



## Acknowledgements

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**Cover photo:** An internally displaced woman in a makeshift relief camp in Kukurkata in Goalpara district of Assam state near the Assam-Meghalaya border. *(Photo: Ritu Raj Konwar, January 2011)*

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# “This is our land”

Ethnic violence and internal displacement in north-east India

November 2011





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## Executive summary

The north-eastern region of India has seen many episodes of armed conflict and generalised violence since India's independence in 1947. Some of these situations caused massive internal displacement, of hundreds of thousands of people. In 2011, more than 76,000 people remain in internal displacement in the region due to such violence, according to conservative estimates.

This report focuses on the situation of people internally displaced by three situations of generalised violence, which between them caused the displacement of over 800,000 people within the region:

- violence and displacement in Assam and Meghalaya states in December 2010 and January 2011;
- violence and displacement in Western Assam during the 1990s and 2000s; and
- violence and displacement from Mizoram state to Tripura state in 1997 and 2009.

Conflict and violence in north-east India have had different causes. Rebel groups have fought for outright independence for their ethnic group or for some level of autonomy. Related, the increasing scarcity of collective land available to indigenous people has led some to instigate violence against people they regard as "outsiders" in order to change ethnic demographics in their favour. Inter-ethnic violence between indigenous groups has also led to internal displacement.

The Sixth Schedule of the Constitution of India has been a means for some groups to establish a de facto ethnic "homeland", as it provides special protection to some "tribes" in north-eastern states, by recognising "Tribal Areas" administered through Autonomous Councils. A demographic majority in an area is necessary for groups to seek this status. This has created grievances among minorities living in territories falling under Autonomous Councils.

The hundreds of ethnic groups in north-east India do not live in distinct areas, and so their demands for ethnic homelands have often led to generalised violence and, in turn, internal displacement. The number of episodes of displacement shows that the Sixth Schedule does not lead to effective and stable protection of the north-east's many groups, but rather perpetuates potentially violent competition for land and political power.

There is no central government agency responsible for monitoring the situations and numbers of people internally displaced by armed conflict or generalised violence

in India. Some data on IDPs in camps has been published by the authorities of districts hosting camps, but this information is usually not updated regularly. When an IDP camp is closed, its residents may no longer appear in official statistics. However, this does not necessarily mean that they have been able to return home and rebuild their lives there, or have reached a durable solution by integrating in the place they were displaced to or settling elsewhere in the country. There is no monitoring of the number of people in displacement outside camps, including in urban areas. Official figures are therefore likely to underestimate the scale of the actual situation.

In December 2010 and January 2011, violence between Garo and Rabha people in Assam's Goalpara District and Meghalaya's East Garo Hills District displaced about 50,000 people. The IDPs were housed in public buildings, mostly schools, in both districts. The authorities initially provided food rations and health services, but sanitation was a problem. Rs. 10,000 (\$200) and some building materials were given as compensation to those whose houses had been destroyed. The Indian Red Cross Society and NGOs provided additional assistance. The camps were closed in February and March, in spite of the fact that many people were reluctant to return for fear of further clashes. IDPs and returnees had difficulty accessing livelihoods, and the education of displaced children as well as local children in whose schools the camps were set up was interrupted.

In Western Assam, more than 46,000 Adivasis, Bodos and Muslims remained in protracted displacement after several hundred thousand of them were forced to flee ethnic violence during the 1990s. The authorities stopped providing food rations in 2010 and distributed a rehabilitation grant of Rs. 50,000 (\$1,000) to many families. The IDPs had difficulty finding livelihoods, and children lacked access to education. Durable solutions seemed out of reach for these IDPs.

Some Adivasis who had returned to their homes were displaced yet again in late 2010, as they were evicted by the forest authorities without compensation for their losses and without being given alternative land. These evictions clearly failed to meet the conditions laid down in international treaties to which India is a State party, and therefore constituted forced evictions.

In March 2011, a fire affecting one-third of the more than 30,000 displaced Bru people from Mizoram staying in



Bengal camp in Chirang district, Assam. (Photo: Anjuman Ara Begum, March 2011)

camps in Tripura brought new attention to their situation. They had been displaced by generalised violence involving Bru and Mizo people in 1997 or in 2009. They were lacking basic necessities such as access to drinking water, and had difficulty accessing livelihoods. Following the fire, the Tripura authorities and NGOs provided emergency assistance.

The return of the displaced Bru people had started in May 2010. The process has since stalled several times, with some IDP representatives concerned about the returnees' security and with Mizo groups remaining opposed to their return.

The responses by government authorities, including state and central government agencies, to the different displacement situations caused by generalised violence in north-east India have been ad hoc, inconsistent and often inadequate. 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.

National non-governmental organisations (NGOs) have been able to fill some of the gaps, but have generally lacked the capacity for sustained long-term support to the IDPs. International NGOs have played a limited role in the response to violence-induced internal displacement, mostly by funding the work of national NGOs, as the government restricts their access.

The lack of a systematic response by various government authorities to internal displacement caused by generalised violence, and their failure to monitor the various situations of internal displacement, reflects the absence of a national policy or legislation covering such situations. An IDP policy or law would provide a framework

against which the respective authorities could be held accountable. If it was based on the Guiding Principles on Internal Displacement and the Framework on Durable Solutions, it would not only focus on emergency responses immediately after displacement, but would also include measures to facilitate durable solutions for the displaced, whether through sustainable return, local integration, or settlement elsewhere in India.

The states of the north-east have largely been dependent on funds allocated to them by New Delhi. Central government bodies are well placed to ensure that the funding they provide leads to economic and political opportunities for all. In this way the central government would help to address the long-standing grievances which have prevailed among many in north-east India, and which are too easily instrumentalised to instigate ethnic violence for political gain.

# Recommendations

## To the Government of India

- Develop a national IDP legislation and policy in accordance with the Guiding Principles on Internal Displacement<sup>1</sup>, so as to establish a comprehensive framework for responses to situations of internal displacement caused by generalised violence, and to ensure that the rights of people displaced are protected and their needs addressed.
- Provide oversight bodies such as the National Human Rights Commission (NHRC), the National Commission for Protection of Child Rights (NCPCR), the various State Commissions for the Protection of Child Rights, the National Commission for Scheduled Tribes (NCST), the National Commission for Women (NCW), the National Commission for Minorities (NCM) with sufficient capacity to regularly assess the situation and needs of people displaced due to violence.
- Ensure that state governments have the capacity to respond to internal displacement situations, and hold them accountable to the recommendations of the oversight bodies above.
- When assessing the needs of IDPs, focus on those who are particularly vulnerable, including women, children, older people, the disabled, and minorities. Ensure that the Right to Education (RTE) Act of 2009 is implemented in areas affected by violence-induced displacement, and implement the recommendations of the National Commission for Protection of Child Rights (NCPCR), including by developing a national policy for children in areas of civil unrest.
- Ensure that people displaced by violence receive adequate protection, assistance and compensation in accordance with the Guiding Principles on Internal Displacement and the Framework on Durable Solutions<sup>2</sup>. This could be done, in collaboration with state governments, by:
  - implementing the interim orders on the right to food issued by the Supreme Court of India<sup>3</sup> with particular attention to people internally displaced due to violence; and
  - specifically targeting displaced people when implementing pro-poor government schemes, and ensuring that IDPs are not excluded, due to their displacement, from such schemes including:
    - the Public Distribution System (PDS) for food and non-food items,
    - the *Indira Awaas Yojana* (IAY) housing scheme,
    - the National Rural Health Mission (NRHM),
    - the Total Sanitation Campaign (TSC),
    - schemes under the National Rural Employment Guarantee Act (NREGA),
    - the National Rural Livelihoods Mission (NRLM),
    - the *Rashtriya Krishi Vikas Yojana* (RKVY) scheme for accelerated agricultural growth,
    - Integrated Child Development Services (ICDS) including *Anganwadi* government-run crèches,
    - the *Sarva Shiksha Abhiyan* (SSA) programme for universal free primary education.
- Ensure that the Sixth Schedule of the Constitution of India is not implemented in a way that could create or exacerbate incentives to violence and displacement.
- Work with the authorities of states affected by violence-induced internal displacement to develop programmes to enable the IDPs in and from those states to achieve durable solutions. These programmes should be based on the Framework for Durable Solutions, and facilitate IDPs' preferred settlement choices, whether they wish to return to their homes, integrate locally in the place of their displacement, or settle elsewhere in India.
- Monitor the situation of IDPs who have returned to their places of habitual residence and of those who have sought to settle elsewhere or to integrate locally, and provide assistance where needed to ensure they are no longer disadvantaged or face discrimination as a result of their displacement. Ensure that IDPs continue to be eligible for assistance as long as they have needs related to their displacement, for example by not removing those who receive rehabilitation packages from databases.
- Observe and implement international law and guidelines prohibiting forced evictions, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Basic Principles and Guidelines on Development-Based Evictions and Displacement.

## To all state governments in north-east India

- Ensure that members of all communities have equal access to economic opportunities and political power, while being able to preserve their specific cultural identities and practices. This would obviate separate “homeland” demands and prevent grievances that could be exploited by those who aim to incite violence.

## To the governments of Assam and Meghalaya States

- Assess the situation of people displaced by the violence in Goalpara and East Garo Hills Districts in December 2010 and January 2011, including those who have returned, those who have chosen to integrate in the location of their displacement, and those who have settled elsewhere in the two districts, including their numbers and specific needs.
- Provide the displaced with support according to their needs, focusing particularly on livelihoods, skills development and education, in order to facilitate durable solutions.
- Provide adequate compensation to those among the displaced whose homes were partially or fully destroyed during the violence.

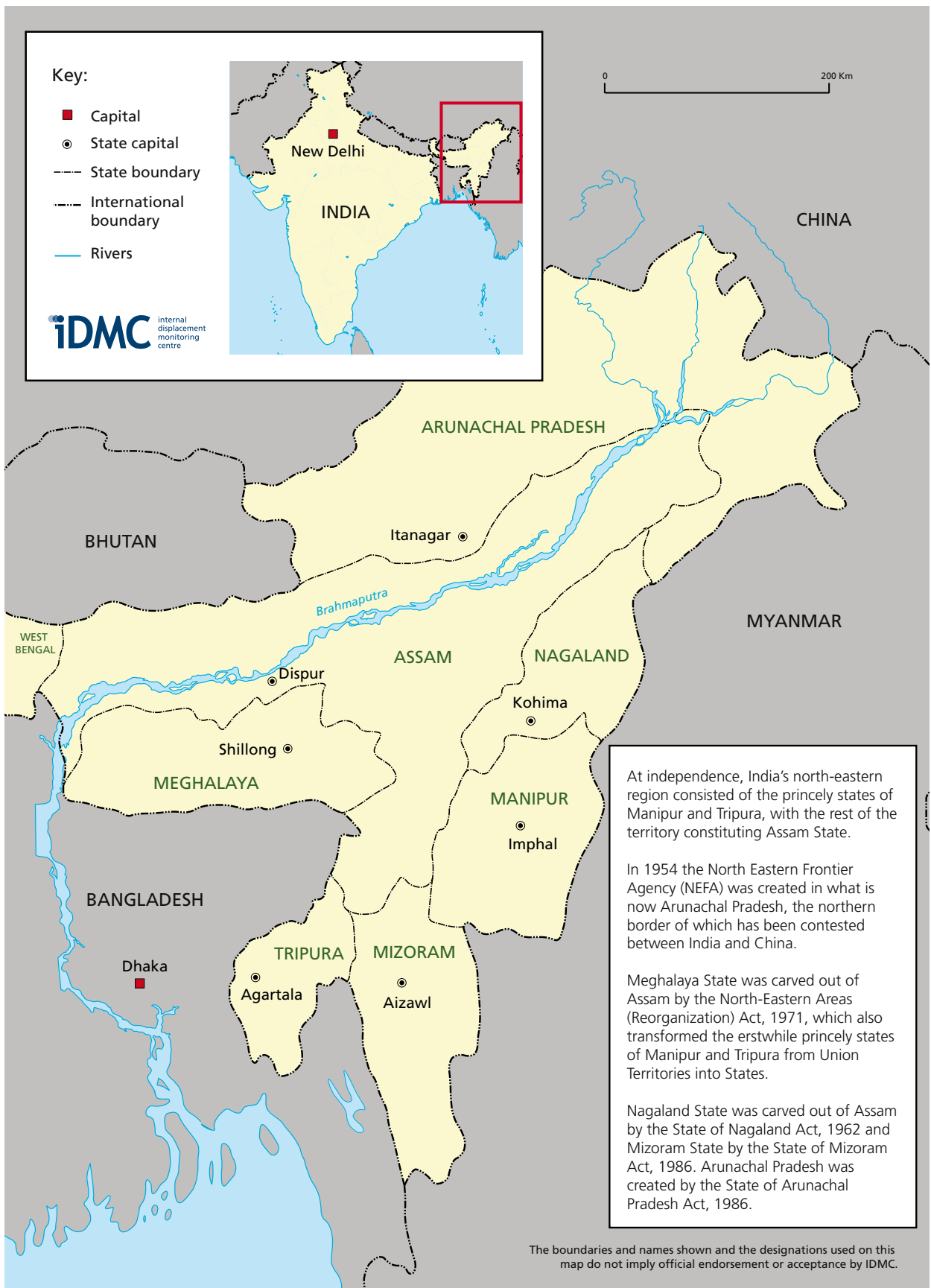
## To the government of Assam State

- Systematically assess the situation of Adivasis, Bodos, Muslims and others displaced by violence during the 1990s and 2000s, and determine the number of people still living in displacement and their specific needs.
- Provide adequate support to the displaced according to their needs. This should specifically include housing and livelihood assistance as well as education and skills training.
- Prevent forced evictions of returnees and others by observing relevant international law and guidelines, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Basic Principles and Guidelines on Development-Based Evictions and Displacement.
- Provide adequate compensation to the returned IDPs who were evicted from their homes and land in Lung-sung (Kokrajhar District) in October and November 2010.

## To the government of Mizoram State

- Facilitate the return of those displaced Brus who want to return to Mizoram, and provide security in their home areas.
- Foster durable solutions for the returned Bru IDPs by facilitating development and livelihood programmes in the areas where they live.

Map 1: North-east India, November 2011



# 1

## Introduction

In December 2010 violent clashes broke out between Rabha and Garo people in Goalpara District of Assam state and East Garo Hills District of Meghalaya state in north-east India. 2,000 houses were burnt, 12 people were killed and an estimated 50,000 were internally displaced.<sup>4</sup>

While some observers of north-east India were taken by surprise, since the two communities had apparently been living in peace for many years, for others this was a *déjà-vu* experience: they had witnessed many situations of generalised inter-ethnic violence in the region, including between Bodos and Muslims in 1993 and 2008, Bodos and Adivasis in 1996 and 1998, Mizos and Brus in 1997 and 2009, Karbis and Dimasas in 2005, and Dimasas and Zeme Nagas in 2009. Each episode had led to significant internal displacement.

Some of these situations of generalised violence caused massive internal displacement, of hundreds of thousands of people. Their recurrent nature, and the failure to resolve the causes underlying such widespread violence, equally make them of concern to the communities at risk, to the central government and to humanitarian actors. If the Rabha-Garo violence and displacement had been a one-off situation, it could have been resolved, despite all the potential vested interests behind such generalised violence and displacement, through a process of reconciliation between the two communities and prosecution of the perpetrators. But in the context of north-east India, even if one such situation could be thus resolved, the same issues will again come to the surface elsewhere in the region. Only if region-wide solutions to prevailing grievances are found can further violence and displacement be prevented.

This report focuses on internal displacement induced by generalised violence in north-east India, and specifically looks at three cases: the recent Rabha-Garo violence in 2010/2011; violence between Bodos and Muslims and between Bodos and Adivasis during the 1990s and 2000s; and violence between Mizos and Brus in 1997 and 2009. Numbers of IDPs are estimated on the basis of currently available information. The reasons behind the violence and displacement are analysed, and the issues currently facing the IDPs, as well as responses by government actors at various levels and by non-governmental organisations (NGOs), are described for each case. Recommendations identify some of the actions needed to facilitate durable solutions for those currently displaced, and to prevent further generalised violence and displacement.

This report uses the definition of an “internally displaced person” in the Guiding Principles on Internal Displacement:

“[I]nternally 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.”

Source: UN OCHA, 1998.

## Background

Since India's independence in 1947, its north-eastern region has seen armed conflict and generalised violence with different but related causes. Demands for outright independence have led to armed conflict between non-state armed actors, for example Naga rebel groups, and government security forces. In 1962 the state of Nagaland was carved out of Assam in an attempt to put the Naga insurgency to rest, but some Naga militant groups have since continued to fight for a “greater Nagaland” or Nagalim, which in addition to Nagaland State would include Naga-inhabited areas in Assam, Manipur, Arunachal Pradesh, and also Myanmar.

The central government has tended to respond to these independence movements by military means. In 1958 the Parliament of India passed the Armed Forces (Special Powers) Act, which has since been in force in what are now the north-eastern states (or “Seven Sisters”) of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. For those areas in these states that have been declared “disturbed”, the Act provides for the presence of armed forces and grants them wide-ranging powers. It has been criticised for creating a culture of impunity for human rights violations.<sup>5</sup>

At the same time, generalised violence and resulting displacement in north-east India have been driven by intense competition for land. Prior to the 19th century, most land in the region was not privately owned, but belonged to the Ahom Kingdom, the respective chiefdom, or the

local village community, each of which was responsible for allocating land for cultivation, including through indentured labour. *Jhum* (whereby land is cleared by burning the vegetation) was the predominant method of agriculture, with farmers periodically moving from one plot of land to another. This changed with the arrival in the 19th century of the British, who introduced their system of private land ownership and declared large sections of land private, for example in order to set up tea plantations. Collective land accessible to subsistence farmers became increasingly scarce, as the British brought in people from Bihar, Orissa and Bengal to work in the tea plantations, and farmers to cultivate the “empty” land and feed the workers.<sup>6</sup>

After independence in 1947, the privatisation of land continued. Less and less collective land was available for indigenous people<sup>7</sup>. This was a significant factor behind the “anti-foreigner” agitations, massacres, generalised violence and forced displacement which indigenous groups have perpetrated since the 1980s against people they regard as non-indigenous to the region. Examples include Bodo-Muslim and Bodo-Adivasi violence and displacement during the 1990s and 2000s in Western Assam.<sup>8</sup>

The perpetrators aimed to “ethnically cleanse” a given area, in order to give a particular ethnic group a demographic majority and create a de facto ethnic “homeland”.<sup>9</sup> A demographic majority in an area is generally one of the conditions needed to establish an “Autonomous Council” covering that area. The Sixth Schedule of the Constitution of India provides special protection to some “tribes” in the north-eastern states of Assam, Meghalaya, Tripura and Mizoram, and specifies how recognised “Tribal Areas” are to be administered through Autonomous Councils.<sup>10</sup> These bodies, created and sanctioned by the central government, are parallel to and, to a large degree, autonomous from the regular governance structures of the Indian State. Their autonomy is intended to keep independence aspirations at bay.

The existing Autonomous Councils have different degrees of legislative, administrative, executive and financial powers. For each Council these are specified in the Sixth Schedule. They also receive central funds which are channelled through the respective state governments. The regular state and district authorities only retain jurisdiction over the territory under the Autonomous Council in some domains, such as law and order (including issues related to violence-induced internal displacement).<sup>11</sup> The ethnic group for which the Autonomous Council was set up generally dominates administration and decision-making, while other minority groups within the Council's territory, whether indigenous or not, tend to have very limited access to political representation and power.

There are about 475 different ethnic groups and sub-groups, and more than 400 languages and dialects in the “Seven Sisters” and the state of Sikkim, making up a population of around 46 million.<sup>12</sup> These ethnic groups do not live in distinct territories, and so their demands for ethnic “homelands” have led to generalised violence not only between indigenous groups and those they consider “outsiders” (as in the case of western Assam), but also between different indigenous groups, such as the Mizos and the Brus (or Reangs) in Mizoram and the Rabhas and the Garos along the Assam-Meghalaya state border. Such violence has frequently led to internal displacement.

In some cases, ethnic sub-groups have continued to demand greater autonomy after the creation of an Autonomous Council. For example, in 2003 an agreement between the Government of Assam, the central government and Bodo groups created the Bodoland Territorial Council (BTC), which administers the Bodoland Territorial Areas District in Western Assam. In 2011, however, some Bodo groups who had not succeeded in occupying prominent positions in the BTC renewed their original demand for a separate Bodoland state.<sup>13</sup>

The number of episodes of generalised violence and displacement in north-east India linked to such “homeland” demands shows that the Sixth Schedule of the Indian Constitution, and the governance through Autonomous Councils which it provides for, do not necessarily lead to effective and stable protection of “tribal” groups. Rather than providing a solution to ethnic conflict and displacement in north-east India, they tend to perpetuate competition between groups for land and political power, in a context where many people are not guaranteed their basic rights unless their own ethnic group is able to reach some level of autonomy.

# 2

## Overview of the numbers of people internally displaced

Conservative estimates based on available information suggest that more than 76,000 people are living in internal displacement in north-east India in late 2011, after being forced to flee their homes due to violence.

The real number may be significantly higher. The episodes of violence summarised below between them caused the displacement of over 800,000 people. It is unknown how many of them have since achieved a durable solution to their displacement.

In general, official information on numbers of IDPs in north-east India is only available on those in camps, and is therefore likely to under-represent the real scale of displacement. There is no central government agency responsible for monitoring the number of people displaced by armed conflict or generalised violence, but some district-level data is available with the authorities of districts with IDP camps. This information is usually not

updated regularly; in longer-term situations, the number of IDPs (including children born in displacement) may far exceed the number of IDPs on official lists, but only the latter would receive (limited) assistance.

In addition, when an IDP camp is closed, its residents may no longer be counted as IDPs, even though they may be unable to return home and rebuild their lives there, or to reach a durable solution by integrating in the place they were displaced to or by settling elsewhere in the country. Furthermore, there is no monitoring of the number of IDPs who live outside camps, including those living in urban areas.

Additional information is available from researchers and newspaper sources. They mostly cover individual camp situations, however, and it is difficult to get a comprehensive picture of the scale of displacement on the basis of such sources.

*Table 1: Number of people currently living in displacement in north-east India*

Situation	Reported numbers originally displaced	Reported numbers of IDPs as of 2011
Western Assam, displaced October 1993	More than 18,000	More than 10,000
Western Assam, May-June 1996	More than 200,000	More than 16,000
Western Assam, May 1998	Almost 315,000	Almost 20,000
Western Assam, October 2008	About 215,000	Unknown
Mizoram-Tripura, October 1997 or November 2009	More than 35,000	More than 30,000
Assam and Meghalaya, December 2010-January 2011	50,000	Unknown
<b>Total</b>	<b>More than 830,000</b>	<b>More than 76,000</b>

# 3

## Displacement in the Assam-Meghalaya border region

Between 31 December 2010 and 10 January 2011, violence between (mainly Hindu) Rabha people and (predominantly Christian) Garo people in Goalpara District of Assam State and East Garo Hills District of Meghalaya State led to the killing of 12 people, the burning of about 2,000 houses, and displacement of 50,000 people.<sup>14</sup>

Meghalaya State is dominated by the Khasi, Jaintia and Garo ethnic groups, each of which has an Autonomous District Council. More than 300 villages along the Assam-Meghalaya border are inhabited by members of both the Rabha and the Garo communities: while the Rabha are a minority group in the Garo-dominated East Garo Hills district of Meghalaya, they are in the majority in Goalpara District of Assam State. Rabhas have been demanding scheduled tribe status under the Sixth Schedule of the Indian Constitution and have been lobbying for their own autonomous council in Goalpara District, the Rabha Hasong Autonomous Council. Garos and other minorities in Goalpara have feared discrimination as a result.<sup>15</sup>

In late December 2010, the All Rabha Students Union (ARSU) set up a blockade of National Highway (NH) 37 in Assam's Goalpara District. The districts of East, West and South Garo Hills in Western Meghalaya have no direct road connection to Meghalaya's state capital, Shillong, and all traffic has to use NH 37, including commercial trucks transporting coal and other goods. On 3 January 2011 the Garo National Council of Assam responded to the blockade by calling a 12-hour *bandh* (strike) in Goalpara District, and 30 Rabha houses in Mendipathar in East Garo Hills were reportedly burnt.<sup>16</sup>

Some observers warned that former members of the Achik National Volunteer Council (ANVC), a Garo armed group, may have instigated the violence. Others speculated that political interests may have been behind it, given its timing four months prior to elections scheduled in Assam.<sup>17</sup>

Violence and displacement continued for several days, and by 12 January about 35,000 IDPs had fled into 39 camps in Assam's Goalpara District, while 18 camps in Meghalaya's East Garo Hills District were sheltering 15,000 IDPs.<sup>18</sup> The camps were set up in public buildings, most of them schools.<sup>19</sup>

### Protection situation and response

By early February, the Assam and Meghalaya state governments were collaborating in the relief effort and had announced similar levels of compensation for IDPs.<sup>20</sup> Each family whose house had been destroyed by fire during the violence received Rs. 10,000 (\$200) and three bundles of galvanised iron sheets as compensation.<sup>21</sup> This would probably not have been sufficient to rebuild or buy another home; the Rehab India Foundation, a Delhi-based NGO, has calculated the price of a cottage in Western Assam with two bedrooms, kitchen and toilet covering a surface of about 20 m<sup>2</sup> at Rs. 100,000 (\$2,000).<sup>22</sup>

In January, camps were regularly visited by doctors and paramedical teams, who also provided medicine.<sup>23</sup> In early February, at least one camp in Assam was visited daily by a medical team, and medicines were available to the IDPs.<sup>24</sup>

Personal hygiene items were not available in sufficient quantity in the camps. In particular, women and girls did not have access to sanitary towels. In addition to the existing sanitary facilities, the Assam Public Health Engineering Department installed pit toilets, but many people had no access to closed toilet facilities, and open defaecation was common. This presented particular risks to women and girls.<sup>25</sup>

At the end of February, the state authorities stopped distributing food rations and non-food items to the IDPs in order to push them to return, even though many remained in need of assistance due to their displacement.<sup>26</sup>

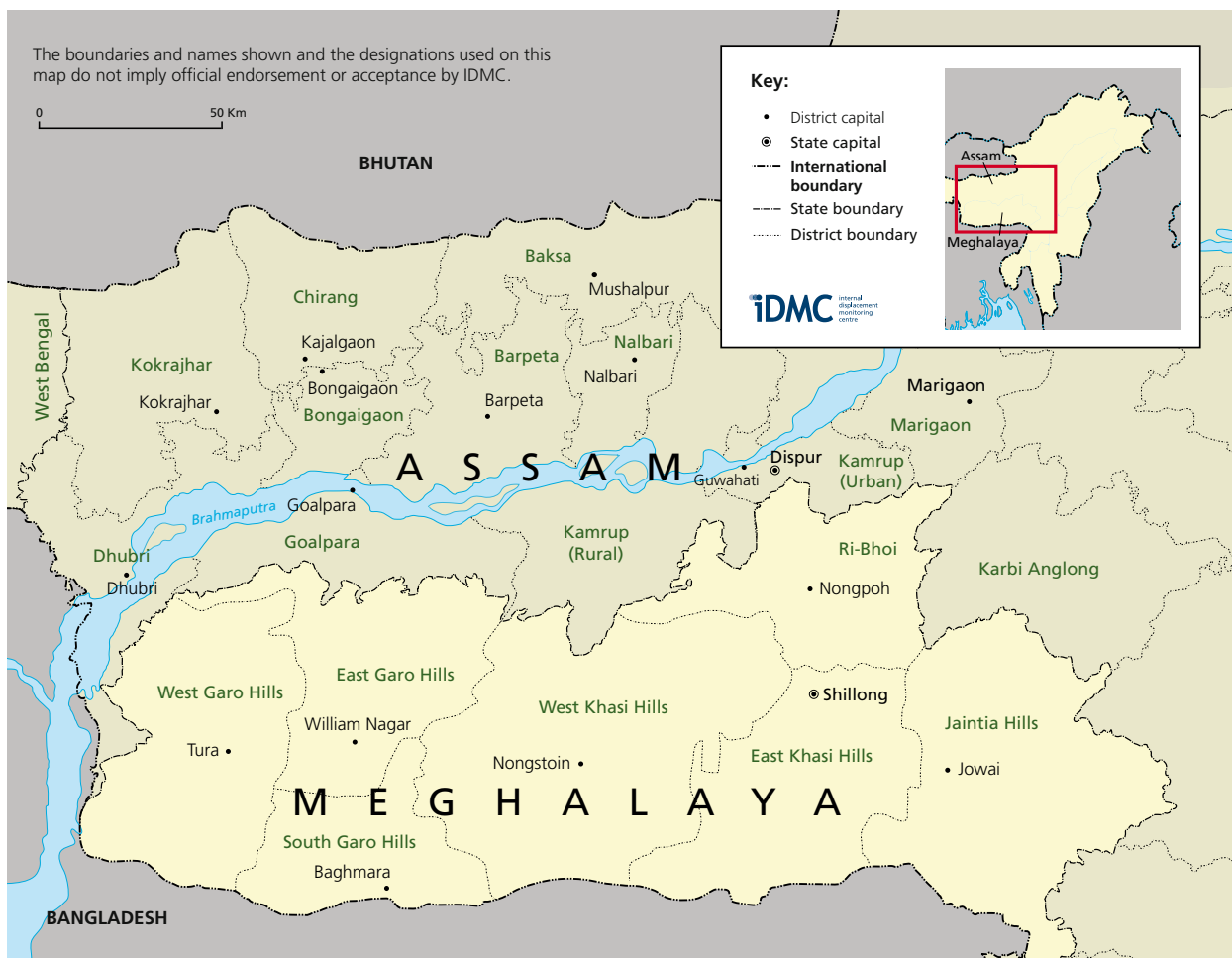
**Table 2: Number of people displaced in Assam and Meghalaya (December 2010-January 2011)**

As of 12 January 2011	Goalpara District, Assam	35,000 in 39 camps <sup>a</sup>
	East Garo Hills District, Meghalaya	15,000 in 18 camps <sup>a</sup>
Currently living in displacement		Unknown

Notes

a UNI, 12 January 2011; The Telegraph (India), 18 January 2011.

Map 2: Assam and Meghalaya states, November 2011



Many IDPs were afraid to return, and constructed makeshift huts in the open field near the school they had been staying in. Those who did return had to attempt to rebuild their homes with the limited means available to them.<sup>27</sup>

In East Garo Hills District, the authorities had closed seven out of 18 camps as of 18 January, and the remainder were expected to be closed by the end of January.<sup>28</sup> In Goalpara District the last camp was closed on 22 March 2011.<sup>29</sup> Camps were closed in spite of the fact that security conditions were not in place in the return areas and returnees did not have sufficient access to basic necessities there.

As of 18 January, 45 families of the Rabha community displaced to Goalpara from East Garo Hills had returned to East Garo Hills, where they had to stay in transit camps as they had yet to rebuild their houses. Other Rabha IDPs displaced to Assam from Meghalaya were reluctant to return as they feared threats to their security there and were unsure whether they would be able to recover their property and livelihoods.<sup>30</sup> For example, in early April, a

displaced woman belonging to the Rabha community stated that she had not returned to her home as she would not feel safe there. But since the official camps had been closed by that time, she and other IDPs in a similar situation who continued to stay on in the location of their displacement were no longer receiving food rations and other needed assistance. As a result, some were considering integrating locally in Goalpara District with the help of family and friends.<sup>31</sup>

The authorities also pushed IDPs to leave the school compounds because of the start of the school term in February, without providing alternative solutions for those who were not able to return or find other durable solutions. Nonetheless, the establishment of camps in school buildings interrupted the education of local children. In Goalpara District, children's education was interrupted for six weeks.<sup>32</sup> The interruption of the education of displaced children was longer-lasting. As of May, children including displaced children in camps had not been able to catch up on their schooling in some areas where schools in the villages near the camps had been burnt and not yet been



Internally displaced women and children arrive in Kukurkata camp, south-western Assam. (Photo: Ritu Raj Konwar, January 2011)

reconstructed. No schooling also meant no free mid-day meals, which negatively impacted on children's nutrition.<sup>33</sup>

After the provision of rations stopped, IDPs reportedly had difficulty affording food. In Kukurkata camp in Goalpara District, for example, many were eating less than one meal per day by May. It was unknown how much drinking water and how much water for other purposes was available per person in the camps, but there were reports that safe drinking water was lacking. IDPs used available water points, and additional hand pumps and tube wells were installed by the Assam Public Health Engineering Department. However, many IDPs had no means of storing water. In return areas, access to safe drinking water was a problem.<sup>34</sup>

As of May 2011, IDPs were struggling to access livelihoods. The Rabha and Garo communities had traditionally been trading partners, but the violence interrupted this practice, and the resulting loss of livelihoods was significant.<sup>35</sup>

In February 2011, household data was collected for the national census. IDPs from Meghalaya who were displaced to Assam were mistakenly counted as Assamese, and IDPs from Assam in displacement in Meghalaya as Meghalayans. This was problematic since census data serves, among other things, as the basis for the allocation of funds and resources to states and districts. The counts had not been corrected as of late March.<sup>36</sup> It was unknown whether a distance voting mechanism was set up for IDPs from Assam's Goalpara District, including those displaced to Meghalaya State, in order to facilitate their participation in the Assam elections on 11 April 2011.

Assistance was also provided by the Indian Red Cross Society (IRCS) with the support of the International Committee of the Red Cross (ICRC), and by local NGOs. In February the Assam and Meghalaya State Branches of the IRCS distributed non-food item kits to 2,000 families

in camps in Goalpara and East Garo Hills Districts who had lost their homes and all their belongings. The kits, consisting of a kitchen set, two blankets, two tarpaulins, a large jerry can, and cleaning and bathing soap, were donated by the ICRC.<sup>37</sup>

From March to September, Caritas India with the support of ECHO carried out a programme to assist more than 12,000 people affected by the violence with shelter material, cash for work and livelihoods. The programme was implemented by ActionAid India as well as Guwahati Gana Seva Society (GGSS) and Bakdil, the social service wings of the Catholic dioceses of Guwahati in Assam and Tura in Meghalaya.<sup>38</sup>

In October, the Assam State Branch of the IRCS launched a micro-economic initiative project to help the most vulnerable among the violence-affected families rebuild their livelihoods by supporting activities including such as weaving, cattle-raising, and small-scale trading.<sup>39</sup>

National and local NGOs quickly called for national and local authorities to stop the violence, provide humanitarian assistance, and create conditions for sustainable return of the displaced. In January the Asian Centre for Human Rights (ACHR), a Delhi-based NGO, asked the National Human Rights Commission (NHRC) to direct the governments of Assam and Meghalaya to provide assistance to the IDPs and to facilitate sustainable return. In particular, ACHR said all families whose houses were burnt should receive housing assistance under the government's Indira Awaas Yojana (IAY) scheme. Under this scheme, families living below the poverty line are entitled to a grant of up to Rs. 48,300 (\$960) for the construction of a house.<sup>40</sup>

In January, NGOs and research institutes including ActionAid, North East Network, Omeo Kumar Das Institute of Social Change and Development, Assam Nagarik Samaj, Anwasha, SPADE, Mahila Samata Society and Ajagar Social Circle organised a public meeting during which they pointed out that the specific needs of displaced women and children had not been addressed by the authorities so far. They called for the provision of adequate security to the returnees and emphasised the need for reconciliation between the two communities.<sup>41</sup> A series of community meetings were then organised in both states which involved local institutions and elders and aimed at facilitating a return to normality.<sup>42</sup>

In late January the Assam State Commission for Protection of Child Rights (ASCPCR) met the local authorities in Goalpara District and visited 23 camps.<sup>43</sup> In early February, the ASCPCR, the National Commission for Protection of Child Rights (NCPCR) and the Social Welfare Department visited several relief camps in the district and made recommendations to the local authorities.<sup>44</sup>

# 4

## Displacement in Western Assam

In Western Assam, violence between Bodos and Muslims of Bengali descent in 1993 and 2008 and between Bodos and Adivasis (members of the Santhal, Oaron, Munda, Kharia, Shawra, Bhumij, Bhil and Ho ethnic groups with origins in central India<sup>45</sup>) in 1996 and 1998 led to the displacement of large numbers of people. In Assam's Kokrajhar, Bongaigaon and Chirang Districts, tens of thousands of Muslims, Adivasis and Bodos continue to live in displacement today.

### Background

Violence and displacement in Western Assam during the 1990s and 2000s were linked to the demand for a separate state, and later an Autonomous Council, by

Bodo militant groups. Aiming to access political power immediately rather than at an unknown time in the future, Bodo groups including the All Bodo Students Union (ABSU) and the Bodo Peoples Action Committee (BPAC) gave up their aspirations for a separate state and in 1993 signed the Bodo Accord with the central government, a "memorandum of settlement" that established the Bodo Autonomous Council (BAC). However, the Accord did not specify the exact territory which would fall under the BAC. It did say that all villages with a Bodo population of more than 50 per cent would be included, but those villages had not yet been identified when the Accord was signed. When the Assam government refused to include about 3,000 villages with a Bodo population below 50 per cent in the territory of the BAC, the National Democratic Front of Bodoland (NDFB), whose goal was the creation

Map 3: Western Assam, November 2011



of a separate Bodoland State, started to lead attacks on Muslims and Adivasis to change ethnic demographics in the Bodos' favour. Many were killed, and large numbers of people were forced to flee their homes.<sup>46</sup>

In 2003 a second accord, the Memorandum of Settlement on Bodoland Territorial Council, was signed by the Government of Assam, the Government of India and the Bodo Liberation Tigers Force (BLTF), which was supported by the pro-autonomy ABSU and BPAC.<sup>47</sup> This created the Bodoland Territorial Council (BTC), an autonomous body replacing the BAC of the failed 1993 Accord. The territory under the BTC, the Bodoland Territorial Areas District (BTAD), borders Bhutan and covers what are now Assam's Kokrajhar, Chirang, Baksa and Udalguri Districts.<sup>48</sup> Chirang, Baksa and Udalguri Districts were carved out of other districts of Assam in 2004.<sup>49</sup> Kokrajhar District was enlarged to include those areas of the BTAD that had previously been part of Dhubri District.

While former BLTF militants have dominated the administration of the BTC through their political party, the Bodoland People's Progressive Front (BPPF), the NDFB has continued its armed rebellion in favour of a separate Bodoland State. In January 2011 its pro-talks faction (NDFB-Progressive) and the All Bodo Students' Union (ABSU) both renewed their demand for a separate state. The NDFB-P raised the issue again during peace

talks with the central government in June 2011, and on 1 September NDFB-P supporters held demonstrations in several districts of Assam in favour of a separate state of Bodoland.<sup>50</sup>

### Muslims displaced in 1993: Protection situation and response

During Bodo-Muslim violence in October 1993 in the area that is now Chirang District (which at the time was part of Kokrajhar District), about 18,000 Muslims were displaced. According to official information they had no title deeds to their land and were classified by the authorities as "forest encroachers" illegally occupying forest land belonging to the government. More than 10,000 among them took shelter in eight relief camps in Kokrajhar District.<sup>51</sup>

One of these camps is Bangaldoba camp, where almost 5,000 Muslim IDPs were staying as of July 2010. That year, the IDPs were offered a "rehabilitation grant" of Rs. 50,000 (\$1,000). Many did not accept the grant, with some demanding a cash grant of Rs. 100,000 (\$2,000) as well as land and a house under the government's IAY scheme.<sup>52</sup> IDPs had been receiving rice rations covering ten days per month, but those who had accepted the rehabilitation grant no longer received them.<sup>53</sup>

*Table 3: Number of people displaced in October 1993 in Western Assam (Bodo-Muslim violence)*

Originally displaced:		18,000 – 20,000 <sup>a</sup>	
Most recent figures:		Individuals	Families
Kokrajhar District	Bangaldoba camp	4,057 <sup>b</sup>	-
	Sandalatari camp	934 <sup>b</sup>	-
Bongaigaon District	Bordhup site	1,500 <sup>c</sup>	250 <sup>c</sup>
	Hapasara camp	About 2,260 <sup>d</sup>	565 <sup>e</sup>
Chirang District <sup>f</sup>	Nangalbhanga camp	616 <sup>g</sup>	110 <sup>g</sup>
	Bengtal camp	285 <sup>h</sup>	43 <sup>h</sup>
	Salabila camp	About 820 <sup>d</sup>	205 <sup>e</sup>
<b>Total</b>		<b>More than 10,000</b>	

Notes

- a MCRG, February 2007, p.7; Bhaumik, 2009, p.135.
- b Reply by Assam State Government in Assam State Assembly to question by representative Hafiz Basir Ahmed, All India United Democratic Front (AIUDF), 9-11 June 2010; information provided to IDMC by Assam-based journalist, 31 March 2011.
- c TwoCircles.net, 9 March 2011.
- d Only the number of displaced families was available, and the number of individuals displaced was calculated based on the conservative assumption that one family consists of four individuals.
- e The Ganaahdikar, 13 July 2011.
- f Chirang District was carved out of Bongaigaon District in 2004. Statoids, 25 September 2011.
- g TwoCircles.net, 10 March 2011.
- h TwoCircles.net, 11 March 2011.

The Kokrajhar District authorities stated that as of November 2010 every Muslim family displaced in 1993 had received a rehabilitation grant, as a result of which they were no longer counted as displaced. However, almost 5,000 IDPs continued to stay in Bangaldoba and Sandalitari camps, awaiting settlement elsewhere in BTAD after identification of a settlement area by the BTC.<sup>54</sup> It was unclear whether this settlement option was chosen by the IDPs themselves.

There were no latrines in Bangaldoba camp in 2011, and only a few wells for water supply. Provision of health care services was limited, with a medical mobile van visiting the camp once a month, an Auxiliary Nurse Midwife coming to the camp to carry out immunisations, and irregular visits by a doctor.<sup>55</sup>

While there was no primary school in Bangaldoba camp, the Sarva Shiksha Abhiyan (SSA), a government programme to ensure free primary education for all children, set up two Sanjogi Shiksha Kendra (SSK) centres providing bridging courses to out-of-school children.<sup>56</sup> Ten temporary teachers were teaching 466 children in 2011. Midday meals were served in the centres. Meanwhile, children below primary school age no longer benefited from the supplementary nutrition which had been provided under the Integrated Child Development Services (ICDS), which had been stopped in 2009. Schooling beyond primary level was not an option for most children, especially girls, as the nearest middle and high schools were located far from the camp.<sup>57</sup>

IDPs in Bangaldoba camp had received job cards under the National Rural Employment Guarantee Act (NREGA)<sup>58</sup>, but they had not been provided with the corresponding jobs. Many boys and young men were looking for work away from the camp. Underage marriage of displaced girls was common, reportedly also to protect them from sexual violence.<sup>59</sup>

In Bordhup in Bongaigaon District, Muslim IDPs set up an unofficial camp on rented land when the distribution of food rations in the official camp was stopped in 2000. 1,500 IDPs were staying at the Bordhup site in early March 2011, renting the land at an annual rate of Rs. 10,000 (\$200). They reportedly had difficulty accessing food, and malnutrition was a problem. In 2011 some families received the rehabilitation grant of Rs. 50,000, but there was no information on whether they were subsequently able to rebuild their lives, or on what happened to those who did not receive the grant.<sup>60</sup>

Access to food was also a problem for more than 600 Muslim IDPs in Nangalbhanga camp in Chirang District. The distribution of food rations had been stopped three years after they were displaced. In 2009 and until Oct-

ober 2010 the IDPs were able to buy five kilogrammes of subsidised rice per month. By March 2011 most families had received a rehabilitation grant of Rs. 50,000, but IDPs said this amount was not sufficient to buy land. Meanwhile soil erosion was threatening their continuing occupation of the camp.<sup>61</sup>

As of March 2011, almost 300 IDPs were staying in Bengtal camp in Chirang District. They said they had been unable to return to their homes for fear of further violence. As the authorities were no longer willing to provide security, they had sold their land at a low price, and without access to land, daily wage labour was their only livelihood option. Some families had obtained Below Poverty Line (BPL) cards, which enabled them to buy subsidised rice, but in October 2010 the authorities took back the cards.<sup>62</sup>



The Hapasara camp in Western Assam. The nearest health facility, the Bongaigaon Health Centre, is about 10km away. (Photo: Anjuman Ara Begum, March 2011)

## Adivasis and Bodos displaced in 1996 and 1998: Protection situation and response

According to official information, over 200,000 people were displaced by Bodo-Adivasi violence in April and May 1996. They took shelter in 61 relief camps. As of November 2010, more than 9,000 Adivasi IDPs were living in Joypur, Sapkata and Kachugaon camps. They were receiving rice rations for ten days each month and were awaiting payment of a rehabilitation grant. The rest of the people displaced in 1996 were no longer counted as displaced, since they had received a rehabilitation grant of Rs. 50,000 in full or partially, or had been sent back to their homes without any cash assistance.<sup>63</sup>

In Sapkata camp more than 5,700 Adivasi IDPs had to share seven hand pumps and two bore wells, which were often broken. Two Auxiliary Nurse Midwives of the National Rural Health Mission (NRHM) were working in the camp, and there were some Accredited

*Table 4: Number of people displaced in May and June 1996 in Western Assam (Bodo-Adivasi violence)*

Originally displaced:		202,684 – 250,000 <sup>a</sup>	
Most recent figures:		Individuals	Families
Kokrajhar District	Joypur camp	1,541 <sup>b</sup>	263 <sup>b</sup>
	Sapkata camp	5,726 <sup>b</sup>	1,057 <sup>b</sup>
	Kachugaon camp	1,998 <sup>b</sup>	378 <sup>b</sup>
Chirang District <sup>c</sup>	Bengtal, Veterinary Complex camp	About 616 <sup>d</sup>	154 <sup>e</sup>
Returned Adivasis displaced again after their forced eviction from Lungsung, Kokrajhar District, October and November 2010		More than 7,000 <sup>f</sup>	
<b>Total</b>		<b>More than 16,000</b>	

Notes

- a Information from Kokrajhar District Administration as of November 2010, provided by journalist based in Kokrajhar, April 2011; Dutta and Sengupta, 2011, p.48; Bhaumik, 2009, p.136.
- b Information from Kokrajhar District Administration as of November 2010, provided by journalist based in Kokrajhar, April 2011.
- c Chirang District was carved out of Bongaigaon District in 2004. Statoids, 25 September 2011.
- d Only the number of displaced families was available, and the number of individuals displaced was calculated based on the conservative assumption that one family consists of four individuals.
- e TwoCircles.net, 12 March 2011.
- f ACHR, 19 April 2011, pp.9-11; CNI SBSS, 1 December 2010.

Social Health Activists and Anganwadi workers. In addition, a Mobile Medical Unit of the NRHM came to the camp once every month.<sup>64</sup>

Displaced children living in the camp were not allowed to attend the nearby government school. One SSA school had been set up in the camp, with only one teacher responsible for 200 children and receiving a salary of Rs. 1,500 (\$30) per month. No midday meals were provided in the school, and no supplementary nutrition under the Integrated Child Development Services (ICDS) was available for younger children. Livelihood options near the camp, including daily wage labour, were few, and some IDPs moved away in order to look for work elsewhere.<sup>65</sup>

Previously, IDPs in Sapkata camp had received rice rations for ten days per month (600 grammes per adult and 400 per child per day). When IDPs received a rehabilitation grant of Rs. 50,000 (\$1,000) per family, the rations were stopped.<sup>66</sup>

In Chirang District, more than 150 Adivasi families displaced in November 1996 were staying in Bengtal at the Veterinary Complex camp. They had bought land nearby, and in March 2011 they were in the process of moving their shelters there. Two thirds of families had received a rehabilitation grant of Rs. 50,000, but not those who were not listed in the official statistics of the camp, which dated back to 1998.<sup>67</sup> The land cost each family Rs. 40,000 (\$800), which meant that those who had received the grant only had Rs. 10,000 (\$200) left for materials to build permanent housing.<sup>68</sup>

In May 1998, a new outbreak of violence between Bodo and Adivasi groups displaced almost 315,000 people. As of November 2010, according to official information, almost 10,000 Adivasis were still displaced in the Joypur A and B and Bishmuri B camps and awaiting payment of a rehabilitation grant. Almost 10,000 more were staying in Serfunguri, Hazarkia, Anthaibari and Athiabari camps.<sup>69</sup>

More than 500 Bodo IDPs displaced in 1998 were staying in North Runikhata, Hirimba and Bhurpaar Balabari camps in Bongaigaon District as of March 2011. In 2001 the distribution of food rations was stopped and they received Rs. 10,000. This enabled them to buy the land they were staying on, but not land for agriculture.<sup>70</sup>

In 2011, NGOs including the Lutheran World Service India Trust and Don Bosco were providing educational services in some of the areas affected by displacement, but were unable to cater to the needs of all displacement-affected children. Displaced Adivasi children were facing language-related problems: as they grew up learning only their mother tongue, they did not have access to local schools, where the language of instruction was Assamese. They were thus cut off from the wider community of Assam.<sup>71</sup>

### Displacement due to Bodo-Muslim violence in 2008

Assam's Udalguri and Darrang Districts were hit by violence between Bodos and Muslims in August and

Table 5: Number of people displaced in May 1998 in Western Assam (Bodo-Adivasi violence)

Originally displaced:		314,342 <sup>a</sup>	
Most recent figure:		Individuals	Families
Kokrajhar District	Joypur A camp	3,460 <sup>b</sup>	620 <sup>b</sup>
	Joypur B camp	4,240 <sup>b</sup>	753 <sup>b</sup>
	Bishmuri B camp	1,745 <sup>b</sup>	365 <sup>b</sup>
	Serfunguri (SATC) camp	2,222 <sup>b</sup>	459 <sup>b</sup>
	Hazarkia camp	3,935 <sup>b</sup>	687 <sup>b</sup>
	Anthabari camp	925 <sup>b</sup>	278 <sup>b</sup>
	Athiabari camp	2,817 <sup>b</sup>	453 <sup>b</sup>
Bongaigaon District	North Runikhata camp	About 32 <sup>c</sup>	8 <sup>d</sup>
	Hirimba camp	About 332 <sup>c</sup>	83 <sup>d</sup>
	Bhurpaar Balabari camp	About 180 <sup>c</sup>	45 <sup>d</sup>
<b>Total</b>		<b>Almost 20,000</b>	

Notes

- a Information from Kokrajhar District Administration as of November 2010, provided by journalist based in Kokrajhar, April 2011; Dutta and Sengupta, 2011, p.48.
- b Information from Kokrajhar District Administration as of November 2010, provided by journalist based in Kokrajhar, April 2011.
- c Only the number of displaced families was available, and the number of individuals displaced was calculated based on the conservative assumption that one family consists of four individuals.
- d TwoCircles.net, 14 March 2011.

October 2008, following an Assam-wide campaign for the eviction of “illegal immigrants” which was organised by the All Assam Students’ Union, specifically targeting Muslims of Bengali descent. In response to the campaign, the Muslim Students Association of Assam called a *bandh* during which a Bodo youth was killed. About 215,000 Bodos and Muslims were displaced during the ensuing violence. They were sheltered in camps set up in schools in the two districts. As of June 2009, about 125,000 IDPs were still staying in camps there. Later all camps were closed, but it was not known whether the IDPs had reached durable solutions.<sup>72</sup>

### Forced eviction of Adivasi IDPs who had returned to Lungsung

Adivasis who had been living in camps in Joypur in Kokrajhar District since being displaced during the 1996 ethnic violence returned to their homes in Lungsung Block, in the Haltugaon Forest Division of the District. In late October 2010, officials of the Forest Department of Assam State reportedly evicted over 7,000 of them, including more than 3,000 children, from their homes in 59 villages in Lungsung.<sup>73</sup> The Forest Department officials were reportedly accompanied by 200 members of the Forest Protection Force (FPF) and the Eco Task Force (ETF), two organisations said to consist of many former Bodo militants.<sup>74</sup>

The authorities did not explore any feasible settlement alternatives with the returned Adivasis prior to the eviction, and the latter did not receive any compensation for their personal or real property. No alternative housing, resettlement or access to productive land was proposed to the evictees, and they were left homeless. Not only did the Adivasis receive no eviction notice, they were also physically assaulted, their homes were burned, and their livestock was taken. Property such as household items, bicycles and tools was burned. Some tube wells were reportedly contaminated with pesticides, and churches, temples and at least eight government schools, including schools under the SSA programme, were also burned. The evicted Adivasis who tried to return were evicted again by forest officials on 22 November.<sup>75</sup>

The evictions marked the latest of a long series of displacements of these people: as far back as 1974, the authorities asked Bodos and Adivasis to leave Lungsung, but the Adivasis did not receive the land promised to them in compensation. In 1984 they moved back to Lungsung. The ethnic violence in 1996 forced them to flee their homes. After living in protracted displacement in temporary camps, they returned to Lungsung. Instead of assisting them in rebuilding their lives, the Assam Forest Department forced them from their homes yet again.<sup>76</sup>

## Forced evictions of returned IDPs in Assam: legal responsibilities

Many of the evictions of returned Adivasi IDPs from their homes in Lungsung probably constituted forced evictions and were therefore illegal.

The Indian Forest Rights Act of 2006 protects the rights of forest dwellers who depend on the forest for their livelihoods. The ancestors of the Adivasis were brought to Assam by the British during the 19th century. Since the Adivasis do not have Scheduled Tribe status in Assam, they fall under the category “other traditional forest dweller” for the purposes of the Act. As such they are protected as long as they have lived in the respective forest area for three generations (that is, 75 years) prior to December 2005. Adivasis have been demanding Scheduled Tribe status in Assam because, in addition to other rights and privileges, “forest dwelling Scheduled Tribes” are covered by the Act regardless of the duration of their settlement in a forest area, whereas “other traditional forest dwellers” would have to establish some form of proof of the duration of their settlement, which can be complicated in practice.<sup>77</sup>

Regardless of the duration of the Adivasis’ settlement in Lungsung, they are protected against forced eviction under international law, which also provides for evictees’ right to adequate compensation and specifies other conditions which are required for an eviction to be legal. None of these conditions were in place in the case of the eviction of the returned Adivasi IDPs. They were removed from their homes against their will without access to legal protection, sometimes by violent means.

An analysis of the central government’s responsibility as a party to relevant international treaties shows that it must take steps to prevent forced evictions, and to provide adequate compensation in cases where forced evictions have occurred.

Article 17 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a party, underlines that everyone has the right to the protection of the law against arbitrary or unlawful interference with his or her privacy, family and home.<sup>78</sup>

India is also party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and so is bound to recognise (and take steps to ensure the realisation of) the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.<sup>79</sup>

The Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 7 on Article 11 of the ICESCR defines “forced eviction” as “(...) the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.”<sup>80</sup>

In addition, “States parties shall ensure, prior to carrying out any evictions, (...) that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders.”<sup>81</sup>

General Comment 7 also highlights that: “All the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.” Furthermore, “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”<sup>82</sup>

In 2008, the CESCR recommended that India “(...) take immediate measures to effectively enforce laws and regulations prohibiting displacement and forced evictions, and ensure that persons evicted from their homes and lands be provided with adequate compensation and/or offered alternative accommodation”, in accordance with General Comment 7.<sup>83</sup>

It is important to note that all these provisions apply regardless of whether the evictees held legal title to their housing or land, or were “encroachers”. The Basic Principles and Guidelines on Development-Based Evictions and Displacement, drawn up by the UN’s Special Rapporteur on adequate housing, state that: “All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process.”<sup>84</sup>

## 5

## Displacement from Mizoram to Tripura

Another case of violence-induced displacement in the context of ethnic “homeland” demands is that of more than 30,000 Bru (or Reang) people who were forced to flee from Mizoram to Tripura in 1997, followed by a smaller number who fled in the same direction following renewed violence in 2009. A return process has been under way since May 2010, but it has stalled several times. It appears that the causes of the violence and displacement, namely the mistrust between Mizos and Brus and their unwillingness to share power, have not been resolved. The reluctance of the authorities, in particular the Mizoram state government, to assume their responsibilities towards the IDPs and the returnees may be a manifestation of this.

The Mizo people saw their demand for an ethnic “homeland” fulfilled when the state of Mizoram was carved out of Assam in 1986 as part of an agreement between the central government and the Mizo National Front (MNF)<sup>85</sup>, which in the 1960s had started an armed rebellion in pursuit of self-government. In the 1990s, the Bru National Union (BNU) and the Reang/Bru Democratic Convention Party (RDCP) in turn demanded that a Bru Autonomous District Council (BADC) be set up in western Mizoram, where Bru people make up the majority. Mizo political parties and organisations including the Young Mizo Association (YMA) and the Mizo Zirlai Pawl (MZP) opposed this demand.<sup>86</sup>

### Displacement in 1997

In 1996, after violent clashes between Mizo and Bru people in Mamit District of Mizoram State, the Bru National Liberation Front (BNLF) started an armed rebellion to establish a Bru “homeland”. In October 1997 a Mizo forest guard was killed by members of the BNLF in the Dampa Tiger Reserve in Mamit district, and new violence ensued. Mizo groups including the MZP and the YMA orchestrated attacks on Bru villages in western Mizoram.<sup>87</sup> More than 30,000 Brus fled from what are now Mizoram’s Kolasib, Lunglei and Mamit Districts<sup>88</sup> to Tripura State. They have since been living in six camps set up by the Tripura state government in Kanchanpur, North Tripura district. Another 15,000 were estimated to have fled to Assam State.<sup>89</sup>

In November 1997, the Tripura government stopped the provision of food rations and other assistance to the IDPs in order to make them move back to Mizoram. However, the Mizoram government refused to take them back,

stating that not all of those in the Tripura camps were residents of Mizoram. According to the Mizoram government’s count, only a little over 3,000 Bru residents of Mizoram had been displaced, while the Brus themselves said ten times as many had had to flee.<sup>90</sup>

In 1999, the National Human Rights Commission (NHRC) of India called for the Mizoram government to take back the Bru IDPs, for a joint committee including representatives of the Mizoram and Tripura governments and the Indian Ministry of Home Affairs (MHA) to determine the number of the IDPs in consultation with an IDP representative, and for the central government to take an active role in the return of the IDPs.<sup>91</sup>

However, the NHRC’s recommendations were never implemented. A memorandum of understanding which the Mizoram government and the BNLF concluded in April 2005 did mention the obligation of the Mizoram government to take back the IDPs, but it did not include IDP representatives and mainly focused on the rehabilitation of former BNLF militants rather than the return of the IDPs.<sup>92</sup>

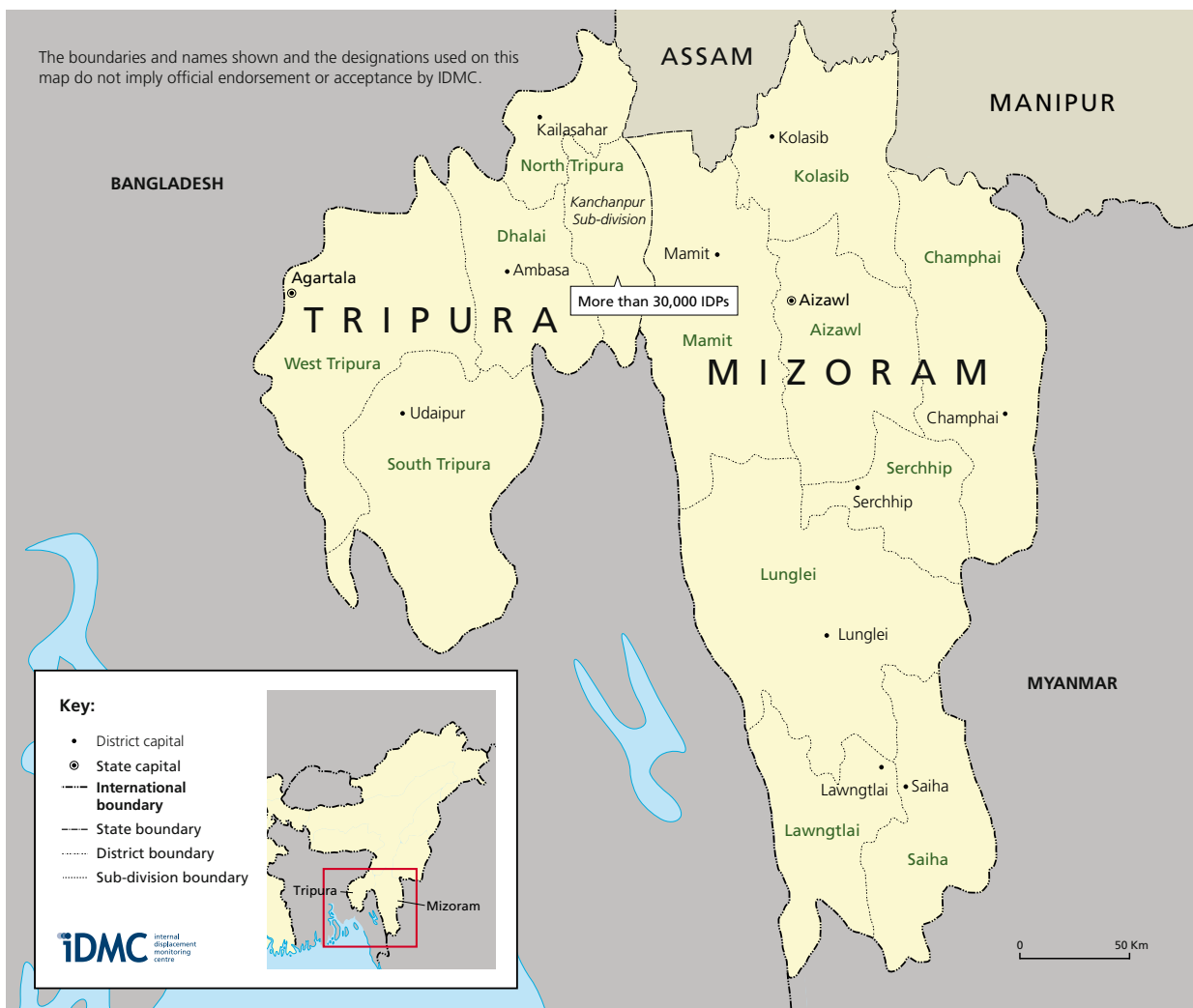
### Displacement in 2009

Various negotiations about the fate of the Bru IDPs over the following years did little to bring a solution closer, although some involved IDP representatives. In early November 2009 the Mizoram government unilaterally announced that the return process for IDPs would begin shortly, in spite of the fact that the tripartite negotiations with the Mizoram Bru Displaced Peoples Forum (MBDPF) and the Union government had not resulted in



Displaced Bru girl in Kanchanpur sub-division, Tripura. (Photo: Suhas Chakma, December 2009)

Map 4: Tripura and Mizoram states, November 2011



an agreement. However, on 13 November a Mizo youth was killed, and an unknown group called the Bru Revolutionary Union (BRU) was declared responsible. In retaliation, Mizos burnt about 500 Bru houses in 11 villages in Mizoram, and 5,000 Brus were forced to flee to Tripura. This group of IDPs included rehabilitated former BNLF militants. On 15 November Mizos also attacked Khakchang camp in Tripura State, where Brus displaced in 1997 were living.<sup>93</sup>

### Protection situation and response

As of November 2010, the central government was reportedly providing food rations as well as cash to the Bru IDPs in Tripura State, and pregnant women and children below the age of six received some additional rations. This assistance was based on the Tripura government's 1999 database, however, in which at least 476 displaced families were not listed and thus did not have ration cards.

Access to water was limited, with, for example, IDPs in Kashirampur (Naishingpara) camp only having access to two wells a considerable distance away. It was reported that sanitation facilities in the camps were insufficient, and that access to health care and education were also limited.<sup>94</sup>

The Mizoram authorities distributed Electoral Photo Identity Cards (EPICs) to "eligible voters" among the Bru IDPs staying in camps in Tripura in May 2011. However, it was unknown how many among the displaced received EPICs: in 2008, only around 6,500 IDPs had received EPICs in order to vote in the Mizoram state assembly elections.<sup>95</sup>

In February 2011 the Indo-Global Social Service Society (IGSSS), with its Tripura-based partner organisation Jana Unnayan Samiti Tripura (JUST), launched a three-year project funded by the European Union on "Repatriation of Internally Displaced Brus" in Mizoram, Tripura and Assam states. The project has aimed to provide assistance

*Table 6: Number of people displaced from Mizoram to Tripura (Mizo-Bru violence)*

Originally displaced:	October 1997	More than 30,000 <sup>a</sup>
	November 2009	5,000 <sup>b</sup>
Returns:	May 2010	1,115 <sup>c</sup>
	November 2010-May 2011	3,341 <sup>d</sup>
Current estimate:		More than 30,000

Notes

- a Himal South Asian, December 2010.
- b The Telegraph (India), 17 November 2009.
- c ACHR, 10 August 2010; Indian Express, 22 November 2010.
- d Times of India, 21 September 2011.

to Bru IDPs and returnees and to ensure that their rights are upheld.<sup>96</sup>

In March 2011 a fire destroyed a section of the Kashiram-pur (Naishingpara) camp. 19 IDPs including nine children died, while 30 were injured. Fire-fighters were not able to put out the fire immediately as water was extremely scarce in and around the camp.<sup>97</sup>

According to information from the Tripura government (based on its 1999 database of IDPs) and the MBDPF, more than 10,000 IDPs were affected by the fire. Roughly equal numbers of women and men were affected, as well as about 1,600 children up to the age of eight. Given that about 30,000 Bru IDPs remained in camps in Tripura, this would mean that over one third of the Bru IDPs were affected by the fire.<sup>98</sup>

More than 300 of the affected families sought shelter near the camp, including in schools; their use of schools as temporary shelters interrupted the schooling of children there. Others stayed with relatives and friends in other sections of Kashirampur (Naishingpara) camp or in surrounding villages, or constructed makeshift shelters in the area adjacent to the camp.<sup>99</sup>

The Government of Tripura provided prompt but limited assistance, including drinking water in quantities corresponding to little over one litre per person per day, a small number of temporary toilets, and a plastic sheet and Rs. 2,500 (\$50) in cash to each affected family listed in its 1999 database. The Integrated Child Development Services (ICDS) of the Social Welfare Department provided cooked food to all affected IDPs, but no supplementary nutrition for pregnant and breast-feeding mothers, children or other very vulnerable groups. The Health Department provided health care including free medicine at three health camps.<sup>100</sup>

The provision of drinking water and sanitation facilities thus remained far below the Sphere Standards, which recommend at least 15 litres per person per day for drinking, cooking and personal hygiene. More than 530 toilets would have to be constructed in the area in order to make one toilet available to every 20 people as recommended.<sup>101</sup>

The North Tripura District Branch of the Indian Red Cross Society provided some clothes, dishes, blankets, towels, and bed sheets for several families. Some food and health services were provided by the Tripura State Rifles. NGOs distributed plastic buckets, plastic sleeping mats, mosquito nets, and hygiene items to all internally displaced families affected by the fire.<sup>102</sup>

It was unknown for how long the Tripura government would provide water, food, and health services. The capacity of local NGOs to fill gaps was clearly limited, and considering that the IDPs affected by the fire had relied on government assistance since 1997, more sustained long-term assistance for livelihoods and skills development would be necessary, including for those Bru IDPs in Tripura who were not affected by the fire.<sup>103</sup>

**Return process since May 2010**

The return of the displaced Brus to Mizoram started in May 2010, with more than 1,000 IDPs returning between 21 and 26 May. The Ministry of Home Affairs (MHA) had promised a “rehabilitation package” for returning Bru IDPs in April, and ACHR acted as interlocutor between the MHA and the representatives of the displaced.<sup>104</sup> When the return process was to resume after the monsoon in the autumn of 2010, however, different groups representing the Bru IDPs split over the security of returnees. Those opposed to return under current conditions carried out a road blockade. The MBDPF insisted that the

IDPs should be settled together in Mamit District rather than in their original villages, which are dispersed across Kolasib, Lunglei and Mamit Districts, and demanded a memorandum of understanding to this effect before the returns resumed.<sup>105</sup>

In late December 2010 the opposing groups signed the Kanchanpur Agreement<sup>106</sup>, which outlined the return process. In early January 2011 the MHA accepted the Agreement and stated that it would support the return of the Bru IDPs with the following assistance (through grants-in-aid to the Mizoram government):

- Rs. 38,500 (\$770) as housing assistance for each family;
- Rs. 41,500 (\$820) as cash assistance for each family;
- Free food rations for one year;
- Transport costs for returning Bru IDPs;
- Blankets and other non-food items for each family.

The MHA also promised financial support for the construction of schools, hospitals and other infrastructure as well as development projects in the return areas.<sup>107</sup>

Up to May 2011, more than 3,300 IDPs returned to Mamit District in Mizoram, but about 30,000 remained in camps in Tripura. Among those who returned in April were IDPs who had been victims of the fire in March in Kashirampur (Naishingpara) camp, as the Tripura authorities argued that their destroyed shelters in the camp would not need to be rebuilt if they returned to Mizoram. However, many were not immediately settled in their villages in Mizoram, but had to stay in temporary camps there.<sup>108</sup>

In early June 2011, the Mizoram government stopped the return process as Mizo organisations and political parties demanded that the MHA provide compensation to 80 Mizo families who had been forced by Brus to flee their homes in the Sakhan range in Tripura in 1997 and 1998. The MHA agreed, and in late September, the Union Home

Minister stated that the return of Bru IDPs had continued in September and would go on in October.<sup>109</sup>

The situation of returnees was endangered by an “identification process” which the YMA and MZP initiated in September 2011 together with representatives of political parties in Mizoram. Their goal was to determine whether the returnees in Mamit District really were from Mizoram, and to demand the deportation to Tripura of all those who were not.<sup>110</sup> The role of the state government's Congress party in this suggests that the Mizoram government, as in the past, was aiming to limit as far as possible the number of Bru IDPs returning, even after they had gone back to Mizoram in a process supported by the central government. That the “identification process” was initiated by YMA and MZP, two students' organisations that had been implicated in violence and displacement of Brus in 1997, further worsened the outlook for the future cohabitation of the Bru and Mizo communities in Mizoram.



Vehicles transporting displaced Brus from their camps in Kanchanpur subdivision, Tripura back to their homes in Mizoram. (Photo: Suhas Chakma, May 2010)

## 6

## Overview of national responses

While India has been asserting its role as an international donor in recent years<sup>111</sup>, it has been neglecting many people within its own borders who are in need of protection, assistance, and development, including people internally displaced due to generalised violence. The responses by government authorities – state and central – to various violence-related displacement situations in the north-east have been ad hoc, inconsistent and often inadequate.

Compared to the displaced Garos and Rabhas in Assam and Meghalaya, and the displaced Adivasis, Bodos and Muslims in Assam, the displaced Brus from Mizoram currently appear to have secured the best “deal” in terms of return assistance promised by the central government. Whether this package will be put into practice and prove sustainable will, however, depend on the willingness of the central government to monitor its implementation. If it does not do so, continuing tensions may lead to new violence between Mizos and Bru returnees.

In each of the situations analysed in this report, responses by the state authorities were not based on comprehensive assessments of the needs of people displaced either recently or for longer periods, but on political factors including local political demographics, the inconsistent 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. National non-governmental organisations (NGOs) have been able to fill some of the gaps, but have generally lacked the capacity for sustained long-term support to IDPs. International NGOs have played a limited role in the response to violence-induced internal displacement, mostly by funding the work of national NGOs, as the government restricts their access.

This lack of a systematic response to violence-induced displacement by various government authorities in the north-east and elsewhere in India, and their failure to monitor the various situations of internal displacement, is arguably due to the absence of a national policy or legislation covering such situations. An IDP policy or law would provide a framework against which the respective authorities could be held accountable. If it was based on the Guiding Principles on Internal Displacement, it would not only focus on emergency responses immediately after displacement, but would also include measures to facilitate durable solutions for the displaced, whether through sustainable return, local integration, or settlement elsewhere in India.



“Toilets” in Nangalbhanga camp in Chirang District, Assam, do not correspond to Sphere standards. (Photo: Anjuman Ara Begum, March 2011)

In north-east India, a comprehensive approach is not only needed to address the situation of people displaced by ethnic violence, but also to prevent such violence from happening in the first place. In spite of higher per capita allocations of central government funds, and a higher ratio between grants and repayable loans offered (90 to 10 compared to 30 to 70 for other states in India), the region has lagged behind the rest of the country in terms of development. This may be due its disadvantageous geopolitical situation, but also to high corruption, as a result of which many funds do not reach the projects and recipients for which they are intended.<sup>112</sup>

The “Seven Sisters” have largely been dependent on funds allocated to them by New Delhi. On this basis, central government bodies, including parliamentary oversight bodies such as the Committee on Estimates and the Committee on Public Accounts, appear well placed to ensure that central funding leads to economic and political opportunities for all. In this way the central government would help to address the long-standing grievances which have prevailed among many in north-east India and which are too easily instrumentalised to instigate ethnic violence for political gain.



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## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, at the request of the Inter-Agency Standing Committee, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org)

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