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The rejected Biharis

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Abstract

This paper will discuss the plight of the Bihari Muslims who were denied citizenship by the Bangladeshi and Pakistani government. The essay begins by highlighting the historical events that led to the prosecution of the Biharis residing in Bangladesh. The paper seeks to provide the different arguments presented by the three main agents in the discussion i.e. the government of Pakistan, Bangladesh and the Biharis. It discusses how the Bangladeshi government labelled thousands of Biharis as enemy collaborators for their alleged role in supporting the Pakistani government during the war of liberation. They were denied citizenship and, fearing for their lives, were forced to seek shelter in refugee camps. Similarly, the Pakistani government did not accept the citizenship appeals of the Biharis despite giving them repeated assurances of repatriation to Pakistan. The essay explores the political and ethnic disturbances that led to this decision by Pakistan. Denied citizenship, the Bihari people have been living in refugee camps till this day; forty-two years after Bangladesh gained independence. The final part of the paper discusses the current struggle for citizenship by the Biharis and attempts to locate the issue of citizenship within the South Asian region.

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Introduction

The end of World War II also marked the end of colonial rule and the division of the South Asian subcontinent into Pakistan and India. What was thought of as a challenging but manageable task, ended up as a catastrophic experience for migrants on both sides of the border.

Marked by genocidal violence, forced conversions, abductions and rapes in large parts of north India, as well as an unprecedented displacement of people, partition has been called a 'holocaust' of a tragedy.

(Zamindar, 2008, p. 2).

At the time of independence from India, the Muslim majority areas became part of Pakistan. Some of these regions were separated by thousands of miles. Hence, the borders were created such that Pakistan had east and west wings, sitting uncomfortably on the sides with India in between (see below).



(<http://pakshistory.blogspot.com/p/home.html>)



The partition memories came to haunt the region again almost three decades later when East Pakistan put forward the demand for a separate state (Bangladesh) from its west wing. This paper will focus on the plight of refugees living in Bangladesh commonly known as Biharis. It will explore the concept of citizenship and national identity among them and decipher the methods that were used by the governments of Pakistan and Bangladesh to isolate them from being recognized as citizens. More importantly, the article will question why the Pakistani government, despite assurances, refused to accept most of them as its citizens. It will seek to understand the idea of citizenship among these people: which country do they identify with and have their opinions swayed with passage of time? This essay will firstly provide a historical background of the events that led to the persecution of the Biharis, and ultimately, to their statelessness. The essay will unpack how the Biharis became stateless, their role in the war of liberation and the subsequent reaction of the Bangladeshi state, focusing on the role that the Pakistani and Bangladeshi states played in order to deny them citizenship. Finally, this paper will address the current status of the Biharis, place these events within the South Asian context and how it is not unusual within the region.

Partition and the “stranded Pakistanis”

The creation of Pakistan was at the demand of the Muslim League to provide a separate state for the Muslims of the subcontinent. Supported by thousands of Muslims all over India, partition resulted in much traumatic experience, not only for the migrants, but also for the leaders of both countries. The unanticipated violence and bloodshed led to mass migration as many families left their homes and belongings to save their lives.

During partition the national identity of the migrants was defined by the Indian and Pakistani states (Zamindar, 2008, p. 2). This was an essential aspect as the demand for a Pakistani state was based on a “fundamentally non-territorial vision of nationality”, which meant that people living in those territories did not naturally become its citizens (Zamindar, 2008, p. 4). Chatterji (2012, p. 1051) argues against these notions saying that Muhammad Ali Jinnah, the founder of Pakistan, envisioned a territorial citizenship where minorities living within would not be marginalized and hence the national identity would not be limited to people of certain ethnic, religious or cultural systems. She rejects the idea that the states of South Asia imposed citizenship from above upon the people of the subcontinent and puts forwards the argument that the people actively participated in defining its citizens and taking away the rights of the minorities. Thus the Pakistan that emerged as a result of this mass movement of people was religiously much more homogenous than Jinnah or any of his associates had envisaged (Burki, 1999, p. 27).

The partition literature attempts to explore the issue of national identities and the borders created during 1947. The postcolonial states that were formed defined its citizens with the inclusion and exclusion of certain groups: “Most governments cannot conceive of the idea of statehood and sovereignty without notions of citizenship and exclusion, distinctions between those who belong and those who do not” (Weiner, 1993, p. 1737). More importantly it did not end with the creation of postcolonial states in the Indian subcontinent: certain groups demanded citizenship for decades after the independence of the South Asian states, (Datta, 2011, p. 63).

The inferno of partition came to torment the region again a few decades later during the separation of East Pakistan, now Bangladesh, and West Pakistan. Overnight, thousands of people became refugees or ‘Stranded Pakistanis’. They were forced out of their houses and,



fearing for their lives, sought shelter in refugee camps; their properties and households were snatched and thousands lost their lives to ensuing violence.

It is important to mention here that the term ‘Biharis’ and ‘Urdu speakers’ will be used interchangeably throughout the paper. It does not refer to any distinct group of people that have a certain physical appearance or place of origin. They would loosely be defined as ‘Urdu-speaking persons, and their descendants, who emigrated from India to East Pakistan during and after Independence (Paulsen, 2006, p.54). Many of them chose to get repatriated to Pakistan after the independence of Bangladesh and hence labelled as ‘Stranded Pakistanis’. ‘Partition of the subcontinent’ refers to the division of the region into Pakistan and India in 1947. Also, the term ‘war of liberation’ used throughout the article points towards the struggle for independence of Bangladesh in 1971.

Biharis in Bangladesh

During the partition of the Indian subcontinent, communal violence erupted in several regions resulting in mass migration of people. Among the million refugees that migrated to East Pakistan during these riots, a majority of them came from the state of Bihar. Ethno-linguistically the Biharis associated themselves with the ruling elite in West Pakistan and marked a division among the local Bengali speaking people and the migrants: “The culture of the Bihari refugees contributed to the definition of the ethnic boundary between them and the majority Bengali residents” (Sen, 1999, p.626). This separation set a dangerous precedent that led to mass murders and looting during the war of liberation. “The Urdu-speaking Punjabi elite dominated East Pakistan politically and economically during the period, and as a result the newly arrived Urdu-speaking British-trained army and civil servants became particularly influential” (Redclift, 2010, p. 27). The Biharis were given priority over Bengali people in public sector jobs like the railways, post and telegraph.

One of the main reasons why the Western Pakistani elite ignored the majority of the Bengalis and favoured the Biharis was mistrust. The Pakistani government was suspicious of the Bengalis and regarded them as “semi-hindus, pro-Indian and disloyal to Pakistan” (Sen, 1999, p. 628) who could only become Muslim after shedding off their ‘Bengaliness’ (van Schendel, 2009). The unequal relation between the East and West regions was similar to the colonial rule that went before as West Pakistan exploited the East economically and deprived the people access to state apparatus by situating centralized government and military base in West Pakistan (Baxter, 1997, p. 61-64). West Pakistan politicians “had pictured themselves as the natural leaders of Pakistan because they considered themselves to be the guardians of the Muslim renaissance movement in South Asia and, therefore, arbiters of the future of all Muslims” (van Schnedel, 2009, p. 110).

The Bengali nationalist movement gradually rose in East Pakistan as the local population increasingly became conscious of its exploitation at the hand of West Pakistan. It was the denial by central government to grant East Pakistan its demand for an autonomous province that served as the last straw. The Bengali people demanded for an independent country and many Biharis sided with the Pakistani army to curb the movement.

Following the independence of Bangladesh in 1971, “the entire (Bihari) community were branded enemy collaborators” (Redclift, 2010,p. 28). Several thousands Biharis were arrested, killed and forced to leave their houses to take residence in refugee camps. Just like the partition of the subcontinent, thousands of people left their lands fearing for their lives and their properties were confiscated by the state. The newly formed Bangladeshi state declared that the Biharis were not its citizens and should return to Pakistan. Prior to



independence, all individuals living in Bangladesh were considered Pakistani. The loss of Pakistani citizenship led to the division between Biharis and Bengalis (Redclift, 2010, p. 34).

Many were permitted by the Pakistani authorities to take residence but many more were left behind. Under the Tripartite Agreement in 1974, Pakistan agreed to the repatriation of Biharis whom were employed by the government before the independence of Bangladesh. The International Committee of Red Cross registered around 539,639 Biharis who chose to settle in Pakistan, however, the repatriation process came to a halt due to lack of funds (Prasad, 2010, p. 248)

Disenfranchised, isolated, lacking leadership, and having opted initially for 'repatriation' to Pakistan, they had been labelled "Stranded Pakistanis" and left in limbo.

(Redclift, 2010, p. 28).

The repatriated Biharis were settled in refugee camps by international humanitarian organizations in which they still reside to this day.

Laws were put in place by the Bangladeshi state, mainly the Citizenship Order and Citizenship Act, in order to define its citizens.

.... the date of the independence of Bangladesh, is a convenient point to decide which legislation is applicable for categories of people to be deemed as citizens. If the person is born before independence he or she is governed by the Citizenship Order and obtains citizenship by virtue of his or her permanent residence or his or her forefather's permanent residence. And if the person is born after independence, he or she is governed by the Citizenship Act and acquires citizenship by birth or descent.

(Paulsen, 2006, p. 58)

According to the Citizenship Order, Biharis who settled in East Pakistan after the partition became its permanent citizens and hence were entitled to be Bangladeshi. Moreover, all individuals born within Bangladesh after independence were naturally granted citizenship. However, the law disqualified all citizens who acknowledged their allegiance to a foreign state. According to the survey conducted by ICRC in 1972, 60% of the Biharis residing in the camps opted to settle in Pakistan, which consequently led to the disqualification of all the camp dwellers (Redclift, 2010, p. 31). The Pakistani authorities accepted approximately one-third of the Biharis the rest were denied citizenship from both countries and remained in the camps. Another part of the Citizenship Order gave the government the authority to decide whether an individual qualified as a citizen when he/she does not possess the required documents.

The judiciary has played a significant role in contesting the state's definition of citizenship. Several legal cases have been documented in which the judiciary has challenged the Bangladeshi government on this matter. In the case of Professor Golam Azam, the court ruled that the Government had no right to disqualify a person on the basis of his opinions on Pakistan when clearly he satisfies the requirements of the Citizenship Order. This case set a precedence when the court denied that Azam was a Pakistani simply because he had applied for repatriation and remarked that, "one cannot continue to be a citizen of Pakistan merely by his choice or stay in Pakistan unless the State of Pakistan accepted him as such" (Paulsen, 2006, p. 64). He further added that "law cannot be interpreted according to the respondent's



alleged contemplation or notion about Pakistan's sway over his mind.... Even a diehard pro Pakistani, born in this country, is entitled to be citizen of Bangladesh if he fulfils the requirements..." (Refworld UNHCR 2003).

The Bangladeshi citizenship laws were based on the laws Pakistan introduced after the partition of the subcontinent. They provided citizenship to all individuals whom despite opposing Pakistan lived within the territories that were going to be partitioned from India (Zamindar, 2007).

There were many Muslims (and Hindus as well) who opposed the creation of Pakistan and even voted against joining Pakistan in the plebiscites held in the North Western Frontier Province and in Sylhet. Yet, the Pakistan Citizenship Law did not deny them citizenship. They were deemed to be citizens of Pakistan if they had permanent residence in the territory of Pakistan and did not leave. Bangladesh also followed the same principle.

(Paulsen, 2006, p. 65)

The question thus arises: where do the Biharis belong or? Or in other words, which country do they want to be part of.

The role of Pakistan

This section will focus on how the Pakistani authorities refused citizenship to the Biharis, what laws they put in place to justify these actions, and what events led to their refusal. According to the Tripartite agreement that took place between Pakistan, India and Bangladesh

The Pakistan side stated that the Government of Pakistan had already issued clearances for movement to Pakistan in favor of those non-Bangalees who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families, irrespective of their original domicile.....The Pakistan side reiterated that all those who fall under the first three categories would be received by Pakistan without any limits to numbers.

(Tripartite Agreement, 1974)

The authorities interpreted the laws as such that the majority of the Biharis were denied citizenship (Sen, 1999, p. 641). The areas where most of the Biharis were working were not included under the Central Government. The railway employees for example were not included in category of workers for the Central Government. Sen (1999, p. 41) further adds that Pakistan restricted the definition of family: "it is estimated that 75 per cent of Bihari Families were separated because of the restrictive application of the definition on divided families, since grand-parents, parents, unmarried siblings were not considered as part of the same family for the issuance of clearance documents".

The decision by the Pakistani Government to deny citizenship was based on political grounds (Sen, 2000, p.55). Despite the fact that lack of funds halted the process of repatriation several times, political instability and the Afghan-Soviet war severely hampered any possibility of continuing the process. During the regime of General Zia-ul Haq, real efforts were made to accept the migrants provided sufficient international funds were generated. An agreement



was reached with the Government to settle and rehabilitate the Biharis in Pakistan, but owing to lack of funds during the Soviet war on Afghanistan, the project was again halted (Sen, 2000; Prasad, 2010). The rehabilitation resumed briefly in the 90s but stopped after the new government was sworn in.

According to Datta (2011), the refusal of citizenship to Biharis by Pakistan was based on reasons more practical than political. The separation of East Pakistan brought to the forefront the insecurities other ethno-linguistic groups, i.e. Sindhi and Baloch, harboured against the elite in Pakistan. During the partition of the subcontinent, most of the Muslims who migrated from the urban areas of India settled in Karachi (Burki, 1999, p. 27). Although more than 80% of the population was Muslim, there were linguistic and cultural differences within this group.

After migration, Muhajirs (migrants from central India) viewed themselves as the architects and rightful inheritors of the nation.In an effort to unify West Pakistan, which was dangerously divided by linguistic and cultural difference, provincial identity was dissolved and vernacular education outlawed, while an Islamic, Urdu national culture was promoted.

(Ring, 2006, p. 8)

The assertiveness of the Muhajirs did not sit well with the local Muslim community and conflicts between groups became inevitable (Burki, 1999, p. 27). The ethnic tensions that were building in various regions of Pakistan in the 70's and 80's were further exacerbated with the arrival of Biharis who were not only discriminated by the Sindhi, Pathans or Punjabis, but also by the Biharis who migrated after independence from Pakistan and became part of the group named Muhajirs. Hence, the refusal of citizenship to Biharis was motivated by the on-going agitation between the Muhajirs. Weiner (1993, p. 1739) says that the rising dissent was the reason that made "the government fearful of admitting Biharis' as most of them would want to settle in Karachi further complicating the situation."

The Current Status of Biharis

As mentioned earlier, many of the Biharis living in camps opted for repatriation to Pakistan. But Pakistani authorities under the Tripartite Agreement permitted this option only to those Biharis whom were working for the Government of Pakistan (Whitaker, 1982, p. 35). Pakistani authorities denied citizenship to thousands of Biharis in violation of international law (Sen, 1999, p. 46). Furthermore, there is no rule in international law in which the nationals of the predecessor state, in this case Pakistan, can become nationals of the successor state, namely Bangladesh. Thus, the denationalisation of the Biharis by the Pakistani authorities led to their statelessness.

Despite the majority of Biharis choosing Pakistan after the liberation of Bangladesh, the situation is different today. Redclift (2010) conducted research in Bangladesh regarding the identity of Biharis. She visited several campsites in Bangladesh and interviewed its residents. Her work highlights how the younger generation identified themselves as Bengali, some individuals even willing to renounce their Bihari identity to become integrated as Bangladeshi citizens. Biharis are physically indistinguishable from local Bengalis and many of them speak the Bengali language well (Pauslen, 2006, p. 56). Redclift's (2010) research revealed that more and more young Biharis emphasized their Bangladeshi citizenship over their Bihari identity highlighting the mutual exclusiveness of Bihari and Bangladeshi identity. This separation can be explained by the following:



Bangladesh's independence heralded a new paradigm for defining 'national identity' in South Asia, which did not conform to either the pan-Indian identity category that included a mixture of languages, cultural practices and religions, or the Pakistani identity category that was defined only in terms of religion. Instead, it was an ethnically defined nationalism that based its legitimacy on what were described as the common Bengali linguistic and cultural practices of the population, which transcended communal religious differences.

(Jones, 2011, p. 373-4)

Bangladeshi citizenship understood among its people, although formally unacknowledged, thus pivots on the 'Bengaliness' of the people and Bihari integration understood as "indispensable for 'effective' national citizenship" (Redclift, 2010, p. 37). Another important point to mention here is that despite the on-going demands for repatriation among the older generation, the majority of the younger Biharis that were born after 1971 believe that they are living in the country they belong to and are disinclined to the idea of repatriation (Redclift, 2010, p. 38). Indeed, language can provide a sense of belonging and inclusion in a society. As many of the children from camps went to schools and learned Bengali they began to be identified as Bangladeshi (Redclift, 2010, p. 40).

Conclusion

This paper highlighted the different sets of arguments put forth by the three agents, i.e. Bihari people, Pakistani and Bangladeshi government, in relation to identity and citizenship. Beginning from a brief historical background, this paper discusses the events that conspired leading to the statelessness of the Biharis. It then described the role of states in appropriating the citizenship of its people and how ethno-linguistic tensions within a country prevented the acceptance of lawful citizens. Lastly, it detailed the current status of the Biharis and adds a new dimension to the notion of citizenship, sparking a debate as to whether a citizen can identify with an ethnic group as well?

After the end of colonial era, South Asian states had to contend with the challenging task of creating national identities that supersede the ethnic ones. These homeland imaginaries can be created by reconfiguring historical narratives, which define and link identity categories to particular territories (Jones, 2011, p. 374). Nation states play a primary role in the definition of citizenship and deny this privilege to those people who do not conform to accepted narratives. In their efforts to building a state with similar national goals, the South Asian countries had to exclude certain groups of people from its citizenships. Notable among these 'rejected' people are the Sri Lankan Tamils, Burmese Indians and the Biharis in Bangladesh.

Beginning from the partition in 1947, the paper traced the migration of the Biharis to East Pakistan and their level of engagement with the state. The resultant violence and war of liberation that took place were not unique to the region and reflects the separatist demands promulgated by several ethnic groups in South Asia.

Kingsbury's study (2011) on postcolonial states reveals some trends that not only contribute to understanding the East and West Pakistan divide, but also several conflicts in South Asian states including Sri Lanka and to some extent India. His work highlights the after-effects of colonial rule on independent states and how several groups became powerful and demanded separate states on ethnic grounds:

Each experience[ed] conflicts in which state boundaries were defined by colonial reach rather than ethnic homogeneity or



‘national’ identity; they each refer(ed) to claims for ethnic/national separation from the parent state, the groups claiming separation from the state have claimed or continue to claim a separate national identity as a key criterion for their own state, and each separatist group feels or has felt alienated from the state and has claimed state abuses against the ethnic group they claim to represent.

(Kingsbury, 2011, p. 765)

His analysis brings out a key point that state boundaries were inherited from the colonial era and were not naturally drawn boundaries. After the colonist left the region, it became imperative to promote the spirit of nationalism by excluding or denying certain ethnic groups citizenship. The provision of citizenship in South Asia was hence determined by the colonial period. The literature on this subject is scarce and further attention is needed in this area.

The successful intervention of the judicial system in Bangladesh has shown that it has the ability to safeguard the rights of its citizens against the transgressions of the state. The solution to these demands of the ethnic groups may thus lie in extension of the civil society; that goes beyond the ethnic, lingual, communal or religious background. It is therefore due to the failure of states to establish or promote civil identity based on equal access to resources that has led to violent repercussions like the Tamil tigers in Sri Lanka, Muhajirs in Pakistan and Maoist movement in Nepal and India.



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