**The ‘Other’ in the ‘Self’: The IDPs in India**

(A Status Report)

By

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**Introduction**

They are homeless at ‘home’. Yet, they cannot cross borders and seek ‘outside’ help: rather they are forced to remain as the ‘other’ within the boundaries of their ‘own’ national states. The number of such homeless/displaced people, which, for more than two decades, are known as ‘Internally Displaced Persons’ (IDPs) – constitutes twice the number of refugees since 1990s. IDPs and refugees are very closely related since basically both are displaced persons. Like refugees, the IDPs “breaks up the immediate family . . . cuts off important social and community ties; terminates stable employment relationships; precludes or forecloses formal educational opportunities; deprives infants, expectant mothers, and the sick of access to food, adequate shelter, or vital health services; and makes the displaced population especially vulnerable to acts of violence, such as attacks on camps, disappearances, or rape.”

However, unlike the refugees who have a supportive international legal/institutional regime, the IDPs are doubly wronged because to fulfil their minimum needs for living, they have to negotiate with the same power-regime, which is directly or indirectly responsible for their displacement. Moreover, despite the formulation of the UN ‘Guiding Principles on Internal Displacement’ in 1998, there is no legal binding on the states to abide these Principles. It entirely depends on the pious wish of the states concerned to enact laws to protect and rehabilitate IDPs.

For last two decades, South Asia has seen a meteoric escalation in the number of IDPs but till date, not a single state in this region has formulated any legal mechanism in line with the Guiding Principles. Here, it should be made clear that by ‘South Asia’ we do not only consider the SAARC countries (i.e. India, Pakistan, Nepal, Bhutan, Bangladesh, Sri Lanka, Maldives and the new inclusion, Afghanistan) but also Myanmar/Burma because “what happens in today’s Myanmar has its implication for minorities in north-eastern India and Bangladesh”. Similarly, the displacements in countries like Nepal, Pakistan, Bhutan or Sri Lanka have bearing – direct or indirect – on India. We have to comprehend the issues of IDPs in India in this broad South Asian context.
Internal displacement is not a new phenomenon in India. Even in *Mahabharata* we find the instance of mass eviction from Khandava Vana to build up Indraprastha (a place near the present Delhi), the capital of Pandavas. In the Sultanate era, when Mohammad Bin Tughlagh, whimsically decided to shift his capital from Delhi to Daulatabad, a place near Aurangabad in Maharashtra, thousands of people of Delhi were also forced to shift, leaving behind their homes and means of livelihood. Many persons died during the long and painstaking journey. However, let us also not forget that these were only stray instances; internal displacement had never been a regular and systematic phenomenon till the arrival of ‘modern’ state and modern modes of production.

Most states in South Asia had long colonial experiences. In most cases, the colonial regimes did not try to disturb the traditional demographic (ethnicity and community wise) balance. However, with the formation of new ‘national’ states after the Second World War, this ‘balance’ was fairly threatened. India, the biggest nation-state in the region had to face ‘Partition’ in 1947 with the creation of the new state of Pakistan, which existed on the western and eastern borders of India. Again, the East Pakistan ceased to exist after the coming of Bangladesh in 1971. Both the Partitions of 1947 and 1971 took place after fierce conflicts: large-scale communal violence before 1947 and armed conflict between the Pakistani army and the Mukti Joddhas of Bangladesh (‘liberation forces’ of Bangladesh) backed by Indian army in 1971.

In both the cases, a huge number of humanity had to suffer; large-scale displacement – both ‘external’ (because a vast population had to cross the newly defined ‘borders’) and ‘internal’ (because with the huge influx of ‘refugees’ the old inhabitants faced a sharp competition over land and employment and other opportunities) – took place. In these new states grew new political/economic power-groups, which comprised a handful of ethnic/linguistic/religious communities. As a result, a large number of people, belonging to ‘other’ communities were excluded and marginalized. The latter groups often demand ‘autonomy’ within the new state and even, in some cases, organise themselves for ‘liberation’ from the new nation-state. Further, the redrawing of administrative-territorial units (states/provinces/districts) of the new nation-state, especially in India, also complicates, and worse, often jeopardises the age-old demographic balance, which enhances the possibilities of internal displacement.
Modern economy – especially the idea and practice of rapid and mechanised ‘development’ – has been another major source of displacement. The process started in the colonial period but got its real momentum after the formation of new nation-state. Large-scale land acquisition for the construction of big dams, industries, power stations, highways, ‘reserve forests’ etc has made a great number of people homeless and jobless. In most of the cases, they belong to the weaker/marginalized section of the population: thus they fall prey to more miseries. In many cases, the so-called modern industries cause severe health and environmental hazards (pollution of air and water), which often lead to displacement of that section of people which heavily depend on these natural resources for their livelihood. In India, the ‘success’ of Green Revolution, achieved through mechanised agriculture and heavy use of chemical fertilisers and pesticides, gradually led to infertility and degradation of land in many places, especially in Punjab.

In 2009, under a Greenpeace Research Laboratories investigation, Dr Reyes Tirado, from the University of Exeter, UK, conducted a study in 50 villages in Muktsar, Bathinda and Ludhiana districts that revealed chemical, radiation and biological toxicity was rampant in Punjab. 20% of the sampled wells showed nitrate levels above the safety limit of 50 mg/l, established by WHO. The study connected this finding with high use of synthetic nitrogen fertilizers. With increasing poisoning of the soil, the region once hailed as the home to the Green revolution, now due to excessive use of chemical fertilizer, is being termed the “Other Bhopal”, and “even credit-takers of the Revolution have begun to admit they had been wrong, now that they see wastelands and lives lost to farmer suicides in this “granary of India”.

Effects of Globalisation

The number of IDPs, worldwide, has taken a sharp rise since the beginning of 1990s – after the end of Cold War and with the ascendancy of a ‘unipolar world’ under the supreme leadership of the USA. In this so called ‘new world order’ developed a new kind of worldwide networks of integration, popularly known as Globalisation. In short, it is a process by which regional economies, societies, and cultures have become integrated through a global network of communication, transportation, and trade. The era of globalisation is characterised by extensive and rapid movements of people. An ever-rising number of people are becoming displaced within their homelands as a result of a multitude of interconnected factors like uneven development of ‘new’ industries and its hinterland of cheap labours, environmental/climatic changes etc. The majority of these displaced persons
are women and children. Yet, they are severely underrepresented in making claims for proper rehabilitation.

Decline in the traditional notion of sovereignty of the nation-state is another feature of globalisation. The states, especially the poorer ones of the Southern hemisphere, are also willy-nilly compromising with the situation. South Asian states fall in this category. In such a situation, the IDPs do not get/cannot expect sufficient humanitarian protection from their own states. In this changed scenario, the ‘human rights discourse’ has acquired a new connotation. Since, states alone cannot effectively maintain/protect the interests of IDPs, international humanitarian agencies and national or foreign-funded NGOs have come to fill the vacuum. The UN *Guiding Principles on Internal Displacement* by Francis M. Deng, the Special Representative of the Secretary-General on Internally Displaced Persons, also appeared in this time of high internal displacement (1998).

*The Guiding Principles*

According to these Principles, “internally displaced persons are 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.”

And Principle 6 declares, “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.” It also defines the phrase ‘arbitrary displacement’ which includes the following:

(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
(e) When it is used as a collective punishment.
IDPs in India: A Typology

In a salutary departure, a group of Indian scholars had put forward a ‘typology’ of IDPs in South Asia, a decade ago. According to this, in South Asia we find 5 types of IDPs. These types, needless to say, are also valid for India.

1. Development-related displacement:

This may be divided into ‘direct’ and ‘indirect’ categories. The first refer to those cases, where installation and commissioning of big development projects cause displacement, and the latter happens where installation and functioning of projects continuously push up the consumption of natural and environmental resources, and thereby depriving the indigenous people their means of sustenance.

2. Ethnicity-related displacement:

It takes place where an ethnic community claims absolute and exclusive right over a territory, which it claims to be its ‘homeland’. Such an exclusive and exclusionary claims certainly lead to ethnic tension, violence and finally large-scale displacement of the ‘other’/‘outsider’ communities.

3. Border-related displacement:

It can be also divided into two kinds: a) internal border-related disputes and displacement (for example, border disputes between Manipur and Nagaland in India’s northeast); b) external or international border related conflicts and displacement (for example, displacement owing to Indo-Pak border conflicts).

4. Externally-induced displacement:

It happens when a large number of migrants pour in and put pressure on land and livelihood of the indigenous/’native’ people. This often leads to ‘nativist’ movement and as a result the once displaced persons might face further displacement.

5. Potentially displaced persons:
This category refers to those old/infirm, children and women, who cannot migrate to other places for saving their lives and livelihood. Technically speaking, these persons have not left their homes, yet they live constantly in a ‘displaced-like situation’.

Following the Guiding Principles (and of course, going by our experiences) we can include another type of displacement with the above list, i.e. ‘natural-disaster related displacement’. A few years ago, the whole of coastal states of South Asia had faced such type of displacement – in the times of Tsunami. Moreover, for a number of reasons, many areas of South Asian states are flood-prone. The eastern and northeastern provincial states of India; entire Bangladesh; parts of Nepal, Bhutan, Burma, Maldives, and even Pakistan are worst affected by flood in the monsoon. Erosion of riverbanks (especially of the river Ganga/Bhagirathi in West Bengal, India) also makes many persons homeless. Earthquakes and storms like tornado also occasionally take most disastrous form. In most of the cases, the states do not have any long-term policy and mechanism to cope these challenges.

Now let us take stock of the status of IDPs in India in recent years. But before delving deep, one should remember that notwithstanding the above list, displacements in India are, broadly speaking, conflict-induced, development induced and natural-disaster related.

**Estimates of the IDPs**

*Conflict-induced displacement*

It is very difficult to estimate the total number of IDPs in India as there is no central government agency responsible for monitoring the numbers of people displaced and returning, and humanitarian and human rights agencies have limited access to them. In addition, there is no UN agency that has an overall overview of the situation, and NGOs and civil society organisations have generally focused on specific displacement situations in India rather than on the overall situation. The displaced whose numbers are known are generally those living in camps and registered there, and it is not known how many people live in displacement outside of camps. A conservative estimate of the total number of people displaced by conflict and violence would be **at least 650,000** as of August 2010.

In 2009 and during the first half of 2010, at least 650,000 people in central India (Chhattisgarh, Andhra Pradesh and West Bengal), India’s northeast
(Assam, Mizoram- Tripura and Manipur), Jammu and Kashmir, Orissa and Gujarat were living in displacement owing to armed conflict and ethnic or communal violence. Besides, a large and unknown number of displaced people were living in Indian cities.

In central India, armed conflicts over land and mineral resources in tribal forest areas was ongoing. In 2009, government security forces launched “Operation Green Hunt” against Naxalite insurgents. The conflict led to new displacement of more than 100,000 tribal people from Chhattisgarh state to Andhra Pradesh state between mid-2009 and mid-2010. Of those displaced, 20,000 were still staying in camps in Chhattisgarh prior to 2009 and another 20,000 in Andhra Pradesh. In addition, 8,000 people were displaced within West Bengal state, with many of them staying in makeshift camps.

In Assam, about 1,70,000 people who had been displaced by ethnic violence were living in camps in deplorable conditions. In 2009 and 2010, new violence in Assam displaced more than 16,000 Dimasas and Zeme Nagas and 4,000 Nepali-speakers. 30,000 Brus displaced from Mizoram state in 1997 and living in difficult conditions in camps in Tripura state had not been able to return, and new Mizo-Bru violence in November 2009 displaced another 5,000 Brus. In Manipur state, 1,500 to 2,500 people had to flee their homes in May 2009 due to counterinsurgency operations by security forces. In May 2010, clashes between security forces and Naga protesters displaced 500 Nagas from Manipur state to Nagaland state.

2,50,000 Kashmiri Pandits displaced from the Kashmir Valley since 1990 were still living in displacement in Jammu, Delhi and elsewhere in India. In addition, military border fencing separated 15,000 people from their land in Jammu And Kashmir State in 2009. In Orissa state, at least 10,000 people who had to flee their homes due to communal violence between the Hindu-Christian communities in 2007 and 2008 remained displaced, and in Gujarat state, 19,000 people who had been displaced by Hindu-Muslim violence in 2002, were still staying in camps till recently.

The Government of India has no national policy to respond to internal displacement caused by armed conflict and ethnic or communal violence. The responsibility for protecting the displaced and providing assistance to them generally falls on state governments and district authorities. This has resulted in wide discrepancies between responses from one state to another and even from one situation to another within the same state.

It is very difficult to estimate the total number of conflict-induced IDPs in India as there is no central government agency responsible for monitoring the numbers of people displaced and returning, and humanitarian and human rights agencies have limited access to them. Those whose numbers are
known are generally those living in camps and registered there. A conservative estimate of the total number of people displaced by conflict and violence would be at least 650,000 as of August 2010, but the real number, which would include displaced people outside of camps and dispersed in India’s cities, is likely to be significantly higher8.

*Development-induced displacement*

Extensive research findings presented by the World Commission on Dams have shown that between 40 and 80 million people have been forced to leave their homes as a result of the construction of large hydroelectric dams alone. In 1994 the government of India admitted that 10 million people displaced by dams, mines, deforestation and other development projects were still ‘awaiting rehabilitation’, a figure regarded as very conservative by most independent researchers. According to a conservative estimate there are at least 21 million development-induced displaced in India8a

Prior to 1947, water resource development works in India comprised mostly of diversion weirs or small earth dams not exceeding 15 to 20 metres in height, mainly in the form of small tanks and bunds with localised networks of canals. In fact there were only 30 dams that were 30 metres or more in height before the onset of Independence. However, many of these systems involved extensive and sophisticated modes of water harvesting, sometimes with massive canal systems, and involving creative application of indigenous technologies.

With the adoption of policies for planned development after freedom in India, a major priority for policymakers was the harnessing of the country’s water resources for irrigation and power. Support to earlier technologies, based on diversion or run-of-the-river schemes, gradually diminished in favour of large dams. The visibility, scale and sweep of mega-dams made them potent emblems of the reconstruction and regeneration of the battered economies of long-suppressed post-colonial nations.

Large storage works such as the Bhakra, the Hirakud, the Tungabhadra and the Damodar Valley Dams were amongst the earliest projects undertaken in the post-Independence period in the country. Construction of high dams for hydropower generation was also taken up, especially in peninsular India, and this included schemes such as the Machkund, Pykara and the Kundah hydroelectric projects. The national plans also attempted to incorporate wherever possible a multi-purpose orientation to dam projects, including hydro-power, flood control and navigation, in addition to irrigation. Some 3,300 big dams have been constructed in India in the last 50 years. Budget provisions for
major irrigation projects outstrip most other sectors, including health and education, in the annual plans of many state governments. These are also far in excess of financial allocations for establishing or strengthening decentralised irrigation schemes.

Although enthusiasm for mega-dam projects amongst policy-makers remains largely undimmed, a formidable body of independent empirical research into many of these large dams has established how their social, human and environmental costs have been ignored or grossly understated in the planning of these projects, and the expected benefits exaggerated. The actual output of irrigation and power of these projects has fallen short, sometimes spectacularly, of the level on the basis of which investment on the project was initially justified.

Of the very many neglected costs of the big dams, some of the most grave are the social and human consequences of displacement. In this paper, we will restrict ourselves to an analysis of these human and social impacts of displacement, and especially to those that result directly or indirectly from the omissions or commissions of policy.

It was clear from the start that mega-projects would require the displacement or forced uprooting of substantial populations, particularly for hydraulic projects which entail large-scale submergence for reservoirs. However, national leaders and policy-makers typically viewed these as legitimate and inevitable costs of development, acceptable in the larger national interest. Nehru, India’s first Prime Minister, while laying the foundation-stone for India’s first major river valley project, the Hirakud Dam in Orissa in 1948, said to the tens of thousand facing the grim prospect of displacement: ‘If you have to suffer, you should do so in the interest of the country’.

The same sentiments were echoed 36 years later by Prime Minister Indira Gandhi in a letter to one of India’s most respected social workers, Baba Amte. She wrote: “I am most unhappy that development projects displace tribal people from their habitat, especially as project authorities do not always take care to properly rehabilitate the affected population. But sometimes there is no alternative and we have to go ahead in the larger interest…”

There is painful irony, and possible design, in the fact that there are no reliable official statistics of the numbers of people displaced by large projects since Independence. Many researchers place their estimates between 10 and 25 million. In an influential 1989 study, Fernandes, Das and Rao provide an estimate of some 21 million displaced persons (see also Fernandes 1991). Scholar-administrator and currently Secretary of India’s Planning Commission, Dr. N. C. Saxena, places his estimate of persons
displaced by big projects since 1947 at nearly double this figure — 50 million.
This is also the figure quoted by writer-activist Arundhati Roy in a recent essay ‘The Greater Common Good: The Human Cost of Big Dams’. It is worth quoting her persuasive reasoning: According to a detailed study of 54 Large Dams done by the Indian Institute of Public Administration, the average number of people displaced by a Large Dam is 44,182. Admittedly 54 Dams out of 3,300 is not a big enough sample. But… it’s all we have… let’s err on the side of abundant caution and take an average of just 10,000 people per Large Dam. 33 million… That’s what it works out to… What about those that have been displaced by the thousands of other Development Projects?… Fifty million people…I feel like someone who’s just stumbled on a mass grave.8d
Going beyond the numbers and based on the large body of painstaking research into the experience of displacement in India, and confirmed by the direct observation of the Sardar Sarovar and Hasdeo Bango projects by the writer of this paper, in this part of the paper we will attempt to identify some of the recurring and predominant trends in the experience of displacement and rehabilitation as a result of big dams in India.

**Dams and the displacement of tribal people**

<table>
<thead>
<tr>
<th>Name of Project</th>
<th>State</th>
<th>Population facing Displacement</th>
<th>Percentage of Tribal displaced</th>
</tr>
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<tbody>
<tr>
<td>Karjan</td>
<td>Gujarat</td>
<td>11,600</td>
<td>100</td>
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<tr>
<td>Sardar Sarovar</td>
<td>Gujarat</td>
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<td>Maheshwar</td>
<td>M.P.</td>
<td>20,000</td>
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<td>Bodhghat</td>
<td>M.P.</td>
<td>12,700</td>
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<td>Bihar</td>
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<td>80</td>
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<td>Polavaram</td>
<td>A.P.</td>
<td>150,000</td>
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Recent debates over industrial displacements

In achieving average growth rates of 9% over the four years until 2009, India has caused much excitement as the economic success story that promises to alleviate poverty. With the aim of increasing national income and maintaining high growth rates, India has expanded its service sector and pursued industrialisation, pushing large-scale projects and setting up special economic zones (SEZs) - specially demarcated and self-sufficient growth centres. These, it is hoped, will accelerate development and industrialise India’s hinterland. However, India’s path to industrialisation is not straightforward, many alleging that this growth story has excluded India's poor. With land acquisition being essential to building large dams, steel plants or economic zones, it is argued that India’s rural poor are being unfairly displaced, while benefits of the projects bypass them. The strongest opposition in recent times has been to SEZs, in particular to the $350 million Tata Nano project in Singur, which led to violent protests by farmers across the country refusing to part with their land, which were backed by many intellectuals and activists. Nearly 200 projects including factories, railroads and highways are being held back by similar struggles.

The Indian government passed the SEZ Act in 2005 and nearly 500 SEZs have been granted approval since, covering over 50,000 hectares of land. While the specific aspects and benefits of an SEZ have been debated, land
transfer, displacement and dispossession have been most controversial in the recent past, given that acquisition of rural land is essential to the setting up of industrial units, factories and projects.

The issue of displacement of rural population has emerged as the most important concern in the context of development and industrialisation. The displaced families are often given a raw deal by the businesses, and poor government compensation, which takes years to come by. Many displaced people do not reap benefits of the projects for which they are displaced. Big industry is accused of displacing the poor and tribals and uprooting their culture and livelihoods. The State, on the other hand, is accused of holding a dismal record for compensation and rehabilitation. Also, displaced people are not provided with an alternative livelihood, as most are unskilled for employment in the factories that come up on their land, widening the gap between the rich and the poor.

In India, where over 70 per cent of the workforce is engaged in agriculture, land is a sensitive issue. Land acquisition for industrial purposes is often argued as inevitable and for the greater common good. But those opposed to the acquisition of rural land hold up farmers’ right to land in arguing against their displacement and lamenting destruction of rural life. Besides, for most farmers in India, land is the primary source of livelihood, with many more landless labourers and their families depending on it. People who have been agriculturalists traditionally and do not have industrial skills, are better off tilling than losing their land to corporates. Land provides them more security than the promise of SEZs and has greater agrarian potential.

The majority of Indians are however subsistence farmers, who live off their land, and in poverty. While 60 per cent of India's workforce is engaged in agriculture, its contribution to the GDP is a mere 17 per cent, the average size of farm holding being only 1.15 hectares. Lack of mechanisation means back-breaking toil and frequent crop failure. Lack of development in the rural hinterland means no healthcare, high infant mortality rates, poor education facilities and perpetual poverty. Small and marginal landowners find agriculture unviable. Those in favour of industrialisation consider the shift from agriculture to industry inevitable, arguing that the small land holdings in India cannot promise growth. Citing the shift from agriculture to industry as essential to the development of any economy, opponents of industry have been charged with romanticising small-scale farming. Critics have also pointed to the gap between intellectuals promoting a general anti-development ideology, and the specific circumstances of the rural poor whose interests they claim to represent.
The Naxalite conflict has so far affected more than 200 of India’s 626 districts in 20 of its 29 states. These areas largely overlap with the Dandakaranya forest covering parts of West Bengal, Jharkhand, Orissa, Chhattisgarh, Andhra Pradesh and Maharashtra, where large deposits of mineral resources such as bauxite, iron ore and uranium are located and where millions of Adivasis (tribal people) live. The latter have suffered from chronic famine and have had no access to health care, education or judicial procedures.

In 2009, the Government of India initiated “Operation Green Hunt” against the Naxalites in Chhattisgarh, Jharkhand, Orissa and West Bengal, the states worst affected by the conflict. Ostensibly aimed at suppressing the rebellion, some have argued that its real aim is to “turn […] the area into a war zone” to force the low-caste tribal people off their mineral-rich land to make way for large-scale commercial exploitation of natural resources by private companies8a.

Since 2005, the Government of India has signed several hundred memorandums of understanding (MoUs) with companies on resource exploitation and large-scale infrastructure projects such as power plants, dams and steel factories. Between 1999 and 2009, 160,000 people were estimated to have been displaced in Andhra Pradesh, Chhattisgarh, Jharkhand and Orissa because of development projects9. As of August 2010, the Government of India was considering the Mines and Minerals (Development and Regulation) Act, 2010, which would oblige mining companies “to allot free shares equal to 26% of a project’s equity to the local population affected by the mining project”. The proposed legislation met with strong opposition from mining companies10.

The Communal violence prevention bill

Communal violence, we all know, is a major cause of displacement throughout South Asia. India, Pakistan and Bangladesh are worst sufferer on this account. In India, the memories of Bhagalpur or the post-Godhra Gujarat riots still haunt all peace loving people. In this context, The Communal violence prevention bill should come under the purview of our discussion.

From the framing of its first draft in 2005 to the heated debates that have followed it, the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill has been mired in controversy. The government feels that civil society organisations want to take over its powers; civil society organisations believe the government is simply not prepared to go far.
enough. Now, after five years of back and forth, the National Advisory Council (NAC) is still pursuing to, among other things, try and reshape the voluminous draft law into an effective instrument against communal violence. In this task, the NAC is up against both a hostile bureaucracy as well as the sometimes-impossible demands from civil society organisations, from which it derives its legitimacy.

At the heart of the battle is a fundamental question: Can an independent body (like NAC) assume, temporarily, the powers of the government? The government's draft bill, for instance, suggests a Union Home Minister–headed 11-member National Council to oversee relief and the rehabilitation of victims. This has been rejected by civil society activists, which has, instead, proposed a Communal Harmony Justice and Reparation Commission (CHJRC), with national, State and district councils, and a mandate that goes beyond responsibility for relief, compensation and rehabilitation to include the “power to recommend the notification of the application of the Communal Violence Law.”

The government is not amused. “The State is responsible for maintenance of law and order. If the State fails in its task, it has to be made accountable — those powers can't be handed over to civil society members, unless you want to change the Constitution,” senior government sources told The Hindu. The problem, these sources stressed, stemmed from the fact that some civil society activists are “looking at the issue only through the prism of Gujarat,” rather than focusing on creating a bill for all time. “In 2002, the Gujarat government was at fault. But in 1984, the Centre was at fault, while the State government behaved admirably.”

Asked to respond to this view, the NAC’s Harsh Mander — who is among those entrusted with holding consultations to come up with a new Bill — agreed that this demand could not be conceded: “I agree, an independent body can't have overriding powers; it can only bring pressure, not interfere with the authority of the executive.” Having conceded that point, the NAC does have fundamental differences with the architecture of the official bill, with its objections starting with the preamble, which reads: “To empower the State Governments and the Central Government …” This would suggest, says Mr. Mander, that “Narendra Modi — since Gujarat was the context for this Bill — did not have sufficient powers to deal with the violence. That's not true. From my experience as a district magistrate, I can tell you that no riot can last more than a few hours without political support from somewhere. A DM has the authority to call in the Army which, in some senses, makes him more powerful than even the Prime Minister.”
The draft bill's suggestion to declare certain areas “communally disturbed areas” has also come in for criticism, with civil society activists saying this will give the government the opportunity to use the draconian Armed Forces Special Powers Act (AFSPA). The government's argument is that this provision has nothing to do with the Disturbed Areas Act, which allows the use of the AFSPA. The NAC's view is that since the phrase “disturbed areas” has an unpleasant connotation, it could be substituted with “protected areas.”

Intriguingly, there is one provision in the draft bill for which the NAC blames the Union Home Ministry, while other sections of the government hold civil society organisations responsible for its inclusion — the “special powers given to the Central government to deal with communal violence in certain cases,” something that will be hotly contested by the State governments. NAC sources say this has been deliberately included so that the bill is never passed; government sources say, “civil society organisations are confused — they don't know whether state governments should have less or more powers.” Clearly, the Communal Violence Bill is a matter of heated controversy — and it will remain so even after the enactment.

Applicability of the Guiding Principles

The Centre for Northeast India, South and Southeast Asia Studies (CENISEAS) in collaboration with the CRG held a workshop on the Relevance of the UN Guiding Principles on Internal Displacement in Guwahati, Assam. It was stated that the CRG project on IDPs is in collaboration with the Brookings Institutions project on IDPs. Because India is such a large country this workshop was meant to look closely at the situation of internally displaced people in Northeast India alone. In the inaugural session Sanjib Baruah, Senior Fellow CENISEAS said that Northeast India has the largest number of conflict induced IDPs in India yet they get little attention from either the government or the civil liberties activists and the national and international media. He said that indigenous people are the hardest hit as a result of conflict in Northeast India. He talked about 150,000 IDPs languishing in Kokrajhar camps and so he said that a translation of the Guiding Principles in vernacular languages might be a tool in the hands of the victim community. Paula Banerjee from CRG discussed how the Guiding Principles are based on international humanitarian and human rights laws. She also spoke on how the Guiding Principles are being translated and used in different countries of South Asia. Ranabir Samaddar,
Director CRG and ANS Ahmed, Director Omeo Kumar Das Institute of Social Science released a bilingual booklet on the Guiding Principles in Assamese and English. The workshop was attended by many different organisations from Northeast India and also by members of different IDP camps such as Serang IDP camp, Adivasiya Sahitya Sabha, STTEP etc. There were a number of women’s rights activists, academics, researchers, lawyers and government administrators. There were over 50 participants in the workshop.

Several important suggestions were made for carrying the programme forward:

- It was said that in the context of Northeast India it is not adequate to translate the Guiding Principles only in Assamese.
- The CENISEAS in collaboration with CRG agreed to translate it into Boro, Adivasi, Meitei and some other Northeast Indian languages in the future.
- The translated Guiding Principles, it was agreed should be sent to inmates of the camps, other victims, civil liberties organisations, media, administrators and the security personnel.
- CRG agreed to hold future workshops in IDP camps in collaboration with partner organisations in Northeast India. All participants at the workshop expressed their interest in contributing towards such activities.
- It was suggested that in depth empirical studies should be conducted in IDP camps because hardly any reliable data exists on them.
- It was also suggested that an information and media campaign could be organised around the visit of Professor Walter Kalin.
- Efforts should be made for better exchange of data among people working on IDPs.
• A network of interested people should be organised. This network should consist of activists, scholars, lawyers, victims of displacement and other state holders.

Sanjib Baruah, who led the advocacy work in Northeast India commented that the situation in the Northeast is extremely complex. There are a number of languages and so translating the Guiding Principles only in one language may complicate the issue. Hence he aid as a first step he translated the GP into Assamese with the hope that later he might do it in other languages such as Bodo, Meitei, Santhali etc. In describing the translation of the GP into Assamese Baruah said that he followed it with the English text next to the translations. This was done keeping in mind the polarisation of the North East whereby publishing the Assamese text only would have been perceived as being politically motivated. He also said that translations of Bengali and Nepali translations of the GP is a must in Northeast because there were sizeable population speaking these two languages. As for the displacement scene in Northeast Baruah is of the opinion that the region has seen a chain reaction in displacement. The displacement of Bengali Muslims from India led to the pushing out of Bhutias from Darjeeling, which in turn led to the expulsion of Nepalese from Bhutan. This was followed by displacement of many other groups who were both victors and vanquished at the same time.

Resettlement and Rehabilitation Policy

Displacement due to ‘Development’ in India is not new, though resettlement and rehabilitation as a policy measure certainly is. The colonial period has produced a vast segment of displaced people. In the Indian context, it is of interest to note that most of the developmental projects are located in the most backward areas and populated by various small nationalities – otherwise called tribals. Any resistance to the displacement was treated as a ‘law and order’ problem, so no question of R & R policy. Land was acquired by the draconian provisions of Land Acquisition Act 1894, which still continues, with some amendments in 1967 and 1984, to be a weapon in hand of independent Indian state for acquiring land from its citizens. The situation just after independence was not much different. Independent India’s Nehruvian development model based on development of heavy industries found a nationalistic fervour with planners and its privileged citizens. That there would be large-scale displacement was not a hidden fact
and Nehru while speaking to displaced persons of Hirakund Dam in 1948, said, ‘If you are to suffer, you should suffer in the interest of the nation’. Barring a few exceptions, most pre-1980 projects did not have a clear-cut resettlement plan. Resettlement was undertaken on a case-to-case basis. To mention a few, there were projects like the Nagarjunasagar, Hirakud, Tungabhadra and Mayurakshi dams; the Rourkela, Bhilai and Bokaro steel plants, several defence establishments, coal mines, etc, which did offer resettlement in the form of house sites to the displaced. Only National Thermal Power Corporation (NTPC), and Coal India Limited (CIL), two government undertakings have formulated an R and R policy and constituted R and R departments to administer it. In addition, resettlement colonies have been demarcated near all their project sites to resettle the displaced (Asif, 2000). As a result of this ad hoc approach many of the displaced were left out of the process and even though there is an absence of accurate national database studies on displacement a study for 1951-1995 completed in six states and other research show that their real number 1947-2000 is probably around 60 millions.

At the national level, the first policy draft was prepared in 1985 by a committee appointed by the department of tribal welfare when it found that over 40 per cent of the Displaced Persons (DPs) and Project Affected Persons (PAFs) 1951-1980 were tribals (Government of India 1985). The next draft came from the ministry of rural development eight long years later in 1993 and the third in 1994. In response to which the civil society alliance struggling for a national rehabilitation policy proposed its own draft to the ministry in 1995, as mentioned earlier. There was silence till 1998 when another draft came out but the ministry that prepared it also prepared amendments to the Land Acquisition Act 1894. The above alliance found about 50 of the policy acceptable but thought that the amendments rejected all the principles enunciated in the draft policy. So they came together again to dialogue with the ministry and work on alternatives. Many principles evolved out of this interaction. A meeting convened by the minister of rural development in January 1999 ended with an implicit unwritten understanding that a policy would be prepared first and that any amendments to the Land Acquisition Act would be based on the principles it enunciated. However, the newly promulgated policy seems to ignore the whole process (Fernandes, 2004). In the scenario of growing unemployment the policy could have revived one of earlier practices where till 1986, the T. N. Singh Formula (1967) stipulated that the parties concerned give one job to every displaced family. But increasing mechanisation has reduced the number of unskilled jobs (Fernandes, 2000). This is another instance where the
government has failed to take responsibility for PAFs and also making them beneficiary to the supposed benefits of development.

**NPRR vis-à-vis Vulnerable Communities**

National Policy on Resettlement and Rehabilitation (NPRR) in its preamble says, ‘the Policy essentially addresses the need to provide succour to the asset less rural poor, support the rehabilitation efforts of the resource poor sections, namely, small and marginal farmers, SCs/STs and women who have been displaced.’ A close study of the various provisions, however, doesn’t say the same.

To mention the provisions for women, the NPRR defines a family as PAFs consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him for their livelihood. It makes provisions for adult sons to get compensation but not for adult females. This has been more or less same in previous drafts of NPRR and also in awards made by Narmada Waters Dispute Tribunal (NWDT) Award of 1979, a landmark in R & R policy innovation, which has recognised the male as the head and sole deciding factor for compensation and rehabilitation but, remained completely ‘gender blind’.

The World Bank, one of the first in developing and initiating wide ranging socio-economic studies on the cases of displacement and rehabilitation, also did not include any special provision for land allotment to women in studies conducted in the early nineties. In a study by TISS, 1993 it was pointed out that the absence of employment opportunities and adverse conditions at the rehabilitation sites in Gujarat where PAFs of SSP were resettled forced women to join casual labour market to earn and supplement family income, mainly in the sugar plantation, where they were paid less than male workers. The experience also shows that since most of the tribal communities are not familiar with the monetary economy more often than not their money is wasted on buying consumer goods or liquor which increases the burden on women. Though writing, before the policy was finalised do hint that land for adult daughters did not find much favour either with the PAFs or activists which may be true in some areas but is not desirable. The policy also fails to address the issues of gender equity and provisions for empowerment of women. To pay lip service, however, it makes provision for a representative of women residing in the affected zone to be included in the R & R Committee to monitor and review the progress of implementation of scheme/plan of R & R of PAFs.
The price paid by the government for the loss of CPRs and customary rights/usages of forest produce to each tribal PAF shall be additional financial assistance equivalent to 500 days minimum agriculture wages, i.e., Rs 43,310. It is difficult to think of a sustainable livelihood for tribals without forest. The forest is not just the source of fuel wood or other minor forest products, but is their natural habitat and central to their existence and cultural heritage. The government probably expects them, who are not used to monetised economy and urban ways of living to buy cooking gas stoves and build concrete houses with the money provided. We shall see later the instance where the previous attempts at rehabilitating tribals have failed miserably. This is enough to show the ignorance of the tribal way of life and their culture and the government on its part has learnt nothing from its own R & R experience of dealing with various kinds of displacement in the last 50 years. The government’s sincerity in resettling tribals in their natural habitat is visible from the fact that it would have to pay only 25% higher R&R benefits in monetary terms if it fails to do so.

The policy very categorically mentions that the rehabilitation grants and other monetary benefits proposed would be minimum and applicable to all project affected families whether belonging to BPL or non-BPL category. States where R & R packages are higher than proposed in the Policy are free to adopt their own packages. However, it is a known fact that the states would always prefer to choose where their obligation is minimal.

According to government policy, any PAF owning house and whose house has been acquired may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 sq. mts of land in rural areas and 75 sq. meter of land in urban areas. However, only PAF of BPL category shall get a one-time financial assistance of Rs. 25000/- for house construction and Non-BPL families shall not be entitled to receive this assistance. There is no compensation for loss of the house except for the fact that government would provide one-time financial assistance of Rs. 5000/- as transportation cost for shifting of building materials, belongings and cattle etc. from the affected zone to the resettlement zone.

It is a commonly known fact that BPL families are generally landless, casual labourers, and sharecroppers and still the policy makes provision for a one-time financial assistance equivalent to 625 days of the minimum agricultural wages. In case of displacement a Displaced PAF shall get a monthly subsistence allowance equivalent to 20 days of minimum agricultural wages per month for a period of one year up to 250 days of MAW. A generous estimate of minimum agricultural wage at the rate of Rs
86.62 per day would add up to Rs 37,500 or Rs 15,000 depending on the category to which one belongs. This is the price the government proposes for livelihood of its citizens who are already at the margins of development. There is no attempt on part of the government, visible from these policy guidelines at making the life of DPs or PAFs sustainable, except for increasing their risk of impoverishment and disempowerment.

The policy provides no safeguard against double or triple displacement which has happened in the past due to poor planning of resettlement process and project assessment, especially in the Dam related submergence and displacement. This is one of its major lacunae, in absence of such a safeguard chances are that these communities can be displaced again and again over a period of time.

Absence of any provision of penalisation for R & R officials in the policy is another serious lacunae. Whereas the Land Acquisition Act, 1894 categorically mentions that ‘any person or agency obstructing the process of acquisition on conviction before a magistrate is liable to imprisonment, for any term not exceeding one month, or to fine not exceeding five hundred rupees or both.’ Simply interpreted, it means the government can displace its citizens whenever it wants on the pretext of ‘development’ or ‘public interest,’ but is not accountable for their resettlement. The NPRR in turn sets up a ‘Disputes Redressal Mechanism’ and ‘Grievance Redressal Cell,’ the terms of which is to be fixed by the appropriate government. Even there, only the Disputes Redressal Mechanism has provisions for accommodating the representatives of PAFs and specifically mentions women, SCs and STs, NGOs and MP/MLA of the area, but not in Grievance Redressal Cell. In a way no PAFs can move to court unless and until government decides to give them the power to do so or at the most they can appeal to the National Monitoring Committee at the Centre.

**Responsibility of the NHRC**

In recent past, at a conference organized by MCRG\textsuperscript{10}, the representatives of the NHRC talked about the importance of transparency while framing implementing various R and R policies. They suggested that a committee should be constituted for looking after the interests of the project-affected persons and this committee should include representatives from the government as well from the investors. They further pointed out that, effective governance on the basis of public participation can protect the rights of the IDPs better.
The representatives from the NHRC also acknowledged that one of the problem areas with regard to the protection of the development-induced displacement is the Land Acquisition Act. The participants agreed upon the need for an immediate review of the Land Acquisition Act of 1894 that could be the cause of large-scale development-induced displacement in the country. The participants also felt the need for reassessment of the controversial Coastal Regulation Zone Act.

There was a demand for a review of the National Rehabilitation Policy (NRP) 2006. Apart from the recently more talked about problem of the development induced displacement in the country in the context of a neo-liberal economic agenda being pursued almost throughout India, the participants also discussed the problems relating to the situations of conflict-induced displacement. In this context, the representatives of the NHRC provided their inputs from the experiences of this institution while working in Gujarat, Tripura and Arunachal Pradesh in recent times.

It is disturbing to note that even five years after the Gujarat disturbances, about 4,500 families still remain displaced and are forced to stay in the makeshift structures set up by a few NGOs and community organisations. At least 500 families are still compelled to live in tents. In this scenario, the administration of care and the role of the care-givers become more crucial. These issues also became important in the context of the refugees taking shelter in the camps of South Tripura from the neighbouring Chittagong Hill Tracts (CHT) in Bangladesh in the late 1980s and early 1990s. While at times, these refugees were turning into strategic pawns in the larger context of the India-Bangladesh bilateral relations and resultantly the basic minimum needs of these refugees were being ignored and the ration supplies were becoming quite infrequent, the intervention by the NHRC brought about significant improvement in the administration of care. On the basis of the recommendations of the NHRC prepared after the visit of its representatives in the concerned refugee camps, the supply of food and other essential commodities to the camp inmates was restored. It also persuaded the government to provide certain facilities to the refugees like better accommodation, water supply, medical care and educational facilities.

The role of the NHRC in the context of the Chakmas and Hajongs in Arunachal Pradesh also illustrates how the national human rights institutions can play a crucial role in a conflict situation. When the All Arunachal Pradesh Students’ Union (AAPSU) activists started demanding the expulsion of the ‘foreigner’ Chakmas and Hajongs from the State of Arunachal Pradesh in 1996 and the fate of about 65000 Chakmas and
Hajongs became quite uncertain. These Chakmas and Hajongs were settled much earlier by the Government of India as they were displaced in 1964 when their land was inundated due to the construction of the Kaptai dam over the Karnaphuli river and they crossed over to Tripura to take refuge in India. As they technically remained ‘stateless persons’ without any formal granting of Indian citizenship, the AAPSU supporters were agitating for their expulsion from the state that otherwise is restrictive with regard to not only the foreigners but also in the context of the Indian citizens who require “Inner Line Permit” to visit the state. But, the NHRC invoked Article 21 of the Constitution of India concerning the right to life and recommended adequate measures for ensuring the life and liberty of the Chakmas and Hajongs in the state. That also helped the Supreme Court of India to deliver its landmark judgment in this case on the basis of the said Article 21.

O. P. Vyas, a representative of NHRC argued that, a democratic society is one where the State and its citizens come together to create an open society and there is maximum and effective public participation. The administration of care is the primary responsibility of the State but it can only be achieved with active participation of all the stakeholders and the people can effectively participate and contribute only when they are empowered with knowledge of their rights and avenues of redress. The state has a responsibility, in the interest of the nation, to undertake appropriate projects for its economic development. The question, however, arises whether the national interest is best served when the interests of the most vulnerable sections of the society, are seriously neglected. He reminded the participants in the opinion of the NHRC, the issue of resettlement and rehabilitation of persons displaced through the acquisition of land for mega projects should be part of the provisions of the Land Acquisition Act itself or be a part of any other appropriate legislation, so that they become justiciable. He also said that, the Commission had reviewed the provisions of the National Policy on Resettlement and Rehabilitation sent to it by the Ministry of Rural Development. The Commission suggested specifically that, the Union and State governments should examine and appropriately amend their laws, regulations and practices in order to ensure the rights of the marginal people in the society.

Some of the major cases brought before the Commission relate to:

- The rehabilitation and resettlement of tribals affected by the construction of the Kabini reservoir in Karnataka.
- The rehabilitation and resettlement of tribals affected by the Bandipur Project Tiger National Park in Karnataka.
The rehabilitation of persons affected by the Maheshwar Dam in M.P.
The rehabilitation of persons displaced in consequence of a Defense Ministry project in Karnataka.

The Commission had dealt with at length the issues related with rehabilitation and resettlement of the tribals of the Mysore district, who were affected by the construction of the Kabini Reservoir in early 1970s and the formation of Bandipur Project Tiger National Park in 1973-74. The Commission on 13.1.2003 deliberated upon the issue of earmarking suitable land for rehabilitation of the displaced 154 tribal families and sent recommendations to the Government of Karnataka in this regard. The Government of Karnataka, in response, diverted 200 hectares of forestland for the rehabilitation of those displaced tribal families. It also constituted a committee with the Special Rapporteur of the NHRC to monitor the rehabilitation process and to ensure that it is completed expeditiously.

Similarly, the positive consequences of the Commission’s intervention in Orissa in view of the devastating cyclone in October, 1999, set the precedence for similar action by the Commission in the aftermath of the catastrophic earthquake that devastated large areas of Gujarat in January 2001.

The political and economic dimensions

In 1995, the names of thousands of Bru voters had been deleted from the electoral rolls in Mizoram. After 30,000 Brus were displaced from Mizoram to Tripura in 1997, the Delhi High Court ordered the Election Commission of India to set up two polling booths for the displaced Brus just inside the border of Mizoram and to provide security to the Bru voters on their way to the booths. However, one of the two booths was set up at a distance of about 25 km from the Tripura-Mizoram border (AITPN, 27 December 2009). Before the Mizoram state assembly elections in 2004, the Election Commission of India introduced the postal ballot for displaced Bru people staying in Tripura. In 2008, only a little more than 8,000 displaced Brus were included in the voters’ lists, and only about 6,500 received electoral photo identity cards (EPICs) and were able to vote in the Mizoram state assembly elections on 2 December 2008. The Mizoram Election Department included photographs of candidates in postal ballots only after the Bru IDPs had initially boycotted the elections. Before the April 2009 elections, displaced Brus demanded the right to vote through electronic voting
Livelihood opportunities for IDPs living in camps in Chhattisgarh were insufficient. The few opportunities available included work as daily labourers in government-run construction projects and the collection of forest plants. The situation was difficult in particular for IDPs staying in Bijapur district. IDPs stated that they had not received financial assistance or loans nor training to facilitate sustainable livelihoods (NHRC, November 2008, pp.105–106). IDPs returning from Salwa Judum camps to Basaguda village in Bijapur district of Chhattisgarh state in 2009 had to rebuild their lives from zero. Only in 2010 was the National Rural Employment Guarantee Act (NREGA) set up in Basaguda (Express Buzz, 16 May 2010).

The Dantewada district authorities of Chhattisgarh stated in 2007 that permanent camp residents were provided with free housing at a rate of Rs. 12,000 ($256) for each individual and those who wanted to return received temporary tin sheds. In reality, however, camps reportedly consisted of huts that the IDPs had built themselves immediately after having been evicted from their villages by Salwa Judum and government security forces. Only at a later stage did every household receive Rs. 5,000 ($107), and some also received tin sheets and tiles. Camps were overcrowded, and IDPs were unable to keep their livestock, as space was too limited. According to the National Human Rights Commission, conditions in the camps had deteriorated over time and the response of the Chhattisgarh state government was insufficient.

Among the tribal people who had fled from Chhattisgarh to Andhra Pradesh because of the Naxalite conflict, many had not been able to find sustainable livelihoods. Having lost their farmland in their home areas, some of them found work as farm labourers, with men earning Rs. 50 ($1) and women only Rs. 30 (64 US cents) per day. Forest officials regularly dismantled IDPs’ makeshift homes in the forest areas. Often they also took away the farming equipment needed for farming work, thereby further endangering IDPs’ already fragile livelihoods (Tehelka, 11 July 2009).

Until recently, the Andhra Pradesh state government excluded IDPs from Chhattisgarh from National Rural Employment Guarantee Act (NREGA) since it did not consider them to be “local residents”. This was in spite of the fact that the NREGA does not include any requirement concerning
beneficiaries’ minimum length of residence. IDPs living in Khammam district were scheduled to receive job cards under the NREGA as late as 1 March 2010.

The work of MCRG

The Study and Campaign

The CRG has been engaged in research on the internally displaced persons since 2002 in view of the fact that, in the last one decade, the number of internally displaced persons (IDP) has been on the rise in South Asia just as in many other parts of the world. Discrimination against minorities, violence, war, ethnic hatred, state repression, demands for self-determination, natural and man made disasters such as famines and floods, ill-conceived development projects such as highways and dams – all have contributed massively to internal displacement. It is the integral today to studies of forced displacement in South Asia, particularly in the context of the experiences of Sri Lanka, India, and Nepal.

An interesting aspect in the study of IDPs in South Asia conducted by the CRG with the help of the Brookings Institution, which has already been published as a monograph by Sage in 2005, portrays that there are no legal or constitutional mechanisms in any country in South Asia for the IDPs in particular, no inventory of best practices. In fact South Asian states have organized rehabilitation and care on an ad hoc basis for the IDPs in the same manner as they have dealt with refugees.

In the last decade the UN Guiding Principles on Internal Displacement have created occasion for rethinking on the situation of IDPs worldwide. Individually South Asia scholars, jurists, civil liberties and human rights activists are in the forefront of such rethinking. Keeping this in mind the CRG has organized a South Asian advocacy campaign on the Guiding Principles and on how coupled with other legal and non-formal measure it can be used to serve the interest of the victim communities. The CRG has been the founder of the only regular journal on forced migration in South Asia, Refugee Watch. This journal through has built up a substantial body of writings, case studies, analyses, interviews, and documents on IDPs that became a significant study material for such a training program. CRG has completed in collaboration with the Brookings Institution a massive study of the patterns of internal displacement in South Asia based on country analyses of Pakistan, India, Burma, Nepal, Afghanistan, Bangladesh, Sri Lanka, and Nepal.
Public Lecture Series

In 2005, CRG hosted three public lectures by Robert Kogod Goldman, Professor of Law & Louis C. James Scholar; Co-Director, Center For Human Rights and Humanitarian Law, American University, Washington College of Law, Washington, D.C., USA on Internal Displacement, The Guiding Principles on Internal Displacement, The Principles’ Normative Status, and The Need For Effective Domestic Implementation in Kolkata, Pune and Delhi in collaboration with the West Bengal Political Science Association, Bhowanipur Education Society College, Kolkata, and Indian Society for International Law, Delhi.

Tsunami and After

The last few years have witnessed an enormous increase in the number of internally displaced people in all countries in South Asia. The Tsunami has further added to this overwhelming problem. Keeping that in mind it becomes imperative for scholars working on issues of forced migration in South Asia to design programs that look into the IDP situation in this region and the relevance of the Guiding Principles. Calcutta Research Group in collaboration with the Brookings Institution has, for the last few years, been working on this theme. The group has designed a number of programs on rehabilitation and care of IDPs in the region, which has been supported by the Brookings Institution project on IDPs. The activities listed below should be considered as a continuation of previous such work. The Calcutta Research Group in collaboration with the Forced Migration Review (Oxford University) and the Brookings Institution conducted a one-day meeting on rehabilitation and care of Tsunami victims in India. In the meeting experiences from Andaman and Nicobar Islands and the Tamilnadu were discussed and lacuna’s of state and non-state responses were pointed out.

Northeast India Segment

Northeast India has witnessed protracted conflicts and displacements of thousands of people in the last few decades. On the one hand, we know of such cases, where an ethnic community claimed exclusive rights over a space that it defines as its “homeland” on the ground that it is the “original inhabitant” of the land. By the same token, they have held that outsiders have no right to settle there. The total number of ethnicity-induced IDPs is
close to 300,000 in northeast India alone. Other than that millions of people are displaced for reasons of development such as dam building. Keeping this in mind Calcutta Research Group has planned an advocacy program for the rehabilitation and care of displaced and potentially displaced people in Northeast India. Calcutta Research Group in collaboration with OKD institute in Guwahati is in the process of translating the Guiding Principles of four different Northeast Indian languages.

Nepal Segment

The purpose is to create a forum for in-depth study on IDPs in Nepal and formation of a website entirely devoted to the situation of those IDPs. This website will be entirely in Nepali language. All materials published in English will be translated into Nepali. This is particularly because only urban people in Nepal speak English. The language for most others is Nepali. For that purpose the CRG proposed the creation of a website that would not just contain all published reports and studies on IDPs but also constantly update it through fresh research and through materials collected from media and reports of all rights based organisations.

Pakistan and Bangladesh Segments

The CRG has proposed the translation of the volume on “Internal Displacement in South Asia” in Urdu. The translation of the book in Urdu would serve the purpose of reaching a wide audience in Pakistan, increase its readership, and justify the CRG-Brookings Institution’s joint plan of building a core team on South Asia devoted to the rehabilitation and care of IDPs. The proposal of holding a series of public lectures in Bangladesh have also helped in the dissemination of news and views on the IDPs and facilitate discussions on the book entitled Internal Displacement in South Asia. More significantly, it will help the dissemination of the Bengali translation of the Guiding Principle (already published).

Myanmar Segment

The contemporary phenomenon of large-scale displacement of people in Myanmar has turned into a matter of acute concern in the last one and a half decades. Whereas some displaced civilians could take shelter in countries on the other side of the border, mainly in Thailand, and sometimes in India, the rest could not or did not cross the international border and became Internally
Displaced Persons (IDPs). The CRG has proposed to hold a consultative meeting of different Myanmarese ethnic groups in Bangkok where representatives of Shan, Chin, Karen and other ethnic groups will develop a consolidated framework for improving the situation of IDPs in Myanmar and design an advocacy program for their rehabilitation and care.

‘Voices’ Project

This is a Project on Recording the Opinions of the IDPs on National and International Measures Relating to their Relief, Rehabilitation, and Resettlement and Protection of Their Human Rights. As a result of the ceaseless campaign by the global human rights and humanitarian community – the UN institutions, several national governments, individual human rights and humanitarian groups within countries, and legal and other experts - the task of safeguarding the human rights of the IDPs on a national and global scale has been receiving increasing attention.

Yet, amidst all this increasing attention and proliferating measures, few have cared to find out as to how all these measures have benefited the victims of internal displacement - the IDPs themselves. It is important to know their voices so that the humanitarian and protection measures become participatory, these measures can be improved upon, and the human rights community and the public get to know if the measures are effective, if they reach their target at all, and what measures are necessary to make the human rights and humanitarian protection more effective.

Such a task for mapping the “voices” in the region of South Asia was begun by the Calcutta Research Group in collaboration with the Brookings Institution, USA. Conceived in a small South Asian meeting held in Bangkok in March 2005 the project began in August 2005. The initial, time-bound pilot study covered select IDPs in Sri Lanka, Nepal, Bangladesh and in four different regions in India. This was meant to be a pilot study carried out in IDP camps in South Asia.

In search for a durable solution

“All happy families resemble one another”, Leo Tolstoy had once written, “each unhappy family is unhappy in its own way.” The same truth goes with the IDP families of South Asia as well as of India. Their socio-economic-cultural backgrounds vary, so vary their political regimes and their individual experiences of eviction. Yet they are subjected to almost same kind of miseries in camps or sometimes under the open sky.
We know that the Guiding Principles is not a legally binding treaty. Some day it may attain the status of customary international law, but presently, these Principles ‘serve as a morally binding statement’. It, therefore, provides a moral directive to political regimes to frame policies, enact laws and initiate programmes for care and meaningful rehabilitation of IDPs. Thus, ultimately, the issue in question hovers around the ‘ethics of care’. This can be argued from three broad premises.\textsuperscript{12}

The \textit{first} is the premise of a ‘right-based argument’, which holds that right against displacement “has to contend with the argument for development and decent life in these countries as a ‘collective goal of the community as a whole’. The successful assertion of right against displacement therefore entails some form of compromise with ‘the collective goal’”. The problem with such a rights-based discourse is: what happens if the right against displacement (which protects the ‘right to life’ of IDPs, a non-derogable right) violates another non-derogable right – the ‘right to decent life’ (of non-IDPs)? There is no fixed, ‘once-for-all’ solution. The nature and amount of ‘compromise’ is bound to vary from situation to situation. And if we really try to move beyond the limits of such rights-based argument to protect IDPs, we should posit rights on ethics, not merely on positive laws. Simultaneously, the derogable and non-derogable rights must be redefined, which can be done only by waging a constant political struggle.

According the \textit{second} line of argument, care and protection become effective on the established lines of community and kinship. This is empirically true in Indian instances. For example, the displaced Nagas of Manipur, in the times of crisis, get refuge and rehabilitation from their kinship brothers of Nagaland. But such kinship-helps also can reinforce the ‘inequities and asymmetries’ (such as gender asymmetries) based on older traditions, as happened in case of Afghan IDPs. It can also reinforce traditional rivalries.

The \textit{third} argument stands for ‘humanitarian ethic’, which presupposes to protect not only the physical home – the place of living – of IDPs but also the \textit{home} that gives us our moral identities, without which humans are only hollow creatures.

Although, the above three arguments have differences, they often cut across each other. Above all, all these arguments, despite their limitations, are ultimately based on the ethics of care. But the hard fact is one has to ultimately negotiate with the power-that-be to gain access to resources of care and protection. Thus, finally, it remains a political question. It is a kind of politics, where one must dare to challenge and negotiate with power with the premise of ethics of care.
Notes


5 Guiding Principles on Internal Displacement, 1998
http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html Acessed on 11/11/10

6 Ibid.


10 For detailed report, see the Report prepared by Sabyasachi Basu Ray Chaudhury and Ishita Dey at www.mcrg.ac.in/

11 www.mcrg.ac.in/

12 Paula Banerjee, Sabyasachi Basu Ray Chaudhury and Samir Kumar Das (ed), Ibid, 22-28