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A Citizenship that Owns Nothing: Land, Exclusion, and the Unfinished Post-1971 Justice in Bangladesh

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In 2008, the case of Sadaqat Khan v. Bangladesh Election Commission (2008) 60 DLR (HCD) 1 put an end to decades of legal ambiguity by affirming that about 300,000 Urdu-speaking residents of the camps had citizenship and the right to vote. This followed the 2003 decision in Abid Khan v. Government of Bangladesh (2003) 55 DLR (HCD) 318, which first established that Urdu-speaking minors at the time of independence were entitled to citizenship under the Citizenship Act 1951. The 2008 decision was thus a landmark moment of recognition; however, the camps themselves did not change. The land acquired in the community's name half a century earlier had never been delivered. The judgment, therefore, granted legal status, but did not affect the material conditions that provide that status with any substantive meaning. This disjunction is not peripheral to Bangladesh's post-1971 path; it characterizes it.

A Community Displaced Twice

The Urdu-speaking community's presence in Bangladesh dates back to the upheavals of Partition. In 1947, many migrated from Bihar and other parts of northern India to what was then East Pakistan, fleeing communal violence. Their movement did not constitute refugeehood in the formal legal sense but rather migration within a newly constituted Muslim state. Initial reception was relatively accommodating. Structural instability, however, emerged early. The declaration of Urdu as Pakistan's sole national language in 1948 alienated the Bengali-speaking majority and positioned Urdu-speaking migrants as culturally aligned with West Pakistani authority. The language movement marked the first fracture between the community and the society in which it resided.

By 1971, that rupture had become a chasm. During the Liberation War, the Urdu-speaking community was broadly — and in many cases inaccurately — characterised as collaborators with the Pakistani army. The evidence for this characterisation was uneven, applied collectively to an entire population on the basis of

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perceived linguistic and cultural loyalty. Post-independence reprisals followed: property was seized, people were displaced, and the community was pushed into camps that were understood, at the time, as temporary. Pakistan refused to repatriate them. Bangladesh treated them as a transitional problem awaiting a solution that never came. This is a pattern of seizing property and displacing people because of their collective linguistic and cultural identity, not because of their behaviour, such treatment may amount to collective punishment that is prohibited under customary international humanitarian law and is not allowed under Bangladesh's non-discrimination obligations under the ICCPR and the UDHR. What Victoria Redclift describes as permanent liminality had begun: an open-ended confinement in spaces never designed to last, sustained not by any legal decision but by the absence of political will to resolve it.

The Acquired Land Was Never Delivered

The most consequential and least examined dimension of this history lies in land policy. Between 1947 and 1952, approximately 34,000 acres were acquired across 38 districts under colonial land administration structures reorganised by the State Acquisition and Tenancy Act 1950. The purpose of this acquisition was explicit: rehabilitation of Urdu-speaking migrants. The state identified the problem and designed a remedy. However, the policy was never implemented. Registration of beneficiaries was never completed.. The administrative loopholes facilitated informal transfers, encroachment and misappropriation by stronger actors. In 2013, the Ministry of Disaster Management and Relief issued a circular recognizing unlawful occupation and incomplete registration, but failed to take corrective measures. This circular carries legal weight beyond its administrative status: a formal state acknowledgment of unlawful occupation generates a legitimate expectation of corrective action, and arguably constitutes a partial admission of state responsibility. Under Article 2(3) of the ICCPR, Bangladesh is obliged to provide an effective remedy wherever a rights violation is established. As Pablo de Greiff has cautioned, recognition without restitution can deepen injustice by raising expectations the state then refuses to fulfill. The targeted beneficiaries were largely restricted to land-based camps where they lacked any legal title.

Why the Land Issue Is Not One Among Many

It is tempting to treat the land question as one grievance among several — alongside employment discrimination, lack of political representation, and social stigma. It is not. Land is the condition of possibility for everything else. Joseph Singer's concept of property as a gateway right captures this precisely: property is not merely an economic asset but the precondition for access to employment, education, credit, and political participation. An address enables access to a bank account. A bank account gives you capital. Capital gives you a

business licence. A registered address gives your children a school place and gives you a verifiable identity in the administrative systems through which the state distributes its services and recognises its citizens. Without land, none of these chains of access begin.

These rights are formally guaranteed by the constitutional structure of Bangladesh. The Constitution of Bangladesh 1972 guarantees the right to acquire, hold and dispose of property in Article 42, the right to life and personal liberty in Article 32 and equality before the law in Article 27. Article 32 has been interpreted by the courts to cover protection against arbitrary eviction. These provisions apply to the Urdu-speaking community as citizens. Formal guarantees, however, remain ineffective when material preconditions are absent. The Pinheiro Principles on Housing and Property Restitution are clear on what international law requires in exactly this situation: restitution of housing, land, and property is the primary remedy for displacement, not a secondary aspiration. Where physical restitution is no longer possible, compensatory land or financial reparation must follow. Bangladesh has pursued neither.

The breakdown is not limited to administrative control. It is what Bernadette Atuahene calls a kind of dignity-taking: a kind of dispossession that deprives not only of material possessions but also of the social status they confer. The land in question was not abstract territory; it was acquired in the name of a specific community for a specific purpose. Retention of that land without delivering its intended benefit constitutes an ongoing deprivation rather than a historical anomaly.

What Citizenship Without Access to Land Causes

The 2008 judgement granted citizenship without changing residential reality. Camp addresses—Geneva Camp, Krishi Market Camp, and 116 such settlements across 13 districts—operate as markers of exclusion within bureaucratic systems. Job applications are systematically turned down. Banking services are denied. The police verification processes that are mandatory for public-sector employment often fail. When a stigmatized address is combined with educational attainment, it does not lead to labour-market mobility. The value of formal qualifications depends on location rather than merit.

This situation fits the concept of non-functioning citizenship introduced by Lindsey Kingston: legal membership is present without the mutual relations between the citizen and the state that make it meaningful. The community participates formally in civic processes—they possess identification documents, vote in elections, and register births—yet remains excluded from the material systems through which rights are realised. This exclusion is self-reproducing. Children born in camps inherit the same addresses that limit opportunity.

Economic immobility prevents relocation. Structural disadvantage is therefore intergenerational.

This intergenerational transmission is the clearest evidence that what Bangladesh faces is not a legacy problem but an ongoing one. Helena Alviar García has argued that transitional justice processes consistently prioritise political reconciliation over redistributive justice, allowing structural inequalities to persist and deepen across generations. The Bangladeshi state did exactly this. It recognised citizenship — a form of political reconciliation — while leaving the structural basis of exclusion — landlessness, insecure tenure, and the administrative invisibility of camp residents — entirely intact. The 2008 court ruling operated at the level of legal status, while the community's exclusion operated at the level of material life. The two levels have never been connected. Decades of deliberate deferral do not extinguish the obligation; they compound it. Pablo de Greiff and others in the reparations literature have argued that an unabated failure to remediate can render a historical wrong a continuing one, and the Inter-American Court in the case of Moiwana Community v. Suriname has stated that the obligation to provide restitution is ongoing until the dispossession itself ends. In Bangladesh, it plainly does.

The Unfulfilled Responsibility of the State

What the Bangladeshi state owes the Urdu-speaking community is not complicated in principle, even if it is politically difficult. The land acquired between 1947 and 1952 must be audited, traced, and either returned or compensated for. This is not a policy option — it is a legal obligation under the Pinheiro Principles, under Article 2(3) of the ICCPR, and under the constitutional provisions that apply to every citizen of Bangladesh. Acknowledgement and consideration are not restitution.

The deeper problem is that Bangladesh tends to treat the Urdu-speaking community's dispossession as a political question — one to be managed, deferred, occasionally acknowledged — rather than a legal one with a defined obligation attached to it. As long as it remains a political question, it will continue to be deferred.

Seventeen years have passed since the recognition of citizenship. More than seventy years have elapsed since the acquisition of land intended for rehabilitation. The continued existence of this gap cannot be explained solely by administrative complexity or resource limitations; it reflects a long-standing policy decision to keep legal recognition separate from material restitution. This decision has long-term consequences. Citizenship, in this context, functions as documentation rather than belonging. Legal identity exists without the material foundation necessary to exercise it. A document alone cannot substitute for land, security, and access. A citizenship that owns nothing remains incomplete. The resolution of this incompleteness requires not further acknowledgment but concrete restitution. Without such action, the promise of equal citizenship in Bangladesh

will remain formally affirmed yet materially unfulfilled.

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