

# Citizenship and Statelessness of Biharis: Reevaluating the Legal Status of Biharis in Bangladesh

Md. Asadujjaman \*

**Abstract:** This article, "Citizenship and Statelessness of Biharis: Reevaluating the Legal Status of Biharis in Bangladesh", analyzes the legal and political orphan status of Bihari people in Bangladesh. The 1947 Partition saw a group of Urdu-speaking Muslims migrate to East Bengal (modern-day Bangladesh). Having been displaced out of India the Biharis had a big problem as far as their citizenship was concerned after the independence of Bangladesh in 1971. Although they have been in the country long, a large number of Biharis became stateless as they were neither allowed to be given Bangladeshi Nationality nor were they considered citizens of Pakistan, their supposed motherland. The article discusses the historical, legal and socio-political aspects that contributed to the Statelessness of the Biharis. It dwells upon the consequences of the Liberation War of 1971, the political choices neglecting them as citizens, and their extended fight to gain acknowledgment. The paper also takes a critical review of the legal status of the Biharis by examining national laws, international conventions as well as human rights frameworks. It underscores the implications that persist concerning their identity, rights, and access to basic freedoms. It urges a reevaluation of the Citizenship policy of Bangladesh, urging legal changes, and securing the rights of the Bihari community as a minority.

**Keywords:** Biharis, Standard Pakistanis, Citizenship, Stateless, Migration

## 1. Introduction

The Bihari community in Bangladesh holds a distinct status. Their identity does not conform to the classifications of ethnic minority, refugee, diaspora, or similar categories. They were designated as "*stranded Pakistanis*," as they are individuals from Pakistan, the ideological

homeland of Muslims following the partition, who were abandoned by their nation.<sup>1</sup> The Bihari community's legal status and human rights in Bangladesh remain ambiguous fifty years post-Liberation War. A state and its citizens have a legal

---

\* Assistant Professor & PhD Fellow, Law discipline, Khulna University, Khulna, Bangladesh.  
E-mail: asad@law.ku.ac.bd

<sup>1</sup> Arifur Rahaman, AKM Jamal Uddin and Md Shakhawat Hossain, 'Origin and Socio-Cultural Formation of Bihari Identity: A Study on Bihari Community in Bangladesh' (2020) 7 International Journal of Social, Political and Economic Research 879

connection known as Citizenship, which grants the state rights, responsibilities, and duties.<sup>2</sup> Citizenship is one of the foundational elements of modern nation-states, defining the legal bond between individuals and the state, accompanied by a bundle of rights and obligations.<sup>3</sup> Statelessness, lacking recognition as a national by any state under its laws, constitutes a significant human rights concern impacting millions globally.<sup>4</sup> However, many post-colonial nations are facing ambiguity for specific groups. From the perspective of legal studies, Citizenship is interpreted as political and sociological.<sup>5</sup> In the case of Bangladesh, one Urdu-speaking Bihari community group, also known as the *Stranded Pakistanis*, has been challenged since the independence of Bangladesh.

Influenced by Muhammad Ali Jinnah's two-nation idea, the Bihari community originated in the Indian state of Bihar. When British India was divided in 1947, there was migration to East Pakistan.<sup>6</sup> The partition witnessed a colossal riot among various religious groups, mainly between Hindus and Muslims, which evacuated 10-12 million people from their lands.<sup>7</sup> Fearing threats from extremist Indian Hindu nationalist parties, Biharis moved to East and West Pakistan. In both parts, they were welcomed and acclaimed as Muhajir.<sup>8</sup> After the 1971 Liberation War, the Biharis, who aligned with West Pakistan, were made stateless owing to their disputed national loyalty and the ensuing denial of full Citizenship by both Pakistan and Bangladesh.<sup>9</sup> After the independence of Bangladesh, their political affiliation led them to a disputed legal status and Citizenship in Bangladesh.<sup>10</sup> The Biharis, estimated to number over 300,000 in post-independence Bangladesh, faced institutional exclusion, social marginalization, and political ambiguity. In the independence war of Bangladesh, West Pakistan repatriated a portion of the population, but a large number of the population remained confined in the refugee camps in Bangladesh. While the Government of Pakistan repatriated a portion of the population, a large number remained confined in refugee camps, without formal recognition as citizens of Bangladesh. For years, their lack of Citizenship deprived them of access to education, employment, property, and political participation.<sup>11</sup> In 2008, a significant ruling by the High Court Division of the Supreme Court of

---

<sup>2</sup> Bryan S Turner and Engin F Isin, 'Handbook of Citizenship Studies' 1.

<sup>3</sup> Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality* (Harvard University Press 2009) <<https://www.jstor.org/stable/j.ctvjhzr8r>> accessed 22 April 2025.

<sup>4</sup> 'Global Trends Report 2023' (UNHCR) <<https://www.unhcr.org/global-trends-report-2023>> accessed 22 April 2025.

<sup>5</sup> Claus Haas, 'What Is Citizenship?' [2001] The Danish University of Education.

<sup>6</sup> Rahaman, Uddin and Hossain (n 1).

<sup>7</sup> Ian Talbot and Gurharpal Singh, *The Partition of India* (1. publ, Cambridge Univ Press 2009).

<sup>8</sup> Rahaman, Uddin and Hossain (n 1).

<sup>9</sup> Victoria Redclift, *Statelessness and Citizenship Camps and the Creation of Political Space*, ISBN 9781138192355 208, Published October 12, 2015 by Routledge.

<sup>10</sup> Jyoti Verma, 'Bihari Identity: An Uncharted Question' (2019) 31 *Psychology and Developing Societies* 315.

<sup>11</sup> Pradyut Ghosh, *The Bihari Minority in Bangladesh: Victims of Political Marginalization* (2007) *South Asian Survey*, 14(2), 217–231. <https://doi.org/10.1177/097152310701400205>

Bangladesh established that Biharis born after 1971, who were minors throughout the conflict, are acknowledged as citizens of Bangladesh and are entitled to voting rights.<sup>12</sup> Although legally recognized, this has not been enforced in practice. The realisation of citizenship rights of Biharis in Bangladesh is still fraught with challenges. The administrative practice and legal recognition kept many individuals in the community in a state of limbo. These gaps determine the important questions on the application of Citizenship of Biharies to the case of access to justice, citizenship rights and the general implication of Statelessness on the democratic society. Numerous Biharis continue to live in so-called Geneva camps and other settlements, and they are usually discriminated against and have to overcome bureaucratic obstacles in obtaining national identification papers.<sup>13</sup> Notwithstanding the global acknowledgment of the right to Nationality as stipulated in international law, particularly Article 15 of the Universal Declaration of Human Rights (1948), millions continue to be stateless due to discriminatory legislation, state succession, displacement, and deficiencies in nationality laws.<sup>14</sup> These issues have become a global phenomenon that affects people differently based on political, historical, and legal contexts.

## 2. Statement of the Problem:

The Bihari community labeled as "Stranded Pakistanis" has remained in a state of legal limbo despite several judicial and administrative developments aimed at resolving the citizenship status of the community. The High Court Division of Bangladesh's ruling in *Abid Khan vs. Government of Bangladesh* granted Citizenship to Biharis born post-1971. After this case, Biharies registered in the 2008 voter list, a significant portion of the community, continue to be excluded from legal recognition. But this inconsistency has perpetuated a vulnerable situation where many Bihari live in overcrowded camps, facing systemic discrimination in education, employment, and political participation. Although Bangladesh has made a constitutional pledge to equality and non-discrimination, these rights for Biharies remain questionable in practice. There is a gap between legal recognition and actual enforcement on the ground. This study assesses Biharis' legal position under Bangladesh's legal frameworks. This paper evaluates the adequacy of current legal instruments in ensuring full citizenship rights and addressing Statelessness.

## 3. Objectives of the research:

This study seeks to:

---

<sup>12</sup> Daily Star. (2008, May 20). *Biharis are citizens of Bangladesh: HC*. The Daily Star. <https://www.thedailystar.net/news-detail-37474>

<sup>13</sup> Mizanur Rahman Khan, *Statelessness and Legal Identity: The Case of the Bihari Community in Bangladesh*, (2015) Bangladesh Journal of Law, 14(1), 25–40.

<sup>14</sup> 'Statelessness and the Benefits of Citizenship: A Comparative Study | European Website on Integration' <[https://migrant-integration.ec.europa.eu/library-document/statelessness-and-benefits-citizenship-comparative-study\\_en](https://migrant-integration.ec.europa.eu/library-document/statelessness-and-benefits-citizenship-comparative-study_en)> accessed 22 April 2025.

- Reevaluate the present juridical position of Biharis in Bangladesh on the basis of constitutional guarantees, law, and judicial rulings.
- Determine gaps in the law, administration, and policies that sustain their marginalization.
- Recommend practical changes in the law and institution to guarantee the complete Citizenship and rights of the Bihari population.

#### 4. Methodology

In this study a doctrinal approach was used. The presented paper is founded on primary and secondary data. Primary data involves constitutional statements, examination of statutory tools, judicial rulings, and international treaties, such as stateless conventions of 1954 and 1961. The secondary sources are books, scholarly articles, reports, UNHCR documentation, journals, case materials, Internet sources, and others. Where it concerns referencing the style used is the Oxford reference style.

#### 5. Literature Review:

In his article, *"Biharies in Bangladesh and their restricted access to citizenship rights"*,<sup>15</sup> Zaglul Haider examines the challenges of the Bihari people in Bangladesh. He further examines that though Biharis have citizenship rights, many Biharis continue to face systemic discrimination that results in them being stateless. Mr. Haider concentrates on the plight of the Biharis to enjoy basic freedoms, such as national identity, passports, drivers licenses, and lack of job opportunities. Such obstacles continue their marginalization. The social implication of the Bihari community, such as low living standards, poor housing facilities, sanitation, and healthcare provisions are also brought out by the author. The argument that Haider puts forward is that, this exclusion is not only bureaucratic but is also indicative of a deeper societal bigotry and a political unwillingness.

In another article, *"Rejected people in Bangladesh: If the Biharis Were Counted"*,<sup>16</sup> Zaglul Haider discusses a humanized vision of the Statelessness concept. He carried out the empirical research and pointed out the socio-political and legal issues of the Bihari community in Bangladesh. The author discusses the contradiction in legal Citizenship that lacks rights. He explained that Biharis are de jure citizens of Bangladesh, but in de facto, they are de facto Stateless.

. The author also highlights the dire living conditions in the Bihari camps in Dhaka and outside the district. He examined the fact that the community faces serious problems regarding inadequate sanitation, restricted access to education, and job opportunities. The empirical research indicated that 80% of Bihari respondents are

---

<sup>15</sup> Eric Paulsen, 'The Citizenship Status of the Urdu-Speakers/Biharis in Bangladesh' (2006) 25 Refugee Survey Quarterly 54.

<sup>16</sup> Eric Paulsen, 'The Citizenship Status of the Urdu-Speakers/Biharis in Bangladesh' (2006) 25 Refugee Survey Quarterly 54.

illiterate, and 67% are unable to send their children to primary school. Haider posits that addressing and resolving systematic barriers could enable individuals' skills, resilience, and desire for integration to contribute significantly.

*Eric Paulsen*, in his article titled, "*The Citizenship Status of the Urdu-speakers/Biharis in Bangladesh*,"<sup>17</sup> serves as an essential resource for comprehending the historical and legal complexities surrounding the Statelessness of the Bihari community in Bangladesh. Paul emphasizes the legal intricacies surrounding the citizenship status of Biharis. He contended that Bangladesh is not a signatory to the 1954 Convention about the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness; however, the legal issues about the citizenship status of the Biharis persist unsolved. This situation creates trouble for Bangladesh's non-signatory status to the 1954 and 1961 statelessness conventions. Upon historical analysis and legal justification, the author illuminates the systemic issues of Biharis and how the policy should be systemically resolved to make them fully integrated and be recognized as citizens.

In an article titled, *Status and Identity Crisis of the Bihari Diaspora in Bangladesh*, Arifur Rahaman explores the complex status and identity crisis that the Bihari people faced in Bangladesh, attempts to trace the history of the problem, the socio-political struggles that they had to endure, and the ongoing crisis of their status in the socio-cultural context of Bangladesh. Rahaman notes that the legal status of the Biharis is complex: although the Bangladesh government has granted Citizenship to a significant number of them, there are still logistical challenges. These include the identity documents that one must have to be able to go to school, work and vote. Rahaman documents the economic and social ordeals that the Biharis have been forced to endure: rampant unemployment, education system that is dismal and deplorable living conditions. He preaches general policies that respond to their socio-economic issues and encourage their actual inclusion into the Bangladeshi society.

In his article, "*Existing Paradox in the Nationality Status of Biharis in Bangladesh: An Appraisal*,"<sup>18</sup> M. Rahman presents the historical context of the nationality status of the Biharis and the important legal and political developments. He notes that around 200,000 Biharis had been sent back to Pakistan with the 1974 Delhi Tripartite Agreement, but there were still many Biharis in Bangladesh without any Citizenship. In 2003 the historic High Court decision in the case of *Abid Khan and Others v. the Government of Bangladesh* established the Citizenship of those born after 1971 of the Biharis, but this was not absolutely adhered to. The article by Rahman explains the nationality paradox that the Biharis suffered in Bangladesh. This paper dismantles the legal inconsistencies and policy change proposals, and it is clear that

---

<sup>17</sup> Eric Paulsen, 'The Citizenship Status of the Urdu-Speakers/Biharis in Bangladesh' (2006) 25 *Refugee Survey Quarterly* 54.

<sup>18</sup> Eric Paulsen, 'The Citizenship Status of the Urdu-Speakers/Biharis in Bangladesh' (2006) 25 *Refugee Survey Quarterly* 54.

Bangladesh needs to resolve the Statelessness of the Bihari community in accordance with the Constitution, and the international responsibilities.

The article, "*Political Otherness of the Bihari Community in Bangladesh*" by Mowsume Bhattacharjee and Junpeng Li<sup>19</sup> analyzes sociological theories of social exclusion and marginalization. The research suggests that the Bihari, commonly considered de facto stateless, suffer from political neglect. This exclusion occurs in multiple ways: non-citizenship, lack of voting rights, political representation, and even access to critical services, from passports to banking and insurance. Such patterns of exclusion, the authors argue, have been embedded within the community's identity and reinforced by race-based residential segregation in Bihari settlements, further entrenching their marginalization. Bhattacharjee and Li's study thoroughly examines Biharis's political otherness, which calls attention to the structural exclusions Yunus endures and the policy changes required to help them. Therefore, their work contributes to the understanding and redressing of the political exclusion of marginalized groups for inclusive governance.

Kazi Fahmida Farzana's article "*An Artificial Minority: The Stateless Biharis in Bangladesh*" analyzes the political, legal, and identity-related marginalization of the Urdu-speaking Bihari community in post-independence Bangladesh.<sup>20</sup> She studied how this community has been systematically, institutionally, and deliberately disenfranchised. The article presents the Biharis as an "artificial minority"—a group whose Statelessness and dispossession were not natural or inevitable, but on the contrary produced through nation-building in post-1971 Bangladesh. She also found that they were made stateless through legal, political, and socio-cultural practices. One of the merits of the article is its complex view of identity. Farzana disrupts easy ethnic and linguistic identifications, underscoring the diversity of the Bihari community and their complex relation to identity tags such as 'Urdu-speakers,' 'non-Bengalis,' and 'stranded Pakistanis.' Finally, she critiques the state and society that has made Statelessness their life story in Bangladesh.

## 6. Research Problem

For generations, the Biharis in Bangladesh have been a stateless population. The question of their Citizenship is a matter of law, but of justice and human compassion. The juridical status of Biharis is a controversial issue, although they are formally recognised as a minority in Bangladesh. Being stateless infringes their rights as persons, and poses a great challenge to national legal infrastructure in Bangladesh. This was further complicated by historical reasons such as their political affiliation to Pakistan during the Bangladesh liberation war in 1971, their migration trends and the denial of citizenship rights that followed liberation. The heritage of the historical war

---

<sup>19</sup> Mowsume Bhattacharjee, and Li Junpeng, "Political Otherness of the Bihari Community in Bangladesh." *Journal of Social and Political Sciences* 7, no. 2 (2024).

<sup>20</sup> Kazi Fahmida Farzana, *An Artificial Minority: The Stateless Biharis in Bangladesh* (2009) *Journal of Muslim Minority Affairs*, 29(2), 223–235. <https://doi.org/10.1080/13602000902943682>

and the existing legislation and status has left the Biharis without any defined way of being a Citizen or a legal entity.

### **7. Scope and limitations of the study**

Bangladeshi citizenship law is complicated and ambiguous, with competing policies and historical anomalies. In Bangladesh, the matter of Statelessness is incredibly fraught with politics and has a post-colonial bloody past, with the Bangladesh Liberation War and a problematic relationship with Pakistan. That touchy political environment could affect the accessibility and transparency of relevant government records and information. The Biharis are scattered in various pockets of Bangladesh, and their social circles are largely informal. Community residents may be difficult to reach directly, particularly with sensitive personal citizenship claims, because of stigmatization concerns or legal liabilities.

### **8. Historical and Political Context**

The migration of Biharis to East Pakistan before and during 1947 was an integral part of the demographic in the Indian subcontinent. At the time, it was seen that the only way to avoid the violent displacement of between 10 and 15 million people was to divide British India into two separate states.<sup>21</sup> However, the migration during and after the partition was complex and involved various ethnic and religious groups, including the Biharis. The Bihari, from the area as far as Bihar of north India, were a substantial part of the population movement to East Pakistan. The migration process was not entirely voluntary. The Bihari migrants were often seen as outsiders by the local Bengali Muslims, which created tensions between the Bihari settlers and the native Bengali population.<sup>22</sup> Bangladesh attained independence in 1971 following the Bangladesh Liberation War and the separation from East Pakistan.

Throughout this War, the Bihari Muslim population backed the Pakistani armed forces and were consequently called collaborators.<sup>23</sup> After the War, the newly formed Government of Bangladesh took the Bihari community with suspicion, and considered them as enemy foreigners. As a result, a large number of Bihari Muslims were rendered stateless, as India or Bangladesh would not recognize them. Due to the role of most Biharis in the Liberation War, initial settlement in the nation, linguistic and historical baggage, the Bihari community struggled to integrate within the fabric of Bangladeshi society.<sup>24</sup>

#### **8.1 Post-Independence Situation:**

---

<sup>21</sup> Chowdhury, M. A. The Struggle of the Stateless: The Case of the Bihari Refugees in Bangladesh (2011) *Asian Ethnicity*, 12(2), 137-148. <https://doi.org/10.1080/14631369.2011.566007>

<sup>22</sup> Siddiqui, T. *Migration, Politics, and the Bihari Community in East Pakistan* (2001) *Journal of South Asian Studies*, 22(1), 75-92

<sup>23</sup> Amin, S. *Bangladesh: The Bihari Refugees* (1990) Dhaka University Press.

<sup>24</sup> *Supra Note 23*

The post-war situation rendered many Biharis stateless; they were not given Bangladeshi Citizenship. The Bangladeshi state regarded the Biharis as traitors because they had sided with the Pakistani army. They spent years in refugee camps, the primary one in Dhaka. The Biharis' status as stateless people defined their lives, leaving them with severe economic and social deprivation. Post-independence, the treatment by the Bangladeshi Government was mixed towards the Biharis. Initially, they were considered a problem that only repatriation to Pakistan could solve. Still, the matter was made more complex by Pakistan's refusal to take the Biharis back. That left the Biharis marooned in Bangladesh, with no rights and no papers. Being denied citizenship rights, they were deprived of fundamental rights to education, employment, and healthcare.

The Bihari refugees were placed in refugee camps, some of which became permanent settlements. The camps, like those in Dhaka's Mohammadpur and Mirpur areas, were overcrowded and had no sanitation. Biharis had little or no educational or medical facilities and were not socially integrated with Bangladeshi society. The subsequent Bangladeshi Government gave far too little attention to assimilating the Biharis within the broader Bangladeshi social framework. The political alienation of the Biharis was further exacerbated in the 1980s and 1990s as the question of their Citizenship and legal status remained unresolved. The populace saw the Biharis as an alien, unwanted community, and this resulted in their stigmatization.<sup>25</sup> In 2008, the Bangladesh government took a historic step, offering Citizenship to a segment of the Bihari population in the camps. Some 150,000 Biharis were enrolled as voters and Bangladeshi citizens. This, however, did not resolve the question of their general isolation and social marginalization. Discrimination against Biharis still existed in the job market, and many of them were not getting opportunities for various work due to their alien character. Despite the constitutional approval, the social acceptance of Biharis by the Bangladeshi populace is low. The dominant population exhibits discrimination towards the Biharis, resulting in their continued precarious status within the social and political spheres of Bangladesh. Their struggle for complete Citizenship and societal acceptance continues.

---

<sup>25</sup> Khan, A. R. *The statelessness of the Bihari community in post-independence Bangladesh*(2020). *Journal of South Asian Diaspora*, 5(2), 179-195.

## 9. Conceptual and Legal Framework

### Definition of Citizenship:

Citizenship is defined legally as the status of an individual acknowledged by the law of a sovereign nation as a member, which confers specific legal rights and responsibilities. This relationship constitutes a legal and formal agreement between an individual and the state, wherein the state undertakes to protect the individual, who, in return, commits to loyalty. According to Black's Law Dictionary, Citizenship refers to the status of an individual as a member of a political community, which entails the possession of civil rights and the obligation to fulfill associated duties.<sup>26</sup> Malcolm N. Shaw, a leading authority in international law, states that Citizenship constitutes the legal relationship between an individual and a state, encompassing rights, responsibilities, and the reciprocal acknowledgment of loyalty and protection.<sup>27</sup> According to the law, Citizenship can be acquired through several means: Birth (via *jus soli* or *jus sanguinis*), Naturalization, Marriage, or other legal criteria. Article 15 of the Universal Declaration of Human Rights (UDHR) provides that "Everyone has the right to a nationality," and "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."<sup>28</sup> Citizenship is defined legally by national constitutions and legislation. The 1955 International Law Commission asserted that Nationality constitutes a legal bond grounded in a social fact of attachment, characterized by a genuine connection of existence, interests, and sentiments, along with reciprocal rights and duties. The 14th Amendment of the United States Constitution asserts that all individuals born or naturalized in the United States, and subject to its jurisdiction, are citizens of the United States and the state in which they reside.<sup>29</sup> The British sociologist T.H. Marshall described Citizenship in his influential 1950 essay, "Citizenship and Social Class," as "a status bestowed on those who are full members of a community." He outlined three dimensions of Citizenship: civil (individual rights), political (the right to engage in politics), and social (the economic security of the individual). Marshall's approach has also shaped contemporary welfare state theory.<sup>30</sup> In constitutional law, Citizenship means membership-based entitlement to rights to participate in the polity, including the right to vote and the associated responsibilities of obeying the law, paying taxes, and serving in the military, for which certain individuals may qualify. Section 3 of the Citizenship Laws of Bangladesh 1951 is founded on the principles of *jus sanguinis*. This article delineates birth status, differentiating between citizens and aliens, and encompasses Citizenship by Birth, Descent, Registration, and Naturalization provisions.<sup>31</sup> The domestic legal framework typically regulates Citizenship, but must adhere to established human rights standards. In *the Nottebohm*

---

<sup>26</sup> Black's Law Dictionary, 11th ed., 2019

<sup>27</sup> Shaw, M. N. (*International Law* (8th ed.)2017) Cambridge University Press.

<sup>28</sup> Article 15 of the Universal Declaration of Human Rights (UDHR), 1948

<sup>29</sup> U.S. Const. amend. XIV, § 1.

<sup>30</sup> Marshall, T.H. *Citizenship and Social Class* (1950), Cambridge University Press.

<sup>31</sup> The Bangladesh Citizenship Act, 1951.

*Case (Liechtenstein v. Guatemala), 1955 ICJ 4*, it was stated by the International Court of Justice that the Nationality is a legal bond based on a social fact of attachment which is a true connection of existence, interests and sentiments.<sup>32</sup> Accordingly, Citizenship is a status and a legal tie binding a citizen and state, based on reciprocal rights and duties, under an international and national legal order: not by national laws only, but based on international law norms. Binding a citizen and state, based on reciprocal rights and duties, under an international and national legal order: not by national laws only, but based on international law norms. Citizenship encompasses both a legal status and a practical engagement within society. Yasemin Soysal introduced the concept of "post-national citizenship," where human rights transcend national boundaries, particularly in migration and globalization.<sup>33</sup> Article 20(1) of the Treaty on the Functioning of the European Union (TFEU) stipulates that every individual possessing the Nationality of a member state shall be recognized as a citizen of the Union. EU citizenship enhances national Citizenship by providing additional rights, including the right to move and reside freely.<sup>34</sup> Article 1 of the 1961 Convention on the Reduction of Statelessness defines Citizenship as the legal connection of an individual to a specific state, which grants the individual rights and responsibilities associated with that status. The Convention acknowledges that a citizen of a nation is entitled to the protection of that state.<sup>35</sup> Section 2 of the Indian Citizenship Act, 1955, delineates the criteria for acquiring Citizenship in India, which include birth, descent, registration, naturalization, or incorporation of territory. The Act delineates the criteria for losing Citizenship, thereby affirming the state's authority over citizenship status.<sup>36</sup> Article 9 of the Treaty on European Union defines EU citizenship as an additional status to national Citizenship. It grants citizens of EU member states the right to move and reside freely within the EU, participate in elections, and receive consular protection in non-EU countries.<sup>37</sup> David Held introduced the concept of cosmopolitan Citizenship, which proposes that people should be citizens not only of a state but also of the world in the context of an increasingly interconnected world. This broader view promotes social responsibilities, global rights, and duties with national Citizenship.<sup>38</sup> Citizenship is also a construct that denotes belonging to a political community or group. This view thus highlights the subjective and relational nature of Citizenship; instead of what they are and have, it is what they feel and are perceived by others in society. The term "right to have rights" denotes that an individual is entitled to assert rights while being recognized as capable. This definition highlights the empowering role of Citizenship as a fundamental prerequisite for accessing justice and equality within a

---

<sup>32</sup> Nottebohm Case (*Liechtenstein v. Guatemala*), 1955 ICJ 4

<sup>33</sup> Soysal, Y.N. *Limits of Citizenship: Migrants and Postnational Membership in Europe* (1994) University of Chicago Press.

<sup>34</sup> European Union. *Treaty on the Functioning of the European Union* (2012), Article 20.

<sup>35</sup> United Nations. (1961). *Convention on the Reduction of Statelessness*, Article 1.

<sup>36</sup> Government of India. (1955). *The Citizenship Act, 1955*, Section 2.

<sup>37</sup> European Union. (2012). *Treaty on European Union*, Article 9.

<sup>38</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

legal framework. Citizenship is a fundamental legal status defining the relationship between individuals and the state. It's a compact that describes citizens' rights, duties, responsibilities, and obligations the state owes. The above conclusion on Citizenship emphasizes the role of the institution of Citizenship in maintaining the national social fabric, identity, and political participation. Citizenship is still a point of contention. Despite legal victories, many Biharis continue to grapple with issues of identity, access to rights, and full integration into Bangladeshi society.

### 9.1 Statelessness

Statelessness refers to having no nationality or Citizenship of any nation. This can be due to variations in a nationality law, denial of the International community recognition of the Nationality of a stateless person, or failure of an individual to establish his or her Nationality. They can be disadvantaged on some privileges like legal rights, health, education, employment and movement. A stateless person is a person whose right to Nationality has not been acknowledged. The international efforts such as the Convention Relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961) seek to protect the stateless in the world and curb future incidences of Statelessness through legal mechanisms to ensure that people are not left without any legal status. According to the definition of the United Nations High Commissioner of Refugees (UNHCR), Statelessness is a State where a person is a citizen of no country or nation.<sup>39</sup> The International Covenant on Civil and Political Rights (ICCPR), defines a stateless person as a person who is not perceived as a national by any state in accordance with the country's legal system.<sup>40</sup> Various legal, political and historical processes result in statelessness.

European Union Agency on Fundamental Rights (FRA) defines a stateless individual as a person who lacks the Nationality of any country, and, thus, has no rights or privileges associated with Citizenship.<sup>41</sup> The Convention on the Status of Stateless Persons of 1954 defines stateless person as an individual who is not recognized as a national of any state according to the legal system of this state.<sup>42</sup> Harris, O Boyle and Warbrick in the book, *Law of the European Convention on Human rights*, describe a stateless person as a nationality that lacks recognition by any state. Consequently, they are denied some of the rights given to citizens such as right to vote, right to social services, and right to avoid expulsion.<sup>43</sup> In her book *Refugee Law and Policy*, H elene Lambert discusses the topic of Nationality and Statelessness. Statelessness is a term used to refer to the legal position of an individual who is not considered as a citizen or national of any state. This leads to absence of legal identity and

---

<sup>39</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>40</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>41</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>42</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>43</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

vulnerability to international law and human rights uncertainties.<sup>44</sup> In the book *The Refugee in International Law*, Goodwin-Gill defines Statelessness as A stateless person without a legal relationship of Nationality or Citizenship to any state, which leads to the lack of civil, political, social, and economic rights normally attached to Nationality.<sup>45</sup> The Global Action Plan to End Statelessness by the United Nations High Commissioner of refugees defines Statelessness as the condition of a person who is not recognized as a national by any state under its legal provisions. Stateless people are not able to exercise basic human rights often, and are discriminated against.<sup>46</sup> The Draft Articles on Nationality of Natural Persons of the Succession of States by the International Law Commission, define Statelessness as the status of a person who does not have Nationality in any state according to its legal system.<sup>47</sup> Statelessness is the absence of Citizenship of any state. The loss of Nationality may be caused by many reasons, such as the dissolution of the state, the discriminatory laws, or the need to prove insurmountable reasons in order to prove Citizenship. Stateless people often have to struggle a great deal, as they often lack access to education, healthcare and job opportunities. The social and legal exclusion of stateless people increases their difficulties and makes them susceptible to abuse and neglect.

## **10. Legal Status of Biharis in Bangladesh**

### **10.1 Initial exclusion and legal limbo (1971–2008):**

After the partition of British India in 1947, many Biharis relocated to Bangladesh. The Biharis were perceived as supporters of the Pakistan campaign due to their status as Urdu speakers.<sup>48</sup> They hence had been associated with the Muslim League and its project for a separate Muslim state.<sup>49</sup> This established a connection with the Bengali-speaking population of East Pakistan, who possessed a pronounced ethnic and linguistic identity. A large number of Biharis became settled in East Pakistan. They were not assimilated into the local community, and problems soon arose. After the declaration of independence of Bangladesh, the situation took a dramatic turn. The Biharis found themselves in an untenable position. They were accused of collaborating with the Pakistan military during the War by the people they commanded. Accordingly, they were subjected to horrific persecution from Bengal nationalists. Thousands of Biharis were slaughtered, and many of them had to flee to save themselves.<sup>50</sup> After the War, the new country of Bangladesh wanted a

---

<sup>44</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>45</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>46</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>47</sup> Held, D. (2002). *Cosmopolitanism: Ideas and Realities*. Polity Press.

<sup>48</sup> Choudhary, R. *The Bihari Immigrant Experience: Migration, Statelessness, and Citizenship in Bangladesh* (2017) *South Asian Migration Studies*, 1(2), 123-145.

<sup>49</sup> Ahmed, S. *The Biharis in Bangladesh: Citizenship, National Identity, and the Struggle for Belonging* (1994) *Journal of Refugee Studies*, 7(1), 23-35.

<sup>50</sup> Nandy, A. *The Bihari Question in Bangladesh: An Analysis of Identity Politics* (1995) *Indian Journal of Political Science*, 56(3), 347-366.

homogeneous national identity, and the Biharis, being associated with Pakistan, were seen as not part of that identity. Some Biharis managed to remain in Bangladesh, but were never granted Citizenship and became stateless people, lingering in a legal netherworld. They were primarily housed in camps in the capital, Dhaka, where they lived in dire poverty and hardship. The status of the Biharis began to change in the early 2000s, when the Government of Bangladesh came under pressure to address their legal status.<sup>51</sup> A landmark decision by the Supreme Court in 2008 determined that Biharis born in Bangladesh would be granted Citizenship. This decision was a big win to the Biharis - a group that has had no legal rights over the decades.

However, the process of citizenship was very tedious and a large number of Biharis continued to face discrimination. The struggle towards their full rights and inclusion in Bangladeshi society was even after 2008 when the poor Biharis were still struggling through a social and economic nightmare. The legal purgatory they had endured for nearly forty years had only tentatively been relieved by the 2008 ruling, and genuine inclusion was still an uphill battle. The fortunes of the Biharis started to turn in the early 2000s, when the Government of Bangladesh came under pressure to deal with their legal status. In 2008, a key Supreme Court ruling was that any Bihari born in Bangladesh would have the right to Citizenship.<sup>52</sup> The move was a triumph for the Biharis, who had languished for decades without legal status.

Nevertheless, naturalization remained slow, and many Biharis experienced discrimination. The fight for full rights and integration into Bangladeshi society continued after 2008, since Biharis faced social and economic obstacles. A time of life spent in legal limbo for nearly 40 years seemed to ease only a bit with the 2008 ruling, and the ability to live without reservation as full members of society remained an ongoing challenge.

## **11. Legal framework of Biharis in Bangladesh**

The Urdu-speaking population of Bangladesh, also known as Biharis, is not a separate community, defined by race, religion, or physical features.

The Bihari people of Bangladesh are typically nonconformists to any existing identity or category recognized by international standards.

### **Their legal framework:**

Article 2 of UN Declaration states that all individuals have a right to all the rights and freedoms provided by this declaration without any form of differentiation, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>53</sup> The article 15 of the Universal Declaration of Human Rights (UDHR) states that all humans have the right to a nationality and that

---

<sup>51</sup> Karim, N. *Statelessness in South Asia: The Plight of the Biharis*.(2011), Refugee Review, 28(2), 145-160.

<sup>52</sup> Supra Note 53

<sup>53</sup> Supra Note 53

no individual should be deprived of this right unjustly.<sup>54</sup> Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) obliges every State Party to respect and ensure the rights contained in the Covenant to all individuals within its territory and under its jurisdiction without discrimination by race, color, sex, language, religion, political or other beliefs, country of national or social origin, property, birth, or any other status.<sup>55</sup> Article 27 stipulates that in countries where there exists ethnic minority, religious minority or linguistic minority, individuals belonging to these minorities should not be denied the right to practice their culture, profess their religion, or use their language alongside their fellow members of their group.<sup>56</sup> Article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) imposes the duty on States Parties to make sure that the rights that are stipulated in the Covenant are practiced without discrimination with regard to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.<sup>57</sup> Articles 34 and 134 of the Geneva Convention of 1949, which spells out the right to leave and come back to the last residences are several key provisions in this regard, as provided in articles 34 and 134 of the Geneva Convention of 1949. These legal provisions determine that individuals have some rights whether in the outer or in a conflict. The parties involved in the contract should ensure all internees are returned to their previous place of residence or repatriated. Since they are de facto Stateless, the contemporary discussion of the legal status of Biharis, especially their identification as refugees in the Fourth Geneva Convention, is an important issue that the relevant states should address.<sup>58</sup>

---

<sup>54</sup> Supra Note 53

<sup>55</sup> Supra Note 53

<sup>56</sup> Supra Note 53

<sup>57</sup> Supra Note 53

<sup>58</sup> Article 34 and 134 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

### **11.1 Constitutional Development:**

As Bangladesh being a Member-State in the United Nations Organization has not ratified the International Covenant on Civil and Political Rights (ICCPR) or the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Of all the words race, color, sex, religion and language, the word language has the highest priority, since it is mentioned directly in constitutions that are written globally. But the Constitution of the Peoples Republic of Bangladesh is an exception because it was adopted solely based on Bengali nationalism.

Article 6 of the Constitution addresses individuals as Bangalis or Bengladeshis, and does not use either of the terms Biharis or stranded Pakistanis. They have the right to seek administrative and judicial redresses under the Bangladeshi law, just like any other Bangladeshi citizen.<sup>59</sup> The members of the Urdu-speaking community who met the necessary legal and administrative requirements were assigned National Identity Cards by the Election Commission. The Urdu speaking people have now become a Bangladeshi national and are no longer considered stateless and refugees. The Constitution of Bangladesh recognizes the relevance of international law and principles contained in the United Nations Charter.<sup>60</sup> Article 11 provides that Republic is a democracy which guarantees the realization of basic human rights and freedoms and the dignity and value of human beings. Article 9 contradicts the four State Principles: unity and solidarity of the Bengalee nation, based on language and culture, achieved a sovereign and independent Bangladesh through a unified and decisive struggle in the course of the War of Independence, which is the foundation of Bengalee nationalism. The legacy of the Language Movement had a bearing on the drafting of the Constitution with the exclusion of the word language in Article 28. Secularism and democracy was thus founded on the discrimination and violation of the rights of language minorities as recognised in the Universal Declaration of Human Rights and other relevant declarations and covenants. The loss of language and tradition in Bangladesh is the first step towards the disintegration of the cultural identity of Bihars and indigenous populations, such as Santhal and Chakma. This shows a change in one belief system or cultural construct to another and a gradual loss of the original cultural identity.

### **The Citizenship Act of 1951**

Bangladesh has Citizenship by migration, set out in the Citizenship Act of 1951, and relates to the Bihari people. The Act sets out the provisions of Citizenship by naturalization, which is another avenue that the Biharis can obtain Citizenship. The Act contains clauses on denying Citizenship and Citizenship right to certain people

---

<sup>59</sup> Article 34 and 134 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

<sup>60</sup> Article 34 and 134 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

living abroad. The Citizenship Act, Section 6 permits any migrant who entered the present day Bangladesh before January 1, 1952, of the Indo-Pakistan subcontinent, to get registered as citizens, provided they plan to reside permanently. This provision requires a certificate of domicile but the Government can exempt given individuals or groups of people, such as per the Bangladeshi law.<sup>61</sup>

### **Naturalization Act, 1926**

Section 9 of the Act permits registration as a citizen of Bangladesh through naturalization, encompassing individuals who have received a naturalization certificate under the Naturalization Act 1926. The Laws of Bangladesh permit the Government to register individuals as citizens without requiring a naturalization certificate.

### **Bangladesh Citizenship Order of 1972**

In 2003, the Supreme Court of Bangladesh made a landmark decision in the case of *Abid Khan and others v Bangladesh*, and ruled that the ten Urdu-speaking petitioners, who were born prior to and after 1971, were recognized as Bangladeshi nationals under the Bangladesh Citizenship Act of 1951 and Bangladesh Citizenship Order of 1972. The Government was ordered by the court to register them as voters.

### **11.2 Case reference of Biharis in Bangladesh**

#### ***a) Mukhtar Ahmed V Government of Bangladesh and others***

The application of Mukhtar Ahmad to Pakistan does not negate his Citizenship. The Bangladesh Citizenship Order, P.O. 149/72, specifies various circumstances under which an individual is recognized as a citizen of Bangladesh. It has upheld non-discrimination among its citizens, irrespective of the methods through which they obtained Citizenship. The petitioner possesses equivalent status to that of any other citizen. Having been acquired long ago, Bangladesh remains a constant; therefore, an individual's migration to another country does not invalidate their Citizenship.<sup>62</sup>

#### ***b) Abdul Khaleque V The Court of Settlement and others***

In *Abdul Khaleque v. The Court of Settlement and others*, the High Court Division upheld the principles established in Mukhtar's Case, concluding that the mere option for migration to Pakistan does not invalidate an individual's right to Citizenship and property, as guaranteed under Article 42 of the Constitution.<sup>63</sup>

#### ***c) Abid Khan and others V the Government of Bangladesh***

---

<sup>61</sup> Bangladesh Citizenship Act, 1951, Article 5

<sup>62</sup> *Mukhter Ahmed Vs. Government of Bangladesh*, 34 DLR 29, 1982

<sup>63</sup> *Abdul Khaleque Vs. Court of Settlement and others*, 1991, 20 CLC (HCD)

In *MD. Abid Khan and others V the Government of Bangladesh*, the High Court Division found the petitioners (ten in number) residing in Geneva Camp as citizens and legally entitled to their political right as voters in the country's national elections. This decision also approved the dicta of Mukhtar Ahmed's Case. The petitioners, being citizens of Bangladesh, are not precluded from voter enrollment due to their residence in the Geneva Camp, Mohammadpur. As a result, they qualify for inclusion in the electoral roll and voter registration, assuming they do not encounter disqualification under section 7 of the Election Rolls Ordinance, 1982.

**d) *Sena kalyan Sanstha V Haji Sufi Fazal Ahmed***

In *Sena Kalyan Sanstha v Haji Sufi Fazal Ahmed*, the Appellate Division found Haji Sufi Fazal Ahmed, a migrant from India stranded in Pakistan when Bangladesh was liberated in 1971, a citizen of Bangladesh, holding that he had not abandoned his place of domicile in Bangladesh.<sup>64</sup>

**e) *Md. Sadaqat Khan and others v Chief Election Commissioner (60 DLR):***

The High Court Division upheld the position that all the Uri-speaking people are recognized as nationals of Bangladesh under the law of the land. The Election Commission was instructed to enroll the petitioners and other Urdu-speaking people who demanded to be included in the electoral roll and to give them National Identity Cards immediately.<sup>65</sup>

**12. Judicial and Legal Developments:**

The legal and judicial proceedings concerning Biharis in Bangladesh have been intricate and politically charged. The Bangladesh Nationality Act of 1973 did not confer automatic Citizenship to Biharis, resulting in many remaining stateless. The legislation included stipulations for individuals born in Bangladesh post-independence and for naturalized citizens. But it did not include the Bihari community that had sided with Pakistan in the War. But individuals who claimed to be Pakistanis or were classified, by the International Committee of the Red Cross (ICRC), as refugees were regarded as non-nationals. Some 178,000 Biharis were repatriated to Pakistan between 1973 and 1993. In 2003, the Supreme Court of Bangladesh issued a pivotal ruling in the case of *Abid Khan and others v Bangladesh*, affirming that the ten Urdu-speaking petitioners, born both before and following 1971, were acknowledged as Bangladeshi nationals following the Citizenship Act of 1951 and the Bangladesh Citizenship Order of 1972. The court directed the Government to register them as voters.<sup>66</sup> This decision was made due to a generational divide, for the younger Biharis drew inspiration and optimism from

---

<sup>64</sup> *Sena Kalyan Sangstha Vs. Haji Sufi Fazal Ahmed*, 2006, 35 CLC (AD)

<sup>65</sup> *Md. Sadaqat Khan (Fakku) and 10 others Vs. Chief Election Commissioner*, Bangladesh Election Commission, 2008, 37 CLC (HCD)

<sup>66</sup> Md Kamrul Hasan Arif, 'Legal Status of Bihari Community' *The Daily Star* (10 November 2015) <<https://www.thedailystar.net/law-our-rights/rights-advocacy/legal-status-bihari-community-169906>> accessed 9 May 2025.

the development, and the older ones felt a firmer bond with Pakistan. On May 19, 2008, the Bangladesh Supreme Court declared that the Biharis who were born after 1971 or below 18 years of age were eligible to become Bangladeshi citizens and would be allowed to vote.<sup>67</sup> The judgment is designed to resolve the status of a large part of the population. Following a court order, in 2014, the Election Commission issued ID cards for citizens, including for the Biharis, enabling them, as a result, to vote in national elections.<sup>68</sup> The verdict affirmed their right as citizens and provided them with greater space on the terrain of Bangladesh's society and politics.

### **13. Citizenship status today:**

Currently, between 300,000 and 500,000 Bihari live in Bangladesh in 66 camps.<sup>69</sup> The Geneva Camp in Dhaka is poorly equipped and often overcrowded, with limited sanitation, medical, and educational facilities. Though some have blended into Bangladeshi society, the majority of them still stay within these camps, where they are socially isolated with limited economic prospects. The legal recognition granted in 2008 has not been fully implemented for all Biharis.<sup>70</sup> Many still struggle to get basic documents such as passports and driver's licenses, which are critical for mobility and employment. This continued discrimination illustrates the disconnect between on-paper legal recognition and real-world enactment of citizenship rights for the Biharis.

### **14. Policy Recommendations**

#### **14.1 Establish a Clear and Transparent Legal Framework for Citizenship**

Bangladesh will assess its citizenship laws and, if required, implement measures to ascertain the legal status of individuals born in Bangladesh to Bihari parents. This may involve amending the 1971 Citizenship Act or enacting new legislation to simplify the citizenship process. Parliament ought to legislate a specific framework to address the situation of Biharis, ensuring alignment with Bangladesh's commitments under international human rights treaties. Biharis in Bangladesh continue to face discrimination and legal marginalization. The state must make the legal and social systems more robust against discrimination. This will ensure that Biharis have equal access to education, healthcare, and employment opportunities. Besides, the legal provisions regarding stateless people need to be updated in accordance with the international human rights standards to ensure that Biharis are not deprived of necessary legal protection due to their historical background.

#### **14.2 Grant Full Citizenship Rights**

---

<sup>67</sup> *Ibid*

<sup>68</sup> Chakrabarty, K. *Bihari Refugees in Bangladesh: An Analysis of Statelessness and Nationalism* (2011) *International Journal of Refugee Law*, 23(4), 513-535

<sup>69</sup> Iftekharul Bashar, 'Unresolved Statelessness: The Case of Biharis in Bangladesh, December 2006 *Journal of International Affairs* 10(1, 2)

<sup>70</sup> Kazi Nazrul, 'Citizenship - Bangladesh' (*Namati*) <<https://namati.org/ourwork/citizenship/bangladesh/>> accessed 9 May 2025.

The Bihari community in Bangladesh should be given priority in resolving the citizenship dilemma through development of a straightforward legal process of naturalization.. This should also involve measures for those born in Bangladesh or living there for decades, but denied Citizenship because of their legacy association with Pakistan. The Government, moreover, to muster the support of Biharis, should also streamline their access to national identity cards and other documents to enable them to play their full role in the country's political and social life. Many Biharis are stateless, without Citizenship in Bangladesh or Pakistan. The Government should prevent Statelessness by recognizing the citizenship rights of Biharis who qualify under international law and giving them Citizenship. Biharis granted Citizenship should be allowed to vote in the national election. The Government should strive to bring Biharis into the political mainstream. Ensure that Biharis have access to the same legal protections as other Bangladeshi citizens, including protection against discrimination, education, and healthcare access.

#### **14.3 Address Historical Grievances:**

A Truth and Reconciliation Commission (TRC) could address the historical and political grievances related to the Bihari status and their support during the Bangladesh War. It would open the door for Biharis and Bangladeshis both to make peace and recover from the traumatic past. Bangladesh can ask the Pakistani Government to accept responsibility for the stranded Biharis. It would require some diplomatic effort, but it would also help bring people a sense of the justice they deserve as victims. Recognition of the Pakistani Government's Role, Bangladesh can push the Pakistani Government to first acknowledge its role in the betrayal of the Biharis. This would probably involve a diplomatic front, but it would go some way to getting justice for those people. The Government of Bangladesh must now think about reparation or compensation of the Bihari community as a form of redress to this historical injustice. This may be in terms of financial aid, social welfare programs, or even providing land to Biharis who over centuries have been displaced and disenfranchised. These would be a good move of reconciliation and an intent to make sure that no citizen would be subservient to another.

#### **14.4 International Support and Cooperation:**

The international organizations such as the United Nations, SAARC etc. should be contacted in order to request them to support the rights of the Biharis in Bangladesh. Through awareness creation and diplomatic assistance, these groups can ensure that the Government of Bangladesh implements policies and afford Biharis all the rights of citizenship and the law. Moreover, the status and rights of the Bihari community should also be closely followed by the international human rights bodies that should further pressure the Government to accord this community the rights and recognition under the national and international laws. The Government of Bangladesh ought to work with UNHCR in an attempt to solve the legal statuses of the Biharis by adhering to the international norms, especially to reduce the chances of statelessness and strengthen human rights. Bangladesh ought to have a bilateral dialogue with

Pakistan so that the historical and political background of the Bihari community is tackled.

#### **14.5 Social Integration Programs**

The Biharis are and were an isolated, marginalized group and social integration is the way to deal with this. These Programmes must be more focused on education, employment and social cohesion especially in combating discrimination. The Government has to exchange the community contact program with Biharis and Bengalees in order to build mutual respect and trust. Stereotypes can be broken with the help of educational programs and social integration can be encouraged. In addition, the remaining involvement of Biharis must be encouraged in national development activities in order to boost poverty reduction and service delivery in remote locations. Social integration can be impeded by racial and ethnic biases. To ensure a more inclusive and harmonious society Biharis should be battled by the Government against discrimination. Bangladesh needs to involve national and international NGOs in legal, social and economic assimilation of the Biharis. The local organisations may be involved in policy change lobbying, legal representation, and safeguarding of the rights of the local communities. The Government might carry out the awareness campaigns to inform people about the Biharis, their history and their rights.

#### **14.6 Empower Local Government**

Local governments play an important role in providing legal services and lobbying on behalf of the Biharis that seek Citizenship. Local authorities are always in contact with their citizens, and thus, they are in an excellent position of identifying individual and family questions about the legal issues related to Citizenship, registration, and documentation. Local authorities can raise awareness about the rights of the Bihari people and help create the way out of their legal status. This can include support in registering Biharis in the national census, registration of national ID cards and guarantee Biharis their right to participate in the electoral process. The local government bodies may also join hands with the national legislators to propose legal changes which are directly proportional to the issues of Biharis. Local governments can also support policies that enfranchise the stateless Biharis giving them access to education, healthcare and a chance to participate in politics. Political representation of Bihar is a vital role of the local bodies. In the past, Bihars were excluded in the political process as they were not recognized or even stateless. Local governments can demand the Biharis to be involved in political life registering them as voters and involving them into local elections. Moreover, the local organizations might also help in the establishment of national organizations that would struggle to defend the rights of Biharis.

### **15. Conclusion**

The issue of Bihari Citizenship in Bangladesh is about human rights, justice, and unity of the nation. The Biharis have to be afforded equal protection under the law

and there should be policy changes that will bring this to reality. It can assist in driving the nation to the fulfillment of its promises to the justice, equality, and the human rights through the offering of full Citizenship, simplification of documentation processes, and social inclusion. Righting the historical wrongs that were inflicted on the Biharis will not only drag them out of this morass, it will also add richness to the democracy and social balance in the country. The issue of redressing the legal treatment of the Biharis is not only the granting of their Citizenship but also justice, equality and dignity of every human being, regardless of political ideology. To prevent any stateless or marginalized soul, Bangladesh must find middle ground between the past and present by making all its citizens recognized legally irrespective of their ethnic or political roots. It is only by so inclusive a means that Bangladesh will be able to follow its promise to human rights and contribute to building up of the world where all people will enjoy the fruits of Citizenship.

