

Report of the Workshop on the IDPs in India's Northeast

The Mahanirban Calcutta Research Group (MCRG) in collaboration with the Naga Peoples' Movement for Human Rights (NPMHR) organised a three-day workshop on the Internally Displaced Persons (IDPs) in India's Northeast at Hotel Japfu in Kohima, Nagaland during August 24-26, 2006. Academics, human rights activists and media-persons from different parts of India's East and Northeast participated in this workshop.

In the inaugural session on 24 August, Samir Kumar Das, Research Coordinator, MCRG made some introductory comments indicating the justification of organising such a workshop in Kohima. He also referred to the previous work done by the MCRG in this context. Nepuni, General Secretary, NPMHR, welcomed all the participants. Dr. Monirul Hussain, Professor, Department of Political Science, Gauhati University presented a status report on the IDP Situation in Northeast India and this report was subsequently discussed in the workshop. In fact, Dr. Hussain's presentation acted as the keynote address to the workshop. Apart from a concept note and Monirul Hussain's keynote address, copies of an article entitled "Nobody's People in No-man's Land" by Subir Bhaumik [in Paula Banerjee, Sabyasachi Basu Ray Chaudhury and Samir Kumar Das (eds.), *Internal Displacement in South Asia*, (Sage: 2005)] and another one entitled "Population Displacement in India: A Critical Review" by Samir Kumar Das and Sabyasachi Basu Ray Chaudhury (published in *Refugee Watch*) were circulated among the participants as reference points for discussion in the workshop. Walter Fernandes, Director, North Eastern Social Research Centre, chaired this session. Sabyasachi Basu Ray Chaudhury, Secretary, MCRG, proposed a formal vote of thanks at the end of the session.

Status Report By Monirul Hussain

North East India has been a very distinct civilisational, geographical, socio-economic, cultural and political entity in India. Of the 635 tribal groups listed by Anthropological Survey of India, 213 were found to be living in the Northeast India. This region is geographically isolated and connected with the rest of India through a narrow corridor. Besides, the region is also economically underdeveloped. The migrations of different groups at different periods of history from the neighbouring areas have made the society in Assam rich and diverse in terms of race, religion, language and culture. Even the society in the hills of North East also reflects high degree of diversity though each community living therein has its distinct characteristics. However, with its annexation into the British colonial India, Assam was exposed to a very high degree of in-migration as an inseparable part of the colonial transformation of society, polity and economy. Obviously, a large number of these migrants, were, in-fact the displaced people. Whether the tribal from the Jharkhand region who migrated to Assam's tea plantations, or the or the uprooted peasants of East Bengal who migrated to Assam in large number in search of land and livelihood, all of them were in fact the displaced people induced by the political economy of colonial India. Briefly speaking, Assam remained the unofficial host to large number of displaced people throughout the colonial period. End of the British colonialism also forced Assam to become a host of a large number of East Pakistan refugees. Unlike, Panjab and Bengal the outflow of refugees from the North East was virtually insignificant.

One can find all the three kinds of IDPs in the North East India i.e.,

1. Conflict induced IDPs
2. Development induced IDPs and
3. Natural disaster/ environment induced IDPs (many preferred to call them Environmental Refugees).

Data on IDP is very scanty. Most difficult is to find data on natural disaster/ environment induced displacement of population. Next in order of difficulty is to gather data on development-induced displacement. North East has experienced a massive development induced displacement of population during the postcolonial period. Compared to these two categories, it is relatively easier to collect data on conflict-induced displacement of population. It is mainly because the media normally does not miss to report conflict because it is an important political event. Our media is largely obsessed with the political news and largely ignore the development and environment issues that displace people. Hence, in the process, we get some information about the conflict-induced displacement but not much on development and environment induced displacement of population in North East India. Besides, if not all, a significant number of media personnel accept the events of human displacement caused by environmental degradation as “natural” events. Similar is the case with the displacement caused by development projects. Here too population displacement becomes natural!

Ethnic conflicts became endemic in postcolonial North East India. Here, ethnic conflict includes the conflict between the state and ethnic groups/ insurgent groups, inter ethnic and intra ethnic conflicts. One particular situation of ethnic conflict may reflect one, two or all these three kinds of conflicts simultaneously.

Among the North Eastern states, internal displacement has been quite high in Assam. Conflict has been the main cause of major displacement of population in Assam. Although it is very difficult to give an exact data of IDPs caused by conflict in this region, we can give some estimates of government and some other agencies here. Tens of thousands of Bengalis, Hindus and Muslims, were displaced all over Assam in violence unleashed during the 1960s, 1970s and 1980s, particularly during six years of anti foreigner’s agitation led by students and the dominant Asamiyas. During the worst phase of violence in July-September 1960, almost 50,000 Bengalis, mostly Hindus crossed over to West Bengal seeking shelter there. Again, in 1972-73, 14000 Bengalis fled to West Bengal and elsewhere after the breakout of riots over language issue. However, the real figure of displacement is far more than mentioned here because government account includes only those people who took refuge in the camps of West Bengal. Thousands died in the riots during the agitation between 1979 and 1985 - almost 2,000 in the village of Nellie alone.

The inter-ethnic clashes in the Bodo heartland of Kokrajhar and Bongaigaon has displaced a large number of people. At one stage, the number of IDPs reached more than 3 lakhs. It should also be mentioned here that the Bodo-Muslim ethnic violence that occurred in October 1993 has displaced about 3568 families consisting of 18000 persons. Again, a series of major incidents took place throughout the district in May 1996 when a section of Bodos attacked ethnic Santhals. This conflict has resulted in the displacement of a huge population. Almost 42,214 families consisting of about 2, 62682 persons were displaced by this conflict “at the peak of the Bodo Armed Movement, Assam accounted for nearly more than half of India’s population of Internally Displaced Persons”.

These victims were sheltered in 78-relief camps around Kokrajhar and its adjoining areas. After staying as inmates in the camps many of them return to their villages in 1997 with a small amount of returnees grant provided by government of India. However, in 1998 again conflict started between the two groups resulting in the displacement of 48,556 families consisting of 3,14,342 villagers. Till April 2005, in Kokrajhar 1, 26,263 inmates were living in 38 state sponsored relief camps in the district.

Some of these conflict-induced IDPs are living in the relief camps for more than a decade now. The government is providing only rice to the inmates of some of the camps for 10 days a month. Even that supply too was erratic. Sometimes, the IDPs do not get their rations for months together. Assam government records indicates only 33,362 displaced people were left in the camps Kokrajhar district and 74,123 were left in the camps in Gossaigaon district.

In the Kokrajhar sub division number of inmates in the relief camps has decreased from 41,999 to 28,961 on August 2006. Little more than one-third are children and two thirds are adults. However, we could not verify the number of IDPs as given by the district administration. Still the number of IDPs is quite large despite settlement of the Bodo issue. The leadership of the Bodoland movement now leading the Bodoland Autonomous Council as well as a part of the present Congress led coalition government of Assam. It seems they have given utmost priority to the rehabilitation of the ex-insurgents. And resettlement and rehabilitation of IDP is still a low priority issue in the political agenda of the state government as well as the Bodoland Autonomous Council.

Although the government reports are claiming decrease in the number of the inmates of these camps but it is also found that these displaced are forced to leave the camps. Many tribal leaders allege that the administration was stopping rations to force these people out of the camps.

The Muslims of Bengali origin chased out by the Bodo rebels in 1994 are living in pathetic conditions in some places of Assam. Near Bijni on the National Highway, nearly 8,000 such Muslims live in huts on both sides of the National Highway 37.

The life of the IDPs living in the camps in Assam has been very difficult. Most of them do not get adequate food, nutrition and proper medical care. Children of these camps are deprived of formal education and health care services. Though, some receive food aid, but it often arrives sporadically and insufficient in quantity and nutrition. Thus these losing their possessions like land, home and livelihood live in a dehumanised condition.

According to the Home Minister of Meghalaya, approximately 350 Pnar people having close affinity with the Jaintia community of Meghalaya have fled the North Cachar Hills district following the Dimasa- Hmar conflicts in 2003. This has not only spread terror in and around the Cachar district but also resulted in thousands of Dimasas and Hmars being displaced from their gutted down villages, to take shelter in about 25 relief centres.

Again, 4,000 Khasis and Pnars fled from Assam to Meghalaya after getting threat from Karbi militants in November 2003. The displaced were sheltered in camps. However, after staying for a period of two months in the camps the displacees return back.

However, in late 2005, the Karbi Anglong district witnessed one of the worst and longest spells of ethnic violence of Assam. Such violence continued unabated for over one month. The two militant outfits of this district – United People's Democratic Solidarity (UPDS) and Dima Halam Daoga (DHD) fought with each other resulting in mass killing and violence in the district. The UPDS is the dominant Karbi militant group, while the DHD claims to represent the Dimasa tribe's aspiration for a separate homeland. This conflict has also affected the Bodos living in the district. Not to speak about the Karbi and Dimasa villages, but the villages having the majority of other groups had to flee their

places. At first, the conflict was concentrated mainly in Diphu sub-division, but later it spreads to Hamren sub-division also. Thousands of families have been rendered homeless with Karbis attacking the Dimasas in some places and the Dimasas retaliating in full measure in other areas. The panic stricken people of villages though not directly affected, have also fled their houses to stay in the relief camps. All along the highway, scores of relief camps have sprung up. However, people belonging to other ethnic groups are also taking shelter in the relief camps. Even when violence was abated to some extent, the people did not want to go back to what remains of their homes and hearths. Although, official sources asserted that there is no shortage of relief materials, many relief camps are facing shortage of food, medicine, clothing and kerosene. Another major problem is that the students of the districts are suffering as more than 40 schools have been transformed into relief camps.

According to an estimate the ethnic violence of October 2005 has displaced more than 60,000 tribal people belonging to Karbi and Dimasa tribes. Hence, at the present moment it can be estimated that in Assam only, there are over 200000 conflict-induced IDPs in various relief camps both in the plains and the hills awaiting resettlement and rehabilitation. It must be mentioned here that in many cases a number of displaced remain unnoticed and undocumented in the state.

In November 2003, hundreds of Hindi-speaking people left Assam in the wake of the backlash that followed attacks on the train passengers of northeast India in various places of Bihar. Leaving aside the uncounted numbers of those internally displaced, about 20,000 persons, perhaps more, are believed to have fled the State.

Tension in the border areas also results in the displacement of the people. Very recently, on August 10, 2006; the Bangladesh Rifles attacked two outposts of the Border Security force in Cachar and Karimganj districts killing two women. The BSF also retaliated and the firing between the two border guards continued for a long time. Anticipating further violence, nearly 3000 residents of Harinagar, Kinarkkal and Tukegram villages of Cachar and Karimganj fled their homes in panic. The displaced people have been lodged in the relief camps opened at schools and club buildings at a safe distance from the international border. There are problems in the Indo-Bangladesh border over land in Cachar district, as it is believed that the Bangladeshi national try to cultivate in the land of Harinagar area of this district. This is stated to be the main reason behind such an incident. However, later on Indian government has dismissed the report on land encroachment by the Bangladeshi National in the Indian side. Again on 20 August there were exchanges of fire between India's BSF and Bangladesh's BDR in which a Bangladeshi woman died.

People living in the border area, whether an international or inter-state in North East India always suffers from a deep sense of fear because of conflict between inter-state border and intra state border. Like Indo-Bangladesh border, the Assam and Nagaland border and the Assam and Arunachal Pradesh border have very often generate displacement of population. However, such displacements have not received adequate attention from the media.

Anti-Bengali movement has displaced people not only from Assam earlier but also from Tripura and Meghalaya. In Meghalaya there was a large-scale displacement of Bengali population, mainly from Shillong. Since the early 1980s, an estimated 25000-35000 Bengalis have left Meghalaya and settled down in some other states of India, mainly in Assam and West Bengal. According to Meghalaya Census report, in 1981, there were 119571 Bengalis in Meghalaya, constituting 8.13 percent of the state's population. But in 1991, this stood at 144261, constituting only 5.97 percent of the total population. There has been a steady decline of Bengali population in Shillong over last three decades.

In Tripura, attacks on Bengalis has been more widespread. Here, the Bengalis constitute the majority and taken over land on a large scale from the indigenous communities. The violence started between the two communities with the riot of June-July 1980 in which about 1076 Bengalis and 278 tribals were killed. During this riot, 189,919 people, 80 per cent Bengalis and the remaining 20 per cent tribal were displaced and took shelter in the 186 camps that were set up for them. After the return of normalcy, it was difficult for the Bengalis to return back to their villages as they were taken over by the tribals. Some of the tribal youths formed Tribal National Volunteers (TNV). Between March 1992 and March 2002, these rebels killed 823 Bengalis and 3312 were kidnapped. About 1/7th of those kidnapped did not return. Thus, after 1980 since the first major ethnic riot in Tripura, more than 100000 Bengalis have been displaced from the state.

The Tripura State Revenue Minister, in a statement in the Legislative Assembly, on 24 September 2003, quoted IDP figures in the state; in what could be the first such attempt by any state government in the region to assess the scale of physical movement of people due to militancy. The minister said, "Between March 1998 to February 2003, 19,468 families have been displaced from their original places". If each family is estimated to have five members, the total number of people displaced would be around 98,000, roughly amounting to more than three per cent of the state's total population. This is a very large displacement indeed.

Manipur has witnessed substantial internal displacement and ethnic relocation in the wake of the Naga-Kuki and the Kuki-Paite feuds in the 1990s that led to nearly 1700 deaths and destruction of property worth millions of Rupees. At least 600 villages were burnt down during the Naga-Kuki feud, in which nearly 10000 houses were destroyed. The Nagas killed 898 Kukis during the eight-year-old feud while 312 Nagas were killed by the Kukis. On the other hand, the Paites killed 210 Kukis in clashes and lost 298 persons from their community. Almost 3000 houses in 47 villages were destroyed and 22000 Kukis and Paites were displaced. Again, during the riots between the Meites and Pangals, more than 100 were killed in which 196 houses in 9 villages were destroyed.

The regrouping of Mizos by the Indian Army in the wake of Mizo rebellion had displaced a large number of Mizo population. During the first regrouping, 45000 and in the second regrouping 87000 Mizos were regrouped. This had forced the Mizo farmers away from his lands as they were forced to settle in roadside locations guarded by the army.

Mizoram has also witnessed a massive outflow of Burmese refugees in 2003. The Chin refugees who had taken refuge in the state following persecution by the Burmese Junta in the post-1988 democracy uprising were forcibly repatriated to Myanmar during July-August 2003. It is reported that more than 4000 Burmese refugees went back to Myanmar after this violence. More than 50,000 ethnic Chin, Kuki and Naga refugees from Myanmar have been left at the mercy of the state governments and the local populace.

About 30,000 Brus/ also called Reangs fled from Mizoram State of India to Tripura to escape from a campaign of violence and terror against them allegedly by members of the Mizo Zirlai Pawl (Mizo Students Union) and Young Mizo Association (YMA). From 15 October 1997 onwards, Reangs from Tunbagin, Kawnmun, Pheileng, Laxmicheraa, Kwartha, Rangdil, Fileng and Tuipuibari areas of Aizwal district of Mizoram fled to neighbouring states to escape from persecution from the non-state actors. It is alleged that the state too remained as silent spectator.

According to an estimate of Tripura government, 30690 Reangs belonging to 6859 families have fled into Tripura in last 3 years. Later on, at the initiative of the Mizoram government, almost 3000 refugees returned back to Mizoram but a majority

has chosen to stay back in the IDP camps of Tripura. During the visit to the relief camps under Kanchanpur sub-division in North Tripura from 2-4 January 2006, Asian Centre for Human Rights found the conditions of over 34,000 displaced Brus in the camps in North Tripura as sub-human. Medical and sanitation facilities are almost non-existent in these camps. The inmates use the water from ponds and streams as a result of which water born disease spread out very easily. More than 5000 children in the camps are deprived of education. Even Sarva Shiksha Abhiyan has not been extended to these camps.

Another survey in these camps reveals the fact that the inmates are also becoming victims of AIDS. A survey at the refugee camps in Kanchanpur Sub-division of North-Tripura district conducted by the state health department has found that at least 6 Bru IDPs staying at these camps have been suffering from AIDS and 12 others are found to be HIV positive. Health department sources further say that a section of poverty stricken refugees were working as sex workers and a section of youth were drug addicts, who are contributing towards the spread of this disease.

Development projects are very often linked with the problem of displacement. The development projects of the North East region have directly affected the poor and powerless tribal both in the hills and plains. Absence of adequate resettlement and rehabilitation policy for the displaced has led to further pauperisation, marginalisation and helplessness among the oustees. The South Asian Solidarity for Rivers and Peoples (SARP) maintained that from the 72 hydel projects proposed in the NE region only the contractors and dealers of cement, iron etc will be benefited, not the common people. It will also help the better off to lead a luxurious life, but at the same time the poor and the backward communities will be deprived of their livelihood. It is also interesting to see that Central Allocation for NE projects has increased substantially in 2005-06 financial year. Eighty new projects were sanctioned in this year for this region. By now it has become clear that mega dams have done more harms than good to the people. But still the central government is proposing new plans having dangerous consequences ignoring the fragile ecology of this region. The common people have become conscious of the fact that such projects are not only going to displace them, but also discrete their timeless bond with the elements of nature. They will be alienated from their own place. The people have now understood that Dams and other mega projects will imperil their sustainable modes of living making their life more difficult. Geological condition of this region is fragile. Instead of making any effort protect the rich flora and fauna, the central government is coming with new proposals for setting up different projects in this region, which will have serious consequences in the long run. It is also interesting to see that are by some the development projects of the neighbouring states have also generated IDPs in this region. e.g, the Kaptai Dam constructed on the river Karnaphuli across the international border in the Chittagong Hill Tracts has displaced a large number of Chakmas and Hajongs of the CHT. A large number of them settled down in Tripura and Arunachal Pradesh creating refugee problem. The indigeneous communities of Arunachal apprehend that the 65,000 strong Chakma-Hajong refugees could in future emerge as a dominant political force. Such an eventuality would seal any prospects of their deportation. They are also increasingly worried about the alleged gradual transfer of their land to the refugees. Besides, the refugees are also accused of encroaching on the reserved forestland.

Among the northeastern states, development induced IDPs are more visible in Assam. The oil sector in Assam also contributed towards the problem of displacement. New oil townships are established in various places of upper and lower Assam displacing the inhabitants of those areas. Two paper Mills of Assam at Jagiroad and Cachar have also forced people out of their homes besides destroying the greenery. The Jagiroad paper mill has mostly displaced the people belonging to Tiwa tribes. On the

other hand, the Cachar Paper Mill in Barak Valley of Assam has reduced the bamboo forest in the neighbouring area.

Moreover, urban expansion of Guwahati city has displaced the tribal mostly belonging to Karbis and Bodos. Urban expansion is pushing these people out of the city to the periphery. In 1973, when Assam's capital was shifted from Shillong to Guwahati once again the tribals had to sacrifice. An estimated 1,00,000 population were displaced at that time. Again educational institutions like Gauhati University and IIT, Guwahati have also displaced the original inhabitants of the outskirts of the city without proper rehabilitation.

The Pagladiya Dam Project is to be constructed in Nalbari District of Lower Assam. The project is going to irrigate 54,125 hectares of land, protect 40,000 hectares of land from flood and erosion, and generate only 3 MW of electricity. But it would displace almost 1,05,000 population most of whom are tribal people. The rehabilitation and resettlement package offered by the government is also not acceptable to the people of the area. Besides many of them do not possess proper ownership documents and therefore will not get any compensation. Hence, the people have started their movement under the banner called "Pagladiya Bandh Prakalpar Ksatigrastha Alekar Sangram Samiti" against the implementation of the project. The Central government as well as the Brahmaputra Board, which is the implementing agency of the project, is making all efforts to construct the dam there. But till now the resistance of the people have been quite successful and the authority has failed to do even the ground survey because of the massive resistance of the people.

For the construction of the fourth bridge over the mighty Brahmaputra 'the Bogibeel Bridge', already more than 2000 bighas of land have been occupied. According to an estimate, almost 500 families having ownership documents of these lands are not compensated yet. It is to be mentioned that the land has been taken for keeping stones and other materials required for the construction of the bridge.

The 2000 MW Lower Subansiri project to be constructed on the border areas of Assam and Arunachal is already facing lot of opposition from the people as well as from the governments of both the sectors. The project was planned by National Hydro Electric Power Corporation (NHPC), a government run public sector unit and it is very keen to construct the dam as it has obtained environmental clearance for the projects. The proposed height of the dam is 116 meters and it will submerge 3436 hectares of land. At the same time more than 1 Lakh tribals of Arunachal Pradesh will be adversely affected by the dam, out of which about 15000 faces the threat of physical displacement. Besides it will affect the rich bio diversity of the region as 42 hectares of land belonging to Tulley Valley reserve forest will also be submerged, where many rare animal species can be found. The NHPC has already constructed their office on an elephant corridor. As a result of this the elephants have started attacking and destroying the neighbouring villages. The indigenous people of Arunachal are also worried over the threats posed by these projects to their habitats and unique cultural heritage. They further fear that the project would also lead to influx of outsiders creating social problems. Again, the project is going to submerge a vast tract of cultivable land in Arunachal Pradesh impoverishing a large number of indigenous people, while people of other states will get the benefit. However in a significant development, the Ministry of Power has decided to drop plans for the construction of Upper Subansiri dam in Arunachal Pradesh following directions by the Ministry of Environment and Forest on the basis of Indian Board of Wildlife.

The Dumbur Dam of the Gumti Hydel Project in South Tripura district, aims at generating 8.60 MW of power, has displaced a total of 5845 tribal families – between 35,000 to 40,000 people in all. The Gumti Hydel project has mainly displaced the people belonging to Reang community. Although a rehabilitation scheme was taken up for the

permanent rehabilitation of the affected families and payment of compensation in terms of acquisition of their land was also undertaken by the state government but it is experienced that most of the affected population dispersed in different localities of Tripura States and they are not in a position to respond during the course of rehabilitation activities. Another point to be mentioned here is that the affected Reang communities are mostly jhumias and they are having no land records even of their homestead land. Therefore it is virtually impossible for them to get resettlement without land document.

Likewise, Tipaimukh Multi purpose project is also going to displace over 15000 people. It would mainly affect two tribal communities- Zeliangrong Nagas and the Hmar. It is to be mentioned here that the tribal people have very close relationship with the nature. Moreover, they are attached to the mother earth and have a very well knit web of community life. The construction of such projects disturbs their community life and breaks their relationship with the nature. Besides, in the North East such displacement due to development creates the problem of space further creating ethnic conflicts among them.

Tuli paper Mill of Nagaland has also displaced hundreds of tribal families and affected the rich bio diversity and environment. The Loktak Hydel project in Manipur displaced around 20,000 people as their villages went under water. In Arunachal Pradesh more than 20,000 would be displaced by the Siang project.

It is difficult to estimate the number of IDPs caused by environmental degradation, i.e. flood, riverbank erosion, and landslide etc. However, some reasonable conclusions can be drawn about the enormity of the problem. As a result of continuous environmental degradation; flood and river-bank erosion in the plains, and landslide in the hills have become endemic. This has caused innumerable deaths, destruction and population displacement. The intensity of flood, river-bank erosion and landslide has increased substantially over the years in terms of area and victims. It would be pertinent to point out that the plight of the river-bank erosion induced IDPs are much more severe than that of the victims of flood. The victims of flood at least can go back to their original land once the flood water recedes. However, the river-bank erosion induced ID peasants can not go back to their land. Because, their land has become a part of river's new/extended bed. It is not only the mighty river Brahmaputra but also the innumerable small and medium sized rivers are also causing havoc in the plains of Assam, i.e. the Brahmaputra Valley and the Barak Valley.

The flood of 2004 alone affected more than ten million people in Assam valley. Excepting two hill districts, all the districts of the plains of Assam experienced devastating flood and riverbank erosion. In an unprecedented flash flood in October of 2004, nearly one thousand people died in Goalpara district of Assam. The government provided some relief to some of these flood-affected people, which was far from adequate. Besides flood, erosion has also created problem for the people of Assam. According an official report, the river Brahmaputra eroded 4, 29, 657 hectares of prime agricultural land. Roughly, 7% of the land in the plains has been eroded between 1951-2000. This has definitely displaced at least 3 million peasants. Today they constitute the most pauperised community in Assam's plains. In the absence of proper resettlement and rehabilitation policy, most of them have experienced multiple displacements.

The United Nations Guiding Principles on internally displaced Persons has given a framework for taking care and providing adequate protection of the displaced. These 30 principles cover all three phases of internal displacement – the pre-displacement, situation during displacement and the post displacement i.e. the return and resettlement of the displacees. However, it is very unfortunate that these principles are not

implemented in India in general and Assam in particular. It seems the state too totally oblivious to the UN guiding principles on IDPs.

Principle 1 says that IDPs shall enjoy in full equality the same rights and freedoms under international and domestic law. But the IDPs living in the camps as well as outside the camps in the North East never enjoy the freedom as enjoyed by other citizens.

Principle 2 states that these principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. So, all the non-state actors and different groups are under obligation to follow/ obey it. However, these are not observed, rather violated very often, in the North East India by different groups.

Principle 4 is very vital particularly to this region because it states that the IDPs should not face discrimination. It should be mentioned here that the displaced who mainly belong to the minority or backward groups often have to face discrimination in various respects in this part of the country.

Principles 6 & 7 have been grossly violated in the Northeast India time and again. This principle states that every human being have the right to be protected against being arbitrarily displaced from his/her home or place of habitual residence. Principle 7 states that it prohibits displacement unless the safety and security of the people to be displaced are ensured by the authority. Implementations of these principles will safeguard the people from development-induced displacement.

Observance of Principles 8 & 9 by the authority in the North East India would have led to the betterment of the condition of the displaced people. Principle 8 states that displacement shall not be carried out in a manner that violates the right to life, dignity, liberty and security of those affected, while principle 9 states that states are under obligation to protect against displacement of indigenous people, minorities, peasants etc., with a special dependency on and attachment to their lands. Contrary to this, in the North East India, most of the time, it is found that the displaced belong to the indigenous, minorities and peasant groups.

Again, principle 11 states that IDPs should be protected against rape, torture and other gender specific violence; slavery of any form and sexual exploitation. But the IDPs living in the camps are very often become the victims of these types of exploitation.

Principle 14 of the UN Guiding Principles mentions about the right of the IDPs to move freely and to choose his or her own residence. But it is difficult for the IDPs of the North East to enjoy these rights in and out of the camp. Besides, it is nearly impossible for them to choose their own place of residence.

Principle 17 emphasizes on the integrity of the family of the displaced and reunion of the members of the family. This is of great significance to the IDPs of the North East where a large number of people are displaced by conflicts and in case of such displacement there is every likelihood of disintegration of the family.

Principles 18-22 of the UN Guiding principle specifically deal with the basic needs of the IDPs, medical care and protection of the property. But the IDPs staying in the camps hardly receive all these facilities. Moreover, it is very difficult for them to get back their property.

Principle 23 speaks about right to education and states that special efforts should be made to ensure full and equal participation of women and girls in educational programmes. But the inmates of camps as well as those living outside hardly enjoy the right to education.

Principle 25 makes the national authority responsible for giving humanitarian assistance to the IDPs. Therefore, it has great significance as the displaced do not have to depend on the provincial authority for getting the assistance.

Principles 28, 29 and 30 specifically deal with the return, resettlement and reintegration of the displaced persons. It allows the internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence or to other place. It also speaks about the full participation of the internally displaced persons in the planning and management of their own resettlement and rehabilitation.

Thus, the Guiding Principles emphasize on the individual's right to be protected against arbitrary displacement and providing basic facilities to the displaced. Besides it also speaks about minimizing the adverse affects of displacement. Implementation of these principles is the need of the hour to improve the conditions of the displaced, particularly in the North East.

Here it should be noted that in Assam, there is every likelihood that one person may face different types of displacement during his lifetime. e.g. a person displaced by flood or riverbank erosion may cross the boundary experience conflict-induced displacement in his/her new place of residence. Thus, displacement becomes a serialized and multiple experiences. All these have made it very difficult to correctly estimate the number of IDPs in the North East. Usually, it is estimated by simple head counting. However, such method excludes the population who choose to migrate to the urban centres of the state in search of livelihood.

Discussion

On the next two days, the workshop had seven separate sessions (parallel sessions) to discuss different dimensions of the IDP situation in India's Northeast. On 25 August, the participants were divided into four different groups at the very outset. While three different groups discussed the IDP situation in the Bodo Territorial Council and lower Assam, IDP situation in Karbi Anglong, and the IDP situation caused by dams, the fourth one dealt with the IDP situation perceived by the NPMHR in the Naga-inhabited areas of India's Northeast.

Monirul Hussain moderated the discussion in the group deliberating on the IDP situation in the Bodo Territorial Council and lower Assam. Madhuresh Kumar and Subhash Barman initiated the discussion. The participants in the group discussed how the instances of conflict-induced displacement have matters of crucial concern in the Bodo Territorial Council and Lower Assam. It was pointed out how the tensions between the Bodos, on the one hand, and the Santhals and other non-Bodo communities, on the other, have displaced hundreds and thousands of people. More than 1,00,000 people are still sheltered in the makeshift camps in three districts of western Assam, namely, Kokrajhar, Bongaigaon and Dhubri. In short, the displacement in these areas has happened due to an ethnic community claiming 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. But, whereas the displaced Santhals are ready to return, the displaced Muslims are not at all confident of returning to their land. Their situation is worst due to their minority status and growing communalisation of politics in the region. As cross-border migration from Bangladesh has always been an important issue in the region, no political party has ever been able to help them out. It was felt that, without necessary steps being taken with regard to these IDPs, more cases of human rights violation would be taking place.

Sabyasachi Basu Ray Chaudhury moderated the discussion on the IDP situation in Karbi Anglong. In this session, Holiram Terang and Mousumi Choudhury initiated the discussion. The participants pointed out that, the fighting between the Karbi and Dimasa tribal insurgent groups has displaced about 50,000 people in the hill district of Karbi Anglong. Out of them, about forty per cent are listed as minors by the government itself. The discussants mentioned that, the Karbi Anglong and North Cachar Hills districts have

been the main scenes of ethnic violence over the past few years. As a consequence, thousands of civilians were displaced due to clashes between various ethnic groups and attacks against their villages. Apart from the Karbi-Dimasa conflict, fighting erupted between the Dimasa and Hmar tribes over land and governance in the North Cachar Hills and displaced up to 5,000 people. It was felt that, dialogues between the representatives of the Karbi and Dimasa communities could only lead to the long-term solution of the IDP problem in this region. Therefore, more initiatives for dialogues among the moderates in both the communities should be encouraged at all levels.

Sibaji Pratim Basu moderated the discussion on the parallel session on the IDPs in the Naga-inhabited areas of India's Northeast. The representatives of the NPMHR initiated the discussion in this session. The participants talked about the IDP situations mainly in Nagaland and Manipur. The NPMHR representatives raised some of the very crucial issues of displacement of the Naga people caused by the government and administrative policies and state-directed processes of development. It was pointed out that the Naga people are facing acute problem concerning the transformation of their land into camps and garrisons of security forces. It was felt that the ways states and administrative units have been reorganised in the region have created deep problems. Population pressure caused by migration as only various development projects has also been the cause for large-scale people's eviction from land. All these led to severe cultural and economic problems for the displaced persons within or outside the boundaries of Nagaland. The participants felt that the Government of India must seriously and sincerely express political will to resolve these issues. At the same time, the participants were appreciative of the complexities involved in the process. But it was also felt that there is no other way than to reactivating civil society initiatives to develop the spirit of understanding, tolerance and accommodation, and organise 'people-to-people dialogues'. Ecological balance must be maintained in the earthquake-prone Doyang dam area. Proper rehabilitation must be given to the evicted farmers and special schools should be set up for their children to check the number of 'school dropouts', a phenomenon that generally leads to 'drug abuse'; among them.

The fourth parallel session of the day dealt with the IDP situation caused by dams. Subhram Rajkhowa moderated this session and Walter Fernandes initiated the discussion. It was pointed out that there is a serious difficulty in getting the actual figure of the persons displaced due to the construction of dams in India's Northeast. The laws on land acquisition usually recognise individual ownership of land and it hardly recognises the collective ownership system common among different indigenous groups in India. Therefore, at the time of acquisition of land, the indigenous people very often remain outside the statistical domain and they do not receive benefits offered by the government for the IDPs caused by the dams. Under the circumstances, Fernandes argued that, there is a need for adoption of a detailed policy mechanism to address this issue. Sabuj Mukhopadhyay was entirely against the construction of dams as it causes large-scale displacement of people and ecological disasters in most cases. Phamhring Sengul spoke about Mapithel and Tipaimukh dams and he suggested that, the experts need to study the implications of these dams more intensively. Following a detailed discussion, the group came out with a few suggestions:

- i) There is a need to make a cost-benefit analysis of the construction of dams from different perspectives – social, ecological, legal, economic, technical and cultural.
- ii) Article 371 should be extended to include all tribal community law along with the question of gender equity and avoiding the dangers of ethnic conflict.

- iii) The group also suggested that, the creation of a database on the community ownership in India's Northeast is needed urgently.
- iv) The group also gave a thrust to the creation of network of resistance movements against the construction of dams.

On 26 August, the participants again divided themselves into three different groups to discuss the problem of statelessness, the IDP situation in North Manipur Hills, and the appropriateness of the UN Guiding Principles in India's Northeast.

Subhram Rajkhowa initiated the discussion on the problem of statelessness in India's Northeast. Akum Longchari also contributed to the discussion significantly. The problems faced by the Chakmas in Arunachal Pradesh were discussed at length among other relevant issues. Walter Fernandes chaired the session.

The discussion on the IDP situation in North Manipur Hills was moderated by Monirul Hussain. Gina Shangkhram, K.T. Sounai, Inaotomba Thongbam and Sunita Akoijam initiated the discussion. As North Manipur Hills region is marked by conflict among different ethnic communities sharing the same territorial space. It was felt that, more cross-community dialogue is required to avoid situations of further conflict-induced displacement.

Finally, the discussion in the session on the appropriateness of the UN Guiding Principles in India's Northeast was initiated by Madhuresh Kumar and Vinai Kumar Singh. Both of them argued that despite certain difficulties, there is scope for selective application of the UN Guiding Principles on Internal Displacement in India's Northeast. However, it was felt that there is a need for more extensive dissemination of these Principles and dialogues on them. The sensitisation of these Principles would be a necessary precondition for their successful application, it was pointed out. Holiram Terang moderated the discussion in this session.

Appropriateness Of Un Guiding Principles In India's Northeast

The formation of UN Guiding Principles on Internally Displaced Persons is one of the outcomes of the evolution of the ideal of law of humanitarian assistance, which has been present in international relations and its normative system for a long time. This ideal is embodied in a range of international instruments, which pertain to international human rights law, international humanitarian laws and international refugee laws. These include the Universal Declaration of Human Rights 1948, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, 1966 Convention for the Elimination of Racial Discrimination, four Geneva Convention of 1949 and the two Additional Protocols of 1977, and the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Over the years, the increased efforts of creation of institutional measures to respond to situation of internal displacement viz., Emergency Relief Coordinator (ERC) in 1991, Inter-Agency Standing Committee (IASC) in 1992, the Executive Committee on Humanitarian Affairs (ECHA) in 1997 were culminated into establishment of Office for the Coordination of Humanitarian Affairs (OCHA). This trend was consolidated by the adoption of UN Guiding Principles on IDPs. Since then there are intensive debates to understand the value of these laws and provisions of humanitarian assistance *vis-a-vis* principle of sovereignty and non-intervention. In other words, does the provision of humanitarian assistance violate the principles of sovereignty and non-intervention? This important and interesting debate, which has many ramifications, has generated substantial literature.

This study would like to recall the Rosalyn Higgins expectation that question relating to property in international law need to be looked as a coherent whole. Question of permanent sovereignty over natural resources, restitution, compensation, human

rights are all intertwined. She also observed that if we isolate them we exclude relevant factors from our consideration. These observations reflect the division of opinion among academicians and at international forums on property issues in international law and represent an attempt to mark comprehensive approach to the contemporary international law of property.

In India, at present, there are two perspectives to look at statutory land acquisition legislation; one is legal perspective i.e., irrational land-use laws due to dysfunctional policies on land acquisition and also affecting environment. The other is to look in a cultural perspective as a part of a broader social movement. The legislations at the centre of the debate are the Land Acquisition Act, 1894 and Indian Forest Act, 1927, which are considered of colonial vintage. After independence, Forty fourth Constitutional Amendment Act, 1978 abolished the right to property as a fundamental right and has incorporated it merely as a constitutional right which will be regulated by ordinary law. Consequently, Article 19(1)(f) and 31 have been deleted and the new Chapter IV, namely, Right to Property (Article 300-A) has been inserted in the Indian Constitution. Article 300-A provides that “no person shall be deprived of his property save by authority of law”. This Article gives the government an inherent right to acquire property. This power is known as ‘*Eminent Domain*’. However, new Article imposes only one limitation on the power of *Eminent Domain* i.e., authority of law. In view of the decision of the Supreme Court in *Maneka Gandhi’s Case* and a series of cases following that case, the validity of law depriving a citizen of his property can be challenged on the ground that it does not provide for payment of compensation and is not for ‘public purpose’.

The Land Acquisition Act, 1894 is founded on the principle of ‘*Eminent Domain*’ of the State. The Act empowered the Collector of the district or any government officer specially appointed to perform these functions to exercise independent quasi-judicial power. It requires a public notification under Section 4 to inform people about the State’s intention to acquire land for what it claims to be a “public purpose”. There is an increasing consensus as regards uncertainty in the law of public purpose. What constitutes ‘public purpose’ is deliberately left open in the law, and the power to determine its definition rests essentially with the state. It is significant that subsequent amendments to the LAA in 1984, and the new draft of the Land Acquisition (Amendment) Bill, 2000, currently under consideration by the Government of India, do not undermine either the eminent domain of the State or the unassailable power of the State to determine what constitutes in any specific instance a ‘public purpose’. It is pertinent to note that the power of eminent domain invariably conflicts with Constitutional imperatives contained in Part XVI of the Constitution of India, designed to protect Scheduled Tribes. It is also noted that in general, courts in India have endorsed the doctrine of eminent domain. There is suggestion that for commercial and profit-making activities, consensual displacement based on free negotiation with those in occupation and dependent for their livelihoods on the land in question, should become the rule. However, it is also noted that such negotiation between economically powerful corporations and relatively powerless and unorganised small land-owners allowing the free play of market also has obvious related dangers. Moreover those without legal rights on land would not be involved in the negotiations at all. Therefore, although compulsory acquisition may be debarred in such cases, state regulation to ensure the equity of the negotiations would continue.

The next issue in the debate is the nature and extent of state responsibility for the rehabilitation of the displaced. State authorities in India have been reluctant to admit responsibility beyond the payment of compensation as determined by law. Nevertheless, the state has been armed with draconian powers of compulsory land acquisition. Recently, Ministry of Rural Development issued a National Policy on Resettlement and

Rehabilitation for Project Affected Families, 2003. In fact, state dealt the rehabilitation in an ad hoc manner. The states in India have continued to resist the laying down of the nature of their precise responsibilities for rehabilitation in the form of even a comprehensive policy statement. Most state governments either do not have comprehensive rehabilitation policies or legislations, or where these do exist in whatever form, the government themselves are observed to have directly or tacitly blocked their implementation. The state governments of Madhya Pradesh, Maharashtra and Karnataka for instance, have passed laudable laws that provide for rehabilitation of oustees for acquisition of land in the command area of big dams, but these are only enabling provisions and the state governments have chosen not to exercise these powers for any project. Recently, a draft Land Acquisition, Rehabilitation and Resettlement Bill, 2000 prepared after a series of consultations with people's movements, academics and NGO's is a step in this direction. It proposes that 'public purpose' should include such purposes by which the Government intends to bring into effect the Directive Principles of State Policy of the Constitution of India. Further, the draft proposes that land acquired for individuals or companies producing or offering goods or services for profit shall not be considered a public purpose. It is silent about the need for the state to regulate such negotiations to ensure equity. Therefore, the purpose of the suggested amendment is that when acquisition is sought to be resorted to by state, the burden of proof must be on the state to prove that it is for a purpose related to social equity. However, concern has been shown about the weakness of the policy such as the neglect of pragmatic aspects of implementation, and the omission of compensation for common pool resources (CPR), sharecroppers and migrant agricultural labourers.

There is scope to develop new institutional mechanisms to ensure continued gain for the original land holders from the economic cycle set off by the new development on their erstwhile property. One method that has been suggested is to vest the ownership of the land being developed in a new company on lease. Give the original landholders proportionate stakes in the land-owned company. Other method is to allot the oustees shares in the enterprise coming up on their land.

The number of people known to be internally displaced by conflict in India exceeds 600,000. Insurgency and retaliatory operations by security forces have been found a major factor of displacement. Civilians have fled fighting and have sometimes been directly targeted by militant groups in Kashmir, the North East and in several states of central India. Irony is that India has no national IDP policy targeting conflict-induced IDPs, and the responsibility for IDP assistance and protection is frequently delegated to the State Governments. Although the Indian Governments provides support to conflict-affected populations, such assistance is mostly ad hoc and does not properly correspond to the needs of the displaced. State Governments have been assigned the main responsibility to assist and rehabilitate the displaced, and results have been that the practices vary significantly from State to State. The New Delhi based Asian Centre for Human Rights (ACHR) has on several occasions appealed to National Human Rights Commission to address the situation of the internally displaced in the North East. Sometimes international NGO's have assisted IDPs in Assam and, occasionally, in Kashmir, Medicines Sans Frontiers works with Santhal displaced in Assam and started programmes in the Karbi Anglong area when violence erupted there in October 2005. However, there is growing recognition to the fact that access to affected populations in the conflict zones frequently has been denied.

Even international community has largely failed to address issues of internal displacement in India. In the case of Gujarat, Amnesty International accused the UN and

other international aid agencies of failing to put sufficient pressure on the state to provide relief to thousands of internally displaced victims, many of them women and children.

It is worth mentioning that the lack of credible information on numbers and subsistence needs of the displaced in India leaves thousands of people unassisted and unaccounted for. There is thus urgent need for national authorities to conduct surveys in conflict surveys in conflict-affected areas to documents the number of internally displaced and their specific needs. A more coherent response to situations where people flee conflicts would also include the creation of national institutional focal point on internal displacement and a national legal framework upholding the rights of internally displaced. In brief, there is increasing demand to draft a national policy on internally displaced person targeting conflict-induced IDPs.

With regard to humanitarian assistance to internally displaced person caused by natural disaster, there are a number of authoritative international “soft law” instruments calling upon all states to take special measures to expedite the entry of relief personnel and materials in cases of disaster. These include General Assembly Resolutions 46/182 of 1991 and 57/150 of 2002, the “Measures to Expedite International Relief,” adopted by both the International Conference of the Red Cross and Red Crescent (“International Conference”) and the United Nations’ Economic and Social Committee in 1977, the International Conference Declaration of Principles for International Humanitarian Relief to the Civilian Population in Disaster Situations of 1969, and the Recommendations of the Customs Co-ordination Council (predecessor to the World Customs Organization) to Expedite the Forwarding of Relief Consignments of 1970. The latter instrument also makes a specific call on receiving states to waive any otherwise-applicable duties or taxes on relief goods.

Only a few “hard” international instruments addressing these questions were applicable to the states discussed in this note. On 18 January 1977, the India has become a party to the 1973 Kyoto Convention on the Simplification and Harmonization of Customs Procedures which mainly codified the Customs Co-ordination Council recommendations mentioned above. Likewise, India is a party to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations of 1998, which entered into force in January 2005, in the thick of the tsunami response operation.

In the wake of the tsunami, momentum has built for the development of new instruments to address displaced person caused from natural disaster. In January 2005, an international conference on disaster reduction adopted the Hyogo Framework for Action focused on disaster risk reduction and preparedness, including through anticipatory national legislation. In July 2005, the member states of ASEAN adopted the Agreement on Disaster Management and Emergency Response – a far-reaching treaty addressing cooperation between states and with other disaster-relief actors. Although many of the provisions of the latter instrument are of a general nature and require specific implementation measures by each state, the Agreement provides for special exemptions from taxation, duties and other charges for relief providers importing equipment such as vehicles, telecommunications and other materials and equipment, by both recipient and transit states. It also directs the states parties to facilitate the entry, stay and departure of personnel, goods and equipment and encourages cooperation with international and non-government organisations and civil society. Some governments have also been moved to initiate or accelerate the process of the development of national legislation to deal with disaster situations. Indonesia has recently proposed a new Disaster Management Bill to its parliament, and the governments of Sri Lanka and India recently adopted new disaster bills. However, while the Indonesian and Indian bills refer to the possibility of receiving international

assistance, neither they nor the new Sri Lankan law contain specifics of when and how this should occur. The United States Congress is also currently considering a bill to provide certain immunities from liability to “disaster relief volunteers” both domestic and foreign as well as to governmental and intergovernmental organizations that use their services; however, in light of the volume of Hurricane Katrina-inspired legislative proposals, it is unclear if it will be adopted.

In brief, UN Guiding Principles emerge in large part as a response to the call by IDPs actors in which effective assistance and relief would reduce the perceived hardship caused to them. The Guiding Principles give legal expression to the standards and procedures applicable in humanitarian assistance, which have been developed over the years. Moreover, the Guiding Principles do allow an assessment of whether state policy to end IDP status infringes key principles of protection, such as non-discrimination, safety and freedom of choice.

At the end of these group discussions, all participants reassembled in the plenary session. Samir Kumar Das chaired the session. In the beginning of this session, the reports from all the seven groups were presented by the rapporteurs of each session. The final report based on these group reports was discussed and adopted after minor modifications. These were then discussed and the final report was adopted by the plenary. Then all the participants signed a statement at the end of the session.

Statement

“This dialogue welcomes this initiative taken by the MCRG in collaboration with the NPMHR. It expresses deep concern at the plight of the IDPs in India’s Northeast induced by such factors as conflicts, development and environmental degradation and government policies relating to land, development and economy etc. It has also felt that the problem should be seen in a larger perspective and that the Government of India must seriously and sincerely express their will to resolve it. It was also felt that there is no other way than to reactivate civil society initiatives to develop the spirit of understanding, tolerance and accommodation between peoples and organise people-to-people dialogues. The participants of the dialogue urge on the state and non-state actors to recognise due importance of the civil society groups and initiatives. It also calls upon the government to formulate a new peoples-oriented, rights-based resettlement and rehabilitation law and policy in order to address the humanitarian crisis generated by displacement.”

Signatories

1. Samir Kumar Das, MCRG
2. Mousumi Choudhury, Diphu Government College, Karbi Anglong
3. Jonathan Ingty, Karbi Students’ Association
4. Abraham Lotha
5. Krishna Bandyopadhyay, MCRG
6. N. Vemut, NPMHR
7. G. Shangkhram, NPMHR
8. K.T. Sounai, NWUM
9. Phamhring Sengul, NPMHR
10. Akum Longchari

11. Subhash Barman
12. Inaotomba Thongbam, Imphal Free Press
13. I. Imchen, Naga Students' Federation
14. Barnalee Choudhury, Department of Political Science, Gauhati University
15. Shaiuz Zaman Ahmed, The Dolphin Trust
16. Zoheb Ahmed, Panos, South Asia
17. Walter Fernandes, NESRC
18. Sabuj Mukhopadhyay
19. Subhram Rajkhowa, Department of Law, Gauhati University
20. Vinai Kumar Singh, ISIL, New Delhi
21. Holiram Terang, Autonomous State Development Council
22. Uttam Bathari
23. Sibaji Pratim Basu, MCRG
24. Monirul Hussain, Gauhati University
25. Akoijam Sunita, Imphal Free Press
26. Madhuresh Kumar, CACIM
27. Sabyasachi Basu Ray Chaudhury, MCRG