

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) to the Committee on Economic, Social and Cultural Rights: 40th Session

**Economic, Social and Cultural Rights of Internally Displaced Persons (IDPs) in India
April 2008**

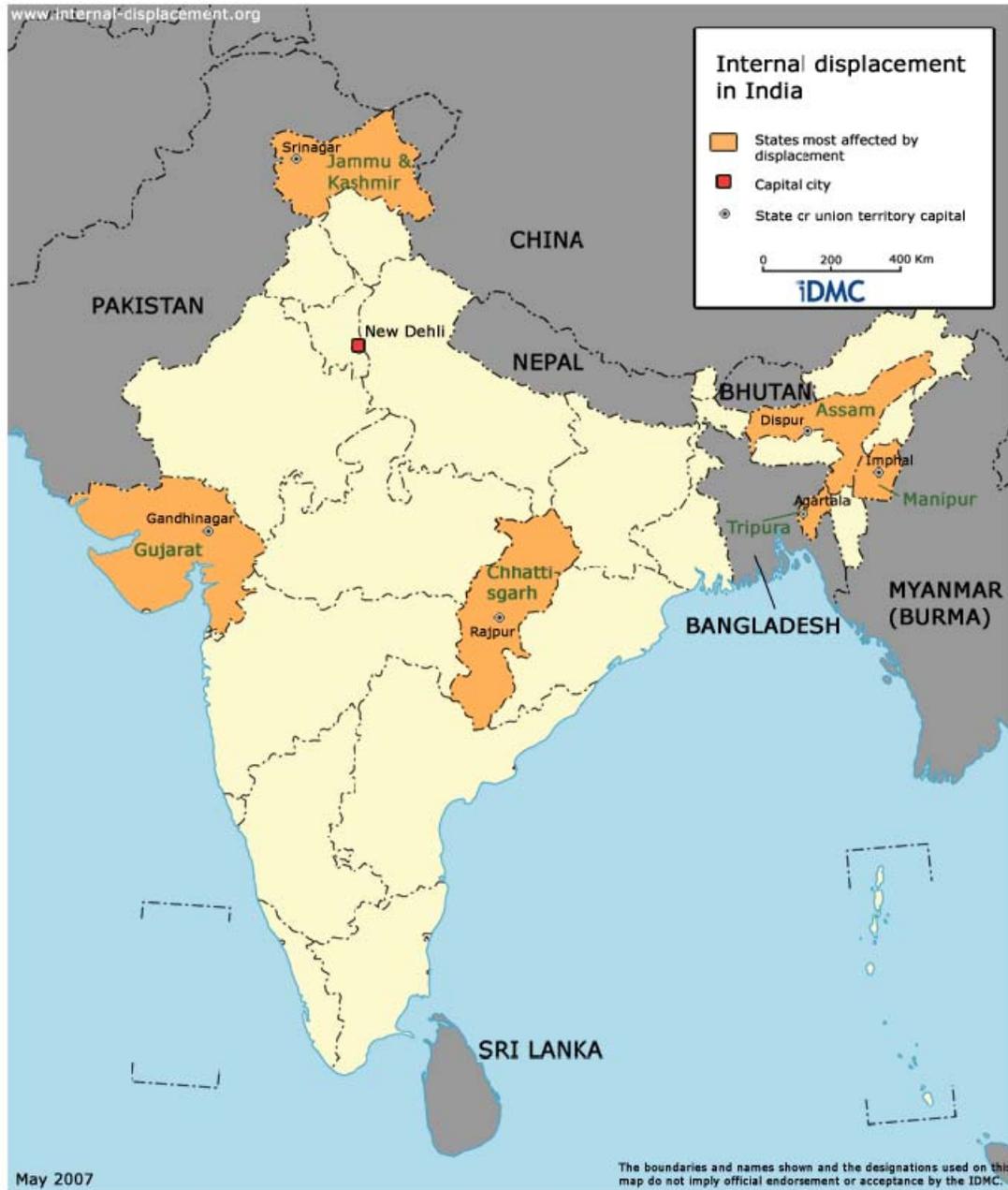
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India: Large numbers of IDPs are unassisted and in need of protection, IDMC, 3 May 2007

Map of India



More maps are available on <http://www.internal-displacement.org/>

I. Introduction and general questions

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council (NRC), monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

In anticipation of the consideration by the Committee on Economic, Social and Cultural Rights in its 40th session in April-May 2008 of the second-fifth periodic report of India (E/C.12/IND/5), the IDMC would like to provide the Committee Members with additional information relating to the living conditions of conflict-induced IDPs in India and their access to essential services.

Since 1990 when the initial report of India was considered by the Committee, conflicts and violence in the country have resulted in internal displacement of several hundreds of thousands of people. Internal displacement, in turn, has had a marked negative impact on their enjoyment of fundamental human rights, including those enshrined in the International Covenant on Economic, Social and Cultural Rights.

In addition to drawing the Committee's attention to the specific subjects of concern referred to below, the IDMC wishes to ask the Committee to seek clarification from the Government of India on the following general questions:

- What has the Government done to prevent arbitrary displacement of civilian populations in the context of conflicts and violence?
- In cases when displacement of people has been necessary for security or imperative military reasons, what measures have been undertaken to minimise its adverse effects in the area of food security, health care, shelter?
- What kind of measures has the Government taken to provide assistance and protection to internally displaced persons in the area of basic necessities of life such as food, water, shelter and emergency health care?
- Why is the Government's National Rehabilitation Policy for Project Affected Families only relevant for those displaced due to development projects, and what measures have been taken to ensure equal access to services and livelihoods for people internally displaced by conflicts and violence, as well as returnees?
- Why is the Government of India involved only in aiding Kashmiri Pandits while assistance to other IDP groups is being left to the state governments?
- What oversight mechanisms does the Government of India have in place to ensure that state governments, who sometimes have been responsible for actions that have caused internal displacement, are meeting the needs of the displaced?

II. Internal displacement due to conflict and violence in India

At least 600,000 people are displaced in India for reasons related to conflict and localised 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.

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

III. Internal displacement due to conflict and violence, by region or group

i) Jammu and Kashmir

India's largest situation of internal displacement stems from conflict in Jammu and Kashmir between the Indian army and militants seeking independence or accession to Pakistan. The insurgency in Indian-administered Kashmir has led since 1989 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 (LOC) separating Indian and Pakistani-controlled Kashmir have led to several waves of displacement from nearby villages, and thousands of people remained displaced in 2007.

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 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 Bengali or Bru people. 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. 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.

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. Information available in 2007 indicated that more than 5,000 families remained displaced in camps in Ahmedabad and Sabarkantha districts of Gujarat. Many more displaced families remained 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 due to episodes of caste violence. The number of Dalit IDPs is unknown. The perpetrators of abuses against Dalits, including arbitrary displacement, often enjoy full impunity and little is done to help the displaced Dalits return home or to prosecute those responsible for the attacks.

IV. Main subjects of concern

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.

Article 2.2 - non-discrimination

While the enjoyment of economic, social and cultural rights by people internally displaced in India by reasons related to conflict and violence is generally restricted, the different levels of assistance and protection afforded by competent authorities to various IDP groups often leads to further denial of these rights. Kashmiri Pandit IDPs generally receive significantly greater assistance than other displaced people.

Article 11.1 - the right to adequate standard of living – housing

IDPs in India often live in squalid conditions with few basic amenities. At best, they live with relatives or in government buildings. In Jammu, where there is a significant population of displaced Pandits, these IDPs have been provided with one-room tenement accommodation and free water, electricity and sanitation services.²

In contrast, conditions for IDPs in camps in Assam are very poor. In early 2007, camps in Karbi Anglong district were extremely overcrowded, and most IDPs had to sleep in the open.³ One former school in Karbi Anglong's capital was hosting 2,000 displaced people in very limited space. In the Kokrajhar and Bongaigaon districts of Assam, IDPs housed in 78 camps were living in rows of temporary sheds of polythene and aluminum sheets and sleeping on makeshift bamboo beds. No sanitation services were provided near the camps.

In Gujarat state, as of 2005, conditions in IDP camps were inadequate with reported problems with water, sanitation and shelter which led to disease outbreaks. Meanwhile the state government was threatening closure of many camps and forcing people back to their villages and neighbourhoods where there were risks to their safety. By 2007, more than 5,000 IDP families were living in camps in Ahmedabad and Sabarkantha districts in rooms of nine square metres, with most houses having bare minimum bedding and utensils. The state government had failed to construct new houses for the IDPs or allocate land to them and had returned to the central government the funds that had been earmarked for assistance to the displaced.⁴

As of June 2006, IDPs in Chhattisgarh state were living in makeshift camps, most roofed with leaves and open from all sides, with only a few having tarpaulin roofing. During the rainy season, water poured in from all sides, making the shelters virtually uninhabitable.⁵

Article 11.1 & 2 - 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. Once again Kashmiri Pandit IDPs receive the best treatment with cash relief per month and some basic dry rations. In Assam, it was reported in January 2007 that IDPs in camps in Karbi Anglong district were receiving very basic provisions such as lentils and rice, but no cash relief to enable them to buy vegetables or even firewood to cook the food. The state government was providing a limited number of utensils so that in some cases, four IDPs had to share one plate. There was also no baby food for the

² Ministry of Home Affairs, Government of India, 2005, *Annual Report 2004-2005*, p.27-28

³ Asian Centre for Human Rights, 2 January 2007, *India Human Rights Report 2006*, p.30-31.

⁴ Akash Bisht, 16 January 2007, *Second Class Citizens of Gujarat*.

⁵ Asian Center for Human Rights, 17 March 2006, *The Adivasis of Chhattisgarh: Victims of the Naxalite Movement and the Salwa Judum Campaign*, p. 39.

many children in the camps.⁶ In Assam's camps for Santhal IDPs, it was reported in December 2004 that the displaced were receiving only rice for ten days each month, 600 grammes for each adult and 400 grammes for each child. But even this food aid was arriving sporadically, and many IDPs had to go in search of wild roots and herbs.⁷ Venturing out of the IDP camps to collect firewood or vegetables was dangerous, particularly for women.

Also in 2004, it was reported from relief camps in Tripura that four children of displaced tribal families, all below six years of age, had died of enteric diseases after consuming wild plants to stave off hunger. The local government had stopped providing relief assistance to the IDPs due to shortage of funds.

In camps in Gujarat state, the government had reduced rations to IDPs, so as to make it impossible for camp administrators to provide food and keep the camps open. By early 2007, most of the 5,000 displaced families in camps in Ahmedabad and Sabarkantha districts were without ration cards. Even the families that had been provided with cards by the government had cards identifying them as being above the poverty line rather than below, which meant they had to buy cereals at higher prices.⁸

It was reported in September 2006, that IDPs living in camps in Chhattisgarh state had lost their entire livestock, grain stocks and forest produce. The IDPs has scarcely any employment or income generating opportunities and were dependent on occasional labour in the surrounding villages for as little as Rs. 20 per day (0.50 US\$). From these uncertain earnings the IDPs could only purchase less than 5 kilogrammes of rice per week for the entire family, and many children were only receiving one meal a day.⁹

Article 11 and 12 - 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-eastern states, there has been a lack of clean drinking water, with poor sanitation presenting significant problems. Many camp residents have to travel miles in search of drinking water or collect it from dirty ponds. Although the state government has provided tube wells in some camps, most have stopped working, while others are in unhygienic conditions.¹⁰

Article 12 - 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.

After years of facing displacement, Kashmiri Pandits are experiencing multiple signs of deteriorating health and premature ageing as well as physical and mental stress. Overcrowding has caused a large number of pneumonia and tuberculosis cases, while mental health disorders are epidemic.¹¹ The Pandits, however, have much better access to health facilities than other IDP groups in India, as a number of dispensaries have been set up to provide them with medical care.

In the north-east, health facilities for IDPs are almost non-existent. Lack of clean drinking water and poor living conditions have led to the outbreak of diseases such as malaria, jaundice, dysentery and influenza.

⁶ Asian Centre for Human Rights, 2 January 2007, p.30-31.

⁷ Sumona Das, December 2004, *IDPs in Assam in Refugee Watch- Publication from South Asia Forum for Human Rights and Calcutta Research Group*

⁸ Bisht

⁹ All India Women, September 2006, *Statement from all India Women's team to Dantewada - Preliminary statement and press release.*

¹⁰ Sumona Das

¹¹ Daily Excelsior, 8 September 2003, *Kashmiri Pandits Facing Extinction.*

The few government dispensaries that exist lack even basic medicines such as pain killers and cough syrup. In the camps in Karbi Anglong district of Assam, there were by January 2007 no preventative measures in place to stop the spread of malaria among IDPs. The 200 pregnant women in the camps had no access to medical facilities and babies were delivered inside the camps.¹² Cases of miscarriages and infant deaths have been reported in the IDP camps in Assam.

In IDP camps in Gujarat, many women and young girls exhibited signs of severe mental health disorders, yet there has been no medical help made available to them.¹³

Most children in the IDP camps of Baangapal and Dornapal in Chhattisgarh state have exhibited signs of malnutrition.¹⁴ Children in IDP camps in many parts of India have been diagnosed with trauma and have suffered from mood swings, bouts of depression, insomnia and anxiety.

Article 13 - 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 family's 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-eastern states are living in camps and have been forced to abandon their education due to schools being closed during conflict. In Kashmir, hundreds of school buildings have been destroyed by militants and others occupied by them. Many IDP children have had to give up their studies in order to earn a living for their family.¹⁵

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, due to discrimination by school staff and students, and even 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.¹⁶

Articles 6, 7 & 9 - 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 IDP camps in India are located in remote and abandoned areas where there is no scope for self-employment. A significant number of IDPs 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 do.

Displaced families in India who have lost the family breadwinner often risk destitution. Many women taking on responsibility for households have never worked outside the home before, and have no

¹² Asian Centre for Human Rights, 2 January 2007, p.30-31.

¹³ International Initiative for Justice, December 2003, *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat*, p. 64-67.

¹⁴ All India Women

¹⁵ Frontline, 12 August 2005, *Young victims of militancy*.

¹⁶ Human Rights Watch (HRW), July 2003, *Compounding Injustice: The Government's Failure to redress massacres in Gujarat*, p. 50.

marketable skills or job experience. Economic destitution can also be coupled with scars of violence, the trauma of displacement and the burden of managing children and household.¹⁷ The women who had worked prior to displacement can 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.

Article 15 - the right to culture

Hundreds of religious and cultural places such as shrines in Kashmir have been abandoned since the exodus of the Kashmiri Pandits. In 2007 it was reported that elements in Kashmir were assessing the possibility of leasing the religious places of Kashmiri Pandits to commercial institutions. The displaced Kashmiri Pandits strongly protested against attempts to sell them and subsequently their shrines and connected land and institutions were spared from sale.¹⁸ Other IDP groups, such as the displaced tribals in Chhattisgarh have been at risk of losing their land, to which they have deep cultural ties, with little response from the government.

In Gujarat, many Muslim IDP children faced pressure from pro-Hindu activists to leave mainstream schools and go instead to Muslim schools, effectively forcing them to have a religious rather than secular education. In addition to the enormous impact on their health, education and psychological well-being, children in IDP camps also struggled over the issues of identity. According to one study, the impact of being displaced and living in camps in inadequate conditions for months, increased the feeling of discrimination experienced by children at a time when most Hindu families they knew were safe in their homes.¹⁹

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* of 3 May 2007
This information, and more, is accessible at
<http://www.internal-displacement.org/countries/INDIA>

More information on the causes of conflict-induced displacement can be found in the following reports:

- the Asian Centre for Human Rights, *India: Human Rights Report 2006*
- the Human Rights Watch report, *India: 'Hidden Apartheid' of Discrimination Against Dalits*

¹⁷ International Initiative for Justice, p. 64-66.

¹⁸ Global Human Rights Defence, 14 January 2007, *Pandits protest against attempts to sell their religious-cultural places in Kashmir*.

¹⁹ Human Rights Watch, p. 50.