

RIGHTS OF LINGUISTIC MINORITIES

This chapter is about Urdu-speaking Muslims who migrated from India to the then East Pakistan in 1947.¹ It discusses developments in 2008 in particular the recognition of their right to citizenship and consequently to vote, in the context of the history of this community in Bangladesh.

Marginalisation and Exclusion²

There are nearly 300,000 Urdu-speakers in Bangladesh, half of whom live in 116 camps all over the country. Refusing to claim or denied, citizenship rights until very recently, they have been unable to admit their children in government schools or get housing outside the camps and have faced discrimination with regard to employment in the public and private sector.³

Urdu-speakers came to the erstwhile East Pakistan for various reasons. Some came with the ideals of building a Muslim nationhood in the newly carved state of Pakistan and many, especially those from Calcutta and Bihar fled the communal riots which broke out before, during and in the years that followed the partition of India. Under the Pakistani regime, their ability to speak Urdu attracted favours: they easily got government jobs (especially in the railways), housing opportunities, and gained in status. For nearly a quarter of a century many were the middle-men, between the ruling Pakistani elite and the Bengalis.

With the language movement and the gradual and deepening call of Bengali nationalism, the situation changed. The Urdu-speakers had come to 'build Pakistan', were Urdu-speakers and many decided along with some Bengalis, to side with the Pakistani regime. Some Urdu-speakers however, took on the cause of Bengali nationalism and fought alongside the *Muktijoddhas*.⁴

Following the independence of Bangladesh, some prominent Urdu-speakers were accused of involvement in war crimes or collaboration with the Pakistani regime. In an effective reprisal against the entire community for the acts of such individuals, the Urdu-speakers, from one day to the next, lost jobs, homes, security, status and many, their lives. As many of their leaders refused citizenship of the newly independent nation, they were moved into refugee camps across the country, where most of them have remained to this day, and remained as stateless persons for almost four decades.

Urdu-speakers face dire living conditions in the camps, with families in rooms sometimes as small as eight feet by eight feet. There are long queues for the latrines and a total lack of privacy. The first thing any Urdu-speaker does after putting aside enough money is to try to move out of the camps. Not being Bangladeshi citizens they have not been allowed to vote, hold a passport or get jobs and had no political clout to demand action to resolve their predicament. As a result, the vast majority has been pushed into the informal

1 This term has been adopted by the younger generation within this community (who are in fact bi-lingual, with many speaking Bengali as their first language), to mark a clear distinction with the term 'Stranded Pakistanis'.¹ The latter, a highly loaded term, is chiefly used by the SPGRC (Stranded Pakistani General Repatriation Committee) – a group which has forcefully but ineffectually asked for the repatriation of the Urdu-speaking community to Pakistan – and not representative of the wishes of the majority of the Urdu-speakers of Bangladesh. However, 'Bihari', the term now most widely used in the media for this community, is incorrect, given that many Urdu-speakers originally also came from the Indian states of Uttar Pradesh, West Bengal, Madhya Pradesh and Andhra Pradesh.

2 This section draws on Ahmed Ilias, *The Indian Émigrés in Bangladesh: An Objective Analysis* (translated in 2008 in Bengali under the title: *Bangladeshey Bharotiyo Obhibashi*), Shamsul Huque Foundation, Syedpur, 2003.

3 "Citizenship for Bihari refugees", *BBC News*, 19 May 2008.

4 They included persons such as Kabul Ahmed, Mumtaz Khan and Syed Mohammad; other personalities, such as Dr. Yousuf Hasan and Ahmed Ilias, had earlier joined the language movement of 1952.

sector and work as rickshaw-pullers, drivers, butchers, barbers, mechanics, tailors and craft workers, earning meagre wages.

Legal breakthrough

In 2003, ten youth from the Urdu-speaking community filed a writ in the High Court to claim citizenship and voting rights. Through the High Court's landmark ruling, some of the Urdu-speakers were recognized for the first time as Bangladeshi nationals. The judgment meant that Urdu-speaking, who were resident in the territories now comprising Bangladesh at the time of independence, as well as those born following independence and living in camps, were citizens of Bangladesh on the basis of an interpretation of the Bangladesh Citizenship (Temporary) Provision Order 1972.⁵

However, there was little political will to follow through on this decision. On 26 November 2007, in a new writ, the High Court asked the Election Commission to explain why the Urdu-speaking people living in different camps across the country would not be enrolled on the single electoral roll being prepared for parliamentary elections, in accordance with the Constitution. In the months that followed newspaper and magazine articles fiercely debated both for and against the inclusion of Urdu-speakers as voters. Detractors said they should never be included within the official citizenship roster while sympathizers called for a greater acceptance of the Urdu-speakers by the majority.⁶ Tracts were written and distributed by Urdu-speaking youths to come forward and participate in the socio-cultural scene of Bengali mainstream society. This led a few activist groups to canvas for equal civil and citizenship rights for Urdu-speakers in Bangladesh. Finally, on 18 May 2008, the High Court declared the Urdu-speaking people (those who live outside the camps as well as the 150,000 in camps) eligible to be enrolled on the electoral roll as Bangladesh citizens.⁷ As a result of this the Election Commission proceeded to register all Urdu speakers as voters for the ninth Parliamentary elections.

Following the High Court decision, Urdu speakers have begun to claim their rights as citizens in various spheres, but continue to face difficulties. For example, two Mohammadpur camp-dwellers applied for passports after receiving their voter ID cards, but the authorities refused because they lived in the Camps.⁸ Also, authorities initially refused to register any births; however, with the advocacy and practical support provided by Al-Falah Bangladesh this is now being undertaken.

Complications

The judgment exposed a generation gap amongst the Urdu-speakers, with the younger generation talking of being 'elated' with the ruling, while some older people expressed 'despair at the enthusiasm' of the younger generation. After the judgment, a group headed by the SPGRC openly refused to register their names on the electoral roll arguing that it would allow the Government to evict them from their homes in the Geneva Camp.

Given conflicting claims over rights to the land on which the camps are based, and a potential legal quagmire, the SPGRC has raised legitimate concerns about the status of camp-dwellers and their rehabilitation once

5 "Stranded Pakistanis", *BBC News*, 6 May 2003 such as Kabul Ahmed, Mumtaz Khan, Syed Mohammed.

6 Clearly, this is still a contested issue thirty six years after independence. The feeling, especially among the younger generations, that they are not wanted is highlighted with much sensitivity in a scene in Tanvir Mokammel's documentary *Swapnabhumi* when a young man asks rhetorically 'We're not wanted by India, Pakistan or Bangladesh, so what are we, citizens of Utopia?' This documentary, *Swapnabhumi* [The Promised Land], is a testimony to the history and experiences of exclusion of the Urdu-speaking community. It brought the younger generation to the fore, and gave voice to their hopes that Bengalis would be moved by their predicament, support their rallying call to get citizenship for the rest of the Urdu-speakers and express their desire to be one with the larger Bangladeshi community.

7 The High Court bench of Justice MA Rashid and Justice M Ashfaul Islam gave the judgment after hearing the writ petition filed by Sadaqat Khan Fakku leader of the USPYRM (Urdu Speaking People Youth Rehabilitation Movement) who was represented by Rafiqul Islam Miah. See ATM Morshed Alam, "Jonmo suttre Bangladesh-er nagorikotto", *ASK Bulletin*, June 2008, p.10.

8 Personal Interview with Mohammad Hasan of Al-Falah.

they register to get citizenship rights. These concerns relate to whether the Government will return their original properties, or allow them to continue living in the camps, or hold that by obtaining Bangladeshi citizenship they no longer have any right to inhabit the camps. They also relate to whether the Government will allow them to legally own, sell or buy their homes or land located within the Camps. There is accompanying anxiety about whether a future elected Government will respect the decisions taken to enroll Urdu-speakers as voters and to grant them citizenship.

Shift in popular perception: slow but positive

In the run-up to the Ninth Parliamentary elections, all mainstream political parties campaigned for votes among Urdu-speakers, signaling a common acceptance of the High Court's ruling of their citizenship. Discrimination against this community is being fought both on a national and local level with considerable skill by the leaders of the younger generation of Urdu-speakers, backed by human rights organisations and the relentless work undertaken by groups such as the Bengali-Urdu Shahitya Forum and their ongoing dialogues on poetry and literature enhancing mutual appreciation of each others' culture.⁹

⁹ See the contribution of Md Ashraful Haque Babu of Syedpur, or the contribution to the Forum of Bengali poet and activist Ahad Chowdhury and Kamal Lohani.