

# CITIZENS WITHOUT BENEFITS

## *The Camp-Based Urdu-Speaking Community in Bangladesh*



*Aerial view of the Biharis Relief Camp, known as the "Geneva Camp."*

### Summary of Key Issues

Despite a 2008 ruling by the Supreme Court of Bangladesh that Urdu-speaking Bihari Muslims are Bangladeshi citizens and should be provided national identity cards and included in electoral rolls, the community continues to be denied the necessary documentation as well as the basic rights to non-discrimination, employment, an adequate standard of living, housing, security of land, and health care. As a linguistic minority, the community still has few options to fully enjoy and perpetuate its culture or the Urdu language. Constitutional provisions have restricted the ability of minority groups and indigenous peoples in Bangladesh to get full recognition of their identity. The draft Citizenship Bill 2016, which is being considered by Parliament, increases the risk that Urdu speakers could again become stateless.

In this policy brief, we examine the current status of Bihari Urdu speakers and offer recommendations to the Bangladeshi government for policies that are better aligned with international human rights standards.

This policy brief is informed by community advocacy meetings, dialogues, and focus group

discussions (FGDs) with Biharis, which were jointly organized by Al-Falah Bangladesh and Council of Minorities with the support of the International Republican Institute.

### Background

Approximately 300,000 Urdu-speaking Biharis, a linguistic minority, live in slum-like conditions in 116 camps in Bangladesh. They are identified variously as non-Bengalis, Biharis and Urdu speakers. In 2008, the Supreme Court of Bangladesh ruled that the members of this community are citizens of Bangladesh and described them as Urdu-speaking Bangladeshis.

The ancestors of these Biharis came from India to what is now known as Bangladesh at the time of the Partition of India in 1947. India's British rulers partitioned the country to create two nations—India and Pakistan, the latter intended as a homeland for Muslims. Overnight, India was flanked by what became known as West and East Pakistan. The Partition resulted in the mass, and bloody, migration of people across the new borders. Hindus and Sikhs relocated to India, while Muslims went to West and East Pakistan. Muslim Biharis migrated from the Indian states of Bihar, Uttar Pradesh and West Bengal to East

Pakistan where they were known as Mohajirs or refugees. While they shared a common religion, these Urdu-speaking Biharis did not share the linguistic or ethnic backgrounds of the Bengali majority in the east, which spoke Bangla.

In 1971, after years of discrimination from West Pakistan, Bengali nationalists in East Pakistan declared independence triggering the Bangladesh Liberation War. The war lasted nine months. On December 16, 1971, Bengalis in East Pakistan won independence. Many Biharis supported or joined the Pakistani army's failed attempt to maintain Pakistan's territorial unity, which included significant atrocities against Bengali nationalists. After Bangladesh won its independence, Biharis were viewed as traitors. They were persecuted and faced reprisals from Bengali mobs and militias. Approximately 100,000 Biharis were killed. Those that survived lost their jobs and homes. They were forced to settle in 116 slum-like camps around Bangladesh, where they remain to this day.

Over the past five decades, some efforts have been made to improve the rights and welfare of the Biharis. In 2008, the Supreme Court recognized Bihari's right to citizenship and instructed the election commission to include them on voter rolls and give them national identity cards. Despite this positive development, there has been little improvement in the living conditions in the camps.

The Bangladeshi government has long promised to "rehabilitate" Biharis—to provide them housing outside the camps that is integrated into the mainstream Bangladeshi society. This has not happened. Socially and politically, Urdu-speaking Biharis are marginalized in the country. While the camp dwellers are now Bangladeshi citizens, they are not treated as equally Bangladeshi.

## Discrimination and Social Stigma

*"We were born in Bangladesh. In schools and colleges, people don't like us. Why? We are humans before Biharis. I'm a Bangladeshi just like you."*

— Mohammadpur, Male, 18

This Biharis face daily discrimination, mockery and harassment because of their ancestry. As a consequence, many of them try to conceal their identity by speaking only Bangla in public. However, their national identity cards give away their identities as they list their camp address.

While marriage between Bengalis and Biharis is increasingly common, many Bengalis still refuse to marry their children to Biharis. Employers, too, often refuse to hire Biharis, particularly for government jobs, or demand larger bribes for positions than is typical. As a consequence of a difficult job market, Bihari parents are often forced to take their children out of school so they can help supplement the family income.

Public and private institutions are often inaccessible or discriminatory. While in some areas camp residents have access to adequate healthcare, in others, government-run hospitals are remote and private clinics prohibitively expensive.

## Allegiance

*"I was born in this country and I am a citizen. I love this country dearly. Maybe those from our previous generations didn't understand this, but we do. If we were in Bangladesh back then, then we, too, would have fought for this country in the war. We, too, respect those who sacrificed their lives for this country. We love the language martyrs as well... As I was born in this country, I love this land. I have become a citizen, so I want my rights."*

— Chittagong, Male, 37

## Camp Life

Living conditions in the camps are poor. Fire is a constant hazard. Housing is cramped and dilapidated. Whole families, often with six or more members, live in a single room with little space to sleep, study, or cook. *"We share beds with two or three other people at night and then use the floor also,"* said a 22-year-old Adamjee woman.

Toilets are scarce and those that do exist are often dirty or broken. Camp residents reported



that in many camps fewer than 10 public toilets service hundreds of residents. ***"The condition of the toilets is so bad that you wouldn't want to use it if you looked inside... We use the toilet with our eyes closed,"*** said a 28-year-old Khulna man.

In some camps, drinking water is unclean. ***"When we open the water tap, it looks like blood is coming out the water is so dirty,"*** said a 37-year-old Mohammadpur man. Camp roads are narrow, crumbling and flood easily.

## Camp Evictions

Camp residents live with the constant fear of eviction. Despite efforts by camp leaders to negotiate with the government to stop evictions, camp dwellers remain insecure about their land and housing situation. These fears are not unfounded. In 1993, the National Housing Society sold the land of the Bihari camps in Mirpur, Dhaka, to people in a nearby

Similarly, between 2001 and 2012, nine petitions were filed on behalf of Bihari residents of camps in Mirpur, Syedpur, Geneva, Mymensingh Patgudam, Adamjee Nagar, and 70 other camps. The petitions urged the court to stop any evictions from the camps before the residents are rehabilitated. After a long period of hearings, a bench of the High Court Division of Bangladesh Supreme Court issued a judgment on March 29, 2016, withdrawing all injunctions and stay orders. Despite this judgment, the Dhaka North City Corporation evicted the Kashmiri Mohallah Camp in Section 11, Mirpur, on May 2017 and evicted two more camps in Pallabi, Mirpur, in August 2017. These displaced people are now homeless.

## Risk of Statelessness

In February 2016, the Cabinet of Bangladesh approved the draft Citizenship Bill 2016. We understand that the bill is under consideration in Parliament. The draft law contains provisions that are of grave concern as they may lead to a situation where the Urdu-speaking community or other current Bangladeshi citizens could become stateless. Section 3 of the draft Citizenship Bill 2016 states: "Notwithstanding anything contained in any other Act, Legal Instrument, Judgment Decree etc., the provisions of this Act shall prevail." Worryingly, this section may override the 2008 Supreme Court judgment that confirmed the citizenship of the Urdu-speaking community. This provision also contradicts Article 102 of the Bangladeshi Constitution, which gives discretionary powers to the High Court Division to issue orders.

Other provisions of the draft bill, including those that would strip citizenship from a Bangladeshi based on any action his/her parent or grandparent may have taken as "enemies of the state," also risk introducing arbitrary application of the law and unchecked discretion of officials involved in matters related to nationality.



*Biharis wait in line to collect drinking water.*

area. Approximately 70,000 Biharis live in 39 camps in Mirpur. The National Housing Society is planning to demolish all structures in these camps. In 2001, community leaders petitioned the Supreme Court in an attempt to stop the demolition of their houses and other buildings; the court issued an injunction order to the National Housing Society that same year.

## Recommendations for the Government of Bangladesh

1. Revise the draft Citizenship Bill 2016 to protect the citizenship rights of all Bangladeshis and avoid the risk of Biharis becoming stateless.
2. Honor and implement all of the Supreme Court's judgments without delay.
3. Issue an official order to guide the issuance of passports, birth certificates and other documentation to the Bihari camp dwellers on an equal basis with other Bangladeshis and without any harassment from officials.
4. Develop a master plan to improve housing and water and sanitation systems in the camps.
5. Ensure access to primary health care and reproductive health services, particularly for female camp residents.
6. Create employment opportunities for Bihari youth.
7. Rehabilitate Bihari camp residents in a dignified manner.
8. Stop evictions from the camps.
9. Create a quota for education and public service for the Bihari, Urdu-speaking linguistic minority.

## Conclusion

Nearly 50 years since Bangladesh's independence, Biharis are now recognized as citizens of the country. Nevertheless, they continue to face discrimination and live in abysmal conditions with few economic opportunities to improve their status. Many young Biharis have embraced Bangladesh as the only home they know. They desire integration into Bangladeshi society. They want jobs, education, safe living conditions, and the same rights and protections that other Bangladeshi citizens are afforded. International and domestic NGOs should continue to support the Bihari community as it pursues social, political and economic advancement as full citizens of Bangladesh.

Tolerance is key to ending the discrimination against the Bihari community. We propose that the Bangladeshi government establish a rehabilitation trust fund to mobilize funding from international organizations, bilateral donors and other national and international donor agencies in order to ensure a safe and secure future for generations of Urdu speakers in Bangladesh. Ending racism, xenophobia and intolerance will go a long way toward making Bangladesh one of the most vibrant, multilingual and multicultural countries in the world.