplomatic initiative of Mujib did not come with any positive result. Moreover, the repatriation issue of stranded Pakistanis was slowed down after the assassination of Sheikh Mujibur Rahman in 1975. The military government of General Ziaur Rahman of Bangladesh restarted to work to resolve the issue of stranded Pakistanis after the Mujib regime (Mantoo 2013).

In 1976, Bangladesh took initiative to restart the repatriation process and requested to resume the repatriation. In the response to resume the process Saudi Arabia offered a C-130 transport plane, and Qatar and Kuwait contributed \$500,000 and \$50,000 respectively. In August 1977, Pakistan accepted 25,000 refugees in the hardship category but these were not the new entries. Actually they were the remaining stranded Pakistanis as per the agreement signed in 1973. As per the reports subsequently, 4,790 people out of 25,000 were repatriated but again the process of repatriation was stopped due to Pakistan’s internal political instability and again repatriation process hanged in the middle (Sen 2000).

Bangladesh again took initiative to resolve the issue and Bangladesh Foreign Secretary visited Pakistan in July 1978 and requested Pakistani officials to restart the process of repatriation of Stranded Pakistanis. But this time number of Stranded Pakistanis reduced from 25,000 to 16,000 by Pakistani Government. After that another 2800 Stranded Pakistanis had been repatriated in September 1979 with the help of UNHCR and Saudi

Arabia and Libya financed this repatriation venture. During this time a former British Parliament Member (MP) Lord Ennals played a significant role in resolving the issue of repatriation. He met with President Zia of Bangladesh and President Zia-ul-Haq of Pakistan in 1980. As a result of his efforts another repatriation venture took place of 7,000 people (Mantoo 2013).

Later, In 1982 Geneva based International Council of Voluntary Agencies organized a conference in Geneva with initiative of Lord Ennals, which is commonly known as Geneva Conference. In this conference twelve different national and international organizations from different countries including Bangladesh were present during the conference. This conference stated that Biharis are Non Bangladeshi or stranded Pakistani (Zahed 2013).

The main reason behind this conference was to discuss the issue of Stranded Pakistanis and take important steps to resolve the repatriation issue of stranded Pakistanis. On the other side Stranded Pakistanis showed their deepest desire to repatriate to Pakistan. Pakistan could play a better role in this conference to take initiative to resolve the Stranded Pakistani's issue but Pakistan was not took part in that conference. Consequently, an international resettlement trust was established by Lord Ennals to resolve the process of repatriation of Stranded Pakistanis (Mantoo 2013).

Many initiatives took place after the Geneva Conference but an important development took place in 1983 when it was publicly announced by the President Zia-ul-Haq in Karachi that Pakistan would not have any reservations about the repatriation of stranded Pakistanis from Bangladesh, if the necessary fund were provided by donors. After that Foreign Minister of Pakistan visited Dhaka and took initiative of 50,000 more Stranded Pakistanis according to the second Delhi Agreement. In 1984, 6,000 Biharis were repatriated and resettled in Lahore with the help of Lord Ennal's Resettlement Trust. But the repatriation issue again slowdown and broke the patience of Bangladesh. Again this issue was raised by Bangladesh. This time it was raised in the Islamic Countries Foreign Ministers' Conference (ICFM) in Sana, to put pressure on the Pakistan to speed up the

process of repatriation. But this diplomatic effort by Bangladesh could not result well. In 1985, President Ziaul-Haq visited Bangladesh and addressed a delegation of stranded Pakistanis. He said under the agreement signed in 1973 for repatriation of stranded Pakistanis, Pakistan had already fulfilled its legal obligation and further repatriation would be possible on the availability of required funds.

It was very important to restart the repatriation process of stranded Pakistanis on the basis of higher demand. As a response to Pakistan in July, 1986 an agreement was signed between Pakistan and Saudi based Humanitarian organization Rabita Al-Alam-Al-Islam (RAAI) for resuming the repatriation process and mobilizing funds. It was reported that Pakistan's Government donated Rs.250 million while the RAAI contributed Rs. 50 million. It was assumed that with the help of remaining funds stranded Pakistanis would be repatriated to Pakistan in next three years but unfortunately with the sudden death of Pakistani President Zia-ul-Haq in 1988, again repatriation process stopped. Later, in 1989, to mobilize the funds a committee of the Trust was re-established and this time Mr. Yakub Khan was appointed its chairman but unfortunately it did not achieve success to repatriate remaining stranded Pakistanis as was assumed earlier (Mantoo 2013).

In Gen. Zia period almost 127,000 people were repatriated. In 1988 Gen. Zia died, and Pakistan Peoples' Party won the general election and Benazir Bhutto come in power with Mutthahida Qaumi Movement also known as Muhajir Qaumi Movement (MQM). Karachi Accord was signed between both the parties which were named as "Charter of Peace, Love and Rights" and repatriation process was the major point of agenda in this accord (Mahmood, et.al, 2015). She promised to resolve the repatriation issue and take immediate and effective steps towards the issue but soon faced challenges to resolve the repatriation issue of stranded Pakistanis due to domestic challenges from her home province of Sindh, where stranded Pakistanis decided to resettle from Bangladesh. Repatriation process of stranded Pakistanis faced serious challenges against them from the people of Sindh province and the assurance proved ineffective (Kaushik 1994).

In 1989, UNHCR and RAAI took joint initiative and Government of Pakistan agreed to take back first batch of 500 stranded Pakistanis from Bangladesh that year. In the meantime, the Foreign Ministry of Pakistan said that the amount of Rs.300 million was collected by Rabita Trust Deed which was not sufficient for the total repatriation program. On the other side various Sindhi nationalist organizations such as the Sindh National Alliance, the Awami National Party, the Sindh Student Federation and the Democratic Students' Federation put major pressure on the Benazir's Government. Various Sindhi nationalist organizations opposed the process of repatriation of stranded Pakistanis. On the other side opposition leader, the Chief Minister of Punjab, Nawaz Sharif took advantage of Benazir's dilemma. All these domestic and internal challenges of Pakistan, stuck the repatriation process of stranded Pakistanis time to time.

Due to all these factors Bhutto avoided the issue of stranded Pakistanis during her Dhaka visit in 1989. The issue of stranded Pakistanis became more complex during PM Nawaz Sharif's regime. He also faced domestic reluctance to accept stranded Pakistanis in Pakistan but despite domestic opposition, within a year of taking over power Nawaz Sharif tried to resolve the issue of stranded Pakistanis and speeded up the process of repatriation. Under the chairmanship of Nawaz Sharif, Rabita Trust Board (RTB) was established and under the supervision of this trust three committees were established on November 11, 1991 to make repatriation possible in speedy way. It was decided that in December 31, 1992 "symbolic repatriation" would start with the batch of 325 stranded Pakistanis of 63 families and after that repatriation process would continue phase by phase as funds became available. It was announced by the Prime minister of Pakistan Nawaz Sharif that an average of 8,000 stranded Pakistanis would be settled in every district of Punjab but unfortunately due to domestic protests against the repatriation Nawaz Sharif could not fulfil his assurance of "Symbolic Repatriation". In December, 1992 repatriation process of stranded Pakistanis stopped due to extensive floods in the Punjab province of Pakistan The scheduled visit of Punjab Chief Minister to Bangladesh was also postponed earlier (Mantoo 2013).

Finally a “symbolic repatriation” took place with the help of Rabita Al-Alam-Al-Islam on January 10, 1993 from Adamjee camp of Bangladesh. After a long wait finally 325 stranded Pakistanis were repatriated to Pakistan. But the “Symbolic Repatriation” was soon stuck due to the dismissal of Nawaz Sharif government in 1993 (Kaushik 1994). After one day of last repatriation there was a bomb attack which happened in the stranded Pakistani’s colony in Kotri. There were rumours that it was planted by the Sindhi militants. Since then there was no further repatriation happened and all official resettlement of stranded Pakistanis got major setback (Khan 2001).

Benazir Bhutto took charge second time after the dismissal of Nawaz Sharif government in 1993 but this time again process of repatriation suffered due to hard-line attitude during her second term in office. The issue of repatriation became more complex this time due to unhappy experience of Mrs. Bhutto’s earlier tenure and repatriation issue could not be resolved in her tenure (Mantoo, 2013)

In 1997 Nawaz Sharif again comes to power which raised some hope that repatriation process would be resumed. Nawaz Sharif announced repatriation process again when necessary funds were raised but this time no specific period was defined. In 1999, Nawaz Sharif clearly stated that stranded Pakistanis were not Pakistani citizens but Pakistan might take this issue on humanitarian grounds and might take them. In the same year, government of Nawaz Sharif was dismissed by the military coup (Khan 2001).

During Musharraf era, Prime Minister Mir Zafer-rullah Khan Jamali announced that he would resolve this issue of stranded Pakistanis and he would give full cooperation to the Pakistan Repatriation Council (PRC), for possible repatriation. Later on he announced that stranded Pakistanis would be rehabilitating in Baluchistan which was a very bold step. It was not successfully implemented as per the announcement because Baloch were also opposed to the stranded Pakistanis rehabilitation in their province. The issue was again dumped into cold storage with the change in government. Although, the New Delhi Agreement was legally bound for Pakistan to accept stranded Pakistanis. In 2004, the Lahore High Court issued a verdict that stranded Pakistanis are the citizens of

Bangladesh not Pakistan. Lahore High Court clearly stated that that love, affection, and relation could not be ground for citizenship right (Mahmood, et.al 2015).

After 1993 there was no other repatriation held. Initially Pakistan accepted substantial number of stranded Pakistanis, but in course of time Pakistan went under heavy pressure due to domestic political protests, and insufficient fund which pressured Pakistan to change its decisions. Many organizations also worked side by side to resolve the stranded Pakistanis issue of repatriation and rehabilitation. Some organization was in the favour of repatriation while others were working on the rehabilitation of stranded Pakistanis and was struggling for the equal rights. In this regard many organizations were established namely, Pakistan Repatriation Council (PRC) Stranded Pakistani General Repatriation Camp (SPGRC) and various humanitarian organizations like UNHCR, Rabita trust deed, Rabita Al-Alam-Al-Islam, The International Committee of the Red Cross (ICRC) played an important role in the repatriation process of Stranded Pakistanis (Mantoo 2013).

In Pakistan, Pakistan Repatriation Council (PRC) took the repatriation issue seriously and reminded government of Pakistan about the repatriation issue and legal obligations time to time. It was established by group of students who supported the repatriation of stranded Pakistanis (Mahmood, et.al 2015). In 1977, Stranded Pakistani General Repatriation Camp (SPGRC) was established in the support of stranded Pakistanis repatriation. This organization always tried to put pressure on both the government for repatriation of stranded Pakistanis and acceptance of them in Pakistan. Many hunger strikes, demonstration were done by stranded Pakistanis to put pressure for the issue of repatriation. They met Pakistani officials several time and issue has been raised many times but unfortunately no positive output came up (Paulson 2006).

Other several committees were also established in Bangladesh who did not raise their voice for repatriation, namely 'the Committee for Rehabilitation of Non-Bengali,' and Stranded Pakistanis Youth Repatriation Movement (SPYRM) with different objectives. They were more focused on rehabilitation of stranded Pakistanis in Bangladesh. They

demanded for the equal rights as other Bangladeshi citizens. These organizations were constituted by young generation of stranded Pakistani (BRAC 2007).

4.4. Deadlocks in the Repatriation of stranded Pakistanis

Domestic and political aspects have always affected the repatriation issue which is responsible for making repatriation issue more complex. In course of time changes occurred in the stranded Pakistani's ideology also where initially their only objective was to repatriate to Pakistan but now new generation was more focused on the rehabilitation and equal citizenship rights and privileges in Bangladesh. While many other stranded Pakistanis are also there who are still waiting for the repatriation to their imaginary home land Pakistan.

4.4.1. Pakistan's Domestic and Political Instability

Pakistan had already burden of more than 2 Million Afghan refugees which made repatriation process more problematic but Pakistan was legally bound to receive stranded Pakistanis from Bangladesh under the agreement of 1973 and 1974 which made Pakistan more responsible to the stranded Pakistanis. Whatever the reason behind the delay in rehabilitation of stranded Pakistan but it was fact that stranded Pakistanis have the right to repatriate to Pakistan (Mahmood, et.al 2015).

Repatriation process of stranded Pakistanis posed a big challenge before the government of Pakistan. Issue of repatriation of stranded Pakistanis faced major hurdles in Pakistan in the form of demonstration of local Pakistanis against stranded Pakistanis in major Sind towns, including Karachi, Hyderabad, and Larkana where stranded Pakistanis were repatriated. The Sind National Alliance, the Awami National Party, the Sindh Student Federation and the Democratic Student's Federation were against the repatriation process because they had a fear of becoming a minority in their state after the shift of stranded Pakistanis from Bangladesh to Sindh province. Saraiki speaking people of southern Punjab strongly opposed the resettlement of stranded Pakistanis in their province. On the other side *jamat-i-islami* and the Pakistan Democratic Party welcomed the stranded Pakistanis (Kaushik 1994).

Stranded Pakistan decided to rehabilitate in Sindh province of Pakistan where already there was a large number of immigrants (Muhajirs) who migrated from India to West Pakistan as refugees after the partition of Indian subcontinent. There were ethnic clashes between Sindhis and immigrants (Muhajirs) on the basis of distribution of economic resources, jobs and employment. In 1980, Muhajir had formed the separatist Muhajir Quami Movement (MQM) Party. They were the main supporters of stranded Pakistanis and were in favour of repatriation of stranded Pakistanis. On the other side another nationalist party, the Sindh National Alliance was not in favour of repatriation of stranded Pakistanis. They had a fear that if new migrants would come in their province, they would become minority in their province and stranded Pakistanis would join the other migrants which would make them weak. Party politics clearly impacted over the issue of stranded Pakistanis (Farzana 2009).

A large number of stranded Pakistanis rehabilitated in Sindh province where they were opposed by the local Sindhis who were against the repatriation and settlement of stranded Pakistanis in their province. They assumed that if stranded Pakistanis rehabilitated in their province, economic opportunities would shrink and their political interest would be suffered. In the view of Sindhi's strong opposition for stranded Pakistanis, Nawaz Sharif switched stranded Pakistanis repatriation from Sindh to Punjab. As per the reports Nawaz Sharif planned to construct fifty thousand housing units in the selected eight district of Punjab, with the cost of approximately ten billion rupees. Unfortunately this plan was not successful due to bureaucratic inertia and insufficient fund. On the other side Punjabis also opposed the settlement plan. In 2002, a delegation of the Stranded Pakistanis General Repatriation Committee (SPGRC) was assured by the President Musharraf in Dhaka that every possible step would be taken by Pakistan to resolve the issue. In this regard, Pakistan, Bangladesh and SPGRC decided a trilateral conference which sort out the ways to resolve the issue but unfortunately no change occurred in the issue (Mahmood, et.al, 2015).

4.4.2. Ideological differences within the community of stranded Pakistanis

The generation gap can also be seen in stranded Pakistanis. Younger generation of stranded Pakistanis demanded citizenship rights in Bangladesh because they had never seen Pakistan. They were born and brought up in Bangladeshi soil and considered themselves as Bangladeshi not Pakistani. They were not involved in the liberation war of Bangladesh in 1971. They claimed their citizenship as per the constitution of Bangladesh on the ground of their birth. Many other young stranded Pakistanis claimed equal minority rights like other minority groups in Bangladesh like Hindu, Buddhist and Christian community and fair opportunities to work also. They wanted to be a citizen of Bangladesh and not to be repatriated to Pakistan while the older generation stranded Pakistanis still wanted to be repatriated to Pakistan (BRAC 2007).

As per the reports of Refugees and Migratory Movements Research Unit (RMMRU) conducted a survey in 1993, which was conducted in Mohammadpur Geneva Camp, Tejgaon Camp and Mirpur Camp, 51 households were included in this survey where 59 per cent of stranded Pakistanis identified themselves as Bangladeshi citizens and did not want to be repatriated to Pakistan. They demanded equal rights like Bengali people of Bangladesh, whereas 35 per cent people identified themselves as Pakistanis and want to be repatriated Pakistan. Rest 6 per cent of people did not comment on that. Majority of young generation of stranded Pakistanis opposed the dream of older population- to be relocated in Pakistan (Mantoo 2013).

Another survey was conducted in 1997 by the Research and Migratory Movement Research Unit (RMMRU), which shows that 59 per cent people from the Stranded Pakistani community were identified as Bangladeshi citizens and did not want to be repatriated. They believed that their future will be safe in Bangladesh not in Pakistan (Ahmad 2003).

According a survey which was conducted in Mirpur Muslim camp shows data regarding their opinion about Bangladeshi identity. 34.2 per cent people were born in Bangladesh

before 1971. 15.8 per cent people were born in India, 32.5 per cent people were born in inside the camps and

17.5 per cent people were born outside the camp. Only 10.8 per cent people were comfortable with their Pakistani identity but 54.2 per cent people were comfortable with the Bangladeshi identity and identify themselves as Bangladeshi nationals. 16 per cent people were identify themselves as Urdu speaking community and almost 19 per cent people comfortable with the identity of Biharis or Indian (Afroz 2011-12). while according to baseline survey of Al-Falah, 64 per cent people were identify themselves as Bangladeshi and 9 per cent were identify themselves as Pakistanis. (Al-Falah Bangladesh 2005). In CRO camp 98 per cent respondents from the 60 families were comfortable with Bangladeshi identity. (Sholder 2011).

Stranded Pakistanis and Bangladesh government time to time reminded Pakistan Government about the issue of stranded Pakistan and reminded about their demand for repatriation. But after 2008, Bangladesh High Court granted citizenship to Pakistanis. In this regard, repatriation issue got major setback and who opposed the repatriation of stranded Pakistanis took this judgment as evidence to stop any repatriation. After this judgment many other young people of stranded Pakistanis expressed their feeling to be Bangladeshi citizens but still there are some numbers of people who thought themselves to be Pakistanis and still wanted to repatriate (Siddiqi 2013).

They still assumed themselves to be Pakistani's citizens and were waiting for the further repatriation to Pakistan. In 2009, again a petition was filed by stranded Pakistanis for the purpose of repatriation to Pakistan. It was filled by the representative of the Stranded Pakistanis General Repatriation Committee. Advocate Rashid-ul-Haq Qazi was filed this petition in the hope of repatriation which process would again resume and they would become Pakistani citizens. He contended that last repatriation was held in 1993 and a group of 325 stranded Pakistani were repatriated and rehabilitated in the province of the Punjab (Pakistan). Moreover he informed the Supreme Court of Pakistan that still there was stranded Pakistanis in Bangladesh who were declined the nationality of Bangladesh due to their patriotic feeling of the Pakistan (Ghazali 2015).

In 2015, Supreme Court of Pakistan rejected the petition which was filed by the representative Advocate, Rashid-ul-Haq Qazi from Stranded Pakistanis General Repatriation Committee of Bangladesh. The court clearly stated that petitioner had no valid point because it could not satisfy court with its arguments and plea was dismissed. On March 30, 2015 the Foreign Ministry of Pakistan said “ Stranded Pakistanis ” are not the responsibility of Pakistan because Pakistan has already repatriated a large number of stranded Pakistanis as per the agreement and now they are the responsibility of Bangladesh. It was reported that Pakistan foreign office a large number of stranded Pakistanis accepted the Bangladeshi citizenship after the landmark ruling of Bangladesh High Court regarding their citizenship in 2008. The young generation of stranded Pakistanis accepted the citizenship of Bangladesh and a large number of people did not want to repatriate to Pakistan. There are differences in the opinion of stranded Pakistanis (The daily observer, 2015).

4.5. Conclusion

Stranded Pakistanis were become stateless during the time of liberation war of Bangladesh. Reluctance of Pakistan to accept them as their citizens made them stranded. They are living in refugee camps with unhygienic conditions. They have no proper facilities of nutrition, sanitation, education, and medical facilities. Initially all stranded Pakistanis wanted to repatriate to Pakistan. UNHCR and ICRC played a vital role in the repatriation of Pakistan. The repatriation process of stranded Pakistanis was suffered by the negative attitude of Pakistan towards the issue of stranded Pakistanis. Many times repatriation process had stopped and stranded Pakistanis suffered. Two agreements were signed for start the repatriation of stranded Pakistanis. In 1973, “The New Delhi Agreement” was signed and in 1974, “The Tripartite Agreement” was signed. Unfortunately, the repatriation process was stopped in 1993. After 1993, no further repatriation has done. Repatriation process of stranded Pakistanis was suffered by the negative attitude of Pakistan towards the issue. Many factors were impacted on the issue of stranded Pakistanis such as fragile economy, political instability and domestic pressure of Pakistan. Still many stranded Pakistanis want to repatriate to Pakistan. The

government of Pakistan and Bangladesh should restart the repatriation process by political honesty and willingness. Stranded Pakistanis should get the chance for repatriation those still have dream to repatriate to Pakistan.

Conclusion

In 1947 partition of two nations took place on the basis of religion and at that time communal riots was on the full swing. Many people became refugees and they took shelter in West Pakistan and East Pakistan (Bangladesh). Those Urdu speaking refugees came from Bihar, Madhya Pradesh and Rajasthan of India. They are known as Biharis as most of them came from Bihar province of India. They were welcomed by the rulers of Pakistan because they have the cultural and religion similarities. They received citizenship of Pakistan and were patrons by profession provided by government. They supported Pakistan during language movement in 1952 and at the time of liberation war of Bangladesh. The victory of liberation war by Bengali Muslims created Bangladesh as an independent nation. They did not recognize them as citizens of Bangladesh. Relatively a large number of Pakistanis known as the Bihari community had been stranded in Bangladesh since 1971. These Bihari community people were stateless since the creation of Bangladesh till 2008. Stranded Pakistanis or Biharis suffered from identity crisis of being Bangladeshis and Pakistanis or being refugees and minorities that were deprived of fundamental rights.

Initially most of the stranded Pakistanis wanted to repatriate to Pakistan when Bangladesh emerged as an independent nation and Pakistani army surrendered after the liberation war of Bangladesh in 1971. They believed that their future was connected with Pakistan and they could not survive in Bangladesh due to their linguistic similarities and loyalty towards Pakistan. They always believed themselves as Pakistanis and were pro Pakistani and pro Islamic forces in nature. As a result of their loyalty with Pakistan, they joined Pakistani army to repress the liberation war of Bangladesh but on 16 December 1971, Pakistani army surrendered and Bihari community became stranded in Bangladesh. Stranded Pakistanis became the target for Bengali people in Bangladesh as they supported Pakistan and were against the independence of Bangladesh. As a result, many stranded Pakistanis fell the pray to Bengali people and were killed mercilessly. Their properties were confiscated by the new government of Bangladesh and they were evicted

from their well established houses. They took shelter in camps and wanted to repatriate to Pakistan. They believed that their future lies with Pakistan and they are not safe in Bangladesh.

The community of stranded Pakistanis faced discrimination in every sphere of life in Bangladesh. As far as human rights are concerned, it was also violated in the case of stranded Pakistanis. They were also deprived of national protection or state security. Due to their vulnerable condition, they fall prey for criminal activities. Stranded Pakistanis are living in camps with unhygienic environment which is very inhuman in nature. They are suffering from many problems in camps like there are no proper health care facilities. People are living in camps with inadequate facilities of toilets and bathrooms. Sanitation system is very bad in the camps. Drainage system is very poor in the camps and inadequate numbers of schools in the camp area. Stranded Pakistanis are also suffering with the health issues in the absence of proper nutrition and clean drinking water. The populations of camps have increased day by day but the structure of camp still remains same.

Internally the environment of the camps is not good. Many drug peddlers run their drug business in these camps because these camps are safe place for them. Camp dwellers cannot protest against them due to their vulnerable condition. The camps of stranded Pakistanis become heaven for drug peddlers. On the other side many young stranded Pakistanis gets influenced by drug peddlers and gets addicted or involve in the drug business. The population of these camps is divided into two groups; one who is involved in the drugs business and other one is who opposed to it.

Gender violence and sexual harassment is very common in the camps of stranded Pakistanis. Many times unknown people intrude into their palace without any prior permission and disturbed their privacy. Women from these camps hardly came out in the nights from their houses due to their fear of sexual harassments and assault. The weak infrastructure, the location of toilets and bathrooms become more vulnerable for women. As a result of these problems, girls never get equal chance to study in schools. Their

weak economic condition also forced many women of these camps into services such as trafficking or prostitution which is also a very big problem for them and state. It is very problematic to maintain their Islamic way of life in camp. Many times outsiders intrude their lives and disturbed their Islamic way of life. Women are not only deprived of their rights but also of personal security. Conditions of women in the camps of stranded Pakistanis are more vulnerable as compared to men. It is very important to educate women. Education empowers women and fills them with sense of security and confidence. Moreover it spreads awareness among women of their women's rights because educated women are more aware of their rights. It gave them opportunities to raise their voice against any violence against them and their rights.

The vulnerable condition of stranded Pakistanis and their weak economic stability has pushed them into many criminal activities like trafficking or prostitution due to their discrimination on the basis of their Bihari identity. Many school going children has stopped going to school and has confined themselves into camp area. Even at the time of natural calamities or natural disaster camps become more vulnerable. The economic and social lives of stranded Pakistanis become more problematic issue due to harsh past incidents between two countries Pakistan and Bangladesh. It is very difficult to maintain their jobs outside the camps with their identity of stranded Pakistanis or Bihari. The physical conditions of their camps are very poor because after the initial construction no other reconstruction has done. Change has occurred only in their population and their needs but facilities remain the same. These camps would have become museum for stranded Pakistanis if government and other humanitarian organizations would not pay attention. Important steps should be taken for the betterment of physical condition of camps by the government and other humanitarian organization.

As far as their legal status is concerned stranded Pakistanis suffered with identity crisis after the emergence of Bangladesh. They were deprived of any conventional identity as per international standard. Stranded Pakistanis fall under a very unique identity. They do not fit into the category of "Minority" or "Refugee" but they are very unique minority in nature. Stranded Pakistanis never fit into the category of "Refugees" because they are not

displaced people. After the independence of Bangladesh they are still living in Bangladesh. They do not come even under the category of “Minority”.

In a specific term; they fall under the group of “Artificial Minority”. The term “Artificial Minority” is the result of harsh relation between Pakistan and Bangladesh.

In March 1973, Prime minister of Bangladesh, Sheikh Mujibur Rahman took the issue of stranded Pakistanis very seriously and requested to the UNHCR to involve in the issue and make possible repatriation of stranded Pakistanis. Other international committees like “The International Committee of the Red Cross” (ICRC) were also involved in the issue and worked along with UNHCR. These international committees provided stranded Pakistanis shelter in Bangladesh and registered them for their repatriation to Pakistan. Following the repatriation of stranded Pakistanis mainly two agreements were signed. One is on 28 August 1973 “The New Delhi Agreement”. This agreement also played an important role to normalize the relations between Pakistan and Bangladesh. The second agreement was signed on 9 April 1974, known as “Tripartite Agreement”. Following the repatriation issue these agreements also played a very important role and several phases of repatriation took place. As per the UNHCR report under the second Delhi agreement, more than 170,000 stranded Pakistanis were repatriated after that, such as 4,790 families in 1977; 2,800 in 1979; 7,000 in 1981; 6,000 in 1984; and 50 families in 1993. Unfortunately, after that repatriation process slowed down and no further repatriation has been done till now.

Many factors influenced the process of repatriation process and the issue of stranded Pakistanis was hanged in the middle due to negative attitude of Pakistan towards them. Pakistan’s fragile economy and instability in politics negatively impacted the issue of stranded Pakistanis. Domestic opposition in Pakistan also affected the repatriation process. It was decided to settle down stranded Pakistanis in Sindh province of Pakistan where already a large population of immigrants (Muhajirs) lived. Native Sindhi people of that province had a fear that they will become minority in their province and immigrants (Muhajirs) would become the majority in their province. They would also clash over the

economic resources. Native Sindhis people had a fear that if stranded Pakistanis also rehabilitated in their province than they would have to share their economic opportunities with them. On the bases of this fear nationalist party, the Sindh National Alliance, opposed the repatriation of stranded Pakistanis but on the other side Muhajir Quami Movement (MQM) Party, was in support of stranded Pakistani's repatriation in Pakistan. The Sindh National Alliance also had fear that if stranded Pakistanis settled in their province they would also support Muhajir Quami Movement (MQM) Party and people from Sindh would become ethnic minority in their own province. Many other political parties also opposed the repatriation of stranded Pakistanis such as the Awami National Party, the Sindh Student Federation and the Democratic Student's Federation.

When younger generation assessed their situation and realized that they have never seen Pakistan. They were not the participant in liberation war but still they are paying for what their forefathers did. Many questions were rooting around their mind that why they were discriminated and why they are called stranded Pakistanis or collaborators and Pakistani dalals etc.

The new generation of stranded Pakistanis is more fluent in Bengali language. They believed themselves to be Bangladeshi rather than Pakistanis. They believed that their future is dependent on Bangladesh. Initially stranded Pakistanis had a single agenda and aimed to repatriate to Pakistan but now the new generation has different view as compared to older generation. The new generation of stranded Pakistanis do not want to be repatriated to Pakistan. They want equal citizenship rights in Bangladesh like other Bangladeshi nationals. We can clearly see the generation factor in stranded Pakistanis changing ideology. Older generation still has dream to repatriate to Pakistan one day but new generation do not agree with it.

Generation gap in the community of stranded Pakistanis led them to initiate first steps towards their right of citizenship in Bangladesh. New generation of stranded Pakistanis observed that their future lies with Bangladesh not with Pakistan. Pakistan is not their final destination. A group of 10 stranded Pakistanis from the Young Generation of Urdu-

Speaking Community (AYGUSC) and Geneva camp filed a petition in High Court for their citizenship rights and demanded National ID cards for them. It was the first step taken by stranded Pakistanis for claiming citizenship rights in Bangladesh. On the other side in 2003, judicial system of Bangladesh acted positively and directed election commission to register them and distribute National ID cards but it was limited only for those ten petitioners and it filled confidence in the mind of stranded Pakistanis who wanted to be citizen of Bangladesh.

Again in 2007, another petition was filed by the members of the Urdu-Speaking People's Youth Rehabilitation Movement (USPYRM) for their voting rights in the country. This petition was filed again for the same reason. Election commission of Bangladesh again refused to register them in voting list on the basis of their camp address. But this time petition was filed on behalf of whole young generation of stranded Pakistanis. In May 2008, again judicial system of Bangladesh acted positively and directed election commission to register stranded Pakistanis as voters of the country but this time judgment was not limited only for the numbers of petitioners. Whole young generation was entitled with the voting rights in the country. This legal verdict opened the gate for citizenship rights in the country along with other citizenship rights and national protection from the country. Many stranded Pakistanis had the fear that if they acquire citizenship in Bangladesh, they would have to leave the camp area and pay other bills like other citizens of country. But still rent is not collected from the camps by the government. On the other side, older generation has a fear that if they accepted the citizenship of Bangladesh their long standing desire of repatriation to Pakistan will never be fulfilled.

As far as positive impact of High Court verdict is concerned, citizenship rights of stranded Pakistanis in Bangladesh played a very important key role in their lives. Citizenship was the main reason for their biggest fear of eviction from the camps and it also played important role to overcome of the fear of eviction. After the legal verdict, eligible camp dwellers got National ID cards which is transformed this community into a vote bank. Now they can use their political rights to ensure their residents in the camps. They can use their voting rights as tool against their eviction from the camps. Voting rights of

this community made them more confident and empowered them. It provides them bargaining power to secure their resident habitants in the camps. In the exchange of their votes they were ensure their housing rights in the camps. The building of the camps like mosque, medical buildings and school buildings could not demolish easily which ensured their residence in the camps because demolition of these building could create controversies.

High Court rulings of Bangladesh also played an important role in the social integration of stranded Pakistanis in the mainstream society of Bangladesh. After the legal verdict of High Court community of stranded Pakistanis got a chance to integrate with the mainstream society of Bangladesh. This judgment had a clear impact on stranded Pakistani's integration with other Bangladeshi nationals. Access of National ID cards made them enable to get entry in the camp area and they could apply for jobs without any fear of rejection when they were identified as stateless or stranded Pakistanis. The chances of employment outside the camp also increased after the High Court judgment. But still more progress was needed in the lives of stranded Pakistanis because a large number of people from camps still could not achieve high level of educational opportunities and continued with their old odd jobs like rickshaw pulling, barber, construction worker etc. Lacks of economic stability is responsible for their higher school dropout rates in a young age and were compelled to do odd jobs for their life survival.

After the distribution of National ID cards, stranded Pakistanis got the opportunities in the field of employment outside the camp which was denied earlier but many people of this community still faces the problems for their equal opportunities in employment outside the camp. Their identity as camp dwellers or stranded Pakistanis or Bihari Muslim still acts as a barrier in their overall development. For example, their camp address is printed on their identity cards and many times they are discriminated on the basis of their identity as camp dwellers. On the other hand in the absence of proper address their applications for jobs outside the camp were rejected because only their camp name was printed on their ID cards which were not enough. It was assumed that after the legal verdict of stranded Pakistanis, discrimination against stranded Pakistanis

would be over but still they are discriminated on the basis of their previous identity of stranded Pakistanis. Still they live in inhuman conditions with no specific change in their camps. A clash between local Bengali people and stranded Pakistanis still exists. They are still treated as stranded Pakistanis

The community of stranded Pakistanis is deprived of residential security. Residential security means when a person invests in the resources to improve their resident and its home environment by purchasing household things which make life more comfortable and easy. In the case of stranded Pakistanis the fear of eviction from the camps is always in their mind after the High Court verdict of their citizenship right in Bangladesh. The High Court verdict removed their status of stranded Pakistanis or internally displaced people and provided National ID cards holders as citizens of Bangladesh. This legal verdict impacted positively and negatively also. Negatively in the sense, people from the camps were filled with the fear of eviction from the camps because it is a government land and they may have to pay the rent with other bills like electricity, water etc, after the legal verdict .The fear of eviction led them to lose their confidence in investment in their better home environment but some people from the camps in course of time are investing to improve their home building and household items. According to the survey report of CRO camp and Geneva camp residents are investing their financial resources to make their habitant better.

Bangladesh government should take effective steps to stop school drop out of children of stranded Pakistanis and should give them opportunities to apply for the scholarships to continue their studies and take off the pressure from the head of their parents who cannot afford expenses of schooling for their children. On the other side camp residents have always have a fear in their mind of eviction from the camps. It is important to address this issue for their rehabilitation and government should transfer the camp land on 99 years lease to the camp dwellers. It is recommended that Human rights organization, governments of Bangladesh and Pakistan and other international NGOs should come forward to resolve the issue of stranded Pakistanis repatriation for those who wants to repatriate and rehabilitation for those who wanted to be citizens in Bangladesh.

The government of Bangladesh and other humanitarian organization should come forward to pay attention on the inhuman conditions of stranded Pakistani's camps and take effective steps for their betterment otherwise camps of stranded Pakistanis would become more vulnerable and major place for criminal activities and become major hurdle for Bangladesh in its development. Granting citizenship rights to the community of stranded Pakistanis was a positive step towards the integration of this community but still this community lives in camps. For better integration and social inclusion they should be rehabilitated outside the camps with mainstream society. Stranded Pakistanis are present in a big number in Bangladesh. Bangladesh can utilize their workforce for its development and generate more manpower. The legal verdict of High Court for citizenship of stranded Pakistanis was a positive step in favour of this community but it is also necessary to observe that are they actually benefited by the National ID cards and how government resolved the problem

Stranded Pakistanis needs public support of other Bangladeshi nationals for their integration and they also need financial support from government and international organizations. After the last batch of stranded Pakistani repatriation to Pakistan in 1993, it clearly indicated Pakistan's reluctance to accept more stranded Pakistanis but still many stranded Pakistanis are waiting for their turn to repatriate and wanted to be reunited with their family members who were in Pakistan. Pakistan should take this issue seriously and find effective solution to facilitate them in Pakistan. Self-rehabilitation and education can play a pivot role in developmental progress of stranded Pakistanis because rehabilitation issue of stranded Pakistanis should be addressed at the root level. Other Islamic countries can also take effective steps to resolve the issue of stranded Pakistanis and their rehabilitation

APPENDIX I

COURT STAMP

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)**

WRIT PETITION NO: 10129 OF 2007

IN THE MATTER OF:

An application made under Article 102 (2) of the Constitution of People's
Republic of Bangladesh

-And-

In the matter of

Md. Sadaqat Khan (Fakku) and 10 others...Petitioners

-Versus-

The Chief Election Commissioner, Bangladesh Election
Commission, Block – 6, Sher-e-Bangla Nagar, Dhaka and

Others.....Respondents

Mr. Md. Rafiqul Islam Miah with Mr. Md. Hafizur
Rahman

.....For the
Petitioners

Mr. Azim Khair Manna, DAG, with Mr. Md. Zafar Imam,
AAG
and Mr. Md. Monjur Alam, AAG
.....For the
Respondents

Heard on 05-05-08 and judgment 18-05-2008

Present

Mr. Justice Mohammad Abdur Rashid

Mr. Justice Mohammad Ashraful Islam

Mohammad Abdur Rashid, J

The above Rule NISI was issued asking the respondents, the Election Commission and others to show cause as to why they should not be directed to enroll the names of the petitioners as well as other adult Urdu-speaking people living in camps in different parts of Bangladesh in the Electoral Roll and register them as voters.

The petitioners who are eleven in number obtained the above Rule as residents of Football Ground Camp at Mirpur excepting petitioner No, 3, resident of Non-local Relief Camp at Mirpur. Their common case, in short, is that before and after creation of Pakistan on 14 August 1947, the ancestors of the petitioners as well as other Urdu-speaking Muslims left their home in India and immigrated to the then East Pakistan, settled and started business in different districts. They were recognized as citizens of erstwhile Pakistan and many of them got Government Service in the then East Pakistan.

In course of time, many of them who came from the states Uttar Pradesh, Bihar and Bengal and so on died long before liberation of Bangladesh leaving behind their children in the territory now comprised Bangladesh. Several generations passed before liberation of Bangladesh. After liberation of Bangladesh in 1971, said Urdu speaking people were housed in 116 camps in different parts of Bangladesh in 1972 with the help of International Committee of Red – Cross, As they are residing in Bangladesh since before and after liberation of Bangladesh, they are citizens of this country by birth and otherwise and they are therefore entitled to be enrolled in the electoral rolls and registered as voters. On the prayer dated 05-02-76 of Mrs. Rajibun Nessa, mother of petitioner No. 2 and 6 and grandmother of petitioner 7 and 8 for citizenship to the Secretary, Ministry of Home

Affairs, a Section officer of said Ministry by his memo 904/IMM/111 dated 30-09-76 informed them that they were citizens of Bangladesh under Article 2 (11) of the Bangladesh Citizenship (Temporary Provision) Order, 1972 (President's Order No. 149 of 1972) hereinafter referred to as PO No. 149 of 1972 and so they were not required to acquire the Bangladesh citizenship afresh. Annexure-A Lastly on 26-06-07, a Senior Assistant Secretary of the Election Commission informed the Executive Director of Al-Falah, non-governmental organization of Bangladesh in connection with his letter dated 11-06-07 that a letter dated 14-06-07 under the signature of the Chief Election Commissioner was sent to the Chief Adviser for urgent decision on the question of said Urdu-speaking people. A copy of said letter of the Chief Election Commissioner was also annexed hereto as Annexure-B. Thereafter, various news clippings on the conditions of the Urdu-speaking people that appeared on different occasions in the National media were annexed to the writ petition. It is also stated that registration of voters was completed in the Districts of Rajshahi Rangpur, Khulna and Mymensingh but none of the Urdu-speaking people living in the camps of those Districts was enrolled in the Electoral Rolls of 2007. A coordinating meeting was held at Mirpur Uddyan School on 10-11-07 at the invitation of the Commissioner of Ward No. 3 of Dhaka City Corporation in presence of High Officers of Bangladesh Army, District and Thana Election Officers, Local Assistant Registration Officers, Supervisors, Data/ Information Collectors, Identifier Committee and others for commencement of registration. In the meeting, District Election Officer referring the instructions of the Election Commission instructed the Supervisors; Data/ Information Collectors, Identifier and other concerned officers not to enrol the names of the Urdu-speaking camp dwellers in the on-going registration of voter list. Registration of voters commenced in Dhaka on 20-11-07 But Data collectors did not collect the names of the Urdu-speaking people who are living in different camps of the country and register them as voters in spite of their repeated requests.

Mr. Md. Rafiqul Islam Miah, learned senior advocate for the petitioners took us through the writ petition and submitted that under the Citizenship Act, 1951 and Bangladesh Citizenship (Temporary Provision) Order, 1972 the petitioners and other Urdu-speaking people who are citizens and were already recognized by the government to be citizens of

the country and are accordingly entitled to be enrolled in the electoral rolls; and the Election Commission also felt the need of registering such Urdu-speaking people as voters and accordingly, on 14-06-07 wrote to Chief Adviser ; but no decision has yet been communicated to the Election Commission by the Government and consequently, the Urdu-speaking people are illegally excluded from the process for registration of voters.

He narrated to us the deprivation and sufferings of the people for long for want of recognition as citizens and submitted that if they continue to be left out from registration as voters and giving National Identity Card their suffering would further increase. He also cited an unreported decision of this Division dated 5 May 2002 in the case of Mohammad Abid Khan and others v. Bangladesh and others of writ petition No. 3831 of 2001 and Mukhtar Ahmed v. Bangladesh: (1982) 34 DLR 29. He informed that after the Rule was made absolute eleven petitioners of said Writ Petition No. 3831 of 2001 were enrolled as voters. Urdu-speaking people who are living outside the camps were already registered as voters and National Identity Card but those who are living in aforesaid 116 camps, known as Geneva Camps in different parts of Bangladesh are not being registered as voters.

The Election Commission has not appeared. An affidavit –in-opposition on behalf of respondent No.3, the secretary of Ministry of Home Affairs was filed. In the affidavit, it is stated that according to law the Urdu-speaking people living in Geneva camps are not living temporarily. These camps were set up by the International Committee of Red Cross (ICRC) for these people as halfway homes to Pakistan. Historical background does not automatically make citizens of Bangladesh. The petitioners and/or their forefathers were not born in the territory now called Bangladesh. Citizenship in Bangladesh is determined and regulated by law (Article 6 of the Constitution of Bangladesh) With regard to Annexure-A dated 30-09-76, it is stated that veracity of the letter could not be ascertained as the files are not supposed to be retain till now. But having regard to existing laws relating to citizenship in Bangladesh, the letter does not seem to be genuine and answering respondents cannot agree with the contents of the letter. With regard to letter

dated 26.06.07 Annexure – B. it is however stated that citizenship issue of the petitioners is to be resolved by the Government by enacting legislation or otherwise. Positive case of answering respondent is that the Urdu-speaking people living in camps are not Bangladeshi citizens and therefore are not entitled to be included in the voter list. Any such inclusion is illegal and liable to be struck down for having been done, presumably, by suppressing the vital fact of their nationality. Any instruction for not enrolling Non-Bangladeshi persons in the voter list is lawful.

It is further stated that voter list is prepared in accordance with provisions laid down Electoral Roll Ordinance, 2007. Anybody whose name does not appear in the list can move by way of an appeal the appropriate authority unless does not disqualify to be a voter on legal ground. Officers responsible for preparing voter list have to act in accordance with law and they cannot act upon request of the petitioners. With regard to the judgment and order of Writ Petition No. 3831 of 2001, it is also claimed that the solicitor office was instructed to Appellate Division. Mr. Azim Khair Manna, learned Deputy Attorney General submitted that writ petition on behalf of Urdu-speaking people who are living in 116 camps over the country is not maintainable since they filed the writ petition without exhausting the procedure for being voter in accordance with law.

He also submitted that the petition being enemy aliens or their progeny are not entitled to be Bangladeshi citizens under section 4 (b) of the Bangladesh Citizenship Act, 1951 and article 2B (1) (1) of PO No. 149 of 1972 in view of their loyalty to Pakistan. Before we proceed to consider the respective cases of the parties before us, we must first mention that who when asked the solicitor office to move the Appellate Division against the aforesaid judgment and order dated 05-05-03 of this Division are missing in the affidavit sworn on behalf of respondent No.3, Secretary of the Ministry of Home Affairs. The affidavit is also silent on the request vide letter dated 14-06-07 sent by the Chief Election Commissioner to the Chief Adviser for resolution of the issue of enrolment of the Urdu-speaking people living in different camps of Bangladesh, and if the letter did not attract any attention of the Government is also missing.

In the letter dated 14-06-07 written by the Chief Election Commissioner to the Chief Adviser his elucidated the condition, status and standing of Urdu-speaking people. Neither the letter nor its contents was denied specifically in said affidavit of respondent No. 3. We can therefore rely upon the letter in order to understand the issue facing us.

In the letter, it is stated that immediate after the independence of Bangladesh, two streams of Urdu-speaking people were to be found in Bangladesh. One group known as the “Stranded Pakistanis” had sworn their allegiance to Pakistan and wanted to go back to that country at any cost. The others, accepted the emerging reality, swore their allegiance to Bangladesh and merged with the mainstream society and polity. About 300,000 Urdu-speaking people are now living in Bangladesh. Of them, 160,000 live in 116 camps set up by International Committee of Red Cross (ICRC) at different parts of the country. Many of them were born after 1971 or were minor in that year.

The Election Commission did not face any problem with regard to Urdu-speaking people living all over the country outside the ICRC camps. They are citizens of Bangladesh and have been enlisted in the electoral rolls by following the criteria set for the purpose. But the election commission was facing difficulties to register the Urdu-speaking people living inside the camps as voters due to complications relations to the citizenship of Bangladesh. The residents of the ICRC camps may be broadly divided into two categories:

(i) Those who swore their allegiance to Pakistan and had in writing expressed their desire to take up residence in that country ; and

(ii) those who were of minor age at the time of liberation of Bangladesh and were not mature enough to express any preference as to their citizenship even if their parent had opted for Pakistan and those who were born in Bangladesh after 16th December, 1972 (the year might be wrongly quoted in place of 1971). He also referred to the judgment and order of the aforesaid Writ Petition No. 3831 of 2001. He solicited an urgent decision in the matter of citizenship of the people. He reasoned that after introduction of National

Identity Card as a condition for delivery of a number of services, these people may lose access to many services they currently enjoy. Even renewal of a rickshaw license would require presentation of an ID card and no ID card will be issued to a person who is not a citizen of Bangladesh.

Lastly, it is also stated that the Commission has considered the matter and it was of the view that the time has come to look at the issue objectively and with compassion. The case of the Urdu-speaking people needs to be separated from “stranded Pakistanis” and a decision on their citizenship may be taken expeditiously. It also desired the Chief Advisor may consider holding an inter-ministerial meeting with all relevant government agencies with the participation of Election Commission. We wanted to hear the Attorney - General upon urgent issue of immense public importance and the communication of the Election Commission but he preferred not to appear. Mr. Deputy Attorney - General who appeared ultimately told us that nothing happen upon such requisition of the Election Commission.

Now, the issue that arose on the aforesaid facts and deserves consideration is whether or not Urdu-speaking living in different camps set up by ICRC of Bangladesh are citizens of Bangladesh. In the letter of the Election Commission, condition of the Urdu-speaking people in Bangladesh particularly 160,000 who are living in 116 camps set up by the ICRC in different parts of the country became so clear, which does not need any further material. The Election Commission has also tried to highlight the urgency for resolution of the citizenship on the ground of introduction of the National Identity Card there could not be further wastes if they are given any ID card. Living aside the „ stranded Pakistanis „, who had sworn their allegiance to Pakistan, many of them born after 1971 and few of them are minor in that year. Under the citizenship Act, 1951 one may be a citizen of Bangladesh by birth, by descendant and / or by migration or by registration and also incorporation of territory.

Article 6 of the Constitution provides that the Citizenship of Bangladesh shall be determined and regulated by law. The citizens of Bangladesh shall be known as Bangladeshi. There are two laws dealing with the citizenship of Bangladesh, namely, the

Citizenship Act, 1951 and Bangladesh Citizenship (Temporary Provision) Order, 1972 (President's Order No. 149 of 1972) hereinafter referred to as PO No. 149 of 1972. A resident of Bangladesh may become citizen of the country in various ways under the Citizenship Act, 1951 hereinafter referred to as the Act. All the commencement of the Act on 13-04-51 and thereafter under section 3, 4 and 5 every person who or any of his parents or grandparents was born in the territory now included in Bangladesh shall be a citizen of Bangladesh by birth and descent subject however to certain exceptions by operation of law. Under section 6, 8, 9 and 10 of the Act, certain person may acquire the citizenship of Bangladesh by migration, residing abroad, naturalization and marriage for which certificate and / or registration of specified authority shall be necessary. PO 149, 1972 came into force on 26-03-71 provides under article 2 that: "Notwithstanding anything contained in any of the law, on the commencement of this Order, every persons shall be deemed to a citizen of Bangladesh. –

(i) who or whose father or grand-father was born in the territories now comprised in Bangladesh and who was a permanent resident of such territories on the 25 day of March, 1971 and continues to be so resident or ;

(ii) who was a permanent resident of the territories now comprised in Bangladesh on the 25 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; Provided that if any person is a permanent resident of the territories now comprised in Bangladesh or his dependent is, in the course of his employment or for the pursuit of his studies, residing in a country, which was at war with, or engaged in military operation against Bangladesh and is being prevented from returning to Bangladesh, such person or his dependents, shall be deemed to be resident in Bangladesh." Disqualification to the above article is provided under article 2 B, which is hereunder,

(1) " Notwithstanding anything contained in article 2 or any other 1 for the time being in force, a person shall not be , except as provided in clause 2), himself to be a citizen of Bangladesh if he –(i) Owes, affirms or acknowledges, expressly or by conduct, allegiance

to foreign state or (ii) is notified under the provision of Article 2A ; Provided that a citizen of Bangladesh shall not, merely by reason of being of a citizen or acquiring citizenship of a state specified in or under clause (2) cease to be a citizen of Bangladesh. (2) The Government may grant citizenship of Bangladesh to any person who is a citizen of any state of Europe or North America or of any other state which the Government may, by notification in the official gazette, specify in this behalf.” In view of above provisions of the Act and President Order No. 149 of 1972, every person who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of such territories on the 25 day of March, 1971 and continues to be so resident unless disqualified under Article 2 B of PO No. 149 of 1972 shall be citizen of Bangladesh. In the acquisition of such citizenship, the laws have made no discrimination in any way on the ground of ethnicity, language, sex etc.

Members of the Urdu-speaking people wherever they live in Bangladesh if they answer the above qualifications shall become citizen of Bangladesh and in view of the above provisions have already acquired the citizenship of Bangladesh by operation of law and no intervention of the Government is necessary. Such people have accordingly become eligible with the attainment of majority for enlistment as voters under Article 122(2) of the Constitution and the Election Commission is under constitutional obligation to enroll them in the electoral rolls as voters. No functionary of the Republic can deny such rights of the Urdu-speaking people who want to be enrolled as voters.

On the disqualification under Article 2 B of PO No. 149 of 1972, this division had an occasion to deliberate in the case of Mukhtar Ahmed v Bangladesh. By a memorandum dated 05-10-97 the Ministry of Home Affairs informed the petitioner that he was not qualified to be a citizen of Bangladesh because he had registered his name from ICRC form for going over to Pakistan. Considering the above laws, this Division made the Rule absolute declaring the Notification issued without any lawful authority and was of no legal effect on the view inter alia that, “Be that as it may. there is nothing on record to show that the petitioner who is a citizen of Bangladesh has incurred any disqualification to be penalized by deprivation of his citizenship. We are, therefore, of the opinion that

after emergence of Bangladesh the petitioner became a citizen of Bangladesh by the operation of law and continues to be a citizen of this country.” Those who are termed and still call them to be “Stranded Pakistanis” by owing affirming and acknowledging, expressly or by conduct allegiance to a foreign state, say, Pakistan, they may belong to a class and cease to be citizens of Bangladesh. Those who have renounced their citizenship and / or waiting to leave for Pakistan may be left to their fate. The Election Commission is under no obligation to enlist them as voters. Question of citizenship of Urdu-speaking has got another aspect, which is very important from the constitutional perspective. Miseries and sufferings of such people due to statelessness were time to time reported in the national media, electronic and print. Besides, the reasons mentioned in the letter of the Election Commission, they are constantly denied the constitutional rights to job, education, accommodation, health and a decent life like other citizens of the country. By keeping the question of citizenship unresolved on wrong assumption over the decades, this nation has not gained anything rather was deprived of the contribution they could have made in the nation building. The sooner the Urdu-speaking people are brought to the mainstream of the nation is the better.

Now, with regard to the issue of maintainability of the writ petition without exhausting statutory provisions of enrollment, it would be sufficient to say when the question of citizenship of Urdu-speaking people is left unattended for decades on the constitutional ground that could not be got resolved by individual application. The Chief Election Commissioner having found difficulties in the enrollment of such people wrote to the Chief Advisor for policy direction and till date the Chief Advisor could not find time to give any policy guidance. This question of citizenship could never be decided in statutory forum/. it is well settled that constitutional question can only be decided in properly constituted writ petition under Article 102 of the Constitution.

Mr. Rafiqul Islam Miah also prayed for direction upon the Election Commission for registration of the Urdu-speaking people en block. The petitioners do not appear to represent all such people. Secondly, in the absence of any law, no citizen can be forced

to register as a voter and the Election Commission also can not register every citizen against his / her will. Till now, option lies under the law with a citizen to enroll as a voter.

For the reasons aforesaid, we find the petitioners are citizen of Bangladesh and accordingly, eligible and entitled to be enrolled as a voter in the electoral roll.

Source: (Sholder 2014)

APPENDIX II

Bangladesh High Court Ruling on Citizenship Status of Camp-Dwellers

Abid Khan vs. Bangladesh, 2003

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 3831 of 2001

Md. Abid Khan and others

...Petitioners

-Vs-

The Govt. of Bangladesh and others

...Respondents

Mr. M. I Farooqui, Advocate

...For the Petitioner

Mr. Zaman Akter, A.A.G.

...For the Respondents.

The 5th May, 2003.

Present:

Mr. Justice Md. Hamidul Haque

And

Mr. Justice Zinat Ara

Zinat Ara, J:

This Rule is about the rights of the petitioners to be enrolled in the electoral roll and thus to be registered as voters of the Mohammadpur area of the capital city. On the application of the petitioners under article 102(i) (2) of the Constitution. Rule Nisi was issued calling upon the respondents i.e. the Election Commissioner and the related election

functionaries and also the Government as to why they should not be directed to register the petitioners as voters.

All the ten petitioners claim that they are Urdu speaking citizen of Bangladesh, permanent residents of the Mohammadpur area residing at the Geneva camp and are fully qualified to be registered as voters under the laws of Bangladeshi. But in the electoral rolls prepared and published on 27.5.2001 by Election Commission, there were not included. So they submitted separate applications in prescribed forms for enrollment as voters. They also personally approached respondents Nos.2 and 4 who verbally informed that the Geneva Camp residents are not entitled to be voters. Being aggrieved by the aforesaid inactivity of the respondents resulting in deprivation of their right to be voters under the laws the petitioners have moved this court.

None of the respondents filed any affidavit in opposition to deny or challenge the facts narrated in the writ petition. However, Mr. Zaman Akter, the learned Assistant Attorney General appeared at the time of hearing. Mr. M. I. Farooqui, the learned Advocate for the petitioners, submits that at the petitioners are citizens of Bangladesh because of their birth either in the then East Pakistan or in the independent Bangladesh: that they are permanent residents of the Mohammadpur area and residing at Geneva Camp: that they are above 18 years of age and not otherwise disqualified to be voters. In Support of his submission, Mr. M. I. Farooqui refers to the provisions of the Electoral Rolls Ordinance 1982, the Bangladesh Citizenship (Temporary provisions) Order, 1972 (P.O. No. 149 of 1972) and also two decisions of the High Court Division and one decision of the Appellate Division of the Supreme Court. Before we proceed on to discuss the relevant laws and the decisions referred to by the learned Advocate for the petitioners. Let us examine the facts on the basis of which the petitioners have raised their claim before us. As stated earlier, respondents have not filed any affidavit in opposition to controvert the claims of the petitioners. Mr. Zaman Akhter did not make any submission though simply opposed the Rule.

On scrutiny of the writ petition, we find that in terms of dated of birth, the petitioners fall into two categories. Petitioner No. 1 and 2 were born in Dhaka and at Mymensingh in the year 1969 and 1967 respectively. In the following paragraphs they are refer to as the first group. All the other 8 petitioners were born in Dhaka in 1977 and in different years thereafter. We referred to them as the second group hereinafter.

In support of their respective dates and places of birth. Residence at Geneva camp and their applications to the Election Commission for enrollment as voters the petitioners have fled papers (Annexures B.B/1, series of papers and C to the writ petition). We find nothing on record to disbelieve these papers.

In this backdrop, we can look for the qualifications to be enrolled in the electoral roll that are prescribed in section 7(1) of the Electoral Rolls Ordinance, 1982. This section reads as follows:- “7. Preparation and publication of electoral rolls- (1) The Registration Officer for an electoral are or constituency shall, under the superintendence, direction and control of the Commission, prepare for the electoral area or constituency in the prescribed manner a draft electoral roll containing the name of every person who, on the qualifying date.- (a) is a citizen of Bangladesh; (a) is not less than eighteen years of age; (b) does not stand declared by a competent court to be of unsound mind; and (c) is or is deemed to be a resident of that electoral area.” So, the two vital issues to be decided in this writ petition are citizenship of the petitioners and the legal implications of their residence at Geneva camp.

The laws regulating the citizenship a Bangladesh are the Citizenship Act, 1951 (Act II of 1951) and the Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O. No. 149 of 1972) hereinafter referred to as the said President’s Order. On the citizenship issue of the first group of petitioners, Mr. M.I. Farooqui relies mainly on Article 2 of the said President’s Order which reads as follows: “2. Notwithstanding anything contained in any other law, on the commencement of the Order, every person shall be deemed to be a citizen of Bangladesh-

(i) Who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of such territories on the 25th of 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; Provided that if any person is a permanent resident of the territories now comprised in Bangladesh or his dependent is in the course of his employment or for the pursuit of his studies, residing in a country which was at war with, or engaged in military operations against Bangladesh and is being prevented from returning to Bangladesh, such person, or his dependents, shall be deemed to continue to be resident in Bangladesh.” So, according to provisions quoted above, the first group of petitioners having been in the territories now comprised in Bangladesh they can very well claim citizenship under Article 2 clause (i), if they are not disqualified. Under Article 2B which is quoted below: “2B(1) Notwithstanding anything contained in Article 2 or in any other law for the time being in force, a person shall not, except as provided in clause (2), qualify himself to be a citizen of Bangladesh if he

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

(ii) is notified under the proviso to Article 2A.

Provided that a citizen of Bangladesh shall not, merely by reason of being a citizen or acquiring citizenship of a state specified in or under clause (2), cease to be a citizen of Bangladesh,

(2) The Government may grant citizenship of Bangladesh to any person who is a citizen of any state of Europe or North America or of any other state which the Government may, by notification in the official Gazette specify in this behalf: (3) In case of doubt as to whether a person is qualified to be deemed to be a citizen of Bangladesh under Article

2 of this Order the question shall be decided by the Government, which decision shall be final.” Article 2A is not relevant in the instant writ petition and thus needs no discussion. Now the question is whether the first group of petitioners owed affirmed or acknowledge, expressly or by conduct allegiance to a foreign state so as to disqualify them from being citizens of Bangladesh. The petitioners, according to their dates of birth, as mentioned in the writ petition were only 2 and 4 years old at the time of liberation. The respondents do not claim that the petitioners ever owed, affirmed or acknowledged, expressly or by conduct allegiance to a foreign state there is nothing on record to show that even parents of the first group of petitioners had or has acknowledged allegiance to a foreign state.

However, the next issue relating to the first group is whether their residence at Geneva Camp may be termed as allegiance to another state by conduct. As to the status of Geneva Camp we have no information on record. However upon our query both the learned Advocate for the petitioners and the learned Assistant Attorney General could not say anything except that it was set up by the International Committee of Red Cross. But we consider it an appropriate case for this court to take judicial notice (section 57 of the Evidence Act, 1872) if the fact of liberation struggle of Bangladesh and subsequent connection of the Urdu speaking persons in this camp, popularly known as Geneva Camp, after the liberation of Bangladesh for security reasons due to the situation prevailing immediately after liberation.

In view of the discussions and decisions stated above, we find that the first group of petitioners are citizens of Bangladesh in view of Article 2(i) of the said Pakistan’s Order as they are not disqualified under clause (1) of Article 2B. Now let us look into the citizenship issue about the second group of petitioners (3-10) They were born in Dhaka after independence of Bangladesh in different years starting from 1977 onwards. Petitioner No.3 was born in Dhaka and others in Geneva Camp, Mohammadpur Dhaka. Their case appears to be simple in view of section 4 of the Citizenship Act, 1951 (Act II of 1951), hereinafter referred to as the said Act. The provisions of section 4 read as follows:- “4. Citizenship by birth-Every person born in Bangladesh after the

commencement of this Act shall be a citizen of Bangladesh by birth: Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth-

(a) His father possesses such immunity from suit and legal process as it accorded to an envoy of external sovereign power accredited in Bangladesh and is not a citizen of Bangladesh; or

(b) His father is an enemy alien and the birth in a place then under occupation by the enemy.”

The proviso to this section is not applicable to the petitioners because the respondents do not make any such claim.

We have already decided the status of Geneva Camp Earlier. So, birth of the second group of the petitioners in Geneva Camp or their continued residence in Geneva Camp do not affect the citizenship by birth acquired under section 4 of the Act, So, we find that the second group of the petitioners are also Bangladesh citizens by birth On consideration of the above facts and decisions cited above, it is found that the petitioners are citizens of Bangladesh and their residence in the Geneva Camp, Mohammadpur is not a bar to be enrolled as voters and therefore they are entitled to be enrolled in the electoral roll and registered as voters if they are not otherwise disqualified to be included as such under section 7 of the Election Rolls Ordinance, 1982.

In the result, the Rule is made absolute. The respondents are directed to enroll the names of the petitioners in the electoral roll and register them as voters if not otherwise disqualified under provisions of section 7(1)(b)(c) and (d) of the Electoral Rolls Ordinance, 1982.

Source: (Sholder 2014)

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(*indicates a primary source)

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