

# CONCEPTUALISING INTERNALLY DISPLACED PERSON'S: AN ANALYSIS OF CORE ISSUES WITH RESPECT TO INDIA

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## **Prologue**

The concept of “Internally Displaced Persons” (hereinafter referred to as the ‘IDPs’) if looked from the point of the classical version of International Law is essentially an issue more related to the domestic jurisdiction of a particular national than in the perspective of international issue.<sup>2</sup> Although the reasons given by the IDP’s are quite similar to the Refugees, by definition the displaced do not cross the inter-state border. Such displacements happen due to different reasons such as natural disasters, conflicts in the state, developmental projects and also may be some economic reasons and so on. They as a result become a vulnerable group in the society as their human rights continuously deteriorate and become sub-standard and their general living conditions become worse. With time the number of IDP’s has outnumbered the number of Refugees and this is really a matter of concern as there till today remains an international legal vacuum.<sup>3</sup>

## **Global figure of IDP’s**

Statistics shows that around two thirds of the displaced people in the whole world still live in their own country where their basic human rights are violated each and every day. The United Nations High Commissioner on Refugees (UNHCR) has been trying to play a major role not in helping the Refugees but also the internally displaced wherever required to do so. The Internal Displacement Monitoring Centre (IDMC) of Geneva has released latest global figures according to which in 2012 there are approximately 28.8 million IDPs, which has increased from the year 2011. In 1997, the total IDP count globally was almost around 17 million approximately.<sup>4</sup>

At present the Internal Displacement Monitoring Centre estimate that there are around almost five million conflict induced IDPs which

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<sup>2</sup> Paula Banerjee, Sabyasachi Basu Ray Chaudhury, *et.al.*, *Internal Displacement in South Asia* 113 (Sage Publications, New Delhi, 2005).

<sup>3</sup> Janie Hampton, ‘Internally Displaced People - A Global Survey’ 78 *Geneva and Earthscan, London*. (1998).

<sup>4</sup> Prem Kumar Rajaram, “Humanitarianism and representations of the Refugee” 5 *Journal of Refugee Studies* 247–264 (2002).

includes both ethnic and religious clashes. Almost every year there is an addition of two million.<sup>5</sup> Almost all over the world as far as Indonesia, Timor, Iraq, Sri Lanka, and Croatia and many other countries have racial tension and other ethnic clashes giving rise to the number of IDPs every year. Most conflict induced IDPs are taken care of immediately and relief camps are organised in most cases but after sometime many are forgotten.<sup>6</sup>

### **Displacement data of various parts of India**

With time in various countries the numbers of IDPs are gradually rising because of many reasons such as growing ethnic or communal issues in the society and the difficult part is the exact number of displaced are very difficult to ascertain as many of them flee away to different places and mostly there is no track of them. Only those who start residing in camps and temporary shelters they can be head counted.<sup>7</sup> But even amongst so many displaced persons in the country if we analyse and look into the data's we will find that there is a better count of the displaced Kashmiri Pandits than those of other lesser known groups like the *Santhals* and the *Bodo's* from Assam. If we look from the United Nation's sources we will find that in the year 1999 India had almost around 507,000 IDPs due to various conflicts out of which 3,50,000 are Kashmiri and around 1,57,000 from the North Eastern region. During the last two decades it has been seen that the whole nation had around three million displaced persons due to ethnic and religious clashes. Instances can be taken of Gujarat riots in 1985 where almost near 50,000 persons were displaced due to caste tensions and again the 2002 communal violence which resulted around displacement of 1,00,000 persons and most of them belonged to the minority Muslims.<sup>8</sup> Around the late 1980's in the Kashmir valley there have been displacement of around 5,00,000 persons and many were Hindu Kashmiris from the valley. The most infamous among the lot of ethnic conflicts and clashes are the Sikh Riots which happened in the areas of Delhi and Kanpur in the year 1984, 1989 anti-Muslim riots and also in 1992 when Babri Masjid was

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<sup>5</sup> S. Chakma, *India Human Rights Report Quarterly*, July-September (2010), Asian Centre of Human Rights.

<sup>6</sup> Ishita Dey, and Sabyasachi Basu Ray Chaudhury "The Responsibility to Protect: IDPs and Our National and State Human Rights Commission" Kolkata: *Mahanirban Calcutta Research Group* (2007).

<sup>7</sup> Monika Mandal, 'Internal Displacement in India: Status, Condition & Prospects of Return' *Refugee Watch* 33-47(2009).

<sup>8</sup> Calcutta Research Group (MCRG), "Voices of the Internally Displaced in South Asia," *Mahanirban Calcutta Research Group*. Kolkata (2006).

demolished.<sup>9</sup> The more recent one is the 2013 Muzaffarnagar clash in the state of Uttar Pradesh, which resulted in the displacement of lots of people.<sup>10</sup>

It has been stated by the Internal Displacement Monitoring Centre (IDMC) in its annual reports that there are around 5.06 lakh of internally displaced in India by December 2011<sup>11</sup> and the north eastern part has been the largest contributor as many clashes have taken place amongst the people. Kashmir holds the second position of having IDP population and thus follows the Naxal affected state, and the regions of communal violence such as Gujarat and Orissa.<sup>12</sup> These and many more un-highlighted cases convey the problem of Internal Displacement as a chief human rights concern in India.

### **IDP's & Some Conceptual Issues**

Whenever laws regarding Human Rights of the Internally Displaced are discussed, various words and phrases begin moving around the central theme. For example: refugees, migrant workers, internally displaced, Guiding principles and so on. These concepts have to be studied for better understanding and analysis of the topic.

The term “Internally Displaced Persons” is a complex issue itself with the growing number of debates worldwide. Making a distinction between refugees and IDPs is a little difficult as there is a thin line difference between them. Moreover due to some refugees there is eventual rise in internal conflicts giving rise to IDPs. Instances can be given of Bangladeshi Hindus who migrated to Tripura and thus displacing their own tribal people reducing their presence in the state from 58% to 31% today since 1951.<sup>13</sup>

In reality, mostly the size of a country ascertains the number of refugees and the number of IDPs. This can be seen in Bhutan where people became refugees even when they only shifted to Nepal that is 200kms away but when thousands of Muslim population fled to Uttar Pradesh from

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<sup>9</sup> S. Chakma, *India Human Rights Report Quarterly*, July-September (2010), Asian Centre of Human Rights.

<sup>10</sup> “42,000 forced to flee”, *Times of India*, (2013) available at: <http://timesofindia.indiatimes.com/india/42000-forced-to-flee-religious-sites-damaged-in-UP-riots/articleshow/22644866.cms> (Visited on May 4, 2014).

<sup>11</sup> Global Overview “People internally displaced by conflict and violence”, (2012) available at: <http://www.internal-displacement.org/publications/global-overview-2012> (visited on May 3, 2014).

<sup>12</sup> *Ibid.*

<sup>13</sup> Aditi Bhaduri, 2010, ‘Displaced Lives – Personal Narratives’. Calcutta Research Group research paper, available at [http://www.mcrg.ac.in/PP\\_Aditi.pdf](http://www.mcrg.ac.in/PP_Aditi.pdf) (Visited on 3<sup>rd</sup> May, 2014).

Gujarat which is around 1200 km they were known as IDPs.<sup>14</sup> What is important to know is that there can be various types of internal displacement that generally occurs:

- 1) Displacement due to armed conflicts
- 2) Displacement due to developmental projects
- 3) Displacement due to human or natural disasters.

The above are broadly the different kinds of displacements and these can have many sub-divisions too. This broad classification has been given by the United Nations in its definition of “Internally Displaced Persons” in the Guiding Principles.<sup>15</sup> As discussed above, any nation might face different types of displacements. In India, we come across insurgency operations in many parts and as a result of which displacements take place amongst the people. India is a multi-cultural, multi lingual and a secular nation and ever since India has attained Independence in 1947, there have been continuous internal clashes or conflicts within the state and as a result of which many have been displaced from their original lands.<sup>16</sup> Be it Kashmir, or the north eastern region or the states of Central India people had to leave their lands due to violence and were forced to shift to the camps where the human conditions were not decent. Even more worse is that most of them could not come back to their indigenous land as there still lays the fear of being uprooted again. Even though the government takes steps to protect people, it mostly takes an adhoc turn which does not help the displaced in the long run.<sup>17</sup>

### **Internally Displaced Persons *vis-a-vis* Refugees: Is there a distinction?**

In an Armed conflict one of the gravest human rights concern arises from the displacement of the people.<sup>18</sup> The question of where to stay and to leave behind all the belongings becomes all the more difficult. Thus, in this era, we must understand that the Internally Displaced Persons brings into question some very crucial as well as vital humanitarian and also with it human rights issues.<sup>19</sup>

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<sup>14</sup> *Supra* note 5.

<sup>15</sup> Mahendra P. Lama, ‘Internal Displacement in India: Causes, Protection and Dilemmas’ 8 *Forced Migration Review* 24-26 (2000).

<sup>16</sup> Paula Banerjee, Sabyasachi Basu Ray Chaudhury, et.al., *India: Homelessness at Home* 113 (Sage Publications, New Delhi, 2005).

<sup>17</sup> Prem Kumar Rajaram, “Humanitarianism and representations of the Refugee” 5 *Journal of Refugee Studies* 247–264 (2002).

<sup>18</sup> Usha Ramanathan, Displacement and the Law, 31 *Economic and Political Weekly* (1996).

<sup>19</sup> Bonawenture Rutinwa, “How tense is the tension between the Refugee concept and the IDP Debate?” 4 *FMR* 29 (1999).

The foremost assignment here is to distinguish the displaced persons from that of Refugees. We must understand that both are the sufferers of some discrimination, armed conflict or even persecution. Even internally displaced are the same as Refugees. There is only one thin line of distinction from the legal perspective i.e. the internally displaced would never cross an international border which is significant. Hence, the rights are not equal to the rights of the Refugees, as the definition of “Refugee” in the Convention of 1951 defines as ‘*crossing the international border and mentions of habitual residence*’. It also uses another important qualification of ‘*well-founded fear of being persecuted*’ in the Convention.<sup>20</sup> Thus it seems that even though the condition of the internally displaced is as serious as the Refugees, it still eliminates them from the purview of international protection unlike the Refugees.<sup>21</sup>

In most cases we can find that a sizeable number of Refugees are victims the second time who have been now displaced again. The reasons of the displacements now have been similar and they loss of their land, livelihood and belongings. What they most deserve now is help and for all these reasons with time the displaced persons ratio has outnumbered the Refugees of the nation which is almost now 2:1. But for internally displaced the government is at time not willing to take care or they might themselves be the reason of the displacement, so these people need to be protected.<sup>22</sup>

In spite of all the differences between both the groups, the main reasons behind the displacement are the same. Even the displaced persons feel like aliens in the locality they shift and they are not mostly welcomed despite them being citizens of the same nation. So on humanitarian grounds these people deserve assistance and protection. They are left and ignored by the government with the reason that they are inside the same nation, but the picture does not seem so easy.<sup>23</sup>

There have been discussions on whether these IDP’s should be brought in the same category and the challenges that they face to be governed by the same institution. But most attempts have failed because the Refugees face a lot more of international concerns like the question of asylum while the other is completely a matter within one’s own nation.

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<sup>20</sup> United Nations Convention Relating to the Status of Refugees (the Refugee Convention), 1951, Article 1 *available at*: <http://www.unhcr.org/3b66c2aa10.html> (visited on May 2, 2014).

<sup>21</sup> *Supra* note 22.

<sup>22</sup> Finn Stepputat, and Ninna, *et.al.*, “The rise and fall of ‘internally displaced people’ in the central Peruvian Andes”, 32(4) *Development and Change* 769–791 (2001).

<sup>23</sup> *Ibid.*

### **Internally displaced Persons *vis-a-vis* migrant workers**

The term "migrant worker" has different official meanings and connotations in different parts of the world. The United Nations' definition is broad, including any people working outside of their home country.<sup>24</sup> Some of these are called expatriates. Several countries have millions of foreign workers. Some have millions of illegal immigrants, most of them being workers also. The term can also be used to describe someone who migrates within a country, possibly their own, in order to pursue work such as seasonal work.<sup>25</sup>

The United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families has been ratified by Mexico, Brazil, and the Philippines (amongst many other nations that supply foreign labour) but it has not been ratified by the United States, Germany, and Japan (amongst other nations that receive foreign labour).<sup>26</sup> There has been a substantial flow of people from Bangladesh and Nepal to India over recent decades in search of better work. Researchers at the Overseas Development Institute found that these migrant workers are often subject to harassment, violence, and discrimination during their journeys at their destinations and when they return home. Bangladeshi women appear to be particularly vulnerable. These findings highlight the need to promote migrants' rights with, amongst others, health staff, police and employers at destination.<sup>27</sup>

So there is a distinction between the ingredients of Internally Displaced Persons and the Migrant workers because the reason of displacement is not the same.

Thus the point of differences can be distinguished from the following table:

| <b>Points of Distinction</b> | <b>Movement</b>                     | <b>Criteria</b>                       | <b>Convention</b>          |
|------------------------------|-------------------------------------|---------------------------------------|----------------------------|
| <b>REFUGEES</b>              | Must Cross the international border | Well-founded fear of being persecuted | Refugee Convention of 1951 |

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<sup>24</sup> United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, *available at*: <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> (Visited on May 3, 2014).

<sup>25</sup> Walter Fernandes, and Enakshi Ganguly Thukral, eds. *Development, Displacement and Rehabilitation: Issues for a National Debate*, Indian Social Institute, New Delhi, (1989).

<sup>26</sup> *Ibid.*

<sup>27</sup> Walter Fernandes, and Enakshi Ganguly Thukral, eds. *Development, Displacement and Rehabilitation: Issues for a National Debate*, Indian Social Institute, New Delhi, (1989).

|                                     |  |                                      |  |
|-------------------------------------|--|--------------------------------------|--|
| <b>MIGRANT WORKERS</b>              | May cross the international border or just cross one's state border to settle in a different place | Purpose of working and to earn money | United Nations Convention on the Protection of the Rights of All Migrant Workers |
| <b>INTERNALLY DISPLACED PERSONS</b> | Must not cross the international border  | Forced or obliged to flee            | No Convention till now only a Guiding Principle of United Nations                |

### **Migrant workers may turn into Internally Displaced Persons**

Many a times it is important to note that many migrant workers in turn become displaced persons. For these there are illustrations that can be given:

- a) 2008 attacks on north Indian migrants in Maharashtra after violent clashes between workers of two political parties—Maharashtra Navnirman Sena (MNS) and Samajwadi Party.<sup>28</sup>
- b) Violence against people from the northeast following the killing of a young student from Arunachal Pradesh in Delhi. Even a few years back there were instances in Bangalore and Pune where people from north east had to flee as there were fear of attacks on their life.<sup>29</sup>
- c) Another very recent example is that of the clash between the Gujjars and Dalits in Noida, New Delhi and which has now led to the mass exodus of dalits from the village.<sup>30</sup>

### **The dilemma of defining internal displacement**

Defining the term “Internally Displaced Persons” is a complex issue itself which necessitates a detailed analysis.

<sup>28</sup> February 14, 2008, *available at*: <http://timesofindia.indiatimes.com/india/Maha-exodus-10000-north-Indians-flee-infear/articleshow/2780795.cms?referral=PM>, <http://www.rediff.com/news/2008/feb/13nasik1.htm> (visited on May 4, 2014)

<sup>29</sup> *Available at*: <http://indiatoday.intoday.in/story/assam-violence-students-working-professionals-north-eastpune/1/213510.html>, <http://timesofindia.indiatimes.com/city/bangalore/Fearing-attacks-5000-people-from-northeast-flee-Bangalore/articleshow/15512723.cms> (visited on May 2, 2014)

<sup>30</sup> *Available at*: <http://indianexpress.com/article/cities/delhi/noida-clash-dalits-leave-home-fearing-a-backlash/> (visited on May 2, 2014)

### General definitions

According to the “Protecting Internally Displaced Persons: A manual for Law and Policy Makers”: there is no legal definition of who constitutes an “internally displaced person” in International Law.<sup>31</sup> The notion of IDPs set out in the introduction to the Guiding Principles is meant to be descriptive rather than normative, drawing attention to the characteristics of IDPs that make them inherently vulnerable.<sup>32</sup>

This notion has gained authority and is commonly used at the international level. Two elements are decisive in identifying who is an IDP: (1) the coercive or otherwise involuntary character of movement—that is, movement caused by armed conflict, violence, disasters, and the like; and (2) the fact that such movement takes place within national borders. The second requirement is to be understood in a broad sense.<sup>33</sup> It refers to the place where the displaced persons find refuge, and it also is met if, for example, displaced persons have to transit through the territory of a neighbouring state in order to gain access to a safe part of their own country; first go abroad and then return (voluntarily or involuntarily) to their own country but cannot go back to their home or place of origin or habitual residence for reasons indicated in paragraph 2 of the Guiding Principles; or left voluntarily to another part of their country but cannot return to their homes because of events that occurred during their absence that make return impossible or unreasonable. It is significant that the Guiding Principles do not refer to the notion of citizenship, thus indicating that foreigners may also qualify as internally.<sup>34</sup>

*Prof. Chimni* comments that any definition has to escape the dangers of being termed as too wide or too narrow.<sup>35</sup> In some cases, we will see that anyone would qualify as an internally displaced while some might limit it to those people who have left their homes not completely in a voluntary mindset either because they have been forced to do so due to prevailing circumstances. This can include, environmental issues, industrial too, security threats as well as developmental projects too.<sup>36</sup> Now whom to include and who to exclude leaves a big question mark. A very narrow

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<sup>31</sup> Brookings Institution- University of Bern, *Project on Internal Displacement* (2008).

<sup>32</sup> *Ibid.*

<sup>33</sup> “Understanding and Preventing Impoverishment from Displacement,” 8(3) *Journal of Refugee Studies* (1995)

<sup>34</sup> Usha Ramanathan, “Displacement and the Law,” 31 *Economic and Political Weekly* (1996).

<sup>35</sup> B.S. Chmini, *International Refugee law: A Reader*, 232 (Saga Publication, 2000).

<sup>36</sup> Paula Banerjee, Sabyasachi Basu Ray Chaudhury, et.al., *Afghanistan: the Long way home* 30 (Sage Publications, New Delhi, 2005).



definition might leave behind many of the IDP's outside the protection zone and thus lays the fear and difficulty to define IDP's. Even if a special regime is framed it has to address when the individual would stop being a displaced person. Also if a definition is brought in, it would not be practical to apply it.<sup>37</sup>

**United Nation's Definition:** The most frequently used explanation is the one created by the former UN Secretary-General's Representative on Internally Displaced Persons, Francis Deng, mentioned in the Guiding Principles on Internal Displacement (GP).<sup>38</sup>

Internally Displaced Persons are persons or groups of persons who have been forced or obliged to flee or 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 human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border.

### **Ingredients of IDP**

The main ingredients in the definition of IDP can be summed up as follows:

- persons or groups of persons
- forced or obliged
- to flee or leave their homes or places of habitual residence
- to avoid the effects of *armed conflict, situations of human rights or natural or human-made disasters*
- have not crossed an internationally recognised state border.

This definition is although followed since there is no other definition; it is not devoid of criticism. It has been said to be both too wide and also too narrow by different critics. Thus we see that defining Internally Displaced Persons has not been an easy task, since it would include and exclude many forms of displaced people.<sup>39</sup> From the above ingredients it can be submitted that the issue of ethnic, religious and class conflict can be included in the definition of IDPs but not the issue of Khap Panchayat or family dispute matters when the wife is forced to leave or obliged to leave the marital home owing to physical and mental attacks.

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<sup>37</sup> *Ibid.*

<sup>38</sup> *Supra* note 34.

<sup>39</sup> *Supra* note 27.

### **National Legal Structure & the IDPs**

In India, we do not have national legal framework or policy for either the Refugees or the IDP's. Even though India has given refugee status to many people but it has not ratified the Refugee Convention of 1951 or the 1967 Protocol because of many internal reason of its own. So, the granting of the Refugee status has been at the discretion of the state authorities<sup>40</sup>. Similar is the case with the internally displaced people.

There can be actually two types of classification of internally displaced people:

- 1) **Lawful**: This means even people are displaced they are properly protected under law.

we have the Disaster Management Act of 2005 to take care and assist people displaced due to any disaster, and we also have the Land Acquisition Act of 2013, Forest Right Act of 2006 and the National Rehabilitation Policy of 2007 (now an Act in 2013) to aid and protect people displaced due to developmental projects.

- 2) **Unlawful**: The most ignored are the people who are displaced due to any conflicts. There is no national or state legislation for specific protection of their rights.<sup>41</sup>

Now, we know that in India, we do not have any national policy or other specific mechanisms to deal with the issue of internal displacement caused by ethnic or communal violence or due to conflicts. We now have a little reference about the displacement caused due to communal violence in the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill of 2009, which is not in so much consonance with the Guiding Principles on Internal Displacement.<sup>42</sup> So, ultimately, the responsibility to aid and assist the IDP's are delegated in the hands of the state and the district authorities. Even though they have worked a lot with the Central Government to help the displaced people, somewhere, they fail to address all the issues because of the lack of the national policy or legislation which would have supported with more powers to solve the issues. But the absence

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<sup>40</sup> Phil Orchard, 'Protection of internally displaced persons: Soft law as a norm-generating mechanism' 36 *Review of International Studies* 281-303 (2010).

<sup>41</sup> South Asia Human Rights Documentation Centre (SAHRDC), "Displacement: Time for India to force the issue", *available at*: <http://www.hrdc.net/sahrdc/hrfeatures/HRF134.htm>, (visited on May 3, 2014).

<sup>42</sup> South Asia Human Rights Documentation Centre (SAHRDC), "No Refuge: the Plight of Conflict-Induced Internally Displaced Persons in India", *available at*: <http://www.hrdc.net/sahrdc/hrfeatures/HRF33.htm>, (visited on May 4, 2014).

of the legislation does not excuse the government to take an excuse from its duties because the Constitution still guarantees the basic Human Rights.<sup>43</sup>

In India we see that there is a lack of a central body to monitor the displaced persons and to even estimate them. The other bodies which are there only have a limited right to work for the displaced. So the first basic issue arises here itself. The number of displaced needs to be known and also how many have returned back or have locally integrated are important concerns to be calculated. The researcher has noticed that there is only one body known as the Internal Displacement Monitoring Centre (IDMC) by the Norwegian Refugee Council that has provided with an approximately authentic statistics of the Internally Displaced People in the whole world. In India the numbers of only the displaced who are living in the camps and register themselves are known. It is a well-known fact that there are sure to be many who are displaced but have never reached the camps and settled somewhere else.

A vast variation in the number of IDP's can be seen in India. The estimate made by the Indian Social Institute of Delhi regarding displaced persons is approximately around 21.3 million. A rough estimate made by the IDMC of such displaced people due to conflicts in different parts would be approximately around 650,000 (i.e. surprisingly not even a million).<sup>44</sup> There has been no profiling of the IDP's and segregation on the basis of location, age and sex in India. As already said, calculating the number of displaced people in the nation would be a difficult task and the states refrain from showing the exact number of displaced in a year due to obvious known reasons of politics. It is an interesting fact that even in India we have quite a few numbers of Refugees unlike the huge number of displacements.

It is necessary for all the displaced people that some durable solutions have to be provided to them as already mentioned. But in India, as there is no proper body to look after the displaced and since the number of people displaced are very high and many people still remain to be known where they have fled, the government authorities fail to provide them with any proper solution.

In Part III,<sup>45</sup> Part IV<sup>46</sup> and Part IVA<sup>47</sup> of the Constitution of India, almost all the basic human rights and duties have been provided for all the persons and citizens living in India. Individuals who are caught in the web of displacement face various challenges and are quite exposed to violation of

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<sup>43</sup> *Supra* note 40.

<sup>44</sup> Monika Mandal, 'Internal Displacement in India: Status, Condition & Prospects of Return' *Refugee Watch* 33-47(2009).

<sup>45</sup> Fundamental Rights of India.

<sup>46</sup> Directive Principles of State Policy.

<sup>47</sup> Fundamental Duties of India.

different basic rights. Such rights include: physical security i.e. right to life, dignity, integrity, right to education, adequate standards of living i.e. basic necessities, right to work and other various civil, political, economic, cultural and social rights.<sup>48</sup> In order to help the people the authorities can target all these basic needs of the displaced which will differ in a particular situation. But in most of the situations we have discussed above we will see that most authorities take steps in an *ad hoc* manner. This happens because of the lack of a particular monitoring body and here the authorities have to play the role and in a democracy they keep on changing and hence a prolonged step becomes difficult. So in a way even if the state tries to provide durable solution it has not been able to do it to a maximum possible extent. This is mostly because a specific national legislation is required to fully realize the rights provided in the constitution and for better protection of human rights as provided in Protection Human Rights Act, 1993. The issue of conflict based displacement cannot be solved in one day and it needs time as people cannot be forced to go back. Security and safety must be provided to them along with proper assurances as the forced displacements have left them with indelible memories in their minds. Although to some extent the Guiding Principles are adopted but not the whole of it as practically adopting all the principles are not suitable for every nation. It depends from case to case basis.

### **Epilogue**

Political scientists and students of law have tried to evolve certain common features of IDPs as prevailing in various parts of the world. They, however, have miserably failed to find out universally acceptable features and a settled structure of IDPs. At present could be no globally acclaimed definition of an internally displaced person. The need of the hour is to frame an accurate definition, and to derive information and statistics of the displaced people worldwide and to take comprehensive steps to assist them. It can, therefore, be said that issues in IDPs are ‘intellectually difficult, conceptually confusing, and sometimes confused’. The laws regarding IDPs, their legal protection and Human Rights are ‘extra-ordinarily complex and widely misunderstood system of law.’

There are various causes of internal displacements in India within the conflict induced displacements too. It can be said that even after independence the government has been unsuccessful to cater to the needs of the people in many aspects and there were clashes within the nation. India has seen communal clashes, ethnic violence and also identity movements which have led to mass displacements of the people. The majority people who are actually displaced are the indigenous people or the marginalized

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<sup>48</sup> The Constitution of India, 1950.

group who are quite attached to their lands and their basic rights get violated when they are displaced. A specific national legislation is required to fully realize the rights provided in the constitution and for better protection of human rights to which IDP's are entitled too. The country needs a suitable legislation and a particular monitoring body to deal with the issues & problems faced by the Internally Displaced Persons.