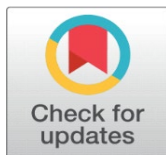
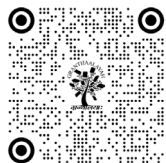


ISSUES OF INTERNALLY DISPLACED PERSONS: A BRIEF RESPONSE OF INDIA

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ABSTRACT

"The astounding numbers of 47 million new internal displacements tell a harrowing tale as the planet grapples with conflicts and disasters," stated Ugochi Daniels, deputy director general of the International Organization for Migration (IOM). "This report is a stark reminder of the urgent and coordinated need to expand disaster risk reduction, support peacebuilding, ensure the protection of human rights and whenever possible, prevent the displacement before it happens."

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1. INTRODUCTION

A recently released report by the Internal Displacement Monitoring Centre (IDMC) states that at the end of 2023, there were a record 75.9 million people living in internal displacement. The fact that there were almost 47 million new internal displacements, or migrations, recorded in a single year emphasizes how critical it is to safeguard those who are internally displaced and stop more displacements.

"The astounding numbers of 47 million new internal displacements tell a harrowing tale as the planet grapples with conflicts and disasters," stated Ugochi Daniels, deputy director general of the International Organization for Migration (IOM). "This report is a stark reminder of the urgent and coordinated need to expand disaster risk reduction, support peacebuilding, ensure the protection of human rights and whenever possible, prevent the displacement before it happens."

According to the Global Report on Internal Displacement (GRID), 20.5 million people have been displaced as a result of conflict and violence. Of these, the Gaza Strip accounted for 17%, or 3.4 million, in the final three months of the year, while Sudan accounted for over 30%. Each year, millions of people are still displaced by disasters. Disasters as the hurricane Mocha in the Indian Ocean, the earthquakes in Turkey and Syria, and the cyclone Freddy in southeast Africa caused 26.4 million movements in 2023, or 56% of all new internal displacements. Surprisingly, there was an increase

in displacement caused by natural disasters in affluent countries. One such example is Canada, where a record-breaking wildfire season resulted in 185,000 internal displacements.

Natural disasters also played a significant role in displacing millions of people. In 2023, disasters such as Cyclone Mocha in the Indian Ocean, Cyclone Freddy in southeastern Africa, and earthquakes in Turkiye and Syria contributed to 26.4 million new displacements, which made up 56% of the total. Surprisingly, even wealthy nations were not immune to the effects of natural disasters. For example, Canada's record-breaking wildfire season led to the internal displacement of 185,000 people, highlighting that climate-related disasters are becoming increasingly common across all economic strata.

India is home to approximately 4 million Internally Displaced Persons (IDPs), primarily driven by factors such as armed conflict, natural disasters, and development projects. The prolonged conflict in Jammu and Kashmir has significantly contributed to this displacement, with many families forced to flee their homes since the late 1980s. Natural disasters, including floods and cyclones in states like Odisha and Gujarat, have also displaced thousands. Despite the lack of a specific legal framework addressing IDPs, the Indian government has implemented various rehabilitation schemes, though these often face challenges in execution and recognition. IDPs in India frequently encounter difficulties accessing basic necessities such as healthcare, education, and social services, exacerbated by social stigma and limited resources. Overall, the situation remains complex and requires ongoing attention to improve the lives of those affected.

As of 2024, India faces significant challenges related to internally displaced persons (IDPs), with the country hosting approximately 8.6 million IDPs due to a combination of factors including armed conflict, natural disasters, and development projects. /Most displacements are linked to natural disasters, particularly floods and cyclones, which displace millions annually. Reports indicate that around 30 million people are displaced by such disasters each year. The ongoing internal conflicts, especially in regions like Jammu and Kashmir, and the northeastern states, contribute to the IDP figures as well. Development-induced displacement is another pressing issue, with projects like dam constructions leading to significant population displacements without adequate rehabilitation measures

2. INTERNALLY DISPLACED PERSONS: AS A SPECIAL CATEGORY OF CONCERN

Majority opinion has been that IDPs should only be handled as victims of conflict, as opposed to being classified as a distinct category of concern. Naturally, the other causes of displacement are disregarded in this argument. However, if you classify IDPs as a distinct group, there is a worry that doing so will favour the displaced and result in discrimination against others. 'A strong vein of criticism, not just to the handling of IDPs as a separate category but even to their independent identification among all real and potential vulnerable groups,' according to a recent study has once again pushed this subject to the forefront.

The opposite side, however, has a lot to say that seems to be stronger and emphasises the need of recognising internally displaced people as a separate group whose needs demand particular consideration. First of all, internally displaced people are frequently the targets of a strategy that intentionally targets them for forcible removal and displacement. This approach, which frequently follows ethnic or religious lines and leads to what has come to be known as "ethnic cleansing," has disproportionately affected minority groups and is fundamentally against the non-discrimination principle. Forced population displacement is now considered a crime against humanity under international criminal law, even when it occurs outside of an armed conflict. A right against being forcibly removed has been established, based on these criteria as well as several tacit restrictions found in international human rights law. Therefore, the mere fact that you are domestically displaced may indicate a wilful violation of your rights. In fact, the same study that notes that there is still support for the opinion that questions the "categorisation of IDPs" also makes clear that internal displacement is closely linked to the infringement of specific rights.

When internal displacement happens, a series of events ensue that make the impacted individuals extremely susceptible. The most visible effect is that it drives people out of their houses, robbing them of a place to live and the minimal security that comes with it. After being forced to abandon all but a few belongings, cut off from their land, customs, and source of income, internally displaced people find themselves suddenly without a means of subsistence. It also dismantles support systems within communities and families. As a recent study made clear, relocation results in the enormous loss of less material symbolic assets like friendships, cultural heritage, and a feeling of place-specific belonging in addition to

tangible commodities like a home, money, land, or other types of property. Its harmful effects on people as individuals, families, and communities are extensive and include social isolation, poverty, lack of access to health, welfare, and education, disintegration of social networks and support systems, and challenges to social norms and authority structures.

Remarkably, the International Committee of the Red Cross (ICRC), which was among the first to advocate that internally displaced people (IDPs) in times of war need to be treated in the same manner as other civilians enmeshed in the fighting, has now acknowledged that relocation places the displaced person at a clear disadvantage. As stated by the ICRC's director of operations: "It goes without saying that, deprived of shelter and their habitual sources of food, water, medicine, and money, displaced people have different, and often more urgent, material needs." However, displaced people may have the same need to legal protection as other civilians during conflict.

b) Lack of Shelter: While shelter is a fundamental aspect of aid for refugees, there is no UN organisation that systematically provides it for internally displaced people during humanitarian emergencies. In many IDP camps and settlements, the UN-blue emergency plastic sheeting that is so common in refugee camps across the globe is noticeably missing. Furthermore, a large number of IDPs do not reside in camps; instead, they find refuge wherever they can, including as in abandoned buildings, railway trains, aluminium containers, and urban slums. After almost ten years after being uprooted, internally displaced people (IDPs) in Georgia continued to reside in sanatoriums, hotels, factories, and even hospital wards that were overcrowded and increasingly dilapidated. It's possible that IDPs who are hosted by friends, family, or locals in general do better in certain situations. Even Nevertheless, tensions may eventually arise from the burden placed on the host families, increasing the possibility of IDP eviction.

b) Food: For those who are internally displaced, food is one of their most pressing necessities. IDPs typically rely more on food aid than other members of the local community since they have little, if any, access to land and are cut off from their regular sources of income. In fact, they usually make up the bulk of those receiving aid from the World Food Programme (WFP). In a 2001 policy document, the World Food Program acknowledged that displacement increases food insecurity by creating unique vulnerabilities that the non-displaced may not experience, at least not to the same level. Indeed, one of the main causes of some of the greatest death rates among internally displaced people (IDPs) in humanitarian catastrophes over the past ten years is malnutrition, which also contributes to the fact that IDPs' death rates are frequently found to be significantly higher than those of non-displaced populations. Furthermore, the elevated levels of food and livelihood insecurity experienced by IDPs may not always decrease with time. "No indication that households who have been displaced for a long time have the ability to generate the income needed to obtain sufficient food," according to a recent study conducted in Colombia by the ICRC and WFP. The UN Food and Agriculture Organisation has emphasised the significance of keeping an eye on the household food insecurity of internally displaced people (IDPs), comprehending the "specific constraints" that keep them from getting the food they need, and making sure the right steps are taken to make this access easier.

Insecurity about food also has a major role in other grave health hazards. It is often known that among displaced women and girls, prostitution and sexual exploitation are more common due to a lack of food and options for earning revenue. The HIV/AIDS infection rate in IDP camps in Uganda is six times higher than the national average as a result of the country's inadequate food supply. The World Health Organisation affirms that "internally displaced persons represent one of these special groups: a group most vulnerable to health hazards." The WHO is required by its constitution to help in providing health services and facilities to "special groups." The unsanitary circumstances, scarcity of potable water, and dense population that usually characterise camps and settlements for internally displaced people pose additional health hazards. Epidemics such as TB and cholera frequently occur. Generally speaking, many IDPs' health conditions are made worse by a lack of access to quality medical care. A high incidence of psychosocial issues among internally displaced people (IDPs) can also be attributed to the trauma of displacement; in Sri Lanka, for example, the suicide rate in IDP camps is three times greater than the national average.

d) Sexual and Gender Based Violence: Women and children are disproportionately affected by this type of violence and comprise the majority of internally displaced people. Although well-documented, elevated rates of gender-based and sexual assault, particularly against unaccompanied lone women and girls and women heads of family, are still inadequately addressed. Women are even more vulnerable to sexual assault and exploitation when food is not provided

for them and when, as is frequently the case, they are not included in camp management. Additionally, higher incidences of domestic violence are not unusual. Another major risk that rises when people are uprooted, families are split up, and livelihoods are lost is human trafficking. Children who have experienced homelessness and even family breakup are especially vulnerable to abuse and recruiting into the military. The disruption to formal education that displacement usually involves reduces their chances of avoiding these dangers over the long run. Among the internally displaced, lacking documentation is a typical trait because it is often misplaced or confiscated during flight. In the event of a violent attack or a natural disaster, paperwork may also have been lost; in Sri Lanka, it is estimated that over 70% of survivors of the December 2004 tsunami lost their documents. It's possible that displaced women and children who find themselves unexpectedly widowed or orphaned lack personal paperwork. Insufficient paperwork may result in difficulties addressing property restitution or compensation concerns, as well as denial of access to government services such as health care and education. Furthermore, because voting rights are almost always governed by laws that are specific to the voter's place of residence, internally displaced people are frequently denied the right to vote due to a lack of documentation, depriving them of a voice in the social, political, and economic decisions that have an impact on their daily lives.

The vulnerabilities that result from dislocation don't always go away with time. As was already mentioned, the ICRC and WFP have discovered that the internally displaced can continue to face elevated levels of food and livelihood insecurity even beyond the emergency period. Following upwards of more than a decade of being forced from their homes, the displaced constitute a significant source of vulnerability in affected societies, and the numbers of those who fall into this category are high enough to justify a significant concern, according to an extensive study conducted by the World Bank on protracted displacement situations in South-eastern Europe and Central Asia. The study specifically highlighted the fragility that characterises the most unsettling and often ignored aspect of DP "displaced persons' vulnerability," which is the specific assistance that IDPs had received and continued to rely upon, such as government subsidies, free housing in quickly collapsing makeshift shelters, or long-term dependence on accommodation with relatives and friends. The study came to the following conclusion: it is difficult to avoid the conclusion that the region's DPs are a group deserving of ongoing substantial attention from the government and donors when multiple aspects of vulnerability are examined in tandem.

f) Return and resettlement-related issues

One such feature that sets displaced people apart is their desire for a long-term solution to their situation. Forced return may put IDPs at more risk than refugees, who may count on UNHCR's support in observing whether safe and voluntary return or resettlement conditions are met. Meanwhile, there are currently no efficient monitoring systems in place to ensure IDPs' safety. IDPs and refugees alike need specific help to restore their lives when safe, voluntary return or resettlement becomes available. However, even though they frequently experience the same issues and live in comparable conditions, internally displaced people seldom get the same kind of reintegration packages as refugees. Indeed, host communities—especially those in nations devastated by conflict—will probably also need help with reconstruction. IDPs will, however, unavoidably have unique needs, chief among them being the return of their property and land. Additionally, unique protection issues might surface. For example, landmines typically pose a serious risk even after a combat has concluded. However, in their absence, displaced people are clearly less likely to know where mines have been laid than those who have stayed in their native places. Returned displaced people and refugees make up a disproportionate share of civilians wounded or killed by landmines, according to ICRC data and other studies.

Finally, based on the documentation that is currently available, researchers firmly believe that it is critical to understand that the goal of designating internally displaced people (IDPs) as a separate category of concern is not to give them preference over others, but rather to guarantee that their needs are met and their human rights are upheld in tandem with those of others. It is misleading to state that there is "an obvious risk that protection will be limited to that specific category of person, to the detriment of the rest of the population and risks diminishing the protection to which the civilian population as a whole is entitled" when advocating for greater attention to be paid to defending the rights of internally displaced people.

3. INDIA AND IDP'S

In India, the issue of Internally Displaced Persons (IDPs) is complex and multi-faceted, driven by a combination of factors such as armed conflict, ethnic violence, natural disasters, and development projects. India has witnessed significant internal displacement over the years, particularly in conflict zones and areas prone to natural disasters.

1. CONFLICT-INDUCED DISPLACEMENT: Ethnic and religious violence has caused substantial displacement in regions like Jammu and Kashmir, Assam, and the northeastern states. The insurgencies and counter-insurgencies in these areas have displaced large numbers of people. For example, violence between ethnic groups like the Bodos and Bengali-speaking Muslims in Assam has led to periodic mass displacements.

2. DEVELOPMENT PROJECTS: Large-scale infrastructure and development projects, such as the construction of dams, highways, and mining operations, have also caused displacement. The construction of the Sardar Sarovar Dam on the Narmada River displaced tens of thousands of people, raising concerns about inadequate resettlement and rehabilitation.

3. DISASTER-INDUCED DISPLACEMENT: India is highly vulnerable to natural disasters like floods, cyclones, and droughts, which lead to large-scale displacement. Cyclones such as Amphan and Fani, as well as recurring floods in states like Assam, Bihar, and Kerala, have caused millions to be temporarily displaced. Climate change is expected to exacerbate such displacements in the future.

4. URBAN DISPLACEMENT: In cities, slum demolitions and urban development projects have displaced many residents, particularly in megacities like Mumbai and Delhi. These people often face inadequate compensation and poor rehabilitation options, forcing them into vulnerable living conditions.

Despite the scale of internal displacement, India does not have specific laws or policies dedicated to protecting IDPs. The government often addresses displacement through ad hoc measures and state-level initiatives. However, international organizations like the Internal Displacement Monitoring Centre (IDMC) have urged India to strengthen its framework for protecting and rehabilitating IDPs. India's challenges around internal displacement reflect the broader issues of development-induced displacement, environmental vulnerability, and regional conflict, necessitating stronger policies for prevention and rehabilitation.

India does not have a specific national law that directly addresses the protection and rehabilitation of Internally Displaced Persons (IDPs). However, several legal frameworks and policies indirectly address the issue of displacement, focusing on causes such as development projects, conflict, and natural disasters. Below are some key policies and laws relevant to IDPs in India:

1. THE NATIONAL REHABILITATION AND RESETTLEMENT POLICY (NRRP), 2007

This policy provides guidelines for the rehabilitation and resettlement of people displaced by development projects. It aims to minimize displacement and ensure adequate compensation for displaced persons. The policy also promotes land-for-land compensation, housing benefits, and other assistance to those displaced, though its implementation has often been criticized for inefficiencies and delays.

2. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 (LARR)

The LARR Act replaced older colonial-era land acquisition laws and is seen as a significant step toward improving compensation and rehabilitation for those displaced by development projects. It mandates social impact assessments for large projects and provides fair compensation, rehabilitation, and resettlement for displaced families. However, the Act primarily focuses on land acquisition-related displacement and does not address those displaced by conflict or disasters.

3. DISASTER MANAGEMENT ACT, 2005

This Act provides a legal framework for disaster management in India, including the protection of people displaced by natural disasters such as floods, cyclones, and earthquakes. Under the Act, the National Disaster Management Authority (NDMA) is tasked with coordinating disaster relief efforts, including the temporary relocation and rehabilitation of those displaced by disasters. Although it provides temporary relief, long-term rehabilitation often remains a challenge.

4. STATE-LEVEL POLICIES

Several Indian states have implemented their own policies regarding rehabilitation and resettlement. For example, states like Chhattisgarh and Odisha have specific rehabilitation policies for those displaced by internal conflict and insurgencies, such as the Maoist conflict in central India. These policies generally focus on land allocation, housing, and livelihood restoration.

5. JUDICIAL INTERVENTIONS

The Supreme Court of India and several High Courts have played an essential role in addressing the rights of displaced persons. Judicial rulings have emphasized the need for fair compensation, proper resettlement, and protection of the rights of displaced individuals, particularly in cases of development-induced displacement. For instance, the Supreme Court's judgment in the Narmada Bachao Andolan case mandated the government to properly rehabilitate people displaced by the Sardar Sarovar Dam.

6. PROTECTION UNDER INTERNATIONAL NORMS

While India is not a signatory to the UN Guiding Principles on Internal Displacement, international organizations, including the Internal Displacement Monitoring Centre (IDMC) and United Nations High Commissioner for Refugees (UNHCR), have advocated for India to adopt comprehensive laws to address the issue of internal displacement comprehensively. These principles urge states to prevent displacement, protect the rights of IDPs, and assist in their resettlement.

Despite these frameworks, India lacks a nationally coordinated policy specifically tailored to addressing internal displacement caused by conflict, communal violence, or climate change. Moreover, IDPs who are displaced due to violence and conflict often fall through the cracks of existing policies, which are primarily focused on development and disaster displacement.

There have been discussions about updating and strengthening India's displacement policies to incorporate provisions for conflict and disaster-induced displacement, especially in light of increasing climate-related displacements. However, as of 2023, no specific legislation has been enacted to comprehensively address the diverse causes of internal displacement in India.

While India has made strides in addressing displacement caused by development projects and natural disasters through laws like the LARR Act and the Disaster Management Act, there remains a pressing need for a holistic national policy that addresses all forms of internal displacement, including conflict, violence, and climate change-related displacements. Such a policy would need to be aligned with international best practices to ensure the rights, safety, and rehabilitation of IDPs across the country.

4. CONCLUSION

Internally Displaced Persons (IDPs) represent one of the most vulnerable populations globally, driven from their homes due to conflict, violence, natural disasters, or development projects but remaining within their country's borders. Unlike refugees, IDPs do not cross international boundaries and often face challenges in accessing aid and protection because they remain under the jurisdiction of their own government. This can be especially problematic in cases where governments are either unable or unwilling to protect them.

While courts around the world have addressed displacement issues, there is still a significant gap in legal protections for IDPs, particularly those displaced by conflict and disasters. Case laws like the Narmada Bachao Andolan, Ogoni People case, and Kenya IDP case underscore the judiciary's critical role in protecting the rights of displaced populations. These cases have helped establish legal standards around compensation, resettlement, and rehabilitation for displaced persons. However, there remains a pressing need for comprehensive legal frameworks that address all forms of internal displacement and enforce the rights of IDPs across jurisdictions.

The causes of internal displacement are diverse, ranging from protracted conflicts, such as those in Syria, Yemen, and Sudan, to natural disasters like cyclones, earthquakes, and floods. Climate change has further exacerbated displacement, with increasingly severe weather events displacing millions of people annually. Development-induced displacement, particularly in countries with significant infrastructure projects, also contributes to the issue.

Addressing the needs of IDPs requires a multifaceted approach, including immediate humanitarian assistance, long-term rehabilitation, protection of human rights, and efforts to prevent displacement before it occurs. Many countries lack specific laws or policies for IDPs, and while international guidelines like the UN Guiding Principles on Internal Displacement exist, their implementation remains inconsistent. Without comprehensive national and international

frameworks, IDPs are often left without adequate protection and support, facing challenges related to housing, livelihood, healthcare, and security.

In conclusion, the issue of internal displacement demands urgent attention from governments, international organizations, and civil society. With increasing displacement caused by both man-made and natural factors, there is a need for stronger legal frameworks, better coordination of humanitarian aid, and sustainable solutions that include both prevention and long-term rehabilitation for displaced individuals.

CONFLICT OF INTERESTS

None.

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None.

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