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Development Projects and its Impact on The Internally Displaced Persons in India : A Legal Perspective

Jagdish Khobragade *

Growing accusations against the states for not protecting basic human rights of individuals who are fleeing the home country has led to the formation of International Refugee laws. Emergence of the International Refugee law in the wake of growing atrocities against the transnational border crimes is seen as the custodian of human rights regime (UDHR). In India the situation of human rights of displaced people gets juxtaposed with human rights, international humanitarian law and the refugee laws. Majority Indian population is depended on agriculture. The "so-called" development concept does not meet the expectations of farmers when the land is taken away for fewer shares in development projects. The concept of development-induced displacement became effective in India after the introduction of the Special Economic Zone (SEZ) in 2005 in India. As a result, persons got displaced due to the development projects. This article aims to analyze and trace out the detailed provisions relating to the Special Economic Zone (SEZ) and "development-induced displacement" in India. It addresses the concerns of Internal Displaced Persons (IDPs) on account of development projects. Although IDPs are legally protected under the national legislations of the states, can they get the same status like refugees under International Refugee Law? This paper also discusses the inability of the states to protect the human rights of the individuals due to the development projects and Internally Displaced Persons (IDPs).

Introduction : Indian subcontinent is a vulnerable site prone to the violence on account of caste, religion, and ethnicity. This has led to the unstable conditions of war and conflict which has increased the percentage of Internally Displaced Persons (IDPs) in India. Apart from the manmade conflicts, natural calamities like Earthquakes, floods and river bank erosion had caused the internal displacement.¹ Studies on the IDPs in India have predominantly focused on the north-east region of India.² S. Lama suggests the majority of IDPs in India is caused by the "political goals and development objectives." He categorised four broad categories of IDPs in India:³

Political, Identity-based autonomy movements, Localised violence and Environment and development induced development.

Political cause, the secessionist movement : This is related to the armed conflict movements in the north-east India and Kashmir. For example, in the north-east the armed conflicts led by the Naga and the Assam movements. Whereas in Kashmir the war between the state forces and militants against the killing of Kashmiri Pandits (Baruah 2003).

Identity-based autonomy movement : This is the violence of identity in specific states in India. For example in Punjab, massacre of non-Bodo communities by the Bodo communities and in the north-east violence between Bodo-Muslim and Bodo-Santhal led to the forcible fleeing of people on the Assam-Meghalaya border region (IDP Population Figures).

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