

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

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The Need of a Proper Policy for IDPs in India

LARAIB QAVI¹, MOHD. HAMZA² AND MOHD. REHAN³

ABSTRACT

Internally Displaced Persons or IDPs are those who are forced to flee their homes due to certain unfavourable conditions and have to migrate to some other place inside the country. These conditions may be political, social, environmental, etc. They are one of the most vulnerable groups. They remain at high risks of physical abuse and are frequently deprived of basic human needs like food, shelter, health services, sanitation, etc.

According to the UN, there were over 5 million people internally displaced in India in 2019 itself due to conflict, violence and natural disasters. And in 2020, the world was hit by the unprecedented Covid-19 catastrophe & India saw a mass exodus of migrant workers.

Despite the country having a huge amount of IDPs, the Indian State has always shied away from making a comprehensive policy for them. The constant denial of IDPs in India by the State has increased their vulnerabilities. Although Land Acquisition Act, 2013; Disaster Management Act, 2005 shows that India has made certain progress regarding it, they fulfil only certain specific purposes, and now there is a need for a proper policy for IDPs.

So, in this paper, we will discuss IDPs in India, their causes, vulnerabilities and will also assess the need for a proper policy for them.

I. INTRODUCTION

People migrate from one place to another. The movement can be from one continent to another continent or from one country to another country within the same continent, i.e., external migration. And the movement can also be from one State to another state within the same country or from one district to another district in the same State or from rural area to urban area within the same district, i.e., internal migration. Migration can either be voluntary migration or involuntary(forced) migration. The causes for voluntary migration are mostly better job opportunities, higher wages, better living conditions, access to health care, access to good education, etc. And the causes for forced migration are natural disasters, war, communal riots, evacuation for development activities, etc.

¹ Author is a student at Jamia Millia Islamia, New Delhi, India.

² Author is a student at Jamia Millia Islamia, New Delhi, India.

³ Author is a student at Jamia Millia Islamia, New Delhi, India.

According to IOM, forced migration is "a migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion."⁴ According to UNHCR, the number of forcibly displaced people both within countries and across borders as a result of persecution, conflict, generalized violence, human rights violations or events seriously disturbing public order has nearly doubled in the last 10 years; there were 41 million forcibly displaced people as of the end of 2010, and by the end of 2020, the figure had grown to 82.4 million.⁵ This represents the highest number available on record.

Forced migrants are called Internally Displaced Person (IDP) when they have, because of unfavourable conditions, fled their homes but haven't crossed any international boundaries, whereas forced migrants who have crossed an international frontier and are at risk or have been victims of persecution in their country of origin are called Refugees. Refugees are entitled to certain rights and international protection while being an IDP is not a legal status because IDPs are still under the jurisdiction of their own government and may not claim any rights additional to those shared by their fellow citizens. IDPs face similar challenges as refugees, but they do not have similar rights; this is what makes them one of the most vulnerable groups in the world.

According to UN guiding principles, Internally displaced persons (IDPs) are defined as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border."⁶ Its use of the qualifier, in particular, however, makes clear that internal displacement is not limited to these causes alone so as not to exclude future situations that might need special attention. Basically, the definition tries to strike a balance between too narrow a framework that risks excluding people and one so broad that it could prove operationally unmanageable.

It was in the year 1982 when the IDPs were first counted - 1.2 million approx. In eleven countries. Then in the year 1998, the UN established the Internal Displacement Monitoring Centre (IDMC) on the recommendation of the Interagency Standing Committee (IASC) to collect data on IDPs more accurately. By the end of 2020, 55 million people were living in

⁴ IOM, *International Migration Law: Glossary on Migration* 77 (International Organization for Migration, Switzerland, 2019)

⁵ UNHCR Global Trends – Forced Displacement in 2020, available at: <https://www.unhcr.org/60b638e37/unhcr-global-trends-2020> (last visited on October 15, 2021)

⁶ UN Commission on Human Rights, *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement*, UN ESCOR, E/CN.4/1998/53/Add.2 (February 11, 1998)

internal displacement as a result of conflict and violence as well as disasters.⁷ Of this, 48 million people were internally displaced by violence and conflict, and 7 million people were internally displaced by disasters.

II. GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

During the 1980s, the segregationist Apartheid government policies resulted in not only conflict in the South African states but also led to mass displacement. So, after that, Francis Deng was appointed as Special Representative for UN Secretary-General, and his role was to collect data and information from different governments on issues concerning the human rights of IDPs as well as analyze the existing international human rights law framework. As per Deng, the situation of IDPs is unique and requires a separate category of law to deal with it.⁸ After studying existing international law applicable to the internally displaced, it was found that there was a need to consolidate all the relevant provisions of the law into one document and to address the grey areas and gaps. So then, in the year 1998, the Guiding Principles on Internal Displacement came into being. Although not a binding document like a treaty, the Guiding Principles are based on binding law - human rights law, humanitarian law and refugee law by analogy, and their provisions are consistent with that law. Guiding Principles were decided upon rather than a legal instrument because it would have taken years for a treaty to be drafted and ratified, whereas a document was needed soon at that time.

(A.) Content of the Principles

There are 30 principles that are structured around the phases of displacement.

They address protection against displacement (principles 5 to 9), protection during displacement (principles 10 to 23), the framework for humanitarian assistance (principles 24 to 27) and protection during return, local integration in the locations where the persons have been displaced and resettlement in another part of the country (principles 28 to 30).⁹

Section I of the Principles contains general principles (Principle 1 to 4). These principles point out that any person cannot be discriminated against on the ground that they are internally displaced. They shall enjoy the same rights as other persons do in their country. The general principles emphasize that the primary duty for providing protection and assistance to internally

⁷ Internal Displacement Monitoring Centre, "Global Report on Internal Displacement 2021" 6 (May 2021)

⁸ R. Cohen, "The guiding principles on Internal displacement: An innovation in International standard setting" 10 *Global Governance* 459-462 (2004).

⁹ GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT, available at: <https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement> (last visited on: October 21, 2021)

displaced persons lie with their national authorities and that IDPs have the right to request and receive such assistance from these authorities. It affirms that the principles apply to all internally displaced persons irrespective of their race, colour, sex, language, religion or belief, political or other opinions, national, ethnic or social origin, legal or social status, etc. Therefore, it would not be acceptable to help some internally displaced persons but decline to help others on discriminatory grounds. Such discrimination often occurs in countries where the government is at war with a minority and is only ready to help those of the same ethnic group as the government. The principles also acknowledge that there are certain internally displaced persons who may require special attention, such as children, especially unaccompanied minors; women, especially expectant mothers, mothers with young children and female heads of household; persons with disabilities; and elderly persons.

Section II contains principles relating to protection from displacement (Principle 5 to 9). These principles articulate a right not to be arbitrarily displaced. This section provides a list of when displacement is not permissible, for example, when it is based on policies of ethnic cleansing or similar practices aimed at altering the ethnic, religious or racial composition of the affected population. Displacement is not permissible in situations of armed conflict unless the security demands, either in cases of large-scale development projects or in cases of disasters, unless evacuation becomes a necessity. Or when it is used as collective punishment. The principles also provide minimum guarantees to be complied with should displacement occur. States, moreover, are under a particular obligation to avoid displacement and to provide protection against the displacement of groups with a special dependency on and attachment to their lands.

Section III is related to protection during displacement (Principle 10 to 23). It is the main body of the principles.¹⁰ This section sets forth the full range of civil, political, economic, social and cultural rights that all people should enjoy and tailor these general rights to the specific needs of the internally displaced. The principles provide that internally displaced persons should have access to food, water, shelter, clothing, medical services and sanitation essential to their survival. And they also should be protected against human rights abuse, including direct assault, sexual violence, attacks on their camps and settlements, being arbitrarily detained or held hostage in camps, or being forcibly returned to or resettled to places where their life, safety, liberty and/or health would be at risk. In addition, their property and possessions should be protected against destruction and arbitrary, illegal appropriation, occupation or use. In short, the principles set an international minimum standard for the treatment of internally displaced

¹⁰ Introduction to the Guiding Principles on Internal Displacement, *available at*: <https://www.brookings.edu/on-the-record/introduction-to-the-guiding-principles-on-internal-displacement-2/> (last visited on October 21, 2021)

persons.

Section IV contains Principles related to humanitarian assistance (Principle 24 to 27). It reaffirms the primary role of the national authorities in providing humanitarian assistance but also affirms that when these authorities are unable or unwilling to provide assistance, international organizations have the right to offer their services. But such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld. These organizations are supposed to be granted rapid and free access to the internally displaced. According to the Principles, organizations providing material assistance are expected to give due regard to the protection and human rights of the internally displaced. This is important because it underscores that the needs of the internally displaced encompass both material assistance and protection of physical safety and human rights and that organizations should focus on both. This section also underscores the importance of protecting the humanitarian workers who assist the internally displaced. This is an important provision because of the dangers and insecurities to which humanitarian staff are increasingly being exposed worldwide in their work on behalf of displaced populations.

Section V of the Principles addresses returns, resettlement and reintegration (Principle 28 to 30). This section emphasizes the right of internally displaced persons to return voluntarily and in safety to their homes or to resettle voluntarily in another part of the country. In other words, internally displaced persons have options either they can return to their home areas or resettle in another part of the country. This section further provides for the recovery of property and for compensation or reparation if recovery is not possible. Internally displaced persons who have returned to their homes or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. It also provides a role for international organizations and others in return, resettlement and reintegration. Emphasis is also given to the full participation of the internally displaced in the planning and management of their returns or resettlement. This is quite important because the involvement of the displaced will help make their returns or resettlement more sustainable.¹¹

Throughout the Principles, special attention is paid to the needs of women and children. For example, the Principles call for special efforts to ensure the full participation of women in the planning and distribution of food and supplies. And they call for special attention to the health

¹¹ Monika Mandal, *The Rise of Revolution: Internal Displacement in Contemporary Nepal* 123 (Routledge, England, 2017)

needs of women and affirm the equal rights of women to obtain documents. With regard to children, they prohibit forced recruitment into armed forces, assert that internally displaced children should receive free and compulsory education at the primary level, and require that special efforts should be made to reunify children with their families.

III. INTERNAL DISPLACEMENT IN INDIA

The internal displacement in India is not very much different from the global scenario. India is a diverse country with people living with different cultures and religions. Though India was successful in freeing the nation from British rule and achieved its independence in 1947, the country got partitioned into Pakistan and India on the basis of ethnic and religious nationalism. The creation of two independent nations on the basis of religion had larger impacts on the people of both nations. On the one hand, there were celebrations of independence, but on the other hand, there was a large scale displacement of people based on their religion from both nations.¹² The process of displacement does not stop at partition but continues in both countries. India had witnessed continued armed conflicts and issues of communal violence even after independence. From the late 1980s, ethnic conflict and counter-insurgency operations to oppose movements for greater autonomy or secession generated hundreds of thousands of IDPs in India. And also, the country has faced a large number of internal displacements because of development projects in the post-independent era. It has also been very difficult in India to estimate the number of internally displaced persons as the country lacks any central government agency which can be given the mandate to deal with the issues of IDPs.¹³

According to IDMC, approx 3.85 million and 3900 people will be newly displaced in India in the year 2020.¹⁴ The main reasons for displacement in India have been said to be frequent disasters, conflicts, communal violence and development projects. Apart from these, the socially excluded groups such as scheduled castes and tribes along with religious minorities have been most prone to displacements.¹⁵

(A.) Internal displacement due to Political Movements

- North-East

¹² Ian Talbot, Gurharpal Singh, *et.al.*, *The Partition of India* (Cambridge University Press, Cambridge, 2009)

¹³ Internal Displacement Monitoring Centre (IDMC) (2010) - National and State Authorities Failing to Protect IDPs *available at*: <https://www.internal-displacement.org/publications/india-national-and-state-authorities-failing-to-protect-idps> (last visited on October 24, 2021)

¹⁴ Internal Displacement Monitoring Centre (IDMC) – India, *available at*: <https://www.internal-displacement.org/countries/india> (last visited on October 24, 2021)

¹⁵ Lama, M. P., “Internal Displacement in India: Causes, Protection and Dilemmas” 8 *Forced Migration Review* 24-26 (2000)

North-east India has remained a politically sensitive and disturbed region since it entered the post-colonial phase of its history. The northeastern region of India is a geographically as well as politically isolated area, consisting of seven States, which are often called 'seven sister states' include Assam, Manipur, Nagaland, Tripura, Arunachal Pradesh, Meghalaya and Mizoram. The region is home to about 200 out of 430 groups with different ethnicities. The region is surrounded by China, Burma and Bangladesh and has only one single road which connects it with the rest of India. It has resulted in a huge number of in-migration from these neighbouring countries, which has resulted in ethnic conflicts over resources, especially land. Its perpetual vulnerability to ethnic conflicts and the resultant violence has caused innumerable deaths and massive displacement of the population in the region. The most affected states in terms of displacement in the northeast region are Assam, Manipur and Tripura. And the major eight ethnic groups (Mizos, Nagas, Bodos, Chakmas, Paites, Bengalis, Reangs and Kukis) were engaged in conflicts over land or strived for succession. The north-region is a melting bowl of different ethnicities comprising of various racial stocks, speak different languages and have a varied socio-cultural tradition, which has resulted in fighting for geographical space to preserve their ethnicity. This preservation of ethnicity has resulted in demand for homelands which in turn has resulted in conflict-induced displacement.¹⁶

It is difficult to ascertain the exact number of IDPs in the northeast because even the states do not maintain any proper data on them. Of course, for the State, it is difficult to acknowledge the existence of IDPs because it bespeaks "state failure". The State is not at all transparent in this regard. Besides, it is extremely difficult, if not impossible, for the individual scholar or journalist to investigate the situation because of the inaccessibility of conflict zones and the people living therein.

In 2014, the State of Assam had the largest number of IDPs, over 300,000 in just four of its districts-Kokrajhar, Aulajuri, Chirang and Sonitpur. More than 18,000 people in the Kokrajhar and Bongaigaon districts of Assam were displaced in 1993 as a result of conflict between Bodos and in-migrant Muslims from Bangladesh. The ethnic violence between the Rabha and Garo tribes in Assam and Meghalaya forced at least 50,000 people to flee from their homes.¹⁷

In 2008 The All Assam Students' Union launched a state-wide agitation against the illegal

¹⁶ Phukan, M. D., "Ethnicity, Conflict and Population Displacement in Northeast India" 1 *Asian Journal of Humanities and Social Sciences (AJHSS)* 91-101 (2013)

¹⁷ Internal Displacement Monitoring Centre (IDMC), "Global Overview 2011: People Internally Displaced by Conflict and Violence" 86 (2012)

immigrants, which forced 14,000 Muslims to take shelter in relief camps. At the end of 2009, about 47,000 people were displaced by the conflicts between Bodo-Muslims and Bodo-Santhals in Assam. And the number of displaced populations has been increasing year after year as a result of conflicts between various ethnic groups.¹⁸

Like Assam, Manipur has been the victim of ethnic conflicts, and there has been continuous fighting between the Indian Army and the local militia. More than 2,000 Kukis from at least 25 villages were forced to leave their places by the massive army offences. An operation is known as 'Operation Summer Rifles' was launched in 2009 by the Indian Army, state police and the Paramilitary Assam Rifles against the insurgents, leading to the displacement of more than 2,500 people in Manipur. As a counter-insurgency measure, more than 3,000 people were displaced from the floating islands on Loktak Lake in Manipur by the government authorities in 2011. The Naga-Kuki conflict in 1992, followed by the Meities-Pangal clash in 1993 in the State of Manipur, displaced thousands of people from their native places.

- **Jammu & Kashmir**

Most of the displaced population in India is concentrated in its State of Jammu and Kashmir, where more than 251,000 people were forced to migrate to other parts of India. The main reason for displacement in Jammu and Kashmir is the conflict, which popularly is known as the 'Kashmir conflict' in the mainstream media, between the Indian forces and the militants who seek either Independence from India or accession to Pakistan. Since 1989 more than 90% of the Kashmiri Pandits left the Valley, and the majority of them started living in camps in Jammu city, whereas some got settled in New Delhi.¹⁹

The clashes along the Line of Control (LOC) between the Indian Army and their Pakistani counterpart have led to the displacement of thousands of people from nearby villages. Also, the plantation of land mines and the building of fencing along the LOC by the Indian Army had displaced at least 15,000 people from 22 surveyed villages. The people were separated by the fence which the Indian Army had erected five kilometres away from the LOC from their land, education and livelihoods.²⁰

Apart from the Kashmiri Pandits and border displaced persons, there were displacements in other districts of the State, such as in Doda, Rajouri and Poonch. These people are mostly

¹⁸ *Supra* note 10

¹⁹ Malhotra, C., "Displaced People from Kashmir: Some Observations" 37 *Indian Anthropological Association* 7-81 (2007)

²⁰ Shekhawat, S., *Conflict and Displacement in Jammu and Kashmir: The Gender Dimension* 108 (Saksham Books International, Jammu, 2006).

nomadic tribes consisting of Gujjars and Bakerwals and are Muslims by faith. Their exact numbers have never been known as the government never has shown any seriousness towards these people. Sometimes their displacement is temporary but continuous. The region has been affected by both the insurgent groups as well as the security forces. The women of this region have suffered a lot in the absence of their male counterparts. The region has been neglected by the media as the people living in these areas are generally illiterate and inaccessible. These displaced people blame the government that they have not been provided relief on par with the Kashmiri Pandits, though the reasons for migration for both communities are the same. The 'Sarp Vinash' Operation, which was carried out by the Indian Army in 2003 against the militants in the Poonch district, displaced at least 3,000 to 4,000 people from their native places. There was no registration of the displaced, and no assistance was provided to them by the government, though the Army claimed that they were providing, but that was based on a pick and choose basis.²¹

- **Central India**

Central India has witnessed significant insurgent activities since independence which has resulted in large scale displacement of people from their native places. The states affected by these Naxalite movements include Orissa, Andhra Pradesh, Madhya Pradesh, Chhattisgarh, West Bengal, Tamil Nadu, Bihar, Jharkhand and Maharashtra. The region is rich in mineral resources and has led to armed conflicts over these resources, which subsequently have resulted in the displacement of people, mostly tribals in the region. Discrimination against the tribal population (the Adivasis), displacement by large development projects and government failure to ensure food security have been the main reasons for the rapid spread of the Naxalite movement. By 2005 the Naxalite groups had influenced at least 155 districts in 15 states of the country, which affected at least 300 million population of the country. These Naxalite groups control almost 20% of the forest land of the country, and their influence continues.²² The Government of India had laid many operations to flesh out these insurgent groups but have not been successful so far. An operation called 'Operation Green Hunt' was launched in 2009 against the Naxalite Insurgents in Chhattisgarh, Jharkhand, Orissa and West Bengal. This operation led to the displacement of at least 100,000 tribal people to the State of Andhra Pradesh from Chhattisgarh between late 2009 and early 2010. Apart from those displaced before 2009, there were 40,000 IDPs living in camps within Chhattisgarh and in Andhra

²¹ A. B. Jamwal, "Auditing the Mainstream Media: The Case of Jammu & Kashmir" in S.K. Das (ed.) *Three Case Studies: Media Coverage on Forced Displacement in Contemporary India* 4-19 (Calcutta Research Group, 2004)

²² Mandal, M, "Internal Displacement in India: Status, Conditions & Prospects of Return" 33 *Refugee Watch* 33-47 (2009)

Pradesh. In West Bengal, more than 8000 people were displaced within the State. In 2005 Salwa Judum was formally set up by the government with the aim to suppress the Naxalite movement in central India. The group, which means 'peace hunt', was actually a vigilant force which was supposed by the government security forces was used to remove the Naxalite sympathizers. This group, with the help of government security forces, raided villages, tortured people, made arbitrary arrests and detentions, which forced the villagers to flee their homes. In order to prevent the Naxalites from recruiting the local people, the Salwa Judum group forcibly relocated thousands of villagers to government-run camps, which were located either near police stations or paramilitary police camps. In camps, the villagers were subject to attacks by the Naxalites.

(B.) Internal displacement due to Communal Riots

• Gujarat

Munawar Faruqui, one of the finest stand-up comedians in the country right now, was also a victim of the Gujarat riot, 2002. His home was destroyed, and he was forced to flee his native place, Junagarh, Gujarat and had to shift to Mumbai with his mother, where he moved city to city to earn and to make ends meet. He did odd jobs, worked as a utensil seller salesman, and while doing this, did a graphic designer course and worked as a small-time graphic artist before becoming a star comedian.

The 2002 'Gujarat riots' between the majority Hindus and minority Muslims took away the lives of more than 2000 and displaced at least 250,000 people. The violence started in February 2002 after Muslims were alleged of burning a train in which 59 Hindu pilgrims were burnt alive. The violence-hit more than 150 towns and 100 villages, with Muslims being the most affected. Some small Hindu business owners also suffered from economic losses as their business units remained closed during the period, but Muslims lost almost everything. According to one of the reports on communal violence in Gujarat, the violence left at least 1,169 dead, of which most were Muslims. Some 200-300 women were victims of sexual abuse during the violence, more than 600 children became orphans, and about 900 women became widowed.²³

The status of the most Muslim Displaced families is not known, while a report in 2007 claimed that about 5,000 displaced families are residing in the makeshift camps in Ahmedabad and Sabarkantha regions of Gujarat. According to the report of the 'Centre for Social Justice'- an

²³ Badigar, S., "A 'Normal' Anomaly: Displacement due to Communal Violence in Gujarat" 47 *Economic & Political Weekly* 42-47 (2012)

Ahmedabad based socio-legal Non-Governmental Organization claimed that there were 3,964 Muslim families who got displaced due to the violence in 2002 and are living in 86 settlements established across the State. The report further claims that out of the total displaced, only 30% have received assistance from the government. Some of the families in camps were threatened to vacate the land on which camps had been constructed, as the same was declared as agricultural land by the government. Most of the displaced Muslim families do not want to return to their native places because of the fear of psychosis.

And recently, in March 2017, a fight between Hindu and Muslim students resulted in the displacement of almost 140 people, all belonging to the Muslim community, after 5000 people attacked Muslims' residents and burnt their homes in Vadavali village in Patan district in Gujarat. Another 500 Muslims were displaced on the next day of the violence as the people from neighbouring villages burnt at least 80 to 100 houses.

- **Uttar Pradesh, Karnataka, Madhya Pradesh and Maharashtra**

Uttar Pradesh is home to around 200 million people and is the most populous State in India. Between the years 2010 and 2014, the State witnessed 703 cases of religious conflicts resulting in the death of 176 people and injuring about 2,007 people.²⁴

In September 2013, as the country was getting ready for General Elections scheduled for the following April, large-scale communal violence engulfed Muzaffarnagar and Shamli districts of western Uttar Pradesh. A BBC report described the violence as 'the worst in India in a decade'. By the time the violence had abated later that month, 52 persons lay dead, over 60 had been grievously injured, and scores of houses destroyed in fires across 14 villages in the two districts. This was the official count—many instances of deaths, injuries, sexual violence, and destruction of property remain uncounted to this day. The violence mostly targeted Western UP's Muslims, especially the ones from poorer backgrounds. Additionally, the violence affected 74 villages in Muzaffarnagar and Shamli, and surrounding districts, as Muslim families here, especially where they were in the minority, led fearing violence, in the tens of thousands, resulting in one of the largest violence-induced displacements in the country in recent years. More than 40000 people were displaced during the riot.²⁵

Karnataka witnessed the most religious conflicts per million population, 5.8, between 2010 and

²⁴ Which states are India's communal tinderboxes? *available at*: Which states are India's communal tinderboxes? (scroll.in) (last visited on November 1, 2021)

²⁵ 2013 Muzaffarnagar riots cases, *available at*: <https://www.thehindu.com/news/national/other-states/2013-muzaffarnagar-riots-cases-eight-years-on-over-1100-acquitted-just-seven-convicted/article36332900.ece> (last visited on November 1, 2021)

2014, followed by Madhya Pradesh at 5.7. Uttar Pradesh, which saw the highest number of communal incidents in absolute terms during this period, ranked sixth in incidents per million population at 3.5. Madhya Pradesh saw the highest number of deaths from communal violence per million population at 0.9 during this period, followed by UP at 0.8. Maharashtra followed UP with the second-highest number of religious conflicts between 2010 and 2014 at 484. The State also ranked second in deaths and injuries from communal violence at 70 and 1,462, respectively.²⁶

There has been a scary hike in incidents pertaining to communal violence in the country in the last few years. Last year only, Delhi witnessed targeted and organized violence against Muslims. It all started when the Citizenship (Amendment) Act, 2019, was passed by the Parliament, which proposed to use, for the very first time in India, religion as an eligibility criterion for citizenship. Then, the students of Jamia Millia Islamia started a protest against this law, but they were brutally assaulted by the police. The same night, a few women decided to occupy a major road near the university. These sit-in protests became famous as "Shaheen Bagh protests" and became the face of the resistance to CAA. Many Shaheen Bagh-like women-led sit-ins launched across India after that. And a sit-in was also launched in Jaffrabad, in North-East Delhi, which blocked the Seelampur-Jaffrabad road. And to clear the road, pro-CAA, some Hindu fundamentalist groups clashed with people protesting there. The clashes erupted after at least one Hindu politician warned India's police in a public address that if they didn't break up the protests against the new law, he and others would do it for them. Mobs of people armed with iron rods, sticks, Molotov cocktails and homemade guns ransacked several neighbourhoods, killing people setting houses, shops and cars on fire. Many mosques were burnt and destroyed. The violence in the northeastern part of New Delhi led to the death of around 53 people, mostly Muslims and more than 200 people were injured.²⁷ And more than 5000 people had to leave their homes and shift into makeshift camps.²⁸

And as I am writing this paper, Tripura is engulfed in frenzied anti-Muslim violence. Over a dozen mosques and countless Muslim properties have been vandalized and destroyed in Tripura as members of right-wing groups take out rallies because of Anti-Hindu violence in parts of Muslim-dominated Bangladesh over three weeks ago. They attacked Muslim houses

²⁶ *Supra* note 21

²⁷ Report on violence in Delhi 23/2 – 27/2/2020 and its aftermath, *available at*: <https://www.ohchr.org/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM2.pdf> (last visited on November 2, 2021)

²⁸ Delhi riots forced thousands of Muslims from their homes, and they're afraid to go back, *available at*: <https://www.cbsnews.com/news/delhi-riots-forced-thousands-of-muslims-from-their-homes-and-theyre-afraid-to-go-back/> (last visited on November 2, 2021)

and places of worship in a mob frenzy. The violence went on for nearly a week. Meanwhile, the High Court of Tripura took suo motu cognizance of the incident and has directed the state government to submit an affidavit by November 10 stating measures it has taken to ensure peace in the State.²⁹

- **Displacement of Dalits**

Dalits (or so-called "untouchables", known in Indian legal terms as scheduled castes) are vulnerable to forced displacement in the aftermath of episodes of caste violence. In a report submitted to the UN Committee on the Elimination of Racial Discrimination (CERD), it is argued that the typical scenario is one where Dalit villages are attacked and looted by neighbouring upper-caste villagers, forcing them to settle for months in temporary homes on government property. The perpetrators largely enjoy full impunity, and little is done to help the displaced Dalits return home or to prosecute those responsible for the attacks. Though the government has made various legal and constitutional rights for these downtrodden people at the ground level, these have failed to get results. The unfortunate for the Dalit IDPs is that their number is unknown as the government has not been sincere with them, and no steps have been taken for their protection.

(C.) Internal displacement due to Development Projects

Since India's independence in 1947, there has been a surge of economic development activities in the form of massive infrastructure development projects such as the construction of dams for power and irrigation, the building of roads, urbanization, mining, the building of thermal power plants, etc. Proponents of large dams argue that only these types of massive projects can improve India's economy and the lives of millions of people. But the flip side of this sort of development is that it has displaced more than 42 million people in the country.³⁰

The poorest and most marginalized people are generally hit the hardest by displacement, most often without adequate compensation. Many displaced families have been displaced three or four times. "In India, 50 million people have been displaced in the last 50 years in the name of 'national' interest".³¹

Official figures of the number of displaced people are just underestimated. This is usually done

²⁹ Tripura Violence- High Court Takes Suo Moto Cognizance; Seeks State's Reply On Plan To Scuttle Design Of Stoking Communal Passion, *available at*: <https://www.livelaw.in/news-updates/tripura-violence-high-court-suo-moto-cognizance-state-reply-plan-scuttle-design-stoking-communal-passion-184647> (last visited on November 2, 2021)

³⁰ Large Dams In India -- Temples Or Burial Grounds? *available at*: <https://www.countercurrents.org/en-jensen220904.htm> (last visited on November 2, 2021)

³¹ Parshuram Ray, "Development Induced Displacement in India" 2 *SARWATCH* 2 (2000)

to present a good cost-benefit ratio to project clearance agencies and funders. The World Bank has put the number of people displaced by the Farakka Super Thermal Power plant in West Bengal as 63325, while Indian government figures suggest that no one was displaced. In the case of the Bargi dam, the number of villages submerged increased from the initial figure of 101 to 162. Likewise, in the case of various other large dams in the country, the number of submerged villages has increased, and estimates of displaced villages have failed, which led to unplanned displacement.

Displacements due to dams and canals have been traumatic and dehumanizing. The displaced family's livelihood, their family, kinship systems, cultural identity and informal social networks were badly affected and disrupted. The condition of the women is even more traumatic. Lack of policy framework and social securities has made them insecure and psychologically very weak.

The monetary compensation paid to the displaced was not enough to sustain their livelihoods. The lame assurances by the government have never become a reality, and it has led to tragic consequences. Large-scale dam building has been able to deliver very little in terms of benefits. Many projects are able to irrigate just 20% of the command area, but the harm they do to the environment and people is immense.

In August 2013, the Government of India came up with a comprehensive **Land Acquisition and Resettlement and Rehabilitation (LARR) Act 2013**. The Act provides for rehabilitation & resettlement and combines it with land acquisition, so the former does not get neglected. The 'public purpose' for which land can be acquired by the government is defined.

As per the above legislation, a comprehensive rehabilitation and resettlement package is provided for those who lost their livelihood support which includes the landless and tenants. The Act also provides for schools and playgrounds, health centres, roads and electric connections and assured sources of safe drinking water for each family. The role of the gram sabha has been clearly stressed, and the government has to consult them. The government has to also comply with other laws like the Panchayat (Extension to the Scheduled Areas) Act (PESA), 1996; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; and Land Transfer Regulations in Schedule V (Tribal) Areas.

(D.) Internal displacement due to Natural Disasters

Every year thousands of people are displaced temporarily or permanently due to flood and riverbank erosion, drought, earthquake, cyclone, and landslides. Back in 1990, the Intergovernmental Panel on Climate Change (IPCC) had noted that the single greatest impact

of climate change would be on human migration. In 2018, of the new 28 million internally displaced people in 148 countries, 61 per cent were due to disasters.³²

With increasing intensity and frequency, natural disasters now affect more than half of India's population, both in rural and urban areas. According to the National Disaster Management Authority, 27 of the 37 states and Union territories are disaster-prone. Some 68 per cent of the cultivated land is vulnerable to drought, 58.6 per cent of the landmass is prone to earthquakes, 12 per cent to floods, 5,700 km of the coastline is prone to cyclones, and 15 per cent of the area is susceptible to landslides.

The 2011 Census shows that 405 million (or 33 per cent) of the country's population are on the move, with some 9.9 million people migrating from one state to another every year. Displacement or rise in migration due to disasters has raised concerns on increasing human trafficking. It is a known fact that in countries like India, there has been clear evidence of linkages between disaster, migration and vulnerability to human trafficking. The UN Environment Programme estimates that trafficking goes up by 20-30 per cent during disasters. Large-scale migration is also increasing xenophobia and intolerance around the world.

It is believed that displacement following disasters is short-term and temporary. Affected people are expected to return to their permanent places after the disaster. But this is not true for all cases of natural disasters. Riverbank erosion is such a case after bank erosion affected people lose their homes, land, and in most cases, their occupation. Then they have no places to return and turn into permanently displaced.

- **Covid-19**

It cannot be overemphasized that COVID-19 has brought the world to a grinding halt. The pandemic has affected up to the smallest community and has highlighted various social, political, and international issues globally as well as within national borders.³³ As emphasized above, IDPs are a vulnerable group. The unprecedented nature of the COVID-19 pandemic seems to have further perpetuated existing vulnerabilities and begotten newer risks. The pandemic caused economies all over the world to shut down. People all over the world not only faced isolation but were subjected to merciless layoffs. The situation in India was no better. The hardest-hit population have been migrant workers in India. Migrant workers were one of

³² More people displaced due to natural disasters and climate change than conflicts and war in 2018 -- says CSE and Down To Earth's State of India's Environment 2020 report, *available at*: <https://www.cseindia.org/state-of-india-s-environment-2020-report-9917> (last visited on November 5, 2021)

³³ Orendain, D.J.A. and Djalante, "R. Ignored and invisible: internally displaced persons (IDPs) in the face of COVID-19 pandemic" 16 *Sustain Sci* (2020).

the first to lose their jobs and had to set out for their homes far away from their place of work. Hit by sudden economic uncertainty owing to job losses, the repercussions were grave both in terms of health as well as displacement. The mass exodus of migrant workers resulted in many deaths.

Some people argue that the National Disaster Management Plan of 2019 offers policy directions to government agencies for rehabilitating "vulnerable groups". But the failure of the plan in building a comprehensive response system to mitigate the impact of the Covid-19 containment measures on migrant labourers makes its flaws obvious.³⁴ This vulnerability is further supplemented by the fact that the relief camps where such communities reside had to be closed due to adherence to protective measures like social distancing. Moreover, adhering to such protective measures seems to be impossible given the fact that such camps and settlements are overcrowded and unhygienic.

IV. CONCLUSION

India's denial of internal displacement as a phenomenon has led to piecemeal and ad hoc initiatives. Raising the argument of sovereignty, the Indian government has refused to recognize the Guiding Principles on Internal Displacements (GPID) as a legal principle since the beginning. Its representative had categorically rejected the binding nature of the principles before the UN Security Council because of the absence of intergovernmental negotiations, which led to its drafting.

However, despite the absence of legislation and a central policy on IDPs, the Courts have protected the rights of the displaced people. Justice Gita Mittal, in her judgement in *P.K. Koul vs Estate Officer & Anr*, found GPID to be part of India's domestic law. However, the invocation and the application of the GPID before the Indian courts have remained ad-hoc and inconsistent.

Having said that, the Indian government remains under an international obligation through the treaties it has ratified over the years like the Universal Declaration of Human Rights since its adoption by the United Nations General Assembly in 1948, the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights in 1979. It includes the rights to life, physical integrity, and an adequate standard of living. In fact, the government has to take preventive measures to mitigate disaster risk and prevent

³⁴ The Covid-19 crisis showed why India needs a policy for its 3.6 million internally-displaced persons *available at:* <https://scroll.in/article/968372/the-covid-19-crisis-showed-why-india-needs-a-policy-for-its-3-6-million-internally-displaced-persons> (last visited on November 5, 2021)

deaths during epidemics.

Not being a homogenous group, IDPs have specific needs, capacities, vulnerabilities, as well as individual differences with respect to personal circumstances, age, gender, health etc. As per the Framework for Durable Solutions, there exist certain measures to combat the hardships faced by the IDPs, for example, providing a safe environment, access to documentation, restitution of property rights, delivering basic necessities, services and livelihood to those affected.

Overall, a holistic and inclusive approach involving enhanced communication, humanitarian assistance and most importantly, multi-sectoral collaboration with IDPs initiated by the government is the need of the hour.
