
INTERNALLY DISPLACED PERSONS IN INDIA: A TEST OF SOVEREIGNTY, PROTECTION, AND JUSTICE

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ABSTRACT

Today, one of the most emerging and pressing challenges in Indian scenario is the problem of Internal Displaced Persons. The status of displacement is caused by various reasons like armed conflict, communal violence, ethnic tensions, natural disasters, climate change, and large-scale development projects. Unlike refugees, internally displaced persons (IDPs) do not cross the borders of state but remain within state, often lacking protection and rehabilitation. They pose a challenge to the state sovereignty, responsibility and human rights protection by the state government. This paper aims to examine the relationship between state sovereignty and international standards of humanitarian protection in the Indian context. Also, analyses whether India is successful in addressing the legal, social and institutional challenges associated with IDPs. Through highlighting some of the major instances in India, the paper identifies the gaps in implementation and inconsistency in state responses to the continuing tension between national sovereignty and international humanitarian expectations. The paper concluded that a right based and nationally coordinated legal framework is necessary to reconcile sovereignty with humanitarian obligations and to ensure effective protection for IDPs in India.

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Introduction

The problems of Internally Displaced Persons have become a significant human rights and governance issue across the world, particularly in developing countries facing conflict, disasters, and rapid economic development. They are individuals or groups who are forced to flee their homes due to armed conflict, communal violence, human rights violations, natural disasters, or development projects, but who remain within the borders of their own country. Unlike refugees, they do not receive international legal protection under refugee law and remain under the authority and responsibility of their home State.

India, owing to its vast population, geographical diversity, socio-political conflicts, and developmental activities, has witnessed large-scale internal displacement over the decades. Millions of people in India have been displaced due to insurgencies in the North-East and Jammu & Kashmir, communal riots, environmental disasters such as floods and cyclones, and infrastructure projects including dams, mining, and industrial expansion. These forms of displacement have raised serious concerns regarding rehabilitation, livelihood, access to justice, and protection of fundamental human rights too.

The issue of internal displacement presents a complex challenge to the principle of state sovereignty. While sovereignty grants the State exclusive authority over internal matters, it also imposes a responsibility to protect the rights and welfare of its citizens. International frameworks such as the UN Guiding Principles on Internal Displacement emphasize the duty of States to prevent arbitrary displacement and ensure protection, assistance, and durable solutions for displaced persons.² However, India does not yet have a comprehensive legal framework specifically addressing the rights of IDPs, relying instead on constitutional provisions, judicial interventions, disaster management laws, and rehabilitation policies.

Conceptual Understanding of Internally Displaced Persons (IDPs)

Over the past few decades, internal displacement has emerged as a major socio-political and humanitarian concern and is now recognized as a serious global issue. The growing attention toward internal displacement developed alongside changes in international refugee studies after the end of the Cold War. During this period, the traditional distinction between refugees from developed and developing nations gradually weakened, and international focus shifted from

² <https://docs.un.org/en/c/cn.4/1998/53/add.2>, last visited on 19th May 2026.

exile and resettlement toward protection within the country of origin. Consequently, the issue of internal displacement gained recognition at the international level as an extension of the broader refugee protection discourse.³

Despite the widespread use of the term “Internally Displaced Persons,” there is no universally binding legal definition of IDPs in international law. The expression is generally used to describe persons displaced under specific circumstances while remaining within their own national borders. The Protecting Internally Displaced Persons: A Manual for Law and Policy Makers prepared by the Brookings Institution and the University of Bern acknowledges that international law does not provide a formal legal definition of IDPs.⁴

The issue gained significant international prominence in the early 1990s when the United Nations began actively addressing the growing humanitarian crisis associated with internal displacement. In March 1991, the UN Commission on Human Rights requested the Secretary-General to prepare a comprehensive report on the issue. This led to the appointment of a Special Representative on Internally Displaced Persons, whose mandate included examining the existing legal framework and suggesting appropriate protective measures.⁵

One of the earliest working definitions was provided by the then UN Secretary-General Boutros Boutros-Ghali, who described internally displaced persons as:

*“Persons or groups who have been forced to flee their homes suddenly or unexpectedly in large numbers as a result of armed conflict, internal strife, systematic violations of human rights, or natural or man-made disasters, and who are within the territory of their own country.”*⁶ However, this definition was considered inadequate due to its limited scope and lack of comprehensiveness.

A major development occurred in 1992 when Francis Deng was appointed as the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons. Deng played a crucial role in bringing global attention to the plight of IDPs. In 1998, he

³ Protecting Internally Displaced Persons: A manual for Law and Policy Makers, Brookings Institution, University of Bern 11 (accessed Oct. 23, 2024, 10:04 A.M.), <https://www.brookings.edu/articles/protecting-internally-displaced-persons-a-manual-for-law-and-policy-makers/>

⁴ Ibid

⁵ Anja Kiessling, The Internally Displaced in International Law - Do they Require Enhanced Protection? 5 (2006) (unpublished LL.M. Dissertation, University of Cape Town).

⁶ Analytical Report of the Secretary-General on Internally Displaced Persons E/CN.4/1992/23, Commission on Human Rights, (Feb. 14, 1992), <https://digitallibrary.un.org/record/137260?v=pdf>.

presented the Guiding Principles on Internal Displacement before the UN Human Rights Commission. These principles continue to serve as the most widely accepted international framework relating to internal displacement. According to the Guiding Principles, internally displaced persons are:

*“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized State border.”*⁷

This definition is broader and more inclusive, covering various causes of displacement while emphasizing the crucial element that IDPs remain within their own country. Although the Guiding Principles are not legally binding, they are widely recognized as an authoritative framework for addressing internal displacement.⁸

Similarly, the International Organization for Migration (IOM) defines IDPs as *“persons who are compelled to leave their homes due to armed conflict, internal disturbances, human rights violations, or natural and man-made disasters but who continue to remain within their country’s territory.”*⁹ National policies in several countries have also adopted similar definitions. For example, Nepal’s National IDP Policy, 2007 defines internally displaced persons as *“individuals forced to leave their habitual residence because of armed conflict, violence, gross human rights violations, or disasters, including displacement caused by development activities.”*¹⁰ This demonstrates the evolving understanding of internal displacement as including not only conflict and disaster-induced movement but also development-induced displacement.

In the absence of a universally binding legal definition, the concept of internal displacement is generally understood through its essential characteristics. Internally displaced persons are those who are compelled to leave their homes due to conflict, violence, human rights abuses, disasters, or developmental activities, yet remain within the internationally recognized borders

⁷ About internally displaced persons, (accessed on Nov. 3, 2024, 11:01 A.M.) <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>.

⁸ Kiessling, *supra* note 5, at 7.

⁹ Samir Das, Sabyasachi Basu Roy Cahudhury, Tapan K. Bose, FORCED MIGRATION IN SOUTH ASIA: A CRITICAL REVIEW 19 *Refug. Surv. Quart.* 48 (2000).

¹⁰ Nepal: National Policies on Internally Displaced Persons, 2007, National Legislative Bodies / National Authorities, (Jan. 1, 2007), <https://www.refworld.org/policy/strategy/natlegbod/2007/en/120324>.

of their own State. Thus, internal displacement represents both a humanitarian and legal challenge, placing responsibility primarily upon the State to ensure protection, rehabilitation, and respect for the rights of displaced populations.¹¹

International Regime for Protection of Internally Displaced

The growing phenomenon of internal displacement across the world has led to the gradual development of an international protection framework for Internally Displaced Persons (IDPs). Although there is no exclusive international treaty specifically dedicated to IDPs, various international human rights laws, humanitarian laws, and soft-law instruments collectively form the international regime for their protection. The evolution of this framework reflects the increasing recognition that internally displaced persons, despite remaining within their own country, require special attention due to their vulnerability and lack of effective protection.

Traditionally, international law focused more on refugees who crossed international borders and therefore came under the protection of international refugee law, particularly the 1951 Refugee Convention and its 1967 Protocol. Internally displaced persons, however, remained under the jurisdiction of their own State and were often regarded as an internal matter linked to state sovereignty. As a result, for many years there existed a significant gap in international protection mechanisms concerning IDPs.

The end of the Cold War and the rise of large-scale internal conflicts, ethnic violence, and humanitarian crises during the late twentieth century brought the issue of internal displacement into global focus. The United Nations increasingly acknowledged that internal displacement was not merely a domestic issue but also a matter of international humanitarian concern. Consequently, efforts were initiated to develop norms and principles specifically addressing the rights and protection of IDPs.

A major milestone in this regard was the appointment of Francis Deng as the Representative of the UN Secretary-General on Internally Displaced Persons in 1992.¹² Deng examined existing international legal frameworks and identified that although no single treaty directly governed internal displacement, protection for IDPs could be derived from international human

¹¹ Supra note 3, at 12.

¹² Commission of Human Rights, 15th Session, 25th January 1994
<https://www.refworld.org/reference/themreport/unchr/1994/20778>

rights law, international humanitarian law, and refugee law principles by analogy.¹³

These efforts culminated in the adoption of the UN Guiding Principles on Internal Displacement, 1998, which constitute the most important international instrument relating to IDPs. The Guiding Principles define internally displaced persons and set out standards for their protection during all stages of displacement before displacement, during displacement, and during return, resettlement, and reintegration.¹⁴ The principles are based on existing international legal norms and emphasize rights such as protection from arbitrary displacement, access to humanitarian assistance, protection of life and dignity, family unity, education, property rights, and voluntary return in safety and dignity.

Although the Guiding Principles are not legally binding, they have gained wide international acceptance and are regarded as an authoritative framework for addressing internal displacement. Various international organizations, including the United Nations, regional bodies, and humanitarian agencies, rely upon these principles while formulating policies and programs concerning IDPs.

There are several other branches of international law contribute to the protection of internally displaced persons, they are:

- a) Universal Declaration of Human Rights (1948)
- b) International Covenant on Civil and Political Rights (ICCPR), 1966
- c) International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- d) Convention on the Rights of the Child (CRC), 1989
- e) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

These instruments protect fundamental rights such as the right to life, liberty, movement, shelter, food, health, education, and protection from discrimination. Geneva Conventions of 1949 and Additional Protocols of 1977 which are applicable during armed conflict prohibit forced displacement except where required for civilian safety or imperative military reasons.

¹³ Ibid pg 53

¹⁴ United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998).

They also require humane treatment and protection of civilians during conflict situations. Regional protection like The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009¹⁵ imposes obligations on States to prevent displacement, protect displaced persons, and provide durable solutions. Organizations like United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), International Committee of the Red Cross (ICRC) provide humanitarian relief, rehabilitation support, monitoring, and advocacy for displaced populations.

Despite the development of these international norms, the protection regime for internally displaced persons continues to face challenges. Since IDPs remain within their own State, implementation largely depends upon the willingness and capacity of national governments. Concerns relating to state sovereignty often limit international intervention, particularly where governments themselves are involved in displacement or fail to provide adequate protection. Therefore, the international regime for the protection of internally displaced persons represents a balance between humanitarian responsibility and respect for state sovereignty.¹⁶

State Sovereignty and International Intervention in Protection of IDPs

The protection of Internally Displaced Persons (IDPs) operates at the intersection of two competing principles in international law: state sovereignty and international humanitarian concern. While sovereignty affirms the exclusive authority of a State over its internal affairs, international intervention emphasizes the responsibility of the global community to protect individuals whose fundamental rights are threatened. This tension is particularly evident in the case of IDPs, who remain within their own country and therefore fall primarily under domestic jurisdiction.¹⁷

State sovereignty is a foundational principle of international law, rooted in the idea that each State has exclusive control over its territory and population. Under Article 2(7) of the UN

¹⁵ First legally binding international treaty exclusively dealing with IDPs.

¹⁶ Roberta Cohen & Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* 275–282 (Brookings Institution Press, 1998); see also United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998).

¹⁷ Roberta Cohen & Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Brookings Institution Press, 1998); United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998).

Charter, the United Nations is prohibited from intervening in matters essentially within the domestic jurisdiction of any State, except in cases involving enforcement measures under Chapter VII.¹⁸

In the context of internal displacement, States often invoke sovereignty to justify limiting external involvement. Since IDPs have not crossed international borders, their protection is generally considered an internal matter. Governments may argue that issues such as conflict management, disaster response, and rehabilitation fall within their exclusive domain. However, sovereignty is increasingly understood not merely as control but also as responsibility. This evolving interpretation is reflected in the concept of “sovereignty as responsibility,” which suggests that States are obligated to protect their populations from mass violations of human rights, including forced displacement. Unlike refugees, there is no dedicated international treaty that authorizes compulsory intervention for IDPs. Instead, international involvement is largely humanitarian, supportive, and non-coercive. The role of international actors is primarily based on consent of the concerned State.¹⁹ The international reforms include Humanitarian assistance like providing food, shelter, medical aid provided by UN agencies and NGOs; Technical support for policy formulation and rehabilitation programs; Monitoring and reporting of human rights violations; Advocacy and standard-setting through instruments like the UN Guiding Principles on Internal Displacement, 1998; Emergency response coordination through agencies such as UNOCHA and UNHCR. However, such interventions are limited by the principle of non-interference and often depend on the political will of the host State.²⁰

A major challenge arises when a State is either unwilling or unable to protect its displaced population. In such situations, strict adherence to sovereignty may result in continued human rights violations and inadequate relief for IDPs. This creates a conflict between non-intervention in respect for sovereignty, and Humanitarian intervention in protection of human rights. The international community has gradually shifted towards prioritizing human rights protection, especially in cases of large-scale displacement caused by conflict, persecution, or disasters. However, such intervention remains politically sensitive and legally constrained.²¹

¹⁸ Charter of the United Nations, art. 2(7), June 26, 1945, 1 U.N.T.S. XVI.

¹⁹ Supra note 16 pg 11-18

²⁰ Francis M. Deng, *Sovereignty as Responsibility: Conflict Management in Africa* (Brookings Institution Press, 1996);

²¹ Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011).

In 2005 UN World Summit,²² represents an important development in reconciling sovereignty with humanitarian intervention i.e. Responsibility to Protect (R2P) which held that: Each State has the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. The international community has a responsibility to assist States in fulfilling this duty. If a State manifestly fails to protect its population, the international community may take collective action through the UN. Although R2P is not specifically designed for IDPs, it indirectly supports their protection in situations where displacement results from mass atrocities. Despite of these evolving norms significant limitations like non-binding nature of international framework, dependency on State consent, political resistance from State, selective and inconsistent international response and non-binding nature of UN Guiding Principles often result in gaps between normative protection and actual ground-level implementation.²³

State Responsibility Towards the Protection of Internally Displaced Persons

The primary responsibility for the protection and welfare of Internally Displaced Persons (IDPs) lies with the State because IDPs remain within the territorial boundaries and jurisdiction of their own country. State responsibility in relation to IDPs arises from principles of international human rights law, international humanitarian law, constitutional obligations, and the concept of sovereignty as responsibility. The State is expected not only to prevent arbitrary displacement but also to ensure safety, dignity, rehabilitation, and durable solutions for displaced populations. The UN Guiding Principles on Internal Displacement, 1998 emphasize that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.²⁴ This responsibility extends to all phases of displacement, including prevention of arbitrary displacement, protection during displacement, access to food, shelter, healthcare, and education, protection from discrimination and violence, and safe return, resettlement, or reintegration of IDPs. States are also expected to create appropriate legal and institutional mechanisms to address displacement-related issues. This includes disaster management policies, rehabilitation schemes, compensation mechanisms, and human rights protections. In situations of armed conflict or communal violence, the State must ensure protection of civilians

²² 2005 World Summit Outcome, G.A. Res. 60/1, 138–139, U.N. Doc. A/RES/60/1 (Oct. 24, 2005)

²³ United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998)

²⁴ United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998), Principles 3–9

and prevent forced displacement except under lawful and necessary circumstances.²⁵

However, in many countries, including developing nations, the protection of IDPs remains inadequate due to lack of comprehensive legislation, weak implementation mechanisms, political instability, and resource constraints. At times, governments themselves may be involved in displacement through development projects, counterinsurgency operations, or discriminatory policies, which further complicates the issue of protection. Therefore, effective protection of IDPs requires a rights-based approach where the State recognizes displacement not merely as a humanitarian issue but also as a matter of justice, human dignity, and constitutional responsibility. International organizations may assist in this process, but the ultimate obligation to protect internally displaced persons continues to rest with the State.

Legal, Social, and Institutional Challenges Associated with Internally Displaced Persons (IDPs) in India

India has witnessed large-scale internal displacement caused by armed conflict, communal violence, natural disasters, environmental degradation, and development projects. Despite the magnitude of the problem, internally displaced persons (IDPs) in India continue to face several legal, social, and institutional challenges that hinder effective protection, rehabilitation, and reintegration.

One of the most significant challenges is the absence of a specific and comprehensive legislation dealing exclusively with internally displaced persons. India does not have a uniform legal framework defining the rights of IDPs or prescribing obligations of authorities toward them. Protection is scattered across constitutional provisions, disaster management laws, rehabilitation policies, and judicial decisions.²⁶ Although India recognizes international human rights norms and the relevance of the UN Guiding Principles on Internal Displacement, 1998, these principles are not legally binding. Consequently, implementation depends largely on government discretion rather than enforceable legal obligations. Even the Rehabilitation policies in India often vary from State to State and are inconsistently implemented. Many displaced persons receive inadequate compensation, delayed rehabilitation, or no long-term livelihood support. Development-induced displacement caused by dams, mining,

²⁵ *Supra* note 19 at 56-59

²⁶ Walter Fernandes, *Internal Displacement and Rehabilitation Policies in India* (Indian Social Institute), 2008 at pg 181

infrastructure, and industrial projects particularly exposes these shortcomings. Unlike refugees, IDPs are not legally recognized as a distinct category requiring special protection. As a result, there are no exclusive procedural safeguards or dedicated welfare mechanisms specifically addressing their vulnerabilities. Internally displaced persons frequently face violations of fundamental rights guaranteed by the Indian Constitution under Art 21, 14 and 19.

Regarding social challenges faced by IDPs, they are often deprived of their land, employment, housing, and economic resources. Agricultural communities, tribal populations, and economically weaker groups are particularly vulnerable to long-term poverty and dependency after displacement. IDPs frequently experience discrimination and exclusion in host communities. They may face difficulties accessing education, healthcare, employment opportunities, and social welfare schemes due to lack of documentation or social acceptance. Forced displacement causes severe emotional and psychological distress. Loss of home, family separation, exposure to violence, and uncertainty about the future often result in trauma, insecurity, and social instability. Women, children, elderly persons, and disabled individuals are disproportionately affected during displacement. Women may face sexual exploitation, trafficking, and gender-based violence, while children often suffer interruption of education, malnutrition, and lack of healthcare. Displacement also disrupts traditional social networks, cultural identity, and community support systems, particularly among indigenous and tribal communities whose identity is closely connected with land and environment.²⁷

Regarding Institutional challenges it can be said that India lacks a centralized institutional mechanism exclusively dedicated to addressing internal displacement. Different agencies deal with disaster management, rehabilitation, conflict response, and welfare independently, resulting in fragmented and inconsistent responses. Even where rehabilitation and compensation policies exist, implementation is often weak due to bureaucratic delays, corruption, lack of transparency, and inadequate monitoring. There is no reliable national database on internally displaced persons in India.²⁸ Lack of accurate data hampers policy planning, resource allocation, and effective rehabilitation measures. Displaced persons often face barriers in accessing courts, legal aid, and grievance redressal mechanisms.²⁹ Marginalized

²⁷ Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal* (Sage Publications, 1999) at 19-26

²⁸ *Supra* note 25 at 193-198

²⁹ Internal Displacement Monitoring Centre (IDMC), India: National and State Authorities Face Major Challenges in Addressing Internal Displacement 7–12 (2010)

communities may lack awareness, financial resources, or institutional support to assert their rights. Institutional responses to disasters and conflicts are frequently reactive rather than preventive. Relief measures often focus on temporary assistance without ensuring sustainable rehabilitation and reintegration.³⁰

Major instances of internal displacement in India

India has experienced displacement on a large scale due to multiple causes. Conflict-induced displacement is evident in regions such as Jammu and Kashmir and the North-Eastern States (Assam, Manipur, Nagaland, Mizoram), where insurgency, counter-insurgency operations, and ethnic conflicts have forced repeated population movements. For example, Kashmiri Pandits were displaced from the Kashmir Valley in the early 1990s due to targeted violence and insecurity.³¹ Similarly, prolonged ethnic clashes in Assam, including violence involving Bodo and non-Bodo communities, have resulted in recurring cycles of displacement and return without stable reintegration. Communal violence has also been a significant cause of internal displacement. The 1984 anti-Sikh riots led to large-scale displacement in Delhi and other regions. The 2002 Gujarat riots resulted in thousands of people being displaced, many of whom remained in relief colonies for extended periods without adequate rehabilitation. In several cases, displaced communities continue to face socio-economic marginalization even after formal “closure” of relief measures by the State.

Development-induced displacement is another major category, arising from large infrastructure projects such as dams (e.g., Narmada Valley Project), mining activities, industrial corridors, and urban expansion. These projects have led to displacement of tribal and rural populations, often without adequate resettlement, compensation, or livelihood restoration. The affected communities frequently experience long-term impoverishment, landlessness, and loss of cultural identity, particularly in tribal-dominated regions. Disaster-induced displacement caused by floods, cyclones, earthquakes, and other natural calamities further adds to India’s IDP burden. States like Odisha, West Bengal, Assam, Kerala, and Tamil Nadu regularly witness large-scale temporary and sometimes prolonged displacement due to cyclones and floods. For example: the 1999 Odisha Super Cyclone, the 2004 Indian Ocean tsunami, and recurring floods in Assam have displaced large populations, with varying levels of

³⁰ *Supra* note 26 at 210-218

³¹ *Supra* note 25 at 7-15

rehabilitation success.³² A critical analysis of these instances reveals several implementation gaps and inconsistencies in State responses. Rehabilitation policies differ widely across States and even within similar categories of displacement. Relief measures are often ad hoc, short-term, and insufficiently focused on durable solutions such as long-term housing, livelihood restoration, and social integration. In conflict situations, security considerations frequently take precedence over humanitarian assistance, while in development-induced displacement, compensation mechanisms are often delayed, inadequately assessed, or poorly enforced.

These inconsistencies highlight the broader tension between national sovereignty and international humanitarian expectations. On one hand, the Indian State exercises sovereign authority over internal matters, including security operations, development planning, and disaster management. On the other hand, international humanitarian norms particularly the UN Guiding Principles on Internal Displacement, 1998 emphasize the State's responsibility to ensure protection, dignity, and durable solutions for displaced persons.³³ However, since these principles are non-binding, enforcement depends largely on domestic political will and administrative capacity. Thus, the Indian experience of internal displacement demonstrates a persistent gap between normative humanitarian standards and ground-level realities. While the State remains the primary duty-bearer under sovereignty, the absence of uniform legislation, institutional coordination, and enforceable rights-based protections continues to affect the effective rehabilitation and reintegration of IDPs across the country.

Conclusion

The issue of internal displacement in India presents a complex intersection of humanitarian concern, constitutional responsibility, and the principle of state sovereignty. India has witnessed large-scale and repeated instances of displacement arising from armed conflict, communal violence, development projects, and natural disasters. While the State has responded through a combination of constitutional safeguards, judicial interventions, disaster management frameworks, and rehabilitation policies, these measures remain fragmented, inconsistent, and largely reactive in nature. A key limitation in the Indian context is the absence of a comprehensive and uniform national legal framework specifically addressing internally displaced persons. The lack of legal recognition of IDPs as a distinct category result in the

³² Government of India, Ministry of Home Affairs, Disaster Management in India 33–40 (2005).

³³ United Nations Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998), Introduction & Principles 3–9

absence of enforceable rights, uniform standards of protection, and clearly defined obligations of State authorities. Consequently, the protection and rehabilitation of displaced persons often depend on administrative discretion, political considerations, and varying State-level policies, leading to unequal and inadequate outcomes.³⁴

The analysis further reveals that existing institutional mechanisms suffer from coordination deficits, weak implementation, and limited accountability. Rehabilitation programmes are frequently short-term and compensation-driven, without ensuring long-term livelihood restoration, social integration, and psychological recovery. In addition, the absence of a reliable national database on IDPs hampers evidence-based policy formulation and effective monitoring. These gaps are further compounded by social vulnerabilities faced by displaced populations, including marginalisation, loss of livelihood, discrimination, and exclusion from welfare systems.³⁵

At the international level, India's engagement with norms such as the UN Guiding Principles on Internal Displacement, 1998 reflects acknowledgment of global humanitarian standards. However, their non-binding nature limits their practical enforceability within domestic law. This creates a continuing gap between international humanitarian expectations and ground-level realities in India. The tension between sovereign authority over internal affairs and the moral and legal imperative to protect displaced populations remains a defining feature of the Indian experience. In this context, it is evident that a rights-based and nationally coordinated legal framework is essential. Such a framework should clearly define the status and rights of internally displaced persons, establish uniform standards of protection and rehabilitation, and impose binding obligations on both Central and State authorities. It should also ensure effective institutional coordination, grievance redress mechanisms, and accountability structures, while integrating preventive, protective, and durable solution-oriented approaches. Ultimately, reconciling sovereignty with humanitarian obligations requires a shift from a discretionary welfare approach to a rights-entitlement-based model of protection. Recognising internal displacement as a matter of justice, dignity, and constitutional responsibility will not only strengthen governance but also ensure that affected populations are restored with security, livelihood, and social inclusion. A comprehensive national framework, aligned with international humanitarian principles, is therefore indispensable for ensuring effective and equitable protection of internally displaced persons in India.

³⁴ *Supra* note 17 at 11-18

³⁵ *Supra* note 19 at 14-22

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