

HOMELESS AT HOME

INTERNALLY DISPLACED WOMEN IN INDIA'S NORTH EAST



WRITTEN BY RITA MANCHANDA AND APARAJITA SHARMA · EDITED BY BEENA SARWAR



WOMEN'S REGIONAL NETWORK
AFGHANISTAN · PAKISTAN · INDIA

WHO IS AN IDP?

For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

— *UN Guiding Principles 1998*

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MAY 2016



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—Rita Manchanda and Aparajita Sharma

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ABBREVIATIONS

AAASU	All Assam Adivasi Students Union	MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
ABSU	All Bodo Students Union	NCPCR	National Commission for the Protection of Child Rights
ADB	Asian Development Bank	NDFB	National Democratic Front of Bodoland
AFSPA	Armed forces Special Powers Act	NDFB (S)	National Democratic Front of Bodoland – Songbijit
AMSU	All Muslim Students Union	NERSWN	North East Research & Social Work Network
ANT	Action North East Trust	NRC	Norwegian Refugee Council
BTAD	Bodoland Territorial Administrative District	PAJHRA	Promotion and Advancement of Justice, Harmony and Rights of Adivasis
BTC	Bodoland Territorial Council	SDMA	State Disaster Management Authority
BLT	Bodo Liberation Tigers	SSB	Sashastra Seema Bal
CC	Community Conversation	SPO	State Program officer
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women	SDO	Sub-Divisional Officer
CESRC	Committee on Economic and Social Rights	TISS	Tata Institute of Social Sciences
CRPF	Central Reserve Police Force	USCR	Unites States Committee for Refugees
FGD	Focus Group Discussion	UNHCR	United Nations High Commissioner for Refugees
GR	General Recommendation	VCDC	Village Council Development Committee
HR & HL	Human Rights and Humanitarian Law	WPS	Women Peace and Security
FAO	Food and Agricultural Organization	WRN	Women’s Regional Network
FIR	First Information Report registered with police to initiate a criminal case		
ICRC	International Committee of the Red Cross		
IDMC	International Displacement Monitoring Centre		

GLOSSARY

Adivasi: indigenous peoples, original inhabitants

Anganwadi: community centre for women

Bigha: a measurement of land approximating 0.4 acres

Daal: Lentils or pulses; part of the staple diet

Dalits: belonging to untouchable castes (scheduled castes)

Idgah: large ground traditionally used for Muslim community prayers

Kantha: type of embroidery

Pucca: made of brick/concrete

NOTE ON LANGUAGE: This report uses British English spellings except when quoting from a source.



WRN Community Conversation in Khagrebari, a marginalised remote IDP camp in Assam, India

I. WRN IDP COMMUNITY CONVERSATIONS

The core purpose of the Women's Regional Network is to “amplify the voices of unheard, marginalized women, and with them address the interlinked issues of peace, militarization, security, justice and governance in South Asia.”¹ Taking forward WRN's commitment to ensure that grassroots women's concerns and their voices directly shape political discourse, policy development and implementation of programmes, the second phase of the Community Conversations² engages with women who have been forcibly displaced by conflicts.

In today's violent conflicts, the forcibly displaced — refugees, asylum seekers and the internally displaced — are the most visible and vulnerable face of the civilian in war. Indeed masses in flight from violence are not only a by-product of violent conflict, but a major strategy of the armed parties. Increasingly, the forcibly displaced dominate the conflict landscape as evidenced in the surge in numbers particularly of internally displaced persons (IDPs), pushing upwards 38 million people in 2015, compared to barely two million in 1982. International humanitarian agencies view the IDPs who have been forcibly uprooted, ‘deprived of shelter and their habitual sources of food, water, medicine and money as a consequence of forcible displacement as frequently suffering the highest mortality rates in humanitarian emergencies’ [ICRC official in UNHCR: *State of the World's Refugees* 2006] Women and their dependent children make up the majority of the world's IDPs.

OBJECTIVES

The Women's Regional Network in its portfolio of ‘research, advocacy and representation’ spanning Afghanistan, India and Pakistan focuses on the common experience of human rights violations of women in IDP situations, in a context in which extreme gender inequality marks the sub-region and renders the IDP situation of vulnerability all the more desperate for

women and girls. Notwithstanding the differences among women within and between countries, the common experience has been that women suffer disproportionately from militarism, extremist and misogynist ideologies, ethnic wars, criminalisation of armed struggles and governance deficits.

These Community Conversations (CCs) document the stories of marginalised women within the specific country context, giving their situation visibility and amplifying their voices to demand rights and accountability, and influence policies and programmes that directly affect them. The CCs reflect the inter-linkages and interdependence of the conflict dynamics of the sub-region. Here, with state borders dividing co-ethnicities, histories and markets, there is a blurring of distinction between migrants, refugees and IDPs, with yesterday's refugee becoming today's IDP and tomorrow's refugee.

The CCs reveal the ad hocism, insensitivity and discriminatory policy responses to the humanitarian crisis of IDPs. These discussions also foreground the consequences of the lack of an IDP policy and the implications of gender blind ‘protection’ measures for girls'/women's right to live with dignity. The CC findings emphasise the importance of consulting IDP women at every stage of the displacement cycle — flight, assistance and stable solutions. They focus on state responsibility to ‘protect’ and prevent against displacement and state indifference to finding a stable solution. The CCs also identify good and bad practices of government agencies and international and local relief organisations.

It should be mentioned that the CCs are an integral part of the preparatory work of consolidating a ‘body of evidence’ so as to build a case of human rights violations of women in IDP situations for holding a South Asia Tribunal. The proposed Tribunal will provide a platform for the women “[to] publicly testify and demand accountability from state and non-state actors and initiate regional processes towards addressing violations of human rights.”³

AREAS AND METHODOLOGY

The CCs use a qualitative research methodology drawing upon participatory observation research, in-depth interviews and focus group discussions (FGD) as the basic tools for primary data collection. Prior to the ten-day long field visit, an extensive desk-based review was undertaken of published as well as ‘grey’ material. Also, the co-authors built upon their earlier studies on refugees in South Asia and in gendering the refugee discourse. They drew upon their substantive research experience on the socio-political context of the North East. A non-partisan sensitivity was essential to negotiate the multiple intersecting conflict lines.

We interviewed multiple stakeholders including state and district level government officials, representatives of state women’s commission and disaster authority, political leaders, NGOs and civil society groups including student federation leaders and women’s groups, academics, lawyers and journalists. Above all, we listened to IDPs belonging to all the ethnic and religious communities — Bodo plains tribes, Adivasis⁴, Bengali-speaking Muslims⁵ and Koch Rajbhangshi tribes in the Bodoland Territorial Administrative District (BTAD) areas of three districts, Kokrajhar, Baksa and Chirang.

Around 120 women were involved in focus group discussions spread over six camps/return villages in three districts of BTAD. The camps visited were representative of different identity groups Narayanguri/Khagrabari camp, Hapachara, Serfunguri, Deosiri, Bidyapur, Kaikhongbari and Pakhriguri (a village of displaced returnees). (See Annexure 1)

WHO IS AN IDP?

The **UN Guiding Principles** (1998), define internally displaced persons as:

“...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

Forced displacement frequently entails multiple human rights violations since it “breaks up the immediate family... cuts off important social and community ties; terminates

stable employment relationships; precludes or forecloses formal educational opportunities; deprives infants, expectant mothers, and the sick of access to food, adequate shelter, or vital health services; and makes the displaced population especially vulnerable to acts of violence, such as attacks on camps, disappearances, or rape.”⁶

In the global map of displacement South Asia has a notoriety of presence with Pakistan holding first place for decades as the refugee receiving country hosting 2.5 million Afghan refugees. Currently, Pakistan has the dubious distinction of having the third largest population of IDPs, pushing upwards 1.9 million. UNHCR estimates for Afghanistan in August 2015 show IDP levels pushing over one million. India’s conflict-related IDPs are underestimated, at 616,140⁷.

The “invisibilisation” of IDPs is the collective experience of the region and particularly of India despite the masses of people forcibly displaced by armed conflict, inter-communal violence and human rights violations. Our states do not recognise that there is an IDP problem or the need for an alternative discourse on war and militarism to prevent the relentless reproduction of hundreds of thousands of forcibly displaced persons.

Compounding the situation of deprivation, state response in the region tends to be ad hoc, arbitrary and even discriminatory, and framed within a welfare mode. “IDPs are dealt with as a humanitarian task and not also addressed as constitutional obligation.”⁸ Life supporting assistance is extended as a favour to the affected peoples, not as a right and entitlement; it is squeezed and withdrawn at will, with no accountability to the IDPs. As a senior official of India’s Assam State Disaster Management Authority said in defence of the government’s policy of closing down IDP camps after three months regardless of the actual situation of humanitarian distress, “They [IDPs] can’t live off the government. We need to make them self sufficient.”⁹ IDPs are rarely deemed equal citizens, with the right to be consulted, and state officials thus being duty bound to consult them.

“I don’t know much; I am not literate. But we are also human; we have the right to live. What life? We have no money to educate our children, give them good food, get them married off, no work, nothing. This is violence for me, more than my husband beating me sometimes” — Sunita Murmu, returnee, Pakhriguri village

Although IDPs are theoretically entitled to enjoy the same human rights as the rest of the country's citizens, it is clear from the WRNCCs that this rarely happens. Instead, there is often discrimination between IDPs and against them. Banerjee, Chaudhury, and Das, scholars of the forcibly displaced in South Asia argue that, "the tales of the India's North East reflect how the indigenous population (the majority of the displaced) is often pushed to the margins of citizenry and becomes the perennially displaced." The dichotomy between citizen and the forcibly displaced is reinforced by the socio-political category of gender, as reflected in women whose citizenship is often de-facto marginal, making up the majority of the internally displaced.¹⁰

WHY DOES GENDER MATTER?

Women and their dependent children are the face of IDPs worldwide. Rarely, however, is attention paid to their particular needs in the context of protection, assistance and participation in the course of the displacement cycle, whether in flight, in a situation of displacement, or during resettlement. Due to the lack of data systematically disaggregated according to age and gender, women's needs and concerns cannot be prioritised. The "infantalisation" of women¹¹ as refugee/IDP subjects also contributes to silencing their voices.

"...they [women] flee to escape arbitrary killings, rape, torture, inhuman or degrading treatment, forced recruitment or starvation, ... what do they encounter at their destination, including in camps for the IDPs — too often they encounter the same level of insecurity, violence, threats of violence, reinforced by impunity, at their destination" — Chaloka Beyani, UN Special Rapporteur IDPs, 2014

The global rhetoric emphasises the gender-differentiated experience of conflict as articulated in successive resolutions, guidelines and manuals. But women are missing at the planning and implementation level in international, national and community level discourses on IDP protection and prevention. Even humanitarian assistance remains largely gender blind.¹²

"We are still far from genuinely embracing gender equality as an organizing principle in our humanitarian work and this undermines the effectiveness of our humanitarian assistance." — UN Global Study on UNSC 1325

Feminist scholarship over decades, underpinned by empirical research, has demonstrated that the experience of conflict, transition and 'post conflict' is gendered. The magisterial UN Security Council acknowledged in **UNSC Resolution 1325 (2000)** the inter-linkages between women, peace and security (WPS). A series of cluster resolutions have articulated an agenda focusing simultaneously on protection, prevention, participation and rehabilitation-reconstruction. This foregrounds the gender-differentiated experience of women/girls in conflict and post conflict situations, and challenges gender-neutral policies including for IDPs.¹³

The **Beijing Declaration and the Platform for Action** (1995) identified 'women and armed conflict' as one of the issue areas, and singled out as **Strategic Objective E.5**: 'Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.'¹⁴ The **UN Guiding Principles** (1998) offer exceptional protection for women taking into account their special needs including recognition of vulnerable categories and uphold their rights to equal access and participation in assistance programmes.¹⁵

The **CEDAW** treaty body process emphasised that the Convention applied to every stage of the displacement cycle and that situations of forced displacement and statelessness often affect women differently from men and include gender-based discrimination and violence.¹⁶ CEDAW GR 30 (2013) provides authoritative guidance to states on the Convention's applicability "to every stage of the displacement cycle."¹⁷ The **Pinheiro Principles** (Principle 4)¹⁸ exhort joint ownership of housing/property restitution and the global **Hyogo**¹⁹ and **Sendai Frameworks for Disaster Risk Reduction**²⁰ single out women and promote their participation.

Entrenched gender inequalities render the IDP situation of vulnerability all the more desperate for girls, women, and elderly people as evinced in the high risk coping strategies they are trapped into — child marriage, sex trade and being trafficked, child labour and unequal exploitative wage labour. Displaced women/girls often have to travel long distances for water, fuel and fodder, at physical and sexual risk; their sanitation and hygiene needs are often overlooked; their reproductive needs are poorly recognised. Single women, female-headed IDP households, and elderly and disabled women are likely to be the most deprived, impoverished and the least able to withstand the shock of displacement, yet rarely are their livelihood needs prioritised in either the allocation formula of one job per household or entitlement to land and resources.

“Pauperisation” is one of the key characteristics of displaced households as evident in informal urban settlements of IDPs from Kabul²¹ to North East India. Loss of property has turned landowning tribal Santhals in Assam into rickshaw pullers and women with land and income into informal workers stitching *kantha* quilts in Muslim IDP settlements. A survey-based field study of violence-affected IDPs in various states of the Indian Union revealed a much higher prevalence of impoverishment among IDPs.²² In Assam, 95 per cent of IDPs had been cultivators at their original habitat. At the new site, this came down to a mere seven per cent, with great majority (78 per cent) now working as casual workers, often at lower wages. Up to 40 per cent of Assam’s IDPs said they were being paid disproportionately lower salaries for the amount of work they do. Women IDPs become the most deprived and impoverished.

“Before, we had our own shops (selling betel nut, tobacco pouches, daily essentials). Now whatever work we get is mostly daily wage, construction work, jugali (unskilled work like carrying away earth) and domestic work etc. We also do work under MGNREGA when we get to know about it. We go to different places like Guwahati, Bongaigoan, Kerala and Delhi” — Anwara Begum, Hapachara

“I had seven bighas of land, a shop, plenty of income in the village in the forest, in Amatipur, when the Bodos attacked and killed, looted and burnt — that was in 1996. We fled. First we were camped at Ananda Bazar but violence there made us move again.... I have grown old moving around. Now(December 2014), back in Deosiri camp. See this tarpaulin tent. I share it with another family. My side is just long enough to crawl in and sleep. Those cloth bundles, these pots and pans squeezed inside my space, is all that is there” — Mina Mardi, in her 50s, Deosiri

The feminisation of poverty is a recognised phenomenon, and no less in the IDP context. Invariably, displaced women find themselves facing enforced restrictions on their mobility, but the desperation for survival drives many to endure sexualised vulnerabilities and seek work, often in very exploitative conditions, especially after repeated displacements.

“Women’s vulnerability increases manifold when they do not have adequate and safe housing, cannot access water, lose their privacy, live in close proximity to unrelated men, are exhausted, at risk of sexual violence, and, to make matters even worse, are excluded from decision-making. When the conflict is over, women still have little say in the rehabilitation and reconstruction of their communities even though they form the backbone of rebuilding their society” — Yatin Ertuk, UN Special Rapporteur, VAW 2009

Our interactive reflections around the Community Conversations at a WRN consultation about the Afghanistan, Pakistan and India CCs foregrounded the situation of vulnerability of women IDPs, summarised below:

- It is epitomised in the fortitude women perforce show when pregnant and fleeing for their lives, forced to give birth by the side of the river, or in a camp unaided, and then confront the callousness of a system that registers no births, lest it be obliged to record infant deaths caused by lack of clean water, food, shelter and basic health care.
- It is reflected in the entrapment or compulsion of IDP women /girls who fall into survival sex, ‘trafficking’ and exploitative early marriage practices such as *wulwar* (bride price). The camps of the forcibly displaced act as magnets to traffickers in situations where girls/women are denied a life with dignity.
- It drives female-headed households to send minor sons and daughters or orphans out to work as rag pickers in the city, depriving them of education, the security of the home for the streets, and denying them the possibility of escape from intergenerational chronic poverty.

[WRN Community Conversation Consultation, Colombo 2016]



The Assam Battalion on their patrol: a common scene on the streets; the draconian Armed Forces Special Powers Act (AFSPA) gives security personnel the right to shoot to kill, with impunity.

II. NORTH EAST INDIA: THE SOCIO-HISTORICAL CONTEXT

The North East region of India accounts for nearly two thirds of India’s internally displaced – affected by conflict, environment and development. The intersection of conflict, development and environment-induced displacement is evident in the seven states that constitute the political map of the North East. Political scientist Monirul Hussain contends that the primary reasons for Assam’s vulnerability to violent conflict and displacement is “its peripheral location along with the other North East states, its resultant underdevelopment, and the distorted political response to its underdevelopment.”²³

The North East is a constructed region, peripheral spatially, socially and politically in the imagination of the idea of India. With a mosaic of 213 tribes, ethnicities and religious communities, the North East is marginalised culturally in caste-conscious India; marginalised in its distinct socio-political history as a “frontier region” and marginalised further by its geography as a border state overwhelmingly surrounded by four foreign countries and tenuously connected with the Indian land mass by the sliver of the ‘chicken’s neck’. A national security state pathology has produced an “otherness” from the Indian “self”,²⁴ and within the region a perception of “exceptionalism” of unequal citizenship. Draconian laws such as the Armed Forces Special Powers Act (AFSPA)²⁵ in India’s Jammu & Kashmir and North East undermine fundamental freedoms and the equal rights of citizens in these zones of exception.

Militarisation and an accompanying culture of impunity are entrenched through AFSPA, a symbol of the abuse of force against the country’s own citizens. This has fuelled prairie fires of armed insurgencies mobilised around myriad ethnic and religious (communal) identities. The stereotypical image of the region as “troubled periphery” masks the failure of India’s project of “equality of citizenship” to bridge the deficits of democracy and development, sparking off self-determination struggles of ethnic (sub-national) groups for power, status and resources vis-à-vis the state and the other communities.²⁶

A porous border region and its histories of people migrating for land and security have produced a complex ethnic mosaic. The result is a contemporary state politics haunted by the spectre of a continuing infiltration of peoples across borders, and the resultant tension between “native” and “settler” amidst the anxiety of becoming a minority in one’s homeland. Furthermore, the communal overhang of the Partition of India in 1947 — the ascendancy of Hindu majoritarian politics and Hindu cultural nationalism — has produced a communally charged public discourse. Democratic politics get structured around community mobilisation producing election related violence and forcible displacement. From the massacre in Nellie (1983) to Khagrabari (2014) lies a route paved with impunity.

The layers of insider-outsider, native-settler, majority-minority and communal politics have constructed multiple fault-lines around identity assertions. The Indian state’s peace-making praxis of acquiescing to “ethnic homelands” in multi-ethnic spaces has resulted in a relentless cycle of identity-based struggles, triggering displacement as a deliberate aspect of the ethnic project to make territory congruent with community/nation.²⁷

TABLE 1: IDPS IN INDIA

Region	Number	India’s IDPs %
All India	616,140	
All Assam (already existing)	113,000	18.6
New IDPs in Assam (Jan-March 2015)	346,000	56.6
Total IDPs in Assam	459,000	74.4

Source: IDMC, 2015

Scholars categorise displacement in the North East states into the following types — displacement by development and government design; natural calamity; land hunger of migrating communities; and ethnic or religious strife.²⁸

The displacement situation in the North East is highly paradoxical as we see that while many of the conflicts leading to displacement result from underdevelopment, the development projects initiated by the government to address the issues of underdevelopment also lead to displacement. Ethnic militarism has caused large-scale displacement and rehabilitation and resettlement still lurk as huge challenges across the region.²⁹

“INVISIBILISING” CONFLICT

The remoteness of the North East region and in particular of IDP settlements, and the disempowerment of IDPs as political subjects makes for acute vulnerability when there is no official recognition or policy towards conflict-affected, internally displaced persons or asylum seekers. India’s declared position is that “there are no situations of ‘armed conflict’ within the territory of India.”³⁰ Government officials have been quick to reject the applicability of conflict related Human Rights & Humanitarian Law obligations and norms. India restricts access to international agencies (UNHCR, FAO), as well as humanitarian agencies (ICRC, Save the Children, OXFAM, Medicins Sans Frontiers, Lutheran Welfare Services). The Indian state’s apprehension is that such intervention would result in violations of its sovereignty and that humanitarian aid would become a justification for the interference of powerful foreign states in its affairs.³¹

At international fora, Indian diplomats have opposed the consolidation of the UN Guiding Principles on Internally Displaced Persons as “soft law.”

“The representative of India said that his delegation fully supported the work of the UNHCR. His delegation was aware of the body of opinion that believed the solution to certain refugee situations lay in acceding to refugee conventions. India did not share that view, and had successfully managed such situations of its own accord and with its own resources. As regarded paragraph 20 [abiding by UN Guiding Principles on IDPs], international action should remain within the bounds of national sovereignty.” — UNHCR 2006

Confronted with the plight of IDPs in camps in the North East, it is difficult to counter Cohen and Deng’s general observation that, “under the shelter of sovereignty, states have violated human rights, denied protection to IDPs, and barred international assistance to IDPs in their territory.”³² Unlike

refugees, IDPs do not lose the protection of their state, and so it is the state which has the primary responsibility to its own citizens, as a measure of its sovereignty,³³ to provide protection through all stages of the displacement cycle i.e. prevention of displacement in the first place, and subsequently, security in flight, humanitarian assistance and a stable solution that encompasses — *return, local integration or resettlement*.³⁴

In India as in much of South Asia, the IDP profile is characterised by the dynamic nature of displacement, multiple displacements and with huge numbers surviving in informal settlements, outside official camps for protracted stretches of as long as 25 years or more. IDP estimates are likely to be substantively understated as there is no central state actor monitoring displacement, and the issue of displacement is highly politicised. There is no recognition of the IDP as a legal category and the determination of who is an IDP, or when an IDP stops needing protection and becomes an economic migrant, is at the discretion of officials. State response is ad hoc, arbitrary and political, driven by the desire to close IDP camps even if security conditions make the return of IDPs difficult or impossible.

According to an Overview of the Internal Displacement Monitoring Centre (IDMC) of India’s IDP situation, the “Terminology used by national authorities reflects a lack of awareness of international protection standards related to IDPs with often no distinction made between economic migrants, refugees and IDPs. Camps sheltering internally displaced people are often designated as refugee camps”.³⁵

Indian authorities avoid using the terminology of IDPs lest it invoke legal humanitarian and human rights frameworks. For instance, the estimated 250,000 forcibly displaced persons from Kashmir are categorised as “migrants”, and are relatively speaking, better entitled than IDPs belonging to other communities. Assamese and Bengali speaking Muslim IDPs are conflated with “Bangladeshi migrants”. There is no nodal authority responsible for the protection, relief and resettlement of the conflict-affected displaced. State governments of the Indian Union are responsible for the displaced in their territorial areas, and the effectiveness of response varies widely.³⁶

Discrimination is writ large in the state response to the protection needs of IDPs as is particularly evident in context of communal or religious violence. For instance, in the politically charged communal targeting of Muslims in the Gujarat violence of 2002, India’s federal institutions, National Human Rights Commission and the Supreme Court had to push the

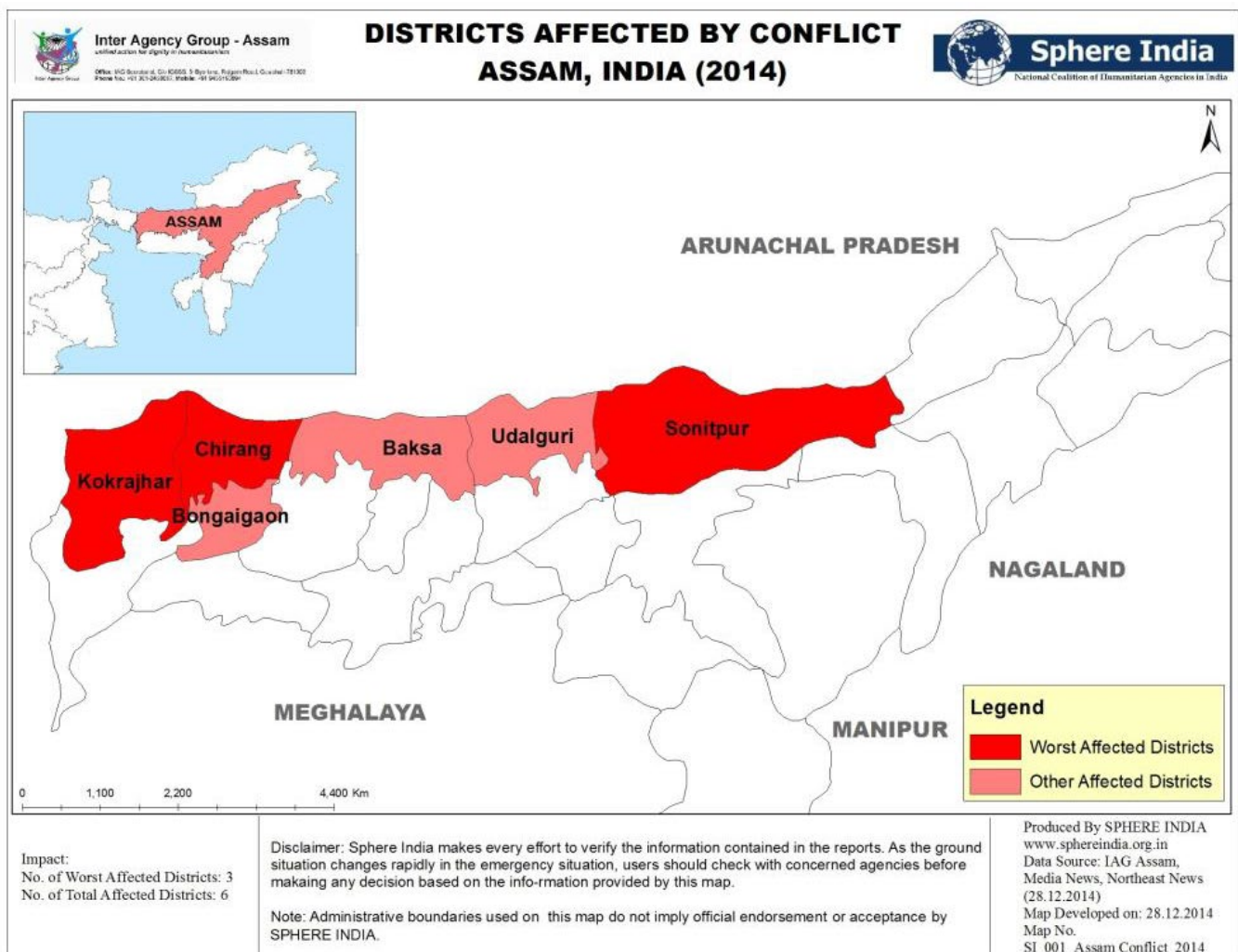
Gujarat state government to recognise its responsibility to provide humanitarian assistance to the forcibly displaced.³⁷ In Assam, the most politically disempowered and therefore the most neglected are the Adivasis³⁸ or “tea tribe” IDPs, brought by the British colonists into Assam as indentured labour to work in the imperial tea gardens in the 18th and 19th centuries.

“We couldn’t return to our village because our land has been taken over by the Bodos. We are not only homeless now but also with no means of livelihood. You can see our children, they have no clothes to wear. We women have to go to the Bhutan border for work. If we earn ten (Bhutanese) rupees, it becomes much less in Indian rupees. Bodoland is our land also. But we are pushed out of our homes now”. — Anita Sorem, Deosiri camp, displaced in 1996 and 2014

RATIONALE FOR WRN’S FOCUS ON BTAD

The socio-spatial focus of this study is the Bodoland, the historic homeland of Assam’s largest tribe, the Bodo plains tribes, now recognised as a constitutionally protected, autonomous, self-governing ethnic homeland. There are inevitable contradictions ensuing from constructing a mono-ethnic Bodoland in a space that today has become multi-ethnic. Ironically, the Bodo people’s self-determination struggle itself is a reaction to the exclusionary identity politics of the xenophobic Assam movement.³⁹ In turn, the Bodo struggle has resulted in a relentless cycle of other minority communities mirroring the Bodos’ identity-based armed struggles and contesting the Bodo majority ethnic homeland.

Bodo politics are representative of a pattern in the North



ASSAM-BODO PEACE ACCORD 2003

Clause 13 of the Assam-Bodo Peace Accord 2003 provides for a Special Rehabilitation Programme for those affected by ethnic disturbances in Assam, presently living at relief camps in Kokrajhar, Bongaigaon etc. This Government of Assam is supposed to complete this Programme with the BTC's active support. The Government of India is to provide the necessary funds for their rehabilitation, and they are to be settled in lands that are free from all encumbrances, to be made available by the BTC.

Also crucial in our selection of the site was the availability and capacity of local partners with integrity and access. Finally, from a gender perspective, the state of Assam is comparatively low on gender equality indices and institutional capacity, adding to women's vulnerability in IDP-like situations and the imperative of making their voices heard.

East of peoples' mobilisations around identity politics to re-negotiate the social contract with the Indian state and vis-à-vis other communities for land, status and power in a development deficit, but resource rich region. Centuries of porous borders and histories of settlers brought in to grow more food or tea has led to the indigenous peoples becoming minorities, giving rise to anxieties about a continuing influx across international borders. The Indian state's militarised repression of the Bodo struggle has tailed into two Bodo peace accords, in 1993 and 2003. The creation of a Bodo ethnic homeland unleashed waves of violence by armed Bodo militants targeting Bengali Muslims and Adivasi neighbours in a bid to establish original ownership titles over the land. As noted above, the situation has prompted a reactive ethno-religious assertion and a mushrooming of armed groups. Fear and insecurity haunt all communities.

"Bodo militants attacked us Muslims. Bodo forest guards also opened fire on us. They were former Bodo Liberation Tiger militants. I recognized Rajen Bodo. The violence was deliberate, to make this land only for the Bodo people. But we have been here for many years." — Majeeda Begum, Khagrabari

"Bodos are always blamed, but Adivasis have their militants, Muslims have theirs too. The area is very militarised – there are the security forces, the armed, surrendered groups. Every community has multiple armed groups." — Pratibha Barman, influential Bodo social activist

The unbridled gun culture is most intense in the BTAD. In selecting the area as a point of focus for our field we had the opportunity to probe discrimination in state humanitarian response as the IDPs belonged to different ethnicities and religious communities. Also, our focus on the North East was influenced by its relative neglect compared to other sites of forcible displacement such as Jammu & Kashmir.

It is important to remember that IDP policy and programmes are state-driven in India's federal polity. For instance the Assam state's apathy was striking given the magnitude, duration and continuous nature of the problem. Indeed, the 2003 Bodo Accord specifically provided for a special rehabilitation programme to re-settle those in relief camps. But despite these provisions in the Accord, IDPs displaced due to violence as far back as 1993 still struggle in makeshift camp settlements, joined by new waves of IDPs, most recently in 2014.



Hasina Begum cooking food in her tent in Hapachara. Her two children were refused admission after she started working in a nearby town.

III. DYNAMICS OF DISPLACEMENT

The successive Bodo peace accords 1993 and 2003 granted special autonomy and authority to the Bodo territorial autonomous council (BTAD). But in the territorial delineation of the Bodo autonomous region carved out of Assam, the indigenous Bodos tribes are no longer the dominant ethnicity and Bengali Muslims and Adivasi communities constitute roughly equal proportions of the population. Peacemaking via special ethnic autonomies, has in Bodoland as in other multi-ethnic societies, proved an incitement to “ethnic cleansing”. A socio-legal culture of impunity in a highly militarised zone has ensured non-accountability.

Representation in the political authority of the BTAD Council is overwhelmingly skewed in favour of the Bodos, including guarantees against any fresh land alienation of tribal land in BTAD. Furthermore, peace accords in the North East have historically produced splits and factions among various groups. Outlier militant groups such as the National Democratic Front of Bodoland (Songbijit) are continuing to wage war for a state of their own. Meanwhile, the democratic and development deficits of the Bodo autonomous project (dependent upon Assam government’s release of funds) have splintered the Bodo movement, with outlier armed factions ratcheting up violence to get the Indian government and the Assam state to negotiate, and accommodate them in power sharing arrangements.

BRIDGING FAULTLINES

Demographic changes and the emergence of new political formations have resulted in counter movements of politically organised Muslims and Adivasis asserting claims to land and power. “In Assam, no party can survive without the support of the *Alis* (Muslims) and *Coolies* (Adivasis),” says Raju Narzary, a leading Bodo social activist.

Also, every Community has produced offshoots of armed groups resulting in a situation in which every community fears the “other”. Today, Bodoland is scarred by multiple and shifting faultlines of conflict - Bodo insurgents vs. the State; intra ethnic Bodo factions at war; inter-ethnic violence: Bodo vs. Assamese, Bodo vs. Adivasis (“tea tribes”) and inter-communal violence — Bodo vs. Bengali speaking Muslims. High levels of state militarisation persist despite the 2003 peace accord, including the ongoing military operation against the NDFB Songbijit rebel faction.

District officials have initiated local peace committees, but there is little enthusiasm as these committees are often crowded with those accused of the violence and anxious to get the survivors/victims to withdraw cases against them. Women are either excluded, or at best included for their crowd value as in Khagrabari, Baksa district. It is noteworthy that Adivasi women in the Bodo majority village Pakriguri set little value in investing in reconciliation with their Bodo majority neighbours, especially after the December 2014 attack by masked armed persons.

TABLE 2: SOCIAL INDICATORS

Region	Sex Ratio	Infant Mortality Rate	Maternal Mortality Ratio	Literacy (Male) %	Literacy (Female) %
BTAD	965	76 (Kokrajhar)	280	74	59
ASSAM	954	56	301	78	67
INDIA	940	44	167	82	65

Source: Census 2011

Nazma Bewa holds up a photo of her husband Asuruddin Master, who initiated a peace dialogue between villages from different communities and was murdered.



“Earlier, there were friendships, even inter-marriages. Now, even if we meet in the market and other places, we don’t trust them. We came down from the mountain after three months, and back to the village because there is an SSB [government border security force] camp in the village. If the post is withdrawn, we’ll run again. How can we trust them? No, we can’t separate the Bodo people from the Bodo militants. They give shelter to Bodo militants. They are with the militants. They all come together when they have to do something bad. You say they are scared of us. We are scared of them, they are not scared of us.” — Joshila Murmu, Pakriguri village

Peace-making can also come at a huge cost as Naseema Bewa found when her husband Master Asruddin was brutally killed following the mass contagion of ethnic and communal violence of 2012. More than 400,000 people — Muslims and Bodos — were displaced. Backed by the District Collector of Chirang district, Asruddin had been visiting villages and camps

of different communities to foster a Peace Dialogue. That day he was on his way to assist a camp inmate whose documents had been burnt. Some four or five masked men chased him off the main road into the forest and shot him dead.

“We all appreciated his good work. You should do good work but not get shot and killed. I am left with two children. I have no peace now. I’ve got compensation money but my whole life is ahead of me – and the kids. There was talk of a job in the school where he worked but so far it’s just talk.” — Naseema Bewa, Serfunguri

In Kokhrajhar district, the seat of Bodo power, in Kaikhongbari camp, we found the uprooted Bodos full of fear and anger against the Adivasi militants who attacked them in 2014. Suspicion and doubt stalk these communities that once celebrated together. Three cycles of violent uprooting in 1996, 1997, and 2014, have destroyed trust amongst Bodos, Adivasis and Bengali-speaking Muslims. In this case, it was

armed Adivasis who attacked and forced 24 Bodo families to flee the Adivasi majority village and seek shelter by the roadside in the shadow of an SSB camp, Kaikhongbari.

“Before, we would celebrate everything together. Now we hide everything even from each other. Before, everyone was friends and open. Now we keep everything secret. (Encouraged by the Lutheran Welfare Services) we have twice called a peace meeting of all the goan budas (the local leaders) but the Adivasi leaders have not come. We will try one more time.” — Maina Narzary, Kaikhongbari

Importantly, some teenage children seemed better able to shrug off the memory of the violence that continues to sow suspicion in the minds of their parents. Ten months later, they are back in high school and sit and hang out together with “the other” as if the violent disruption did not happen. When we visited, we met Ranjan (alias) a 10th class student was on his way to a special computer class with his Adivasi friends. His father sat mutely on the bed, still in the grip of the trauma that held him captive since he narrowly escaped being killed by an arrow when he returned to the village to retrieve his bicycle.

Also scared is Rehana Khatun, whom the police evacuated along with the other Muslim families of Kochugoan village, in anticipation of an attack by Bodo militants in 2012. Expecting to return the next morning, they left behind everything, including documents and money in their newly built home (the new toilet had not even been inaugurated). Two and half years later they are still in the camp set up in Idgah ground in Serfanguri. Now a teacher, Rehana sees her old Bodo friends in town but cannot bring herself to spend time with them.

“There is no trust. Had we not left, things would have been different. Now we’ve got a bad name. Otherwise why did we leave... [Return?] No, not possible. There are no Muslim families left in the village. Our house is there — empty. The tree alongside still bears fruit and we go back to pick the fruit.” — Rehana Khatun, Idgah, Serfanguri

The inter-generational difference in perspective is striking and is impacting the socio-political dynamics of the area. This is evident in the new understanding forged between the All Bodo Students Union (ABSU) and the All Adivasi Students Union (AASU). The two have come together with

a host of other civil society bodies to contain the December 2014 violence from igniting into the kind of conflagration that engulfed BTAD just two years earlier. Raju Narzary of the NGO, NESWN, and Stephen Ekka, President of AASU echoed each other in asserting that they had defeated the “ethnic project”, the attempt of some state politicians to divide the people of the area along ethnic lines and create exclusionary politics.

TABLE 2: VIOLENCE AND DISPLACEMENT, WESTERN ASSAM

Year	Displacement numbers
1993	18,000
1996	200,000
1998	315,000
2008	215,000
2012	400,000
2014-15	346,000 May: 5,000 Muslims Dec: 236,349 Adivasis and Bodos (40% Bodos; 60% Adivasis)

Source: IDMC 2015; Assam state official cited in “Recent Militant Violence Against Adivasis in Assam”, Delhi Solidarity Group: A fact-finding Report, Jan 2015

MULTIPLE AND PROTRACTED DISPLACEMENTS

Many of the IDPs we spoke to in Deosri camp in Chirang district had been displaced multiple times. At the peak of the violence in December 2014, the camp swelled to contain 3,000 families, with 25 women and children often sharing a tent. Jyotsna Mardi, 34, a Santhal tribal, had also sought security in the Deosri camp, displaced for the third time. Nearly two decades earlier, in 1996, as a child of 13, she had fled with other villagers to Deosri camp in the forest to escape the fury of ethnic cleansing. “People were felled like banana trees.”

In 1998 the camp was again attacked, and she barely escaped being shot. In 2004 she married and moved to Shantipur. Ten years later she was back in Deosri, again with nothing. Bodo militants belonging to the NDFB (Songbijit) militant faction had attacked Shantipur, violently rupturing her settled existence along with 3,000 other households. Her home burnt to ashes, Jyotsna again fled with just the clothes on her back.

“For three months we were too scared to leave the camp. There was no assistance and people were in complete distress with not even a proper cloth to cover our heads. Even animals have a better life than we have here.” — Jyotsna Mardi, Deosiri

Six months later, Jyotsna, now a widow, re-started a shop in the camp, selling bare essentials. Resilience — or desperation?

Assam state policy is to close down the camps as soon as possible, preferably within three months. Once their camps are closed, the IDPs officially cease to exist, whether they can return or not. So what if Raheeza Begum remains homeless more than two decades after being violently displaced in 1993? She is among the 1,600 Muslim IDP families of Hapachara camp⁴⁰ who had to flee ethnic massacre in the wake of the Bodo Accord in 1993. The fury of creating a Bodo majority homeland uprooted some 18,000 Muslims. Some 72 were killed. The central paramilitary forces brought the survivors to a camp in Kokrajhar. Intermittent violence around the camp continues to terrorise the inmates who are forbidden to stir out. Where are they to go when there can be no return to what once had been their substantial land holdings?

“In the camp they were so many people it was difficult to stand. People were falling sick all the time. We were given food we were not used to. We were scared to be alone even for a second. But in the camp “our people” were all together. So even though it was dirty, it felt safe... We used to go in groups of girls/women at night or late evenings [to wash and answer the call of nature]. It was very difficult. Thinking of it makes me shiver. We were young girls then. We were scared of everyone... Even today we break down thinking about it. This time we will not be able to survive if it happens again. We were young then. Some of us were not married then. Only we know how we managed to survive. Even the women have to go to work here.” — FGD: Hapachara camp, October 2015

Two years later the camp was shifted to a safer site, but the sense of insecurity was widespread – and with good cause. One day, overnight, the security personnel disappeared from the camp, and government food and other essential relief supplies stopped. Growing incidents of violence left the IDPs no option but to leave the camp and create an informal settlement. Pooling in their meagre daily earnings

as wage labourers in the Hapachara households, they paid a collective annual rent to a landlord benefactor, Rustam Ali. He provided them 10 bighas of land to set up a temporary camp. The annual payment, Rs. 7000 in 2000, has skyrocketed to Rs 48,000. The camp inmates escaped persecution and execution, but starvation, malnutrition, disease, illiteracy and unemployment continued to plague them.

In 2004, more than a decade after their displacement, the Assam Minister of Rehabilitation visited the settlement and agreed to provide them with ten days of ration per month, besides promising compensation. Government officials showed up one day to survey the camps without prior notice and excluded from the list of beneficiaries all those who had left to work elsewhere. More than 500 families in Hapachara camp were thus discounted and deprived of minimum government support; a total of 1,685 families, displaced in 1993, excluded from the monthly ten-day ration in all the camps. Eventually, in 2010 the government agreed to compensate the IDPs with a one-time rehabilitation package of Rs. 50,000 per family. Only 557 families received Rs. 50,000; amongst all the camps, the total number of deprived families is more than 1,600. Raheeza Begum’s family is among the deprived ones.

“Some got compensation and some haven’t got any till today. We were again displaced in 1996 from our camp in Patabari. Earlier, doctors used to visit and give us medicines. Now we have had nothing for many years. Our children don’t go to school, we have no money to get our daughters married off. We also have pay rent to the landlord.” — Raheeza Begum, Hapachara

In many cases, ‘return’ is not possible because of security reasons, or because the IDPs’ lands have been occupied or environmentally degraded or because legal and administrative bans have deemed their forest villages to be encroachments.

According to the Kokrajhar Deputy Commissioner, 71,000 of the 200,000 displaced in the December 2014 violence in Kokrajhar still remained in camps under his jurisdiction in January 2015.⁴¹ Officials closing down the camps and righteously asserting that the forcibly displaced shouldn’t become dependent on government ‘rice, daal and oil’ are undeterred by the impossibility of return, seeing relief as state charity rather than the citizens’ right.



Young IDP children Jolin, Hussain and Anwar work selling tea and snacks, they do not go to school, Sarfunguri Camp, Assam, India

IV. FAILURE TO PREVENT AND APATHY TO PROTECT

States have the responsibility under international human rights and humanitarian law “to prevent and avoid the conditions” that lead to displacement and “to protect against arbitrary displacement (UN Guiding Principles 5 and 6). Several Indian scholars⁴² and international displacement monitoring agencies have been critical of the Indian authorities’ inaction and failure to exercise due diligence in addressing unresolved political conflicts, economic and social marginalisation, and the fallout from militarisation of land and society and the attendant socio-legal culture of impunity.

“In the North East, New Delhi does not address the causes of ethnic conflict. At times it responds to the violence associated with the conflicts but it does address the causes per se. This is particularly problematic because displacement continues. The government responds to the displaced in the North East as it might to the victims of a natural disaster – that is a population needing temporary assistance. It does not respond to them as a group for whom it must find solutions, nor does it address the need to prevent further displacement.”
— (US Committee on Refugees, 2000)

Fifteen years later the IDMC, in an overview of India’s IDP situation, maintained that in the absence of a national policy or procedures, government response remains ad hoc, inadequate and inconsistent, and focused only on meeting immediate humanitarian needs (2015). Earlier too, the IDMC had critically observed, “Generally, state-level responses have not been based on comprehensive assessments of the needs of either recent or longer-term IDPs, but on political factors including local demographics, the variable interests of the central government, and different levels of media attention. In all cases their decisions were dominated by short-term considerations rather than an emphasis on long-term solutions.”⁴³

In addition to armed conflict involving the state and non-state actors and the criminalisation of violence, some analysts have drawn attention to the government’s heavily militarised responses as a key, driving factor of displacement in the North East. “The added threat of violence from government-allied security personnel able to abuse laws such as the AFSPA, permitting the use of excessive force in order to control insurgents and perpetrators of violence, has led to an extremely hostile environment.”⁴⁴ AFSPA has been used to target ethnic groups such as forest inhabitants in Assam⁴⁵ and has resulted in military operations that forced 1,500 villagers from their homes in Manipur in 2010.⁴⁶

“Politicians have a vested interest in keeping this area so militarised. Dispur (Assam state capital) politicians use these armed groups. It is lack of governance and the political leaders in Dispur who are behind the recurring violence.”
— Pratima Brahma, Bodo community activist and writer

Moreover, regime involvement in the causes of displacement has resulted in a situation where humanitarian response to IDP needs and resettlement has been minimal.⁴⁷ Additionally, state level governments have associated many IDPs with insurgents to avoid taking responsibility for protection. The landscape of massacres in the BTAD area is marked by state inaction or complicity. In 1994, Bodo militants attacked the government relief camp in Bashpari High School in Baksa district, killing nearly a hundred IDPs. Two decades later, a Bengali-speaking Muslim who had lost his mother in the 1994 massacre and bears a bullet scar on his neck, lost his daughter in the massacre at Khagrabari in 2014.⁴⁸

Whether it is the Muslims, the Adivasis or the Bodos there is a deep cynicism regarding the sporadic incidents of inter-community violence, seen as being manipulated by political leaders in Dispur, Assam’s political capital. The well-known women’s rights activist and Bodo political leader



Anjali Daimary rejects the branding of the violence as driven by Bodo ethnic essentialism, but anxieties about the ‘influx’ of foreigners still persist.

“It [December 2014] was not an ethnic conflict; that’s why people rallied together in Kokrajhar, across communities, to stop the contagion of violence and defend the peace. We’re told [by the ethnic Assamese] that the Bodos are the only ones who can resist the influx of foreigners; we Ahomiyas protest, declaim, but do nothing.” — Anjali Daimary

Researcher Makiko Kimura who has documented the election-related massacre of Muslims in Nellie (1983) and the failure of access to justice, argues that had Assam learnt the lessons of the different aspects of the Nellie violence in time, it could have gone a long way in handling complex issues of tribal land alienation and the fallout of various social aspiration movements.⁴⁹ Reinforcing the culture of impunity, amnesties are built into peace accords as in the

case of the Bodo accord of 2003. And as elaborated above, the exclusionary dynamics of identity-based movements and the Indian state’s peace-making praxis of acquiescing to territorially based ethnic homelands in multi-ethnic spaces has been a major trigger for waves of forcible uprooting.

Evidencing government complicity in fuelling anti-minority sentiment has been an additional factor. Political analyst Monirul Hussain associates Home Minister L. K. Advani’s statement in Guwahati, about “thousands of Bangladeshis crossing into Assam” as fuelling the incendiary politics that precipitated the 2012 ethno-religious violence in BTAD. In 2015, with the BJP back in power in the centre, Prime Minister Modi has again stoked the embers by proposing an ordinance to settle all Bengali-speaking Hindu refugees fleeing persecution in Bangladesh. The communalisation of the IDP discourse is reflected in an Assam government official’s response to an NGO providing relief to Bengali-speaking Muslims in a camp in Kokrajhar: “Why do you want to help these Bangladeshis?”

DISPLACEMENT TRIGGERS

During our visit to Khagrabari camp on the banks of the river Beki in Baksa district, we were confronted with plausible evidence of the nexus of government agencies and armed ethnic militia as a strong driver of displacement. In May 2014, Bodo armed militants in collusion with forest guards of the BTAD brutally attacked a village of Bengali-speaking Muslims at the edge of Manas National Park, killing at least 45 people, mostly women and children. The village was burnt to the ground and 5,000 people were displaced.

"It happened last year when officials of the forest camp opened fire in our village and we had to simply run for our lives leaving everything behind. We didn't even have time to take anything — clothes, utensils, documents, nothing. We women grabbed our children and jumped into the water of the Beki and swam across to the other side as fast as possible. They (attackers) showed no mercy and many drowned in the river. It started at 4 pm. They fired at everyone. There was an old man and he let everyone run, thinking nobody would kill an old man. But he too was brutally killed. My young nephew was smashed against a power pump and then his legs were pulled apart." — Shabana Khatoon, Khagrabari

When armed militants opened fire on the village, a young mother with her four children ran for protection to the forest 'beat' (station) office a couple of kilometres away. These forest guards often came to the village to buy vegetables. But instead of providing protection to such villagers fleeing violence, the forest guards joined hands with the masked militants firing at them. The young mother ran back and jumped into the swirling waters of the River Beki clutching two of the smallest children, one a four-month old baby. Two older children swam alongside. Bullets whizzed over their heads. The oldest daughter Sameeran (alias) dived under water and survived. A bullet hit her younger brother. She saw her mother struggling to hold on to her two smaller brothers. They were drowning. Then her mother was hit, and she was gone.⁵⁰

The armed forest guards were ex-militants who like many others after the Bodo accord had been integrated into the security apparatus of the BTAD. Tension had been brewing, as the village settlement was an illegal encroachment⁵¹ in the forest abutting on to the Manas National Park. According to the Jhai Foundation fact-finding report, the trigger was the 2014 general election. The Khagrabari massacre was preceded

by a string of attacks aimed at frightening Muslims from the neighbouring villages into not voting. In the immediate aftermath of the elections on April 30, the former Minister of Agriculture Pramila Rani Brahma provocatively stated that the Muslims of BTAD had not voted for the Bodo candidate who therefore was likely to be defeated. The next day saw three violent incidents in which 11 people were killed, and several injured, including women and children. On May 2, Khagrabari was attacked, the village razed and 48 killed by forest guards in league with NDFB (S) militants.

Three months later, the National Investigative Agency instituted an inquiry. In the omnibus FIR lodged, eight persons were named as accused. Finally four forest guards were charged. The trial has been continuing since 2015. This is a major departure from the lack of accountability that has been the pattern in communal massacres since Nellie in 1983. The catalyst is the initiative by local and national NGOs such as the Jhai Foundation (Guwahati), Centre for Social Justice (Ahmedabad) and Aman Biradari (Delhi) who have provided humanitarian assistance and legal aid to the survivors.

Some eighteen months after the violence, arson and brutal uprooting of the 52 households from the Khagrabari village, most of the families are still in the camp set up at the edge of the Beki River bank, accessible by boat. Further inland is the Manas National Park. Conspicuous as an anchor is the SSB security post. The burnt out village is a few kilometres away. The international NGO Save the Children has wound up and left, its child friendly space now lying abandoned. Assam government authorities disown any obligation to continue an activity they were not consulted about.

The tin sheets of ten newly built houses gleam in the sun. The politician philanthropist Ajmal *Chacha's* (local word for uncle) Trust began building them, then stopped abruptly after the Assam government came forward promising to provide housing for the rest under the India Awas Yojna housing scheme. The IDPs' forest village abutting on to the Manas National Park was now considered an illegal encroachment, so they have no entitlement to the government's housing scheme.

"The village in the forest was over fifty years old. I have been staying here for 22 years as I came here after marriage. We had proper houses and fields of 3-4 bighas of land. Where will we go now? We are now deserted and cut off from the other villages in the forest. Because there is tremendous river erosion we have to go deep into the river to fish, so we've not been able to go fishing. We cannot go to our fields, fearing

attack again. This place has reduced our life into nothingness. We do nothing but sit and chat, recall the horror and talk of better days.” — Shabana Khatoon, Khagrabari

The government’s unwillingness to recognise the socio-political consequences of the extremely militarised response to public violence has led to reluctance to accept responsibility for conflict-induced displacement. Terms like “ethnic conflict”, “ethnic cleansing” and “ethnic militarism” are convenient analytical frameworks. An example is the sudden eruption of violence across three districts, Kokrajhar, Chirang and Sonitpur (adjacent to BTAD) in December 2014, constructed as being ethnically driven. After decades of settled co-existence and even inter-marriage, on December 23, 2014, masked armed militants let loose terror in Adivasi hamlets in coordinated attacks in five places. Within an hour, 71 were killed, including 18 children and 21 women. Thousands fled into the nearby forests and hills, confronting the winter cold, trauma, hunger and insecurity.

“There was a pucca building; we crowded there to escape but they kept firing at us there. Five were killed. We fled up the hill at the back. For three days, there was no help. Our Bengali neighbours gave us food and water.” — Joshila Murrur, Pakhriguri village

This time (December 2014) Muslims were not targeted. Instead Adivasis were attacked. “Because they (the attackers) thought Adivasis wouldn’t retaliate,” said Stephen Ekka, President of the AAASU. But there were retaliatory attacks, five Bodos were killed, and the Bodos too fled to separate camps.

“I have been displaced thrice (1996, 1998, 2014). Every time we begin life after returning from camp. We again build our house, work the land and fields again and plant our trees. And then again they burn our houses, our fields, the sal trees, the supari bagaan (betel gardens), which are the mainstay of our lives and livelihood. We have lost our strength now.” — Meera Narzary, Kaikhongbari camp

Confusion continues over what provoked the coordinated attacks. Arguably, the NDFB –Songbijit faction was said to be under siege as a consequence of the security forces’ “all out” military operation. Did they want to terrorise the

villages, to discourage betrayal and stop the villagers from passing on information of the militants’ whereabouts? Was it to divert the attention of the security forces and lift the military pressure on the NDFB? Was it to queer the pitch of the incumbent in the forthcoming elections to the Bodoland Territorial Council?

Whatever the reasons, what was significant was that the “ethnic project” — attempts to divide people on the basis of ethnicity — failed. There was no contagion of prairie fires across the BTAD as happened in 2012.⁵² Across communities, people came forward in peace rallies to stop the violence, and at the forefront were the student federation leaders and volunteers — All Adivasi Students Union and the All Bodo Students Union (ABSU). This convergence reflected the peoples’ sense of tiredness with the cycles of violence, and the consequences of chronic underdevelopment and impoverishment of all communities, said Raju Narzary, a leading Bodo scholar activist.

In all, 300,000 people fled their homes in December 2014. Kokrajhar in particular was peppered with IDPs’ camps belonging to all communities. People cowered in the forests and huddled in clusters on the main road, until their respective student federation leaders came, along with the paramilitary forces, to escort them to camps. NGOs sympathetic to the Bodos such as NESWN were aware that it served the interests of the Dispur (Assam capital) politicians to keep the Bodos in camps. Return had been possible much earlier. The camps were still there when we visited ten months later. Amenities had been installed in the camp but not in the village, which, once abandoned, would rot — hand pumps, public toilets and baths. Even the hutments were a sharp contrast to the tarpaulin sheets of the Adivasi IDP camp in Deosri.

EARLY WARNING AND EMERGENCY RESPONSE

Most attacks came with little forewarning, and in several instances the objective was clearly forcible mass evictions without killing. (In 2012, the police evacuated Bengali-speaking Muslims from Kochugaon village supposedly to pre-empt an attack, but in effect “cleansing” the village of Muslims). According to Stephen Ekka, President AASU, irrespective of whether the IDPs were Adivasi, Bodo or Muslim, “it had less to do with discrimination than government agencies habitually responding slowly.” Villagers would flee and hide in the forest, or run to the roadside on the edge of the forest within the vicinity of the SSB post. The

paramilitary security forces would then search out cowering and injured women, children and men and take them to the safety of a camp.

"We were out under a tree near the SSB (Border Security Force) camp for three days after the Adivasis attacked us and we had to run for our lives. In the village we were 24 families, more than 200 people who left everything. We ate nothing for two days except something SSB personnel gave us. Our children went hungry for days out in the open in the cold winter night. We stayed there for almost two months sharing a few tents given by SSB. Some rice and lentils gruel (khichdi) was given to us. Only after two months the civilian administration and the SDO came and provided us with the camp facilities that you see." — Sunita Bodo, Kaikhongbari

"Our houses, utensils, clothes were all burnt. We had to stay in the open with nothing. After three days, many NGOs and also government agencies came with help. After a week or so we got some utensils, firewood and started cooking food for ourselves... The primary school is three kilometres from the camp area and children go to school. For almost three months the school was turned into a camp and children couldn't attend it. Even after that we were scared to send the children alone. Even today many children are escorted by the teacher who is temporary teacher in the school." — Majeeda Begum, Khagrabari

"There were almost 3,000 people in Deosri camp after the violence. There was no support in cash or kind and people were in complete distress for nearly three months. NGOs like ANT, PAJHRA and ADRA supported us with tents and rations. Even now a loud sound reminds me of that day. We got compensation in 1998 when we were first displaced but nothing now. ANT has a learning centre here. But children don't go to school because both the parents have to go for dihari (daily wage labour) on the Bhutan border in Dadghari." — Robindra Kujur and Maya Kujur, Deosri camp

"We were in Kathalguri. It was around 12 o' clock and Bodo men with sticks and pointed weapons came running towards us and hit everyone who was not moving out of the villages. We ran as fast as possible and found ourselves on the street. The CRPF jawans [troops] escorted us to Serfungiri to the

open field of the Idgah, which was flooded with people. Fearing more attacks we were taken to Dhubri where we stayed for three months and came back to Serfungiri again. I got no compensation. My house was my only support. It is not possible to go back to the village, as there is not a single Muslim household left in Kathalguri. Everyone is leaving from here. Now, my husband is dead and I have nowhere to go". — Samsuya Bewa, Serfanguri

There is no system of assessing and recording loss or instituting accountability for loss. An NGO-initiated study of India's Internally Displaced has attempted to index human and material loss, demonstrating the extent of devastation and deprivation, and the failure of state agencies to develop an adequate response mechanism. The study shows that compensation is random, arbitrary and differs according to the state, and political considerations. The absence of a regulatory relief framework means that rates of ex-gratia compensation for loss varies and is unpredictable. Who is entitled is determined in an ad hoc and arbitrary manner at the discretion of an official.⁵³

GENDER NEUTRAL

It is evident that rarely if ever is any attention paid to giving early warning, or assisting the affected peoples' travel to safety. Often the first site of refuge, a *pucca* building like a school, is provided no security. Joshila Murmu and the other Adivasis running away from Bodo violence on Christmas Eve, 2014, learnt this first hand as they had to leave the building and flee up the hill, carrying their children.⁵⁴ Rarely is there ever any sensitivity to women's vulnerabilities in flight, as we found during our visit to Khagrabari camp. When we asked if there was a gendered experience of flight, a self-styled camp leader shook his head and authoritatively volunteered, "There is no difference for women."

"You've never given birth in a camp, have you?" interjected a feisty, elderly woman.

In camp after camp we heard the distress story of pregnant women fleeing violence. In Deosri, Roma (alias) was seven months pregnant that December night when she fled the attack on Adivasis by Bodo militants and had to run two kilometres. She delivered her baby in the camp, unaided. In Hachapara camp, Muslim mothers fleeing the 1996 cycle of

violence were so fortunate; the memory continues to haunt them:

“We were in a village called Patabari, it was late afternoon; we were sitting around after our afternoon meal. The Bodo militants came in full force with lathi and jung (sticks, bats) and started breaking our houses. We women ran picking up our young children. Some men helped, but we women had to take care of the children. One young mother with her newborn baby, stumbled and fell. In the fear and panic she got up and ran with us. Somehow, the baby got left behind. She could not go back.” — Raheez Begum, Hapachara

It was a story that found echoes in many of the IDP camps and settlements across ethnic and religious divides. Adivasi women in Pakhriguri village were emphatic, noting that “men will run to safety, women have to protect themselves, for they can’t run like the men — they have the children and the older people to look out for...” Significantly, they used their gendered responsibility of protecting and caring for their children as an argument to demand that they be given arms training with bows and arrows.

Despite the UN Guiding Principles, IDPs tend to be treated as a homogenous category with identical needs and interests. There is no institutionalisation of disaggregated collection of statistics according to gender, age, female-headed households, widows and disability, which would enable identification and prioritisation of needs and appropriate relief especially for adolescent girls and pregnant or lactating women. Lack of sexual reproductive maternal health can mean a death sentence for women during pregnancy and childbirth.

On occasion, a thoughtful official can make a difference, demonstrating what a gender sensitive response would be. In the wake of the Khagrabari massacre in Baksa district, in May 2014, as the numbers of the forcibly displaced were not so overwhelming, the district administrator took pride in instituting in the camp the practice of registering all pregnant women and in their eighth month shifting them to hospital for institutional deliveries.⁵⁵ Confronted with a flood of displaced in 2012, the response invariably became minimalist. In such situations, NGOs derisively deride Disaster Manual Guidelines that provide for gendered response, including ‘women friendly spaces’.

The IDP Survey of the forcibly displaced conducted by NGOs -ANHAD, Human Rights Forum, ANT, Jana Vikas



WRN Community Conversations in an IDP camp in Hapachara, BTAD, Assam, India

(Orissa), ASDS and Janvikas, Gujarat and anchored by the Centre for Social Justice⁵⁶ found that in Assam, after the 2012 wave of violence that displaced nearly 500,000, most pregnant women delivered their babies alone in the camps. Mothers and babies were severely malnourished with erratic or no access to *anganwadis* (community centres) and nutrient support. Often no support was available for days after flight, particularly dangerous and damaging for babies and young children. Births of children routinely slip through the statistical net, effectively excluding them from entitlements to supplementary nutrients.⁵⁷ This also effectively erases the possibility of recording deaths of children in the inhospitable and insanitary camps. The NCPDR study, Protection of Children’s Rights in Areas of Civil Unrest (2010), found a basic gap in every area of civil unrest.

NEGLIGENCE IN PROTECTION

In conflict and while being displaced and in flight, multiple fact-finding reports have revealed that IDPs received dismal protection, marked by a callous lack of concern. Data from the above cited Survey of IDPs published in “A Study of Internally Displaced Persons of India” (2013) indicates that nearly 78 per cent of Assam’s IDPs (67 per cent of Gujarat IDPs, 97 per cent of Kashmir IDPs and 79 per cent of Orissa IDPs) said they were left unprotected during the time of conflict. In Assam, IDPs suffered huge losses, including human casualties. Their houses were burnt (98 per cent) and looted, standing crops and livestock lost (94 per cent), shops looted and gutted, and vehicles vandalised or stolen.

In their journey of displacement and flight, nearly 90 per cent of Assam IDPs said they were threatened during transit. About 58 per cent said they could not reach the new site safely with their families. Many IDPs lost kin but police took no action and even resisted registering an FIR. Despite such huge damage, most IDPs did not know whether a government agency ever carried out any assessment of the losses.

EMERGENCY HUMANITARIAN ASSISTANCE

“The cycle of state response to conflict-induced displacement in Assam usually runs along the following pattern: immediately after the violence, temporary relief camps are set up in local educational institutions and government office buildings. Subsequently, makeshift cramped shelters are built on government land. While there is a security outpost near the camp to provide protection to the camp inhabitants, field interviews have revealed that security personnel also sometimes cause insecurity inside the camps. The government provides gratuitous relief in the form of rice, lentils, and oil regularly for a few years till the makeshift camps take on the nature of permanent settlements. When the relief stops and the people are forced to vacate the camps and to look for rehabilitation, they are provided only with a small rehabilitation grant.” — Uddipana Goswami (2008)⁵⁸

Rice, daal, mustard oil — this is the state government’s standard emergency response to the cycles of forcible displacement. The Assam Disaster Management Manual (2015) stipulates three months⁵⁹ of subsistence ration for displaced households. Even that, we were told, was

compromised. In the state-run camps the ration provided was barely sufficient for ten days. In these camps, let alone the informal settlements, hunger stalks the IDPs. On several occasions the National Human Rights Commission (NHRC) and the Supreme Court appointed Food Commissioner on Right to Food have intervened to stave off acute food distress in IDP camp/settlements in Tripura, Gujarat and Western Assam. For instance in 2007, an NHRC delegation visited the victims of ethnic violence sheltered in 15 relief camps in Kokrajhar district, Assam, and drew public attention to the extremely inadequate food rations and poor medical facilities for the 7,500 displaced families.⁶⁰ Similarly, a Supreme Court-directed mission, led by bureaucrat-turned social worker Harsh Mander, visited IDP camps in BTAD in Aug 30-31, 2012 and raised concerns over hunger and disease in the camps.

Consolidating this qualitative assessment, according to above cited IDP Survey data, 11 per cent of Assam’s IDPs said they suffered from starvation, while 14 per cent reported they were hungry. Work guaranteed under the national job guarantee schemes like NREGA to stave off rural poverty is often not available when it is most needed. Quantitative data culled from the IDP Survey indicates that in Assam, 32 per cent of claimants of the NREGA demand-based scheme were not given the required NREGA job cards. Impoverishment and deprivation has driven women out to compete with men for daily wage labour.

“It is either leaving the security of camp and going with the contractor to work in the forests in adjoining Bhutan, risking attacks by armed Bodos on the way and sexual harassment, or starving. When there is no work, we go to sleep hungry.” — Phool Mardi, Deosiri

“Before, we had enough work. Our men used to work in the field and we used to cook and take care of the family and children. Women never used to go out for work; we didn’t need to work for money. Our children are not going to school, because they move with us for work. We need to work to get money so that we can send our children to school, give them good clothes on Eid and get our daughters married off properly.” — Shajiya Begum, Hapachara

Ten months after the December 2014 violence engulfed 22 villages, and led to the Adivasis being herded into camps, there are about 500 people homeless in Deosri on the

margins of Chirang district on the Bhutan border. It is a mobile population, with some moving out and other IDPs moving in. At one end is abject destitution, at another, slightly less destitution. Take the example of a couple of brothers, uprooted Adivasis from Shantipur, who have bought out a Muslim family and moved into a two-roomed brick house. Some distance away, a young mother lying on a plastic sheet, clad in a thin blue saree shielded her baby with her body. A bundle of clothes and a few cooking pots was all she had to keep out the advancing cold winter.

Oxfam has erected a couple of toilets that are sparkling clean — apparently they don't get much use. The moulded squat toilet platforms have other uses. One has morphed into a table, yet another has pot plants sprouting from it, or is being used as a door.

There is one deep bore hand pump for dozens of families. Basic water and sanitation facilities are minimal and epidemics are rife. Medical teams no longer visit the camps. As night fell, Deosri was plunged in darkness.

In the camps Anganwadi community centres are more absent than present. Such centres are vital for providing the supplementary nutrients and care that spell life or death for the child under five and the mother. The state guarantees children access to primary school under the Right to Education Act, but in some cases schools have become camps, in others vital registration documents for admission are missing or there is no space or rations available to provide the mandatory mid-day meal for school children.

HIGH RISK COPING STRATEGIES

In India, as in IDP like situations in Afghanistan and Pakistan, there is documented evidence of the vulnerability of girl-women refugees/IDPs falling into high risk coping strategies that involve sexual exploitation and trafficking, child labour and begging.⁶² For young girls, institutionalised gender prejudice is likely to foreclose even the minimal options that exist for their livelihood opportunities. An ADB economic livelihood project for women IDPs in Bodoland, Assam held out the possibility of a lifeline for young women, but a government official dropped the young 'educated' girls whom a women's network had included in the proposed list of beneficiaries. The official's logic was that these girls would marry and relocate and the investment would be lost to the village.⁶³

Particularly vulnerable are female-headed families who are likely to be amongst the most deprived, whether displaced

or among the chronic poor. But there is little evidence of a gender sensitive prioritisation of response in dealing with the livelihood challenges of desperately poor female-headed families. These families are rendered all the more vulnerable due to the breakdown of social structures of protection. For instance, in the Idgah field camp in Serfanguri, Chirang district, where a couple of years ago thousands of Bengali-speaking Muslims had huddled in dread and fear in the month of Ramazan, now only about 15 households remain, especially after a storm flattened the tent city. With nowhere to go, the elderly Serfanguri widows are desperate and destitute.

Majeeda 'Bewa' (widow) defensively explained to us why she had 'married' off her minor adopted daughter and niece to some unknown men in distant Haryana. 'Maasi' as her three orphaned nephews call her, has in all likelihood been complicit in the trafficking of their minor sister Nazma and adopted cousin Arohan. What was Majeeda Bewa to do when her brother died in a brick kiln accident and his wife who went to claim compensation died under mysterious circumstances? She was left with four children to look after. Lal Bano, a woman in town arranged to send Nazma and Arohan to Haryana to marry Hindu men there. The men reportedly paid her 17,000 rupees for each girl. Majeeda introduced us to her young nephews, 12, 9 and 6 years old, who had just returned from Friday prayers. The eldest works in a tea-shop on the edge of the camp. He does not go to school and is illiterate; his two younger brothers go to school. "How do we eat, if the boy does not work?" Majeeda Bewa aggressively asked.

Early marriage, child labour and trading sexual favours are social vulnerabilities that get heightened in relief camps.

The conflict-affected areas of the North East have long had notoriety as catchments for human trafficking. The Criminal Investigation Department of the Assam Police in 2006 identified flood-affected areas and relief camps in the state as two pockets where girls and women are most vulnerable to human trafficking, and where such transactions have taken place in large numbers. Information is largely anecdotal as families are wary about reporting or registering cases, and reluctant to talk about these matters. In the Joypur relief camp, Kokrajhar district, situated along the National Highway 52, incidents of sex trade have been reported since 1999. But till 2006, only one case was registered in Bismuri police outpost, almost adjacent to the relief camp.⁶⁴



HAPACHARA CAMP: STATUS REPORT ON PRIMARY EDUCATION

Hapachara camp's nearest primary school is 1.5 km away. The local population resists the admission of the children from the camp, so only a few such children could get admission in the schools. Officials informed us that they are trying to mainstream camp inmates, but fail due to local resistance; the schools have limited seating capacity and locals fear overcrowding. The mid-day meal supply will not be enough if children of the camp are admitted. No recent survey of school-age children in the camp has taken place. Some 225 students from the camp were enrolled when the last official survey was carried out there.⁶¹

SOCIAL IMPACT OF DISPLACEMENT

Displacement has gendered consequences as is evident in the patriarchal constraints on girls' and women's mobility in a context when circumstances oblige them to live in crowded intimacy with outsiders. They are forced to expose themselves to vulnerabilities as they daily travel to fetch water and fuel or hire themselves out to contractors as daily wage labour in distant places. However, in none of the camps we visited was there any talk of incidents of sexual violence, even during displacement. The IDPs' sense of social isolation and disconnect is reinforced by the location of most relief camps, situated in remote areas. The trauma of violent displacement, especially when the experience is that of multiple displacement or loss of a child, often produces deep dispiriting depression that undermines the capacity to 'start again'. But the need to provide for children and in particular their education is a powerful driver.

"It is difficult for women to move about. We cannot even visit our relatives as this place is very remote and transportation is bad. We cannot take part in any work. We stitch kantha at home and work as domestic helpers to earn something for the family." — Bidyapur camp

Suspicion and distrust eat away at what were once socially cohesive, interdependent communities especially if some have been able to get compensation and others have not as in Hapachara. In Khagrabari, the post-displacement shrinkage in the social world and relationships of women was striking as evinced in an exercise conducted by the NGO Aman Biradari.

"Before, we had plenty, so we didn't think twice about giving something to a neighbour or helping someone in need. But now it is difficult to share even salt if anyone asks. Earlier, there was support from the community and our relatives. After the violence, people think only about themselves. It is only when we are scared at night that people help each other, because if they don't others will not help them." — Shabana Khatun, Khagrabari

Visible in many relief camps are men — unemployed men, playing cards, venting their frustration in alcoholism and violence. Anecdotal evidence indicates much higher levels of domestic violence and overt efforts to exercise greater control over their women. Jennifer Liang of the NGO The ANT has years of experience working in Chirang district. She told us that she was struck by the dramatically heightened levels of domestic violence among the Adivasis. In Deosiri, she had to intervene to stop a man who had publicly stripped his wife and would have beaten her to death. In the Bengali-speaking Muslim camp of Khagrabari, some women alluded to gender relations becoming more unequal, especially if monetary compensation was involved.

"We knew money was transferred to the bank. We knew some of the things on which the money was spent. There are many quarrels based on money issues, as it is a hand to mouth existence and sometimes not even that. These quarrels have increased after the violence because there is no money to even send our children to school. This has affected our relationships. There is more violence against wives and more alcoholism." — Sajida Khatun, Khagrabari

STABLE SOLUTION

'Return' to the home village, in a vast number of cases is just not possible for reasons of security, adverse possession, declared illegal encroachments, destroyed homes and infrastructure and environmental degradation. Rehana Khatun in Serfanguri camp cannot go back to her house in *Kochugaon*, even though it stands empty, because there are no other Muslim families left there. The pre-emptive evacuation of Muslims from Kochugaon has changed the social dynamics of their earlier co-existence with the Bodos. The Khagrabari Muslims know that insecurity and illegality combine to make it impossible for them to return to their razed village, on the edge of the Manas National Park.

Adivasis have confronted multiple displacements in the violence of creating a Bodo ethnic homeland — and now their lands are being farmed by others.

"We were targeted in 1996. Our original village is on the other side of the river Aai, Part I. Aai Dhubri is our original village. I still have land there. I pay tax for my land but I have no possession. I know who took my land because I did census duty and I worked there in my own village. I had 72 bighas of land..." — Bhaiya Soren, Veterinary Complex relief camp, Bongaigaon district (Bengtal village)

Most of the Santhals and other Adivasi tribes who were displaced from their homes in 1996-98 have been unable to return to their homes. Many live on forest land that they fear could be taken away from them anytime, as has been the violent fate of the Khagrabari Muslims. Some have bought land but have no legal document proving their ownership (IDP Survey: Centre for Social Justice 2013). A vast number languish in informal camp settlements. Some have been blocked from returning to lands reclaimed by forest officials, others were displaced to distant camps far from their lands.

In PakhHriguri, the displaced Adivasis have been returned to their segment of the Bodo majority village, after a third cycle of being violently uprooted — in 1996, 1998 and in 2014. As long as the security post remains in the vicinity, return is possible. But clearly the social dynamics of the village have changed irrevocably.

For the Bodos, return is possible but impeded by politics rather than security considerations — this is what accounts for their nearly-year-long displacement in Kaikumbari Camp, Kokrajhar district. In October 2015, the few remaining Bodo

households were planning to shift back to their village. Social activist and NERSWN Director Raju Narzary was critical of the attitude of local officials, backed by INGOs, who do not push for early return. The result was that the government invested in installing facilities at a temporary camp-site — hand pumps, toilets and bathing facilities — none of which exist in the IDPs' home villages. Moreover, the longer the displacement, the more difficult the return to mixed ethnicity villages.

Data from the IDP survey in "A Study of Internally Displaced Persons of India" indicates that a majority of Assam's displaced persons, nearly 70 per cent, tried to return to their original homes and lands (in contrast to the situation in Gujarat and Orissa). However, more than a third were unable to return because they were attacked or threatened. Nearly two-thirds did not return because their property was destroyed, and about a third were discouraged by the non-cooperation of government officials and the police. Nowhere is there any evidence of official concern about how these people will earn a livelihood after returning to villages from where they were uprooted

The government's response to protracted displacement is an absence of a policy of local integration or resettlement. The relief grant, if available, varies from Rs 10,000 to Rs 50,000 and is clearly inadequate to rebuild a home. The absence of a nodal agency for relief and resettlement makes for ad hocism and arbitrary response as evidenced in the plight of the Hapachara displaced, uprooted from their lands more than two decades ago. They have nowhere to return to. They regularly join the some 1,600 IDP camp households in protest rallies to Dispur to get the state politicians to include them in the entitlement of the one-time rehabilitation grant of Rs 50,000. As discussed earlier, only half the Hapachara families had been included in the unannounced official survey to register the Hapachara displaced, which entitles them to the rehabilitation package. This makes a mockery of the UN Guiding Principles that emphasise the full participation of the IDPs — women and men — "in planning return, resettlement or reintegration."

The above mentioned IDP survey data indicates that in a majority of cases, the government did next to nothing to help IDPs to resettle. In Assam an overwhelming majority, 82 per cent, felt that the government extended no help in providing land to build a house, or access to a built house, or to livelihood. This was the common IDP experience across states.



Rajbongshi tribal woman IDP,
Vidyapur Camp, Assam, India

V. POLICY RESPONSE: AD HOC AND DISCRIMINATORY INSTITUTIONAL INTERVENTIONS

India has no national policy or legislation that responds to the needs of the many hundreds of thousands displaced by armed conflict, inter-communal violence or human rights violations. With no guidance framework or nodal agency to regulate assistance and protection, state authorities are left to decide the extent and scope of assistance. The result is that state policy response varies both between and within states and is largely ad hoc, arbitrary and in many respects discriminatory. This is evident in the relatively privileged attention to the conflict uprooted Kashmiri IDPs/migrants (politically high value) and the extreme deprivation of the Adivasi IDPs (disempowered) and the communal hostility towards the Muslim IDPs (“unstable citizens”).

Given India’s federal structure, responsibility devolves on the individual states of the Union to provide for protection. Law and order is a state subject, but security is the responsibility of the Home Ministry and the central paramilitary forces. In the context of the North East (and Jammu & Kashmir) much of the region has been declared a “disturbed area” and is under emergency laws. These include the controversial Armed Forces Special Powers Act (AFSPA) that gives wide-ranging powers and impunity to the security forces. High levels of militarisation have resulted in the erosion of the civilian administration’s capacity.

In Assam, the state government has provided various levels of relief to different ethnic groups, as evident in the shelter and public amenities available to the Bodo displaced living in Kaikhongbari Camp in Kokrajhar district and the Adivasis in Deosiri camp in Chirang district. In Deosiri, polythene lean-to tents hold two families each, with barely a few pots and pans, straw bedding and a bundle of clothes. This is in sharp contrast to the more spacious aluminium and thatch shelters, and better facilities (hand pumps, toilets and bathing facilities) of the Bodo camp. Moreover, branding the displaced residing in the Kokrajhar camps as Bengali-speaking Muslims brings in the discourse of illegal influx and the deliberate overlap with Bangladeshi migrants. “We

don’t discriminate, but NGOs do,” emphatically assert Assam state officials. Then SDO Gosaigaon, Vinod Seshan told us, “Indeed, many humanitarian NGOs have been partisan as evident in the work of INGOs and NGOs in their focus on certain communities to provide relief.”

Field-based studies and fact-finding reports attest to Assam’s official agencies’ discriminatory and arbitrary provision of relief and assistance. The ‘Study on Internally Displaced persons of India’ refers to displaced Bengali-speaking Muslims claiming that the Bodos get better facilities, especially compared to the Santhals.

“They complained that there was no proper medical facility in the camps, as a result, mothers who had given birth to children could not feed them. Both mothers and children were malnourished, as they got only daal and rice. Similarly, in camps that were set up after the 1996-98 violence, hardly any clothing was provided — just one set of clothes. Private organizations gave them some utensils, in the beginning but that help dried up. An Anganwadi had been opened near Udayagiri. Children of the IDPs were weighed and fed. They were also provided with preschool education. However, the IDPs residing in Shaktivihar were discriminated against in the Anganwadi and were not provided with necessary supplementary nutrients.”⁶⁵

Civil society groups have often complemented state government assistance and filled key gaps, but there is evidence especially of faith-based groups exploiting vulnerabilities. Moreover, the central government does not encourage international assistance, especially in situations of displacement caused by conflict and violence. INGOs largely work through local partners. International monitoring organisations, like IDMC and NRC, have repeatedly urged the need for a nation-wide legal framework and standards “to allow for a more predictable and comprehensive response to

the needs of IDPs” (2015).

However, a national legal and regulatory framework is still a long way off. A step forward was the government’s proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2009. It included reference to those displaced by communal violence. Efforts continue to incorporate gender sensitive perspectives and ways to address sexual and gender-based communal violence.

India adopted a “National Rehabilitation and Resettlement Policy” in 2007 but this is primarily focused on project-affected displacement (PAF). The NRRP bill from which the policy is derived does gesture at wider inclusion:

“However, involuntary displacement of people may be caused by other factors also, and the provisions of the Bill may apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any reasons.”⁶⁶ [emphasis added]

The policy establishes standards that can be invoked as a measure of accountability for all those who are forcibly displaced. It recognises the special vulnerability of women, unmarried girls, abandoned women and the elderly, but mentions no specific entitlements. Moreover, the category of “affected families” does not recognise female-headed households. There is no reference to gender violence concerns. Importantly, there is no representation from the Ministry of Women And Children in the National Monitoring Committee for Relief and Resettlement.

Moreover, Clause 4.7 of the 2007 Policy “exempts the Ministry of Defence from conducting any Social Impact Assessment or Environmental Impact Assessment while acquiring any land in connection with national security.”

A National Disaster Management Act (2005) has been enacted and the Disaster Management Division functions under the Home Ministry. The *Disaster Management Act* implicitly covers ‘conflicts’ under the umbrella rubric of ‘calamities’. The Act defines *Disaster* as a catastrophe, mishap, *calamity* or grave occurrence in any area, arising from either natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering, or damage to and destruction of property or damage to or degradation of environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area.”⁶⁷

The Act states there shall be no discrimination on the grounds of gender, caste and community in providing compensation and relief. The *Assam State Disaster Management Manual* (2015) incorporates gender concerns in its articulation but we found the response of community activists to be sceptical, and with reason. A casual conversation with officials revealed the disconnect between the bureaucratic authorities in state capitals (like Guwahati) and the reality of the IDPs’ situation in remote camps or settlements. For instance, an Assam SDMA senior official emphatically asserted that collecting wood for fuel for cooking was not an issue in the camps as the IDPs had access to kerosene stoves! Had the official visited the camps, she would soon have realised how mistaken she was. Its corollary is INGOs distributing moulded squat toilet platforms and the IDPs’ use of them to make objets d’art, tables and doors, anything but their sanitary use.

Also, on the anvil is ‘The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill, 2015 aimed at diluting the 2013 Act which stipulated consultation obligations, a duty to resettle IDPs and compensation and specific entitlements for Adivasi and Dalits whose land is acquired for public purpose.

INSTITUTIONAL INTERVENTIONS

India has no national policy for protecting the rights of IDPs, but there are strong civil and human rights provisions enshrined in its Constitution, as well as institutional structures of accountability. The judiciary has creatively used the principle of right to life to expand the ambit of socio-economic rights for all citizens, including IDPs and even refugees. Importantly the Supreme Court invoked UN Guiding Principles in articulating a relief and rehabilitation framework for the forcibly displaced in the *Salwa Judum* case (2005). Significantly, in Chhattisgarh, “The lack of a national policy has allowed officials to claim that they are powerless to make decisions to protect and assist displaced people.”⁶⁸

In addition, there are institutions such as the National Human Rights Commission (NHRC) and the national and state Women’s Rights Commissions and the National Commission for the Protection of Child’s Rights (NCPDR) — all of which have drawn attention to the plight of IDPs and the inadequacy of the government’s response. However, their powers are limited especially in “disturbed areas.”⁶⁹

The Indian Supreme Court in the Right to Food case (2002-) in an interim order appointed Food Commissioners who on at least two occasions have drawn attention to the desperate plight of the IDPs in the North East camps/settlements and in Gujarat. The Supreme Court has prevented the expulsion of the stateless Chakma Hajong “refugees” resettled in Arunachal Pradesh, and in 2015 directed the Centre and Arunachal Pradesh government to grant them citizenship.

In Delhi, High Court Judge Gita Mittal in a significant judgment of 2010 upheld the right to shelter of the internally displaced Kashmiri Pandits who were shifted from Jammu & Kashmir to Delhi. Posted in the local offices of the central organisation and department, they had been asked to vacate their government allotted houses on superannuation.⁷⁰

Both the National Human Rights Commission (NHRC) and National Commission for the Protection of Child Rights (NCPRC) have undertaken visits and assessments in conflict-affected areas and advocated with the government for better protection of the human rights of IDPs including recommendations on the protection of children in civil unrest, and on relief and rehabilitation of displaced persons.

Also, institutions like the Planning Commission of India have taken cognisance of the situation of IDPs. The proactive stance of member Syeda Hameed resulted in including this issue in the Approach Paper to 12th plan.⁷¹

NATIONAL POLICY ON IDPS

India needs to adopt a nation-wide policy that recognises those forcibly displaced — whether by armed conflict, communal violence or human rights violations — as equal citizens with rights to protection from being displaced, to security in transit, to relief and assistance and to be consulted in determining a durable solution that includes return, resettlement or integration. India needs a national regulatory framework that addresses the triggers of displacement across all states of the country in order to ensure that the rights of all IDPs are respected, in line with the UN Guiding Principles on Internal Displacement. Such a framework and standards must incorporate gender sensitive principles.

As the CCs demonstrate, the experience of displacement is gendered, the needs and concerns of girls and women need to be prioritised, and above all women seen equal citizens who need to be consulted in every aspect of the displacement cycle. The perspectives of girl-women IDPs must shape the policies that directly affect them.

NHRC'S INSTITUTIONAL INTERVENTIONS

NHRC issued several instructions in the wake of the post-Godhra, Gujarat riots of 2002, appointed a Special Rapporteur to monitor humanitarian response and criminal cases related to Godhra

- NHRC intervened in dealing with the issue of nearly 70,000 Chakma refugees who fled across the international border into Tripura, India from ethnic massacres and military operations in Chittagong Hill Tracts (CHT), Bangladesh in 1980s. The repatriation of refugees gathered momentum following an understanding between the two governments in the early 1990s, but persisting instability in the CHT resulted in an estimated 50,000 refugees continuing to remain in the Tripura camps. Conditions were being created in the camps to force the remaining refugees to leave. The Commission visited the camps in May, 1996, halted the pressure on refugees to leave, and ensured improvement of security, supply of food rations, water, medical care, educational facilities and payment of allowances.
- NHRC intervened to halt pressure by student bodies in Arunachal Pradesh to expel 65,000 Chakma refugees who had been settled there for over two and a half decades. NHRC invoked the writ jurisdiction of the Supreme Court. In a landmark judgment, the SC upheld the protection rights of the Chakmas.”
- An NHRC delegation visited the victims of ethnic violence sheltered in 15 relief camps in Kokrajhar district of Assam in 2007 and drew attention to the poor provision of food rations and medical facilities for the 7,500 displaced families.

VI. RECOMMENDATIONS

RECOMMENDATIONS TO THE STATE

- **Recognise** the magnitude and nature of the IDP Problem and act to prevent the relentless production of IDPs by dealing with the root causes of the conflict;
- **End** impunity for human rights crimes, especially gender-related human rights violations; remove laws such as AFSPA that promote impunity;
- **Acknowledge** sovereign responsibility for Protection, Relief and Return/Resettlement of forcibly displaced populations;
- **Incorporate** in Peace Accords a time bound policy and plan for resettlement of IDPs/refugees as an aspect of peace building;
- **Appoint** a nodal agency to administer a national regulatory framework for IDP Protection and Relief;
- **Adopt** a comprehensive *National IDP Policy* that spans all aspects on the displacement cycle and is non-discriminatory and gender-sensitive; aligned with International HL and HR laws, UN Guiding Principles and other recognised international humanitarian standards;
- **Establish** consultative process inclusive of women's voices and perspectives in determining all aspects of the displacement cycle — prevention, protection relief and return/resettlement;
- **Develop** a central database and institute systems of collecting sex, age (and disability) related data so as to prioritise women's needs and concerns;
- **Institute** a National Commission of Inquiry into the situation of women living in conflict affected IDP situations across the country, with attention to vulnerabilities (domestic violence, trafficking, child labour, early marriage) and livelihood needs;
- **Establish** consistent, transparent and gender equal practices of compensation, ex gratia relief and rehabilitation packages across state/provinces and communities. (Recognise women as farmers/landowners and heads of households);
- **Redress** for IDPs should go beyond compensation for property loss and take into account physical, mental and other harm suffered by the IDPs;
- **Stop** imposing bureaucratic hurdles to the access of humanitarian agencies, and protect from attack humanitarian personnel involved in assisting IDPs.

RECOMMENDATIONS TO INTERNATIONAL COMMUNITY & INGOS

- **Monitor** in a sustained manner and non-partisan manner the situation of IDPs with particular attention to gender related concerns, and make public periodic updates and create crisis alert information focus systems;
- **Engage and Partner** with government, especially on provision of humanitarian assistance and support for the 'solution' (return, repatriation, resettlement), and emphasise best practices on attention to the special concerns and needs of women;
- **Ensure** that a minimum of a third of all donor assisted funding and programmes have women/girls as beneficiaries and integrate gender perspectives in all planning;
- **Design and implement** all programmes in consultation with IDPs, host community and local civil society ensuring women's participation in all decision making structures;
- **Reach out** to student bodies, local officials and local elected bodies representatives to ensure sustainability of interventions;
- **Plan** for the long haul, follow best practices and turn the enforced IDP situation into an opportunity for making crucial education and health interventions, especially for women and girls.

RECOMMENDATIONS TO CIVIL SOCIETY

- **Avoid** partisan and discriminatory practices in assistance interventions and facilitate dialogue and understanding between disrupted and divided communities, enabling the active participation of women as equal citizens;
- **End impunity** by pursuing legal action for egregious human rights violations, including sexual torture, working with national NGOs who have adapted to local circumstances legal aid interventions and follow best practices;
- **Design and implement** all programmes in consultation with IDPs and host community ensuring women's participation in all decision making structures and follow best practices;
- **Reach out** to student bodies, local officials and local elected bodies representatives to ensure sustainability of interventions;
- **Monitor** IDP situations and institute public social audits (surveys, public hearings) so as to enable affected populations to demand accountability of government officials on their rights and entitlements with attention to women's needs.

ANNEXURE I

BTAD IDP SITES VISITED, SEPT-OCT 2015

Name of Camp	Displaced Households	Still in Camps	Community	Year of displacement
Khagrabari	72 households	200 People	Muslim	2014
Hapachara	(18,000) 3658 households	1600 Families	Muslim	1996, 1998
Serfunguri	200,000	10 families	Muslims	1996, 1998, 2012
Pakhriguri	Returnee village 7,577	—	Adivasis	1996, 1998, 2014
Deosiri	10,000	250 people	Adivasi	1996, 1998, 2014
Kaikhongbari	5,000	15 families	Bodo	1996, 1998, 2014,
Bidyapur	12000 Rehabilitated village	1,000	Koch Rajbonshi	1993

Source: Centre for Policy Analysis, 2015, Jhai Foundation, 2015, WING and AAWAA (2014) Hussain and Phanboujam (2007)

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