
HER DILEMMA: HOMELESS AT HOME

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Abstract: Homeless in their homeland is a dilemma with which Internally Displaced Persons (IDPs) continue to live for decades. Unlike refugees they neither cross the borders nor seek asylum outside their countries. Further, the IDPs continue to seek protection from the very states which through their policies create situation of forced migration leading to displacement in subsequent years. This paper under the theme of interdisciplinary perspective on Human Rights, Women and Forced Migration shall attempt to present an emerging phenomenon of displacement and forced migration of the religious minorities through manufactured communal violence. The use of the word 'manufacture' is deliberate as the paper explores in the introductory section through the ethnographic work of Paul Brass (2003, 2006) how communal violence is organized in India often against the targeted religious minority groups.

The main focus of the paper shall be on recent episodes of communal violence in two states of India which has led to displacement and forced migration of ethnic and religious minority groups. Women are the worst sufferers in such cases of displacement as they not only are burdened to rebuild the lost homes but also are forced to nurture the progeny in conflict situations which continue to persist much after the actual episodes of violence have subsided. Testimonies of the victimised minority women bring forth the grim reality of state negligence, inadequate protection, human rights abuses and lop sided policies which have led to thousands of people becoming domestic refugees. Narratives gathered from the field and witness literature (Mander 2009 and 2004, CRG 2006, Varadarajan ed. 2002) present an alarming reality of conflict-induced displacement of ethnic and religious minorities within the democratic state of India, which numbers more than half a million currently, with women as the worst sufferers in such cases of displacement.

Introduction: The feeling of returning home gives a sense of settlement and belongingness to many. But how does one feel when the home does not give a sense of belonging and it is just a mere cemented structure that one returns to every day, for the simple reason that, what was once upon a time their home, today no longer welcomes them? The Internally Displaced Persons (IDPs) live with this dilemma every day. Living in relief colonies or camps, their condition is similar to that of refugees as they are forced to leave their homes which results in severed ties with the community, families often get disintegrated, they face unemployment and have limited or no access to land, housing, food and education. This article in three sections, is an attempt to understand the meaning and types of displacement briefly, highlighting conflict induced displacement in India and in the conclusion underlines women and their travails as IDPs in India.

The *Internally Displaced Persons* are defined as 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 generalised violence, violations of human rights or natural or human-made disaster, and who have not crossed an internationally recognised State border.

The visible and acknowledged mark of separation which differentiates an internally displaced person from a refugee is the internationally recognised State border. Faced with situations varying from armed conflicts, internal strife, continuous and systematic

violation of human rights, those who flee and seek asylum in countries other than that of their origin are recognised as refugees and the ones who continue to stay within the border of their own countries seeking protection and support from their own government join the category of internally displaced persons.

Understanding Displacement: The Guiding Principles spell out the definition of situations leading to displacement. These are armed conflict, episodes of generalised violence, violations of human rights, or natural and man-made disasters. Displacement can be studied through different lens rather can be classified in different types with reference to the trigger-points or what causes displacement. Principle 6 of the given 30 Guiding Principles enumerates the following: (1). Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence. (2). The prohibition of arbitrary displacement includes displacement: (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population; (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand; (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests; (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and (e) When it is used as a collective punishment.

Disaster-induced displacement, development-induced displacement and conflict-induced displacement are the three nodes as reflected in the above-mentioned Principle. These are mostly studied and discussed amongst the literature on the study of internal displacement as a concept. A brief outline of the three shall elucidate the characteristic features of each of the above mentioned classifications.

Disaster-induced Displacement: The United Nations has defined disaster as a serious disruption of the functioning of a society, causing widespread human, material, or environmental losses which exceed the ability of the affected society to cope using its own resources. Disaster is mostly classified into two types, natural and man-made. Natural disasters can further be studied under three sub categories, namely: sudden impact, slow-onset and epidemic disasters. While man-made disasters include the categories of industrial/technological disasters and complex emergencies.

Development-induced Displacement: All variants of forced displacement are prone to major socio-economic problems and risks. Development-induced displacement was thoroughly and in detail researched for over two decades by Michael M. Cernea who noted that when forcibly ousted from one's habitat, the displaced persons carry the risk of being impoverished than they were before being displaced. Eight variables or common characteristics identified in the Model of Impoverishment Risks and Reconstruction (IRR Model) by him enumerate the different risks that await the internally displaced persons. These eight variables are landlessness, joblessness, homelessness, marginalisation, social disarticulation, loss of access to common property resources, food security, increased morbidity and mortality. These risks can also be seen as different components or variables to deconstruct displacement and understand the intensity of complications that surround this category of IDPs. "Forced population displacement is always crisis-prone, even when necessary as part of broad and beneficial development programs. It is a profound socio-economic and cultural disruption for those affected." (Cernea:1995) This type of dislocation ruptures the living patterns and social continuity. It dismantles and disrupts the existing modes of production, social networks, causing impoverishment of those who have been uprooted and threatens their cultural identity. M. Cernea notes that before displacement actually begins, these eight components are only impending social and economic risks. But if timely and effective counteraction is not initiated when faced with the crisis of displacement in the state, these potential hazards convert into actual impoverishment disasters. The *eight components* deconstructing the syncretic process of displacement

and showing a general risk pattern for the displaced are as listed below. Though the eight points are discussed under the sub-heading Development-induced Displacement, the variables and interlinked risks are common in situations of *Conflict-induced Displacement* as well. Though the normative bedrock of development-induced displacement rests on a given "eminent domain" of the state, which consists of the state's right to expropriate property in certain circumstances, mostly citing the overall advantage of the nation as the rallying point. (Muggah:2003) Most of the variables are found in similar measures and pattern posing similar risks for those displaced due to conflict.

Conflict-Induced Displacement in India: Disaster-induced displacement and conflict-induced displacement are located on two sides or extremes of the spectrum of displacement particularly when examined against the response from the state. The archetypical example of forced migration is that of the refugee. The UN Convention Relating to the Status of Refugees (1951) defines that a refugee is someone who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country." (www.unhcr.org) This definition of the refugees and asylum seekers guides the work of the United Nations High Commissioner for Refugees (UNHCR).

Conflict-induced displacement also has similar 'push factors' as enumerated in the above mentioned definition for the refugees, the major point of difference being the internally displaced persons continue to stay within the confines of their countries while the refugees cross internationally recognised borders to seek protection in such situations. Displacement occurs where coercion is employed, choices are restricted and the affected population faces more risks than opportunities and are vulnerable by staying in their place of residence. Thus displacement by its very definition is forced and involuntary involving some form of de-territorialisation. (Hyndman:2000) Though the policies designed and formulated for the IDPs are distinct from those designed for refugees, yet as Walter Kalin (Representative of the Secretary General on Human Rights of the Internally Displaced Persons from 2004-2010) pointed out, it should be noted that the discourse on internal displacement and resettlement draws heavily from the instruments for refugee protection and related works. The movements due to conflict-induced displacement are spontaneous, unpredictable and illegal under the international humanitarian and human rights laws.

Resettlement, after such episodes of displacement are usually uncoordinated rising from the need of the hour and is regarded by many donors and policy makers as temporary. Conflict-induced displacement has long term and lasting consequences as continued social and economic exclusion intensifies the deprivation of such internally displaced persons.

According to a news article featured in *The Times of India* on August 28, 2012, "India ranks 11th in 'domestic refugees' list". The article talks about 'Internally Displaced People' who are forced to relocate in conflict-induced situations and particularly mentions religious, ethnic or other persecutions. It further says that India and Turkey are the only 'stable' countries in the given list of 12 nations (the other countries in the list are Colombia, Iraq, Sudan, Syria, Congo-DR, Somalia, Nigeria, Algeria, Zimbabwe and Pakistan) which have witnessed forced migration in lakhs or more. This information was taken from the IDP database of Norwegian Refugee Council's Geneva-based Internal Displacement Monitoring Centre (IDMC). The database was created at the request of the United Nations and IDMC remains the only provider or enumerator of global IDP figures.

The IDMC Report on India dated April 2015 gives a conservative estimate of at least 6,50,000 people displaced by conflict in India. According to this country report by IDMC, the affected states with IDPs due to conflict are regionally scattered, in central India (Chhattisgarh, Andhra Pradesh and West Bengal), North-East India (Assam, Mizoram, Tripura and Manipur), Jammu and Kashmir, Orissa and Gujarat. It also states that the Government of India neither has a national policy to respond to internal displacement caused by armed conflict and ethnic or communal violence nor is there any central government agency responsible for monitoring the

numbers of people displaced and returning. Since the responsibility for protecting, rehabilitating and providing assistance to the internally displaced is relegated to the state governments and the district authorities, wide discrepancies have been observed in the responses and systematic efforts of one state government from the other in varied situations of conflict-induced displacement. Lack of recognition of the IDPs in India under any legislation has left lakhs of people homeless in their homeland. Amongst them women are the worst victims as conflict and subsequent displacement has a differential impact on them. Loss of members in the conflict, dislocation from their original territorial locations, loss of neighbourhood, lost resources and economic opportunities together create multiple hardships for women. These unforeseen circumstances create compulsions where women are pushed to become bread earners, decision makers and negotiators in the backdrop of conflict-induced displacement. Relief, Reconstruction and Rehabilitation (RRR) policy and programmes seldom attempt to connect women's weak socio-economic status, lack of voice and vulnerability in conflict situations. Thus lack of attention to post-conflict experiences and homelessness due to displacement produces greater impoverishment for women.

Conflict-induced displaces face exclusion and disempowerment inspite of being part of a State that claims democratic credentials. Based on the UN Guiding Principles on Internal Displacement, an initiative towards recognising conflict-induced displacement and subsequently developing a policy framework for safeguarding and upholding the rights of the conflict-induced Internally Displaced Persons in India shall be an earnest step towards respecting the concept of 'sovereignty as responsibility'.

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