

Bangladesh Liberation War of 1971: Narratives, Impacts and the Actors

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Amit Ranjan¹

Abstract

Both the Bangladesh state and society are yet to settle the questions over and narratives related to the Liberation War of 1971. Broadly, there are two groups with contradictory and conflicting interpretations of the events related to that war. This has also led to the mushrooming of militant groups in the country. The beginning of trial of perpetrators of Liberation War crimes since 2010 and the execution of a few of the leaders has further polarised the society and politics of Bangladesh. The existing debates over the Bangladesh Liberation War cannot be studied without looking into the roles of India and Pakistan. The two countries have their own interpretations and political fallout of the 1971 liberation war.

Keywords

India, Pakistan, six demands, 1974 tripartite agreement, war trials

The debates related to the Bangladesh Liberation War of 1971 are still alive with many groups having their own interpretations of the events that took place at that time. Most of those interpretations have been thrust upon by the Awami League (AL)-led managers of the Bangladeshi state, and any opposition to them is a cause of tension and violence. There are groups which constantly challenge the official interpretation. In the interpretation of the 1971 war also lies the seed of the rise of militancy in Bangladesh and the alienation of a large segment of society due to socio-political apathy shown towards them by the state. In this article, an attempt has been made to look into the Liberation War of 1971. The article will attempt to address the following research questions: Why does the 1971 war still regulate politics and society in Bangladesh? Is the country ready to negotiate with its history? And, can Bangladesh get out from the shadows of the Liberation War of 1971? Excluding introduction and conclusion, this article has three parts. The first part deals with the debates on the 1971 Liberation War. The second part discusses the relationship between the war and present socio-political situation in Bangladesh. In the third part, the

The views expressed are personal and do not reflect that of the institute.

¹ Research Fellow, Indian Council of World Affairs, New Delhi, India.

Corresponding author:

Amit Ranjan, Research Fellow, Indian Council of World Affairs, New Delhi, India.
E-mail: amitrnan.jnu@gmail.com

position and role of external actors—India and Pakistan—who were party to the 1971 liberation war, has been discussed. In this paper I argue that the alternative versions of the 1971 liberation war, which contests the ‘official’ narrative, has to be debated; the 1971 liberation war and its ‘official’ narrative is a cause to alienation among various groups and rise of militancy in Bangladesh and; India and Pakistan, even they want, cannot de-link themselves from that war.

Methodology

In this article, the documents published by the Government of Bangladesh on 1971 war have been used as a primary source. The official documents of the Government of Pakistan are difficult to access, so the public statements and secondary sources have been used to fill in the gap. The views of Bangladesh Nationalist Party (BNP) leaders and members of Jamaat-i-Islami (JI) expressed in public have also been used. To find out the influence of the 1971 war on the present and future of Bangladesh, face-to-face discussions and interviews through electronic mail have been carried out by the author. Only, sources published in English language have been used in this paper, and not anything published Bangla. As, in the past, the author had published short articles and essays on the theme, some repetitions in views and materials are unavoidable.

1971 Liberation War of Bangladesh-Related Narratives

Even though by mistake, the vision of Bangladesh was foresighted in the All India Muslim League Resolution of March 1940, which is known as the ‘Pakistan Resolution’. The resolution called for setting ‘Independent States’ (Arefin, 2009a, p. 3) and not ‘Independent State’¹ for Muslims in British India. At that time it was considered to be a typing error, but it turned prophetic in 1971. When this was pointed out to Zulfikar Ali Bhutto, he in an interview to an Indian journalist Kuldip Nayar, said, “Quite a costly mistake. I must be careful about my stenographer.” (Nayar 2012, p. 20). In 1947, British India was partitioned on the basis of the two-nation theory.² At that time, religious differences between the Hindus and Muslims were taken as the *only* denominator for the formation of a nation, and other primordial identity-related markers were either naively or deliberately ignored by the political leadership. As a result, soon after the formation of Pakistan, differences cropped up between its two wings—Eastern Pakistan and Western Pakistan.

Innate or perceptive differences help a group to ‘imagine’ itself differently and construct a nation (see Anderson, 2015; Hobsbawm, 1983). As a part of such imagination, nation is not a permanent entity, especially in multi-nation states: it is formed and re-formed, at least in part, on the basis of the symbolic processes of ethno-genesis, such as naming the boundary, definition, myths of origin and symbolic cultivation (Smith 2009, p. 49). East Pakistan had visible and perceptive differences from West Pakistan, which made the former imagine itself differently and also re-form a nation on a set of different identity markers. Language and dress code were two major day-to-day visible markers of differences between the people from the two wings of Pakistan. The first tension between the two wings emerged over the issue of giving national language status to Bengali in 1952, which was granted in 1955. The dress code, especially of women—who, in a patriarchal society, are considered as the preservers of society’s culture—also played an important role. In Bangladesh, women, even at present, wear sari and use flowers and *teep (bindi)*, which makes them resemble closely the Hindu women in the Indian state of West Bengal.

The saris are also popular among Pakistani women, but for a substantial period of its history, it was considered by the state authority as the dress of Hindu women. General Zia-ul-Haq's administration strictly warned against wearing it. This was considered to be the dress of a vamp in many of the Pakistani television dramas of those days. During the Liberation War, Bengali women, most explicitly through their clothing (saris) and adornments [flowers, *teep (bindi)*], became the icon of Bengali ethnicity, a vehicle for marking cultural (and territorial) boundaries (Siddiqi, 1998, pp. 205–227). The dress code by Bengali women, and popularity of Rabindra Sangeet in East Pakistan put 'Islam in danger', the ideology on which Pakistan was created. This was why, a month before military crackdown began in East Pakistan, pointing towards a crowd assembled on the fringes of Jessore airport, Yaha Khan said to a handful of journalists 'Pahle inko Musalman Karo (First make them Muslim)' (Payami 2002). The second theoretical aspect to look into the liberation of Bangladesh is what Ted Robert Gurr (1970) has formulated as 'relative deprivation'. He defines it as the discrepancies between 'value expectations' (that to which one feels entitled) and 'value capabilities' (that which one is capable of achieving) (Gurr, 1970). East Pakistan was facing both political and economic disparities, which led Sheikh Mujibur Rahman to come out with six-point demands in 1967 (Communist Party, 1971, p. 57):

1. The Constitution of Pakistan must be federal, with parliamentary form of government and a legislature directly elected on the basis of adult franchise.
2. There should be separate currencies for the two wings, freely convertible into each other.
3. Or, alternatively, one currency subject to statutory safeguards against flight of capital from the east to the west wing.
4. Power of taxation and revenue collection to be vested in the federating states; the centre to be financed by allocation of a share in state's taxes.
5. Separate foreign exchange accounts to be kept for East and West Pakistan, the requirement of the federal government to be met by the two wings in equal proportions or on any other fixed basis as may be agreed upon.
6. Self-sufficiency of East Pakistan in defence matters, an ordinance factory and a military academy to be set up in the eastern wing, the federal naval headquarters to be located in East Pakistan.

These six points were further increased to 11 demands by AL in 1969 (Communist Party, 1971, p. 58). Such discriminations had been also accepted by Mujibur Rahman's *bête noire*, Z.A. Bhutto. He wrote:

East Pakistan, the producer of wealth, has become a rural slum. That Sheikh Mujibur Rahman has a just grievance with regard to the condition to which East Pakistan has been degraded cannot be denied..... Exploitation of the people is weakening national unity and creating severe tensions throughout the country. (Bhutto, 1971, p. 65)

Related to the theory of grievance is that of greed, which has also caused conflicts in South Asia (Webb, 2015, pp. 149–170). This leads to clash of interests where the two groups of elites try to establish their power over a given territory. In the case of Bangladesh, the clash was between Bhutto and Mujib, but more than the two, it was West Pakistan's political establishment versus the leader of East Pakistan (see Khasru, 2010). The power conflict between them created a political pandemonium which caused the separation of East Pakistan from West Pakistan.

Politically, the fissure between the two wings emerged in 1952. But, despite his disenchantment with the reality of Pakistan, Mujib backed H. S. Suhrawardy in his quest for a role in national politics.

Thus, when Prime Minister Suhrawardy assured the Bengalis that the Constitution of 1956 provided 98 per cent autonomy to their province, he quietly acquiesced (Raghvan, 2014, p. 21). Nevertheless, like many Bengali Muslim politicians of his generation, Mujib hoped both to preserve the unity of Pakistan under a federal structure and to make a bid for national leadership by leveraging Bengali's potential electoral majority (Raghvan, 2014, p. 21). West Pakistan's response to the cyclone in East Pakistan in 1970 was, in a way, public acceptance of political and economic discrimination of one province against the other. Later on, denial of an opportunity to form a government despite the AL winning majority number of seats was the beginning of the end of united Pakistan. The road towards separation began when the session of the assembly, scheduled to be held on 3 March 1971, was postponed. This created a series of impasse and no substantive political steps were taken to resolve them. Instead, military crackdown began on 25 March 1971, with the acquiescence of Lieutenant General Sahibjada Yaqoob Ali Khan, Commanding Officer of the Eastern Command (later martial law administrator from 7 March 1971 to 6 April 1971), and the Governor, Admiral Ahsan (Jalal, 2014, p. 164; also see Raghvan, 2014).

Over the issue of military crackdown, while there were differences of opinion within the general officer corps on how to handle the military operation, there was consensus on the objectives to be achieved and strategy to be employed in what was called 'Operation Searchlight' (cited in Sisson & Rose, 1990, p. 158). First, the top leadership of the party had to be captured. The second priority was to neutralise its more radical elements, in particular the student leaders and organisations and various cultural organisations that advocated a Bengali renaissance. Leaders were to be arrested peacefully if possible, but if armed resistance was offered, troops were to respond with force. Third, the Bengali armed forces had to be disarmed and neutralised. The army assumed that the East Bengal Regiment, the East Pakistan Rifles, the Ansars and the police would all turn against the military authorities. Finally, the operation called for the establishment of control over all communications media (Sisson & Rose, 1990, p. 158). It was on that night, before his arrest, that Mujib wrote a brief declaration of independence: 'Today, Bangladesh is a sovereign and independent country...The Bengalis are fighting the enemy with great courage for an independent Bangladesh. May Allah aid us in our fight for freedom. *Joy Bangla* [Victory to Bangladesh]!' (Guhathakurta & Schendel, 2013, p. 224). This message was broadcasted by Major Ziaur Rahman from Kalurghat on 27 March 1971. He said:

Major Zia, Provisional Commander-in Chief of the Bangladesh Liberation Army, hereby proclaims, on behalf of Sheikh Mujibur Rahman, the independence of Bangladesh...The Government under Sheikh Mujibur Rahman is the sovereign legal Government of Bangladesh and is entitled to recognition from all democratic nations of the world. (Guhathakurta & Schendel, 2013, p. 324)

Although the Liberation War of Bangladesh was led by the political elites, it was supported from below.

Once liberated, many untoward incidents occurred in Bangladesh. The Father of the Nation—Mujibur Rahman—was assassinated in 1975 by the soldiers who had fought with him to attain the liberation of the country; thereafter violence reined and radicalism erupted. These developments have given space to many debates over the Liberation War and its outcome.

Primary among many is the question: how many civilians from East Pakistan were killed? The number is still being contested. For majority, the figure is around three million. This iconic figure of three million was stated by Sheikh Mujibur Rahman during an interview with the British broadcaster, David Frost. This number even surprised some of Mujib's confidantes. They suspected that the country's independence leader had meant to say three 'lakh' (300,000) (Bergman, 2014). Even at present time, the Bangladeshi society is divided on the acceptance of the three million figure. There are scholars like Sharmila Bose³

and journalist like David Bergman⁴ who are of the view that the number was not more than one million. According to the Pakistani official figure, it was not more than 26,000 (Schendel, 2009, p. 163). One study proposes that the number is 2, 69,000, while according to another group of analysts it is closer to 1.5 million (Alamgir & Bina D'Costa 2011). The number was also questioned by the BNP leader, Khaleda Zia, in December 2015 (*The Daily Star*, 2015b). Her party had also demanded to make public the names of the martyrs. Reacting over it, the Home Ministry of Bangladesh gave its approval to bring sedition charges against Khaleda Zia for raising questions over the number of Liberation War martyrs.

Related to the issue of the number of people killed is 'who killed whom'. For the Bengalis, the non-Bengalis, with support of Pakistani Army, unleashed violence; while for others, it is the opposite. Over this, the second important debate, which seldom appears, is based on: were only the Pakistani Army and all Urdu speakers the perpetrators or others too committed similar crimes? This question does not deny the brutalities committed by the Pakistani Army, JI, Islamic Chhatra Shibir (ICS) and Al-Badr. But, at few places, the AL members too committed violence on the non-Bengali-speaking population. On the immediate cause of violence, on the basis of an interview, Professor Ishtiaq Ahmed in his book, *The Pakistan Military in Politics: Origins, Evolution, Consequences* (2014), writes that after it became clear that the assembly was not meeting on 3 March 1971, Bengali militants began to attack Bihari Muslims (Urdu speakers in East Pakistan) in Chittagong. Those who took part in assaults were mixture of AL cadres and local criminals (Ahmed, 2014, pp. 169–170). Also, Anthony Mascarenhas (1971) writes:

On the night of March 25—and this I was allowed to report by the Pakistani censor—the Bengali troops and paramilitary units stationed in East Pakistan mutinied and attacked non-Bengalis with atrocious savagery. Thousands of families of unfortunate Muslims, many of them refugees from Bihar, who chose Pakistan at the time of the partition riots in 1947, were mercilessly wiped out. Women were raped, or had their breasts torn out with specially fashioned knives. Children did not escape the horror: the lucky ones were killed with their parents; but many thousands of others must go through what life remains for them with eyes gouged out and limbs roughly amputated. More than 20,000 bodies of non-Bengalis have been found in main towns, such as Chittagong, Khulna and Jessore. The real toll, I was told everywhere in East Bengal, may have been as high as 100,000; for thousands of non-Bengalis have vanished without a trace.

The official version of the Liberation War presents Bengalis as victims, and any alternative view is countered, sometimes even through violent means. An example is: the Bangladeshi movie directed by Rubaiyat Hossain, *Meherjaan* (2011), attempted to interpret the humane side of the Liberation War. In the movie, three different portraits of women during the Liberation War have been depicted. One of the reel characters is shown falling in love with a Baloch soldier. The storyline created a furore and the movie had to be pulled out from the theatres in Dhaka, though a few intellectuals came out in support of right to expression. Talking about the Liberation War, Nayanika Mookherjee approves such happenings. She writes that her research shows that many Balochi and Pathan soldiers were accused by their battalion mates for aiding the East Pakistani civilians to escape from detention (Mookherjee, 2011). But this cannot be generalised: nine out of the 25-odd regiments based in Bangladesh in 1971 were Balochi and the 22nd Baloch Regiment allegedly carried out unprecedented atrocities in Chittagong (Mookherjee, 2011).

The third question is: why did the post-1971 Bangladesh turn into a violent society? The AL democrats believe that the seeds of violence and radicalism were sown during the military reign of Ziaur Rahman and H.M. Ershad. Both leaders carried out legal and also non-constitutional killings and supported the rise of Islamic groups for their political benefits. One dark question remains over Ziaur Rahman's role in or knowledge of the conspiracy to murder Mujibur Rahman in August 1975. 'The conspiring majors

and colonels were in touch with him since March of the year. On the morning of the coup, Zia, in the act of shaving, was informed of the assassinations at Road 32. His nonchalant answer was: So what? The Vice-President is there' (Ahsan, 2016). But even Mujib sidelined the armed forces and created his own paramilitary forces, the Jatiya Rakkhi Bahini (JRB), which was associated with arbitrary terrorising tactics and was an instrument to quash resistance against the regime (Riaz, 2008, pp. 10–11). Though the regime argued that the JRB was created to fight against the Marxist dissident group, Gono Bahini, many dissenters were killed by its cadres (Riaz, 2008, pp. 10–11).

Impact of 1971 on Present

The above-mentioned debates, questions and narratives over the Liberation War shape the present of Bangladesh and, in all likelihood, will decide its future trajectory; because nations remain hostage to their history, especially when it has the potential to polarise the society and decide its political discourse. The 1971 Liberation War has had a fissiparous impact in Bangladesh. It has created many benefactors and victims. The latter group includes Urdu-speaking Bihari Muslims, who are not treated as equal citizens. Khalid Hussain describes the Urdu-speaking Biharis as the most disadvantaged group in Bangladesh because they are not recognised as citizens in the country they regard as their home. Narrating his own experience, he says, 'On completion of primary school, he and other students tried to enrol at the local high school but were refused. Their only option was a private school, which most could not afford' ('Khalid Hussain, an Urdu-speaking Bihari', 2009). They are living in a situation where the nation they relate to—Pakistan—has refused to accept them and the country of their current habitation—Bangladesh—calls them 'traitor' and has rendered them stranded. The plight of the Bihari Muslims is that they are not refugees so that at least international law or bodies can extend their humanitarian assistance to them, yet, they are outside their country. In May 2008, Bangladesh's High Court ruled that the children of Urdu-speaking 'Bihari' Muslims awaiting repatriation to Pakistan for over 37 years would be granted Bangladeshi citizenship (Pandey, 2012). And they were provided the right to vote in the parliamentary elections. As the leadership of JI and most of its sister organisations is from Urdu-speaking community, the sheer hatred against this ethnic group multiplies.

The Hindus, a minority religious group, have also been victims of the history of the Liberation War; initially, the violence was targeted against them. They have been demanding justice, and punishment to the perpetrators of crime. However, they have occupied some of the important offices in the country, especially during the political reign of the AL. According to the census data of 2011, Hindus constitute 8.2 per cent of total population of Bangladesh. Religious tensions often lead to attacks on Hindus, and also sometimes act as an alibi to marginalise them and deprive them of their due socio-political rights in the Bangladesh society. For instance, the demolition of Babri mosque in India, in 1992, heightened violence against the Hindus in Bangladesh (Nasreen, 1997). In 2001, the election-related violence started 15 days prior to 1 October elections and continued until about 27 October, which affected the Durga Puja festival, the most important religious festival of Hindus in Bengal. In between, about 330 incidents of violence were carried out against the members of the Hindu community. The forms of violence included rapes, killing, physical torture, plunder, extortion, damage of property, etc. (Chatterjee, 2012). Not only the religious parties but also the so-called secular ones attack the Hindus to serve individual or party's interests. In 2012, in Ramu area, a large crowd which destroyed 24 Buddhist and Hindu temples included many functionaries of three major political groups—AL, BNP and JI (Chatterjee, 2012).

Occupation and grabbing of land is a regular act carried out by all political groups. A painstaking research by Professor Abu Barakat of Dhaka University has shown that as of 1997, through various

versions of the Enemy Property Act, 53 per cent of the land owned by Hindus has been forcibly taken over, most of it between 1972 and 1980. This has affected four out of every 10 Hindu households. The largest beneficiaries of these illegally dispossessed lands have been those affiliated to the 'secular' party, AL, followed by BNP and JI (Chatterjee, 2012). During his visit to Dhaka, a professor informed the author that discriminations are visible in rural areas. He also said that in places where the Islamic outfits are strong, forced occupation of land belonging to the Hindu minorities is a 'normal' issue. Even the police did not do anything to stop it. No matter who is in power! The professor also informed that once upon a time, in many posh areas of Dhaka, Hindus had their properties, but now one hardly finds any property in those areas belonging to a Hindu. Most of them have been grabbed by individuals from different ideological leanings. Even after 1971, there were a few Hindus in that area, he said. Concern over it has also been expressed by BNP leader Nazrul Islam who, during an interaction with the Hindu devotees at Dhakeshwari Temple, said that most of the land of the temple has been occupied by influential people. He has called upon the government to take steps to recover the temple's land. 'I've come to know from the Sarbojonin Puja Committee President that 14 bigahs of land out of 20 of the temple have been grabbed,' he said (*The Bangladesh Today*, 2015).

Those who support the official interpretation of the 1971 Liberation War also demand justice for brutalities perpetrated by the members of JI and other groups. To address their grievances in the lead up to the 2008 elections, war crimes trial was a leading demand among the urban, educated youth. The AL made war crimes trial a key election promise, while the BNP chose to remain in alliance with JI. As a result, the AL secured majority to form the government. After coming into power, the AL government initiated war crimes trial proceedings by setting up the International Crimes Tribunal (ICT-2) in 2010 (Rehman, 2013). As the proceedings began and verdicts started being delivered, three guilty men were sentenced to death by the ICT. It was expected that Abdul Quader Mollah, also known as the 'butcher of Mirpur', would meet with the same fate, but this did not happen. His sentence was greeted with much cynicism and anger. There was speculation of AL–Jamaat détente whereby the Jamaat's leaders' lives were to be spared in return for Jamaat breaking its alliance with the BNP. Against this background, the Shahbag Awakening began on 5 February 2013 in Dhaka, which spread to other parts of the country later on (*The Daily Star*, 2014). A few of their demands, like boycott of several newspapers and media houses and capital punishment to all perpetrators of the violence, were non-democratic and against the spirit of human rights. The JI cadres reacted violently. The widespread violence led to the killing of Ahmed Rajib Haider by Hefajat-e-Islam (HeI) cadres. He, through his blogs, raised the demand for death sentence, instead of life imprisonment, to the perpetrators of 1971. Acting under the pressure of the Shahbag movement, the tribunal handed over capital punishment to Mollah. After he was hanged till death on 12 December 2013, fresh round of violence started in which many innocents lost their lives. This was a direct clash between two different interpretational strands of the 1971 Liberation War.

At present, as the ICT is holding JI members guilty for the crime of 1971, the degree of violence is increasing. The two groups are competing to justify their own interpretations of the Liberation War: one is using soft means by way of using various means of communications, while the other, led by the JI and supported by the BNP, relies on unleashing violence against the opponents.

India-Pakistan and the Liberation War-Past still disturbs the Present relationship

The two South Asian nuclear rivals—India and Pakistan—were also seen as the main actors involved in the 1971 Liberation War of Bangladesh. However, there were many other domestic reasons for the creation of Bangladesh, as discussed earlier. The war between the two countries and the defeat of Pakistan

made the birth of Bangladesh a reality. Even today, Pakistan alleges Indian conspiracy in the creation of Bangladesh. India engaged deeply in the Bangladesh issue after millions of refugees started crossing into its side of the border. India's then Prime Minister, Mrs Indira Gandhi, in her speech said:

What was claimed to be an internal problem of Pakistan has also become an internal problem for India. We are therefore, entitled to ask Pakistan to desist immediately from all actions which it is taking in the name of domestic jurisdiction, and which vitally affect peace and well being of our own citizens. (Gandhi, 1972, p. 17; also cited in Meher, 2015)

On 6 December 1971, the Prime Minister of India, Mrs Indira Gandhi, in a letter to Tajuddin Ahmed, Prime Minister of Bangladesh government-in-exile, wrote, 'I am glad to inform you that in the light of the circumstances which prevail at present, the Government of India has decided to grant the recognition. This morning, I made a statement on the subject in our Parliament' (Arefin, 2009b, p. 673). Not only the Prime Minister of India, other parliamentarians and leaders of India too expressed their solidarity with the people from East Pakistan. For his support to the people of East Pakistan in 1971, the Bangladesh government conferred Bangladesh Liberation War honour to the former Prime Minister of India, Atal Bihari Vajpayee, in 2015. India provided logistical, administrative, diplomatic, financial and political support to Bangladesh's government-in-exile. It also helped that government to set up and prepare a guerrilla force by providing training and arms.⁵ Earlier, the Government of India, officially, kept denying its involvement in that war, but in 2015, Indian Prime Minister Narendra Modi accepted India's engagement in his speech at the Dhaka University (Roy 2015).

Contemporarily, the 1971 Liberation War invokes the issue of migration from Bangladesh to India. As the Pakistan Army unleashed violence in 1971, according to the United Nations Human Commissioner for Refugees (UNHCR), the number of people crossing into the Indian border was between 7.5 and 8.5 million (UNHCR, 1972). Initially, despite the financial burden of the refugee crisis and the growing realisation of its magnitude, the Government of India did not close its doors to the refugees (Datta, 2013, p. 58), but later on, especially after the end of the birth of Bangladesh, it became a contentious issue between the two countries. To settle down the issue in 1972 during Indira–Mujib pact, 25 March 1971 was marked as the cut-off point for entry (cited in Datta, 2013, p. 116). Many of those who crossed into India till the cut-off date were provided with citizenship status, others were to be deported. This cut-off date was contested and challenged by the All Assam Students Union (AASU), which demanded 1951 as a cut-off point for entry. To address their concerns, Illegal Migrant Determination by Tribunal (IMDT) Act was passed in 1983. Not happy with the tribunal's work, the Act was challenged in the Supreme Court (SC) of India by the AASU and others. As a result, the SC revoked the Act in 2005. After that, the Court ordered the government of the day to deport the migrants staying illegally in India.

Over this issue, violence too has taken place between the groups, the most dastardly being the killing of around 2,000 migrants in 1983 at Nellie, near Guwahati. Migration has been a prominent electoral issue in the Assam politics and has been exploited by all political groups for their benefit (Baruah, 2015, pp. 78–101). Not only in Assam and other adjacent north-eastern states of India, the issue is significant also for West Bengal with which the Bangladeshis identify themselves. When the migrants poured into West Bengal, they were initially supported, but later on they were not because of the differences between bhadrak and commoner expressed in terms *Gothi* and *Bangal*. In a violent incident on 26 January 1972, hundreds of migrants were killed by the police when they tried to settle down in Marichijhapi inside Sunderbans (Sen, 2015, pp. 102–127). They came there from Madhya Pradesh (Indian state), where they were earlier settled down by the Government of India (Sen, 2015, pp. 102–127). The victims are still demanding justice, which the Trinamool Congress leader, Ms Mamata Banerjee, made an electoral issue in 2011 elections.

Like India, Pakistan's relationship with Bangladesh is under the shadow of the 1971 Liberation War, although it recognised the country in 1974. The military always looks towards Bangladesh as a wound which still pinches. In 2002, the then Pakistan's head of state, General Pervez Musharraf, during his visit to a war memorial at Savar near the capital, Dhaka, left a handwritten note in the visitor's book (Blair, 2002). 'Your brothers and sisters in Pakistan share the pain of the events in 1971,' he wrote. 'The excesses committed during the unfortunate period are regretted. Let us bury the past in the spirit of magnanimity. Let not the light of the future be dimmed.' After the war, some of the Urdu speakers, who were considered to be part of Pakistan, were repatriated and most of them are settled in Karachi (Zakaria, 2015), but many are still living in Bangladesh. Over many issues, Pakistan supports them, but denies that they are its stranded citizens.

Old linkages of Pakistani establishment with JI have made the Government of Pakistan extend its support to them. In December 2013, the Pakistan Ministry of Foreign Affairs issued a statement, and the Pakistan National Assembly and Punjab Provincial Assembly adopted resolutions, over the execution of war criminal Quader Mollah, prompting Dhaka to lodge a formal protest with the Pakistan High Commissioner to Bangladesh (*The Dawn*, 2013). In 2014, Pakistan, for whom two guilty men—Nizami and Qausem—once fought for, initially tried to maintain a distance. Tasnim Aslam Khan, spokesperson of Pakistan Ministry of Foreign Affairs, said, 'We're mindful of the developments in Bangladesh... we don't comment on the internal matters in other countries,' but on 1 November, it backtracked and voiced its 'serious concerns' over the death sentence awarded to Nizami (*Daily Times*, 2014). In 2015, Bangladesh reacted sharply to a statement from Islamabad on the execution of two war criminals, and summoned the Pakistan High Commissioner in Bangladesh for lodging a formal protest. The development came hours after Pakistan Ministry of Foreign Affairs issued a statement voicing 'deep concern and anguish' over the execution of war criminals Salauddin Quader Chowdhury and Ali Ahsan Mohammad Mojaheed (*The Daily Star*, 2015a). In the statement, a spokesperson of Pakistan Ministry of Foreign Affairs said, 'We have noted with deep concern and anguish the unfortunate executions...Pakistan is deeply disturbed at this development. As emphasised earlier, we have also been noting the reaction of the international community on the flawed trials in Bangladesh related to the events of 1971.' It added:

There is a need for reconciliation in Bangladesh in accordance with the spirit of Pakistan, India, and Bangladesh Agreement of 9th April 1974. The Agreement calls for a forward looking approach in matters relating to 1971. This would foster goodwill and harmony. (*The Daily Star*, 2015a)

The tripartite agreement's provision 13 says:

The question of 195 Pakistani prisoners of war was discussed by the three Ministers, in the earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted, according to the relevant provisions of the UN General Assembly Resolutions and International Law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the Government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed. (Bangladesh/India/Pakistan, 1974 Agreement)

Provision 15 of the same agreement says:

In the light of foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh

stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement. (Bangladesh/India/Pakistan, 1974 Agreement)

Pakistan's call for reconciliation in Bangladesh in line with the tripartite agreement of 1974 has few takers in Bangladesh. Mofidul Hoque, a trustee of the Liberation War Museum, said that Pakistan cannot interfere in the trial by the ICT. 'It [the issuance of the statement] is like interfering in our sovereignty. It is a gross violation of the genocide convention and diplomatic norms' (*The Daily Star*, 2015a). Shahriar Kabir, a veteran war crime campaigner, said that the tripartite agreement between Bangladesh, India and Pakistan is invalid now. As per the Vienna Convention, to which Bangladesh is a signatory, there are some crimes that no government can forgive, and genocide is one of those, he explained (*The Daily Star*, 2015a). Under the agreement signed on 9 April 1974, Bangladesh agreed not to proceed with the trial of 195 prisoners of war repatriated to Pakistan. In its 2013 judgment in the case against Abdul Quader Mollah, the ICT-2 said:

Amnesty shown to 195 listed war criminals are opposed to peremptory norms of international law. It is to be noted that any agreement and treaty amongst states in derogation of this principle stands void as per the provisions of international treaty law convention [Article 53 of the Vienna Convention on the Law of the Treaties, 1969].

'Despite the immunity given to 195 listed war criminals belonging to Pakistani armed force on the strength of "tripartite agreement", the Act of 1973 [International Crimes (Tribunals) Act-1973] still provides jurisdiction to bring them to the process of justice,' it said. (*The Daily Star*, 2015a)

After the end of the Liberation War, the International Court of Justice (ICJ) charged the Pakistani Army with continuous raping, raping to death, murder after rape, enforced prostitution and the sterilisation of women (Chenoy, 2002, p. 64). But no ICT under the United Nations (UN) was set up to punish the perpetrators of ethnic genocide in 1971 because the international law on the crime of genocide came into effect only in 1988 (Chenoy, 2002, p. 64).

Pakistan is funding the terror groups. In January 2015, Dhaka police detained Mohammad Mazhar Khan, an attaché at the consular section of Pakistan High Commission in Dhaka, for his alleged secret meeting with one of his accomplices called Mujibur Rehman (Syed, 2015). Later, it came to be known that the High Commission official was an Inter-Service Intelligence (ISI), Pakistan's spy agency, agent who used to route funds to various outfits, including the Hizb-ut-Tahrir, the Ansarullah Bangla Team (ABT), the JI and its student wing, ICS. Following the incident, Bangladesh, in February 2015, declared him persona non grata and asked him to leave the country. Pakistan, on its part, withdrew the diplomat, but denied the charges levelled against him (Habib, 2015). In December 2015, Pakistan recalled a woman diplomat, Fareena Arshad, posted in Dhaka amid charges of her links with a militant group from Bangladesh. The development came as media reports quoting investigators said that a detained operative of outlawed Jamaatul Mujahideen Bangladesh (JMB) told them that the outfit maintained links with Arshad, who provided them money (*The Daily Star*, 2015c). The detained JMB operative, identified as Idris, told police that he travelled with the diplomat in her car in the city when she gave him Taka 30,000 (\$382), while he made 48 trips to Pakistan in the past two years (*The Daily Star*, 2015c). The Pakistan High Commission issued a rejoinder claiming that the media report over Arshad's militancy links were 'baseless' and the reported police claims were 'imaginary'. 'It has been learnt that the "story" was leaked to the press by the Detective Branch of police, and a section of the press published the same, without any verification worth the name' (*The Daily Star*, 2015c).

The situation had become so tense that the two countries were almost on the brink of breaking diplomatic relationship. The protests led Dhaka University to sever its academic collaboration with various universities in Pakistan. The author was supposed to attend a conference in January 2016 at Dhaka University, but it was cancelled amidst confusion and messed up situation in Bangladesh. The organisers felt that as the conference takes stock of South Asian cinemascope, it cannot be completed without participants from Pakistan.

Conclusion

This article has discussed the narratives of the 1971 Liberation War, which are a source of various social and political tensions and violence in Bangladesh. To suppress the debate, authoritarian voices are coming up in Bangladesh for a need to have a law against questioning the Liberation War (Ahasan, 2015).

This article also discussed debates related to the perpetrators of violence during the liberation war of Bangladesh. The Pakistan Army and its Bangladeshi collaborators unleashed the violence on Bengalis. The repercussion of the liberation war is such that the members of Bihari community still face discriminations, which is a cause to their alienation. The demand for Bangladesh was made to evolve a Bangla identity, which is an inclusive one, but over the years, it has turned into a 'homeland' for *Bengalis* where minority ethnic groups have been branded as alien others. The present situation of these constructed others supports John Galtung's thesis on structural violence by which he meant a form of violence wherein some social structure or social institution may harm people by preventing them from meeting their basic needs.

In this article, the role played by India and Pakistan has also been discussed. Even today, the issue of Liberation War raises debates within both the countries. There are individuals and groups in Pakistan who feel that what happened in 1971 was wrong and are apologetic about their history. In India, the states having borders with Bangladesh still turn into a communal cauldron over the issue of migrants from Bangladesh. Although India and Bangladesh have finally settled down their boundary issue after they agreed to implement the Land Boundary Agreement (LBA) in 2015, the issue of migration has still not being addressed.

Notes

1. At that time, it was not very clear what 'independent state' means, that is, an autonomous unit within India or a sovereign state.
2. The two-nation theory was propounded by Sir Syed Ahmed Khan, according to which the Hindus and Muslims belong to two different nations and therefore, they cannot live together. This theory also found support in the writings of Vir Savarkar, founder of Abhinav Bharat.
3. Sharmila Bose in her book, "Dead Reckoning: Memories of the 1971 Bangladesh War" (Bose 2011), has raised a question mark over the official number of people killed during the liberation war. Earlier, she had wrongly cited some of her sources in paper, 'Losing the Victims: Problems of Using Women as Weapons in Recounting the Bangladesh War' (Bose 2007) which have been questioned by those whom she had cited (See Mandal, Akhtaruzzaman & Nayanika Mookherjee 2007).
4. The International Criminal Tribunal (ICT) has accused British journalist David Bergman of being a contemnor because he has raised a question over the official number of people killed during the Liberation War of 1971. In its order, the ICT said that three impugned articles making criticism on 'death figure in 1971', during the war of liberation and also on observation made in the judgment of ICT-2 on the issue of holding 'trial in absentia', have been circulated in Bergman's blog (bangladeshwarcrime.blogspot.com) and that makes him contemnor.

He has been found guilty under Section 11(4) of the International Crimes (Tribunals) Act, 1973 (see *ICT-BD [ICT-21] Miscellaneous Case No. 01 of 2014*, retrieved 10 December 2014, from <http://www.ict-bd.org/ict2/Order/BERGMAN-FINAL.pdf>).

5. Both the facts were accepted by H.T. Imam in his public lecture at Indian Council of World Affairs. Imam is presently political advisor to Bangladesh's Prime Minister, Sheikh Hasina, and was appointed as a Cabinet Secretary to the government-in-exile during the Liberation War of 1971. He also mentioned about how the government-in-exile worked with the help of the Indian establishment. Also, see Raghvan 2014, Sisson and Rose 1990, and Arefin, Volume 1 and 2, 2009).

References

- Ahasan, Syed Badrul. (2015, December 27). Law against questing liberation war a necessity. *Daily Observer*.
- . (2016, February 8). The legacy of Zia clan. *Daily Observer*. Retrieved 8 February 2016, from opinion. bdnews24.com/2016/02/05/the-legacy-of-the-zia-clan
- Ahmed, Ishtiaq. (2014). *The Pakistan military in politics: Origins, evolution, consequence*. New Delhi: Amaryllis Publication.
- Akhtaruzzaman & Mookherjee, Nayanika. (2007, December 15–21). 'Research' on Bangladesh War. *Economic and Political*, 42(50), 118–121.
- Anderson, Benedict. (2015). *Imagined communities: Reflections on the origins and spread of Nationalism* (First Indian Reprint). New Delhi: Rawat Publications.
- Arefin, A. S. M. Shamsul. (2009a). *Bangladesh Documents 1971* (Vol. 1). Dhaka: Bangladesh Research and Publications.
- . (2009b). *Bangladesh Documents 1971* (Vol. 2). Dhaka: Bangladesh Research and Publications.
- Bangladesh/India/Pakistan, 1974 Agreement. Retrieved 30 December 2015, from <https://www.icrc.org/casebook/doc/case-study/bangladesh-india-pakistan-1974-agreement-case-study.htm>
- Baruah, S. (2015). Partition and politics of citizenship in Assam. In Urvashi Butalia (Ed.), *Partition: The long shadow* (pp. 78–101). New Delhi: Penguin and Zuban.
- Bergman, David. (2014, April 24). Questioning the iconic number. *The Hindu*.
- Bhutto, Z. A. (1971, May). West Pakistan thrives at the cost of East Pakistan. In *Case for Bangladesh*, Communist Party Publication No. 7 (pp. 63–67). New Delhi.
- Blair, David. (2002, July 31). Musharraf apology to Bangladesh. *The Telegraph*. Retrieved 28 December 2015, from <http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/1403185/Musharraf-apology-to-Bangladesh.html>
- Bose, Sharmila. (2007). Losing the victims: Problems of using women as weapons in recounting the Bangladesh war. *Economic and Political Weekly*, 42(38), 3864–3871.
- . (2011). *Dead Reckoning: Memories of the 1971 Bangladesh War*. London: C. Hurst & Co.
- Chatterjee, Garga. (2012, October 15). The Dangerous Slide of Bangladesh. *DNA*. Retrieve 16 December 2013, from <http://www.dnaindia.com/analysis/column-the-dangerous-slide-of-bangladesh-1752464> on
- Chenoy, Anuradha M. (2002). *Militarism and women in South Asia*. New Delhi: Kali for Women.
- Communist Party. (1971, May). Demands for Bangladesh. In *Case for Bangladesh*, Communist Party Publication No. 7 (pp. 56–58). New Delhi.
- Daily Times*. (2014, November 2). Pakistan voices serious concerns over Bangladesh's JI chief's sentence. *Daily Times*. Retrieved 15 December 2015, from <http://www.dailytimes.com.pk/national/02-Nov-2014/pakistan-voices-serious-concern-over-bangladesh-ji-chief-s-sentence>
- Datta, A. (2013). *Refugees and borders in South Asia: The great exodus of 1971*. London and New Delhi: Routledge.
- Gandhi, Indira. (1972). *India and Bangladesh: Selected speeches and statements, March to December 1971*. New Delhi: Orient Longman.
- Guhathakurta, Meghna, & Schendel, Willem van (Eds) (2013). *The Bangladesh reader: History, culture, politics*. Durham and London: Duke University Press.
- Gurr, Ted Robert. (1970). *Why men rebel*. Princeton: Princeton University Press.

- Habib, Haroon (2015, 4 February). Pakistan Withdraws Official from Dhaka Embassy. *The Hindu*. Retrieved on 18 October 201, from <http://www.thehindu.com/news/international/south-asia/pakistan-withdraws-official-from-dhaka-embassy/article6853513.ece>
- Hobsbawm, Eric & Ranger, Terence. (1983). *The Invention of Tradition*. Cambridge: Cambridge University Press.
- Jalal, Ayesha. (2014). *The struggle for Pakistan: A Muslim homeland and global politics*. Cambridge, MA, and London: Harvard Business Publishing.
- Khalid Hussain, an Urdu-speaking Bihari in Bangladesh. (2009). Retrieved 17 May 2015, from <http://www.un.org/en/letsfightracism/hussain.shtml>
- Khasru, B. Z. (2010). *Myths and facts: Bangladesh liberation war: How India, US, China and the USSR shaped the outcome*. New Delhi: Rupa Publication.
- Mascarenhas, Anthony. (1971). *The rape of Bangladesh*. New Delhi: Vikas Publications.
- . (1971, June 13). Genocide: The June 1971. *Sunday Times*. Retrieved 13 January 2015, from <http://tarekfatah.com/genocide-the-june-1971-article-about-pakistans-mass-murders-in-east-pakistan-by-tony-mascarenhas-in-londons-sunday-times-that-woke-up-the-world/>
- Mandal, A., & Mookherjee, N. (2007, December 15–21). ‘Research’ on Bangladesh War, *Economic and Political*, 42(50), 118–121.
- Meher, J. (2015). Dynamics of Pakistan’s disintegration: The case of East Pakistan. *India Quarterly*, 71(4), 300–334.
- Mookherjee, N. (2011). Love in the time of 1971: The furore over Meherjaan. *Economic and Political Weekly*, 46(12), 25–27.
- Nasreen, Tasleema. (1997). *Shame: A novel*. Michigan: Prometheus Book.
- Nayar, Kuldeep. (2012). *Beyond the lines: An autobiography*. New Delhi: Roli Books.
- Pandey, Akansha. (2012). Without a nation: Stateless Biharis in Bangladesh. Retrieved 15 November 2014, from <http://bargad.org/2012/24/without-nation-stateless-biharis-in-bangladesh>
- Raghvan, Srinath (2014). 1971: A Global History of the Creation of Bangladesh, Ranikhet: Permanent Black.
- Rehman, Jyoti. (2013). The Jamaat factor in Bangladesh politics. Retrieved 23 December 2014, from <http://kafila.org/2013/03/13/the-jamaat-factor-in-bangladesh-politics-jyoti-rehman/>
- Riaz, Ali. (2008). *Islamist militancy in Bangladesh: A complex web*. New York: Routledge Contemporary South Asia Series.
- Roy, Shubhajit. (2015, June 7). Bangladesh: PM Narendra Modi blames Pakistan for creating ‘nuisance’ and ‘promoting’ terrorism. *The Indian Express*. Retrieved 11 April 2016, from <http://indianexpress.com/article/india/india-others/bangladesh-visit-pm-reaches-out-to-dhaka-targets-pak/#sthash.GE6chh2Y.dpuf>
- Schendel, Willem van. (2009). *A history of Bangladesh*. Cambridge, New York: Cambridge University Press.
- Sen, J. (2015). Reconstructing Marichijhapi: From margins and memories of migrant lives. In U. Butalia (Ed.), *Partition: The long shadow* (pp. 102–127). New Delhi: Penguin and Zuban.
- Siddiqi, Dina M. (1998). Tasleema Nasreen and others: The contest over gender in Bangladesh. In Herbert L. Bodman & Nayereh Tohidi (Eds), *Women in Muslim societies: Diversity within unity* (pp. 205–227). London: Lynne Rienner Publisher.
- Sisson, Richard, & Rose, Leo S. (1990). *War and secession: Pakistan, India and the creation of Bangladesh*. Oxford: California University Press.
- Smith, Anthony D. (2009). *Ethno-symbolism and nationalism: A cultural approach*. New York: Routledge.
- Syed, Baqir Sajjad (2015, February 5). Diplomat Back from BD after Terror Funding Allegation. *The Dawn*. Retrieved from <http://www.dawn.com/news/1161628> on 7 December 2015
- The Bangladesh Today*. (2015, October 23). BNP deadly against communalism: Kazi Nasrul Islam.
- The Daily Star. (2014, January 29). *Mufti Jasim, 7 NSU students charged*. Retrieved 24 December 2015, from <http://www.thedailystar.net/mufti-jasim-7-nsu-students-charged-8904>
- . (2015a, November 23). *Dhaka reacts sharply to Pak statement*. Retrieved 29 December 2015, from www.thedailystar.net/.../dhaka-reacts-sharply-pak-statement-176635
- . (2015b, December 23). *Khaleda kicks up controversy over 1971 war death toll*. Retrieved 29 December 2015, from <http://www.thedailystar.net/politics/khaleda-kicks-controversy-over-1971-war-death-toll-190486>
- . (2015c, December 24). *Terror-link allegation: Pak diplomat withdrawn*. Retrieved 28 December 2015, from <http://www.thedailystar.net/frontpage/pak-diplomat-withdrawn-191782>

- The Dawn. (2013, December 18). *Bangladesh grills Pakistan envoy over Molla resolution*. Retrieved 1 January 2016, from <http://www.dawn.com/news/1074675>
- Tripathi, Salil. (2014). *The colonel who would not repent: The Bangladesh war and its unquiet legacy*. New Delhi: Aleph Publications.
- United Nations Human Commissioner for Refugees (UNHCR). (1972). *A story of anguish and action: The United Nations focal point for assistance to refugees from East Bengal to India*. Geneva: UNHCR.
- Webb, Matthew J. (2015). Greed, grievance and violent separatism in South Asia. In Matthew J. Webb & Albert Wijeweera (Eds), *The political economy of conflict in South Asia* (pp. 149–170). London: Palgrave Macmillan.
- Zakaria, Rafia. (2015). *The upstairs wife: An intimate history of Pakistan*. Boston: Beacon Press.