

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) to the Universal Periodic Review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007

Internal displacement in India

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India: Large numbers of IDPs are unassisted and in need of protection, IDMC, 3 May 2007

I. Internal displacement in India

At least 600,000 people are displaced in India for reasons related to conflict and localized violence. Millions of people have also been displaced as a result of development projects and natural disasters.¹

A majority of internally displaced people (IDPs) have not been able to return to their homes for years, due to protracted conflicts or unresolved disputes over land and property. The government's response to displaced people is often ad-hoc and largely insufficient, and the IDPs frequently find themselves in an extremely vulnerable situation.

II. Internal displacement due to conflict, by region or group

i) Jammu and Kashmir

India's largest situation of internal displacement stems from conflict in Jammu and Kashmir between Indian security forces and militants seeking independence or accession to Pakistan. The insurgency in Indian-administered Kashmir has since 1989 led to the internal displacement of 90 per cent of Hindu Kashmiri Pandits, an estimated 250,000-350,000 people. Around 100,000 live in New Delhi while up to 240,000 are in Jammu city.

Since the end of the 1990s, clashes between Indian and Pakistani forces and attacks by separatist militant groups along the Line of Control separating Indian and Pakistani-controlled Kashmir have led to several waves of displacement from nearby villages, and an estimated 45,000 people are still displaced.

ii) North-east

Violence involving different ethnic groups and communities has caused internal displacement in India's north-eastern states including Assam, Manipur and Tripura. The government's military response has in many cases contributed to the displacement.

The fighting between Bodo and Santhal tribes in Assam has displaced an estimated 250,000 people. In August 2004, more than 230,000 people were staying in IDP camps in three districts of western Assam. Thousands of civilians have also been displaced by fighting between Karbi, Kuki, Khasi, Hmar and Dimasa armed groups. In 2003, 75,000 people were displaced by these conflicts and in October 2005, clashes between Karbi and Dimasa armed groups displaced a further 75,000 people.

In Manipur state, ethnic conflicts and fighting between the Indian army and local militia groups have displaced an unknown number of people. In November and December 2006 more than 2,000 Kukis from 25 villages were displaced by a massive Indian army offensive.

In Tripura, more than 100,000 people have been internally displaced by ethnic fighting between local armed groups and people of Bengali origin. Displacement in Tripura has also been caused by a fence being built along the border with Bangladesh. As of March 2007, 9,000 families reportedly sought rehabilitation after being displaced.

iii) Central India

In the state of Chhattisgarh, up to 100,000 people have been displaced by clashes between Maoist Naxalite insurgents and the army and government-supported militias known as the *Salwa Judum*. These clashes have been ongoing for more than two decades, but have increased in intensity during the past few years. As of February 2007, more than 45,000 civilians were in camps in the Dantewada district of south Chhattisgarh.

¹ This submission focuses exclusively on the conflict-induced displacement in India.

iv) Gujarat

More than 100,000 Muslims were forced out of their homes in an outbreak of violence between Hindu and Muslim communities in Gujarat in February 2002. Latest available information indicates that more than 5,000 families remain displaced in camps in Ahmedabad and Sabarkantha districts of Gujarat. Many more displaced families remain unidentified in slums surrounding the major towns.

v) Displacement of Dalits

Dalits, or so called “untouchables,” known in Indian legal terms as scheduled castes are vulnerable to forced displacement in the aftermath of episodes of caste violence. The number of Dalit IDPs is unknown. The perpetrators often enjoy full impunity and little is done to help the displaced Dalits return home or to prosecute those responsible for the attacks.

III. Main subjects of concern

Ethnic and descent-based discrimination² as a cause of tensions and conflicts resulting in internal displacement

Ethnic and descent-based divisions fuel conflicts which result in displacement and prevent or impair the enjoyment of a range of human rights by internally displaced people.

Identity-based autonomy movements, as in the Bodo Autonomous Council area of western Assam, have caused displacement through campaigns of “ethnic cleansing.” Since the 1980s, ethnic cleansing has become more systematic in India’s north-east.

In Tripura, attacks against people of Bengali origin have been caused by the government policy of settling these people in a largely tribal state. The influx has caused the existing tribal population to become increasingly marginalized. Protests by tribal populations, ignored by the central and state governments, have manifested in support to insurgent groups.

Central India’s Naxalite conflict is rooted in discrimination against the tribal population or *Adivasis*, the displacement of tribal populations by large development projects, and the government’s failure to ensure food security.

Gujarat state authorities and officials from the pro-Hindu Bhartiya Janta Party have been accused of planning and instigating the violence against the minority Muslim population. Successive episodes of Hindu-Muslim violence since the 1960s have resulted in the increasing isolation of the state’s Muslim community.

Dalits continue to be among the poorest and least powerful of India’s inhabitants. Despite laws and policies against caste discrimination, Dalits endure segregation in housing, schools, and access to public services. Many are displaced from their homes and villages. They are denied access to land, forced to work in degrading conditions, and routinely abused at the hands of the police and upper-caste community members who enjoy the state’s protection. Dalits also suffer routine violations of their right to life and security of person through state-sponsored or sanctioned acts of violence, including torture.

² UDHR Article 2 and ICERD Article 1.1 as well as other non-discrimination provisions such as ICCPR Article 2.1, ICESCR Article 2.2

Protection of civilians during armed conflicts³ & civil and political rights, in particular the right to life;⁴ prohibition of torture and cruel, inhuman or degrading treatment or punishment;⁵ prohibition of arbitrary arrest or detention,⁶ freedom of movement and residence;⁷ protection of home⁸ and property⁹

Civilians frequently risk getting caught between the warring factions in India's armed conflicts. They can be forcibly displaced by parties to the conflict, or leave their homes after exhausting all survival options.

In Jammu and Kashmir, international humanitarian law and human rights violations and abuses by security forces and the armed militant groups continue to be extensively reported. An estimated 15,320 civilians had lost their lives in militancy-related violence in the state as of March 2005. Harassment and torture of civilians are common during search operations by the security forces. The armed militant groups direct violence against civilians, kill people on alleged charges of being police informers and also target religious minorities. About 40,000 children have been orphaned due to the violence in the state, while the army has also allegedly used children as "human shields" during anti-insurgency operations. All these factors have led to the forced displacement of civilians.

In Assam, the government has deployed large numbers of security forces to contain insurgencies. The forces have been responsible for arbitrary arrest, detention, torture and other abuses during search operations. Innocent people have often been taken into custody without any arrest warrant, held in illegal detention without being produced before the court and tortured for alleged links with the armed opposition groups. The militant groups in Assam have been responsible for gross violations of international humanitarian laws especially by targeting the civilians. They have also been reported to use explosive devices and responsible for hostage taking, extortions and issuing threats to civilians.

There have been reports of serious international humanitarian law and human rights violations and abuses by all the parties - the security forces, the Maoists and the *Salwa Judum* cadres - in the Chhattisgarh conflict. While the government has denied any deaths in police custody, the Maoists have accused the police and paramilitary personnel of killing innocent and unarmed civilians after taking them into custody. The state government continues to directly involve the tribals in the conflict under the *Salwa Judum* to fight the Maoists. The tribals have become both the perpetrators and the victims of the conflict. There have been allegations of extrajudicial executions of innocent civilians in the name of military action against Maoists and the security forces continue to be responsible for arbitrary arrest, detention and torture.

Economic and social rights, in particular the right to an adequate standard of living;¹⁰ the right to health;¹¹ the right to education¹² and the right to work¹³

Internal displacement has had a significant negative impact on displaced people's standard of living and access to basic services. Securing immediate subsistence needs, such as food, water and housing, poses immense difficulties for them. For the most part their standard of living is far from adequate and affects their opportunity to exercise other rights, for instance by compromising their access to education or healthcare or opportunities to gain living by work.

³ Common Article 3 of Geneva Conventions

⁴ UDHR Article 3 and ICCPR Article 6.1

⁵ UDHR Article 5 and ICCPR Article 7

⁶ UDHR Article 3 and ICCPR Article 9

⁷ UDHR Article 13 and ICCPR Article 12

⁸ ICCPR Article 17

⁹ UDHR Article 17

¹⁰ UDHR Article 25.1 and ICESCR Article 11.1 as well as its impact on Articles 12, 13, and 6

¹¹ UDHR Article 25.1 and ICESCR Article 12

¹² UDHR Article 26.1 and ICESCR Article 13

¹³ UDHR Article 23 and ICESCR Article 6 as well as Articles 7 and 9

The right to adequate standard of living – housing

IDPs in India often live in squalid conditions with few basic amenities. Some live with relatives or in government buildings, such as in the Karbi Anglong district of Assam, where IDPs were living in hugely overcrowded schools and community halls. In the Kokrajhar and Bongaigaon districts of Assam, IDPs housed in 78 camps were living in shelters made up of rows of temporary sheds of polythene and aluminum sheets and sleeping on makeshift bamboo beds.

In Kashmir, as of 2003, many IDPs who had been displaced from 1999 onwards were still living with friends and relatives or camping in disused factories or commercial centres. In the case of the Kashmiri Pandit IDP group, the government has arranged for shelters, but thousands of families have had to make do with one-room tenements for the past 15 years.

As of June 2006, IDPs in makeshift camps in Gujarat and Chhattisgarh states were living in open shelters roofed with leaves, which were virtually uninhabitable during the rainy season.

The right to food – the fundamental right of everyone to be free from hunger

Some state governments have provided food assistance to certain IDP groups, but provision is inconsistent. In May 2006, a survey of 25 IDP camps in Kokrajhar in Assam state found that nearly 200,000 people were living in the camps without adequate food. Rations were provided for only 10 days per month, compelling people to eat snails, insects and wild plants. The state government had only provided a limited number of eating utensils, so four IDPs had to share a plate. Consequently, a large number of children were suffering from malnutrition.

Also in Assam's Karbi Anglong area, the government was providing rice and lentils but no firewood to prepare food. Nor had the displaced people been given any vegetables. Venturing out of the IDP camps to collect firewood or vegetables was dangerous, particularly for women.

In January 2005, it was reported that the government had reduced rations to IDP camps in rural areas of Gujarat state, so as to make it impossible for camp administrators to provide food and keep the camps open.

Many IDPs living in camps in Chhattisgarh state are faced with malnutrition.

The right to water

The government has been providing free water facilities to Kashmiri Pandit IDPs living in camps in Jammu and has allocated more funds for construction of water tanks and improvements of drainage systems.

In north-east states, there has been a lack of clean drinking water, with sanitation and hygiene being significant problems. Many camp residents have to travel miles in search of clean drinking water or collect it from dirty ponds.

The right to the highest attainable standard of physical and mental health

IDPs' health suffers due to the lower availability, accessibility and affordability of health care, and the inadequate standard of living in displacement.

Kashmiri Pandits are facing multiple signs of deteriorating health and premature aging as well as physical and mental stress. Overcrowding has caused a large number of pneumonia and tuberculosis cases, while psychological and mental disorders are epidemic in proportion. The Pandits, however, have much better access to health facilities than other IDP groups in India, as 12 dispensaries have been set up to provide them with medical care.

In the north-east, health facilities for IDPs are almost non-existent. Diseases such as malaria, jaundice, dysentery and influenza often pose serious threats. Some government dispensaries exist, but they lack even basic medicines. In the camps in Karbi Anglong district of Assam, there are no preventative measures in place to stop the spread of malaria among IDPs. The 200 pregnant women in the camps have no access to medical facilities and babies were delivered inside the camps.

In IDP camps in Gujarat, many women and young girls exhibited signs of severe mental stress disorders, yet there has been no medical help made available to them to deal with the long-term effects of their problems.

The right to education

Displacement often has a profound impact on the education of children due to the closure of schools, lack of facilities and difficult environment in the camps. Young people's opportunity of completing education is also sometimes affected by the need for them to work to contribute financially to their families' survival. The education of girls, already a low priority, suffers further during displacement and dire financial times.

Thousands of tribal children in India's north-east states have been forced to abandon their education due to schools being closed during conflict. In Kashmir, IDP children have dropped out of schools after the authorities moved make-shift schools over 30 km from camps.

In Gujarat, in the aftermath of the communal violence, pro-Hindu activists warned schools to expel Muslim students. School attendance fell due to fears for the children's safety, the bias of school staff and students, and attacks on Muslim students at schools. Many Muslim children's educational certificates were destroyed and the government did little to replace the certificates or facilitate the resumption of the children's education. Under financial constraints, many children dropped out of school.

The right to work and fair conditions of work & to social security

Conflict and displacement have irreparable short-term and long-term economic and social consequences for those affected. They often directly interfere with people's opportunity to gain a living by work they have freely chosen and pursued. New employment and income-generating opportunities are hard to find during displacement, which makes it indispensable for the government to ensure basic social security.

Many IDPs in India were farmers before their displacement and lack alternative lands to cultivate at their new locations. They also lack skills to take up other types of employment and often end up taking jobs that no other group wants to undertake.

Many women who had worked prior to displacement find it impossible to continue or resume work. Women who survived by working in the home industries lose that means when they have to leave their homes and the markets to sell their crafts. Female IDPs are also sometimes unable to take up employment outside camps on account of safety concerns.

Limited humanitarian access

India has no national IDP policy and the overall response to the internal displacement situation in the country is criticized as being inconsistent and ad-hoc, based on requests for support from state governments. The Indian government has long been accused of failing to adhere to standards laid out in the UN Guiding Principles on Internal Displacement and to international human rights standards in its response to displacement in Kashmir and Gujarat.

The Indian government frequently denies international humanitarian organisations access to internally displaced people, arguing that local governments take full care of the affected people. Most of the north-east, for example, is off-limits to foreigners; however, some international NGOs, such as Medicines Sans

Frontiers have secured authorisation to work in IDP camps in Assam. Also in the north-east, conflict has severely limited the provision of health care by national groups to IDPs. Many community health programs have been abandoned in rural areas as medical staff have no protection from militant threats.

The International Committee of the Red Cross, which is currently in Jammu and Kashmir, has been trying to persuade the Indian government to permit it to operate in other states such as Assam and Chhattisgarh. So far there has been no positive response from the government.

IV. IDMC's recommendations:

All parties to the conflict:

- Respect international humanitarian law and take measures to ensure that civilians are protected against the dangers arising from military operations, including forcible and arbitrary displacement;

The international community:

- Condemn violations of international humanitarian law and human rights law, including acts of forcible and arbitrary displacement of populations by Indian security forces and armed militant groups;

The Indian government:

- Hold accountable its security forces and paramilitary groups engaged in human rights violations such as torture and forced displacements;
- In cases where the displacement of civilians is unavoidable, provide adequate compensation and plan resettlement with the full consultation and knowledge of IDPs, in line with the Guiding Principles on Internal Displacement;
- Adopt a national IDP policy;
- Set up a task force to assess the discrepancies in response to the different IDP groups;
- Permit international NGOs to assist IDPs;
- Allow the International Committee of the Red Cross to start operations in Assam and Chhattisgarh;
- Invite the Special Representative of the Secretary General on the Human Rights of IDPs to the country to discuss ways to improve the assistance and protection situation of IDPs;

State governments:

- Ensure adequate protection is provided to aid workers trying to assist civilians caught in the conflict or forcibly displaced;

The Indian National Human Rights Commission:

- Investigate cases of upper-caste abuses against Dalits;
- Review measures local governments, often dominated by upper-castes, are taking to assist Dalit IDPs in returning to their homes.

The information above is drawn from the following (where it is fully referenced):

- the India country profile in the IDMC's online database
- the overview "India: Large numbers of IDPs are unassisted and in need of protection"
- the Asian Centre for Human Rights "India: Human Rights Report 2006"
- the Human Rights Watch report "India: 'Hidden Apartheid' of Discrimination Against Dalits"

This information, and more, is accessible at

<http://www.internal-displacement.org/countries/INDIA>