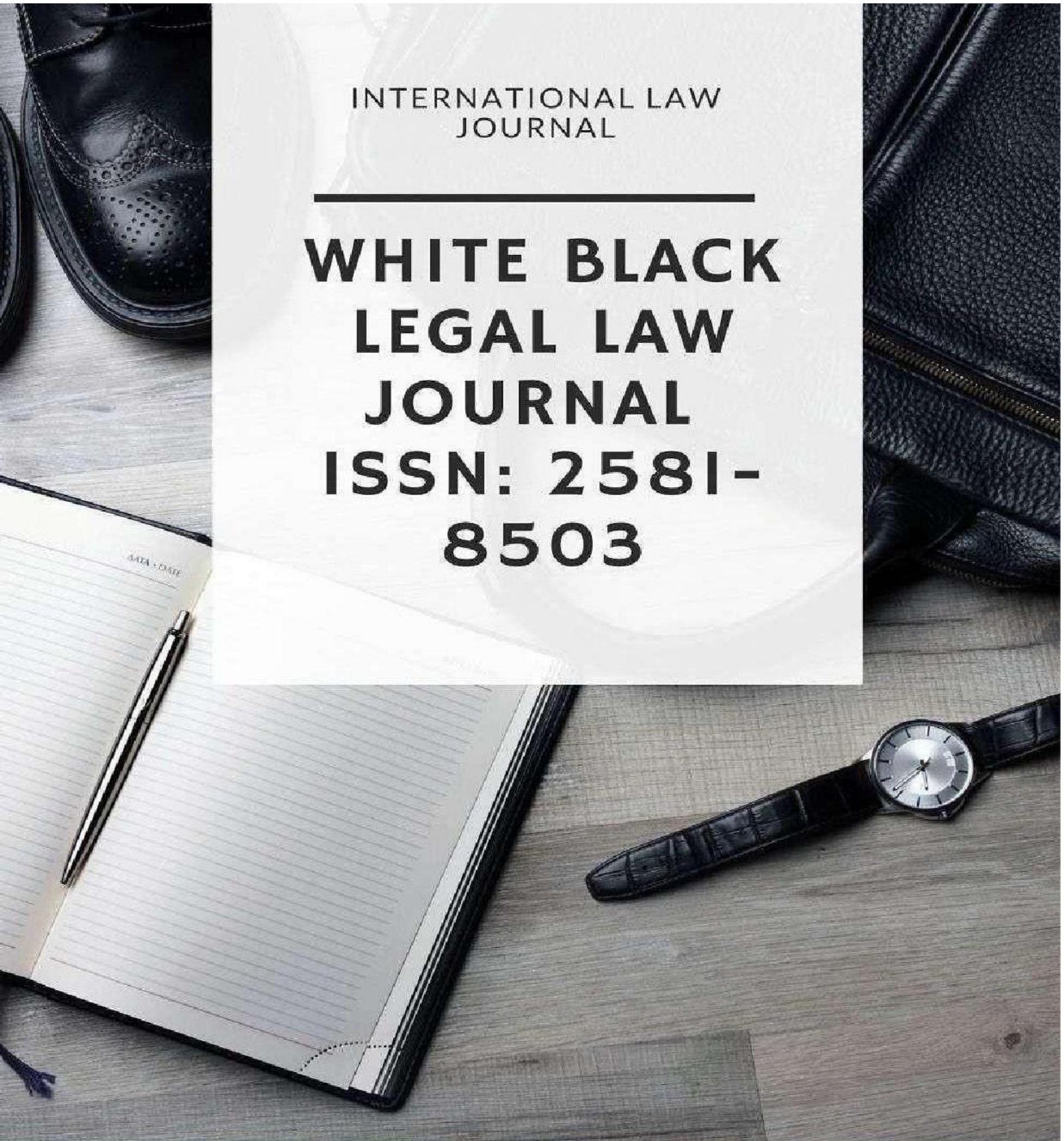




INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

MARGIN OF PROTECTION: CONFLICT-INDUCED INTERNAL DISPLACEMENT IN NORTHEAST INDIA AND THE GLOBAL GUIDING PRINCIPLES

AUTHORED BY - DR. AZIM HUSSAIN MAZUMDER

Advocate,
Gauhati High Court

ABSTRACT

An Internally Displaced Person (IDP) is someone who has been forced or obliged to flee or leave their home or place of habitual residence for the similar reasons a refugee flees. The key difference between an IDP and a refugee is that unlike refugees an IDP remains in his or her own country and does not cross any international border. Internal displacement happens primarily due to armed conflict, ethnic or political violence, human rights abuses, or natural and human-made disasters. The issue of IDP is not merely a socio-legal problem; rather it is a humane problem at large. The failure to settle permanently in a particular place can cause number of problems on many important elements of life including right to live, to own property, to have health care, to work, to send one's children to school, to vote and other civil rights. The conflict-induced displacement in Northeast India region has been a crisis for a long time. The Northeast India is inhabited by people belonging to different racial stock; they speak different languages and have varied socio-cultural issues. Discussing the continued situation of IDPs in Northeast India, this paper intends to analyze the issue and evaluate India's policy to address the issue in context of the UN guiding principles.

Keywords: Internal Displacement, Northeast India, Conflict induced displacement, UN Guiding Principles, India on IDP.

INTRODUCTION

Internally Displaced Person (IDP) is a person who is forced to flee from his or her own place and take shelter in a different place within the country. They are those persons who have been compelled and coerced to flee his or her place but who would not cross over his or her country's border and neither to seek refuge in any foreign country. IDPs are often referred to as refugees, although they do not fall within the legal definition of a refugee as they do not cross any international border. According to the UN Guiding Principles on internal displacement, 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, or 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 international territory.”¹ As the nature of human conflict has changed drastically in last few decades, the number of IDPs has also increased globally. The phenomenon of internal displacement has affected a large number of countries experiencing violent clashes, inter-ethnic conflicts, or state-sponsored oppression of the minority communities and violation of their human rights. At the end of 2025, approximately 82.2 million people were living in internal displacement globally, according to the Internal Displacement Monitoring Centre (IDMC).² The UNHCR similarly estimates about 68.7 million people displaced specifically by conflict and violence, pointing to a massive global structural crisis that has doubled over the past decade.³

Internal displacement occurs mainly three ways; conflict induced, development induced and due to natural calamities. In India, in the last half 1980s, inter-ethnic conflicts and Indian Government's pro-active counterinsurgency operations and secessionist movements by some militant groups were responsible for wide spread internal displacements especially in the north-eastern region of India. The affected areas were Assam, Tripura, Manipur, Arunachal Pradesh and Mizoram. In northern part of India, Jammu and Kashmir too experienced similar problem. Political extremism caused internal displacement in states like Chhattisgarh, and a portion of Bihar. There is no single official cumulative government census tracking all internally displaced persons in India since 1947. However, independent research estimates that over 60

¹United Nations High Commissioner for Human Rights, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/ Add.2, Introduction paragraph 2 (1998)

² Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2026* 12 (IDMC, Geneva, 2026) available at: <https://www.internal-displacement.org/database>

³ UNHCR, *Global Trends: Forced Displacement in 2017* 2 (United Nations High Commissioner for Refugees, Geneva, 2018) available at: <https://www.unhcr.org/globaltrends2017>

to 90 million people have been internally displaced since independence.⁴ This figure combines roughly 21 to 35+ million displaced by development projects (like dams and mines), upwards of 600,000 to over a million by ethnic and political conflicts, and tens of millions more by recurring climate disasters.⁵

Ethnic-induced conflict in Northeast India has been a major concern of the region for decades. This region has witnessed several bloodshed involving ethnic communities over different issues. Conflict in Northeast represents a complex socio-political phenomenon deeply rooted in colonial administrative demarcations, post-independence state reorganization, competing sub-nationalisms, and acute contests over land, resources, and indigenous identity preservation among diverse mosaic of communities.⁶ Many areas of Northeast often turn into war-zone and consequently result in to large scale displacement of affected people. Ethnic violence in Northeast points largely across inter-tribal rivalries, indigenous versus non-indigenous divides, and state-versus-community assertions. These are said to be exacerbated by deep-seated administrative neglect, porous international borders, and structural socio-economic disparities.⁷ Though the region is surrounded by foreign countries, but these displacements usually occur within the territory of India, therefore the displaced people do not fall under the category of refugee; rather they are the internally displaced persons.

Despite being severe humanitarian, demographic, and legal ramifications this conflict induced displacement consistently suffers from systemic marginalization at the national level. Geographically and politically peripheralized within mainstream Indian federal discourse, the region's crises are frequently viewed through a reductive, distant security-centric lens, rather than being recognized as structural governance failure.⁸ This peripheral treatment manifests in episodic, reactionary policy interventions, widespread national media indifference, and a persistent absence of proactive, uniform national protection frameworks—relegating protracted displacement and regional instability to the margins of national legislative priority. In fact, the internally displaced persons of Northeast are often regarded as the most forgotten and neglected

⁴Forced Migration Review, "Internal Displacement: Global and National Estimates", *available at*: <https://www.fmreview.org>

⁵ *Ibid.*

⁶ Monirul Hussain, "State, Identity Movements and Internal Displacements in North East India", *The Economic and Political Weekly*, Volume 35, Issue 51, (2000).

⁷ Subir Bhaumik, "India's North East: Nobody's People in No-Man's Land", in Paula Banerjee, Anusua Basu Roy Choudhury, *at.al.* (eds.), *The State of being stateless, An Account of South Asia*, (Orient Blackswan Pvt. Ltd., Hyderabad, 2016).

⁸ Sanjay Barbora, "Internal Displacement in North-East India: Challenges and Policy Responses" 33 *Forced Migration Review* 24 (2009).

people around the world.⁹ By using a qualitative doctrinal methodology, this paper proposes to explore the IDP issue in context of Northeast India. The paper also proposes to evaluate the government initiatives to address this issue as per the constitutional commitment and the UN Guiding Principles on internal displacement.

ETHNIC-CONFLICT AND INTERNAL DISPLACEMENT IN NORTHEAST INDIA

The northeast region accounts for almost half of India's conflict induced internally displaced person.¹⁰ This region has witnessed several conflict induced displacement since British India period. However, since independence, displacement of people happens primarily for two reasons- conflict between different dissident armed groups and counter insurgency operations by security forces. As mentioned earlier, Northeast region has a large number of tribal communities and their innumerable sub-groups, clans, sub-clans etc. One may find wide varieties of culture, language, dialect, ethnic and political identities in this region. These wide varieties often lead to contestations among these groups and subgroups for resources, ethnic identity and above all for political power. Thus, the pursuit of territorial control, political dominance, and resource hegemony among competing ethnic groups frequently escalates into violent conflict.

The Northeast region has been the scene of repeated ethnically- motivated conflicts in which the fight for a perceived homeland has sometimes resulted in ethnic cleansing. In a recent report on IDPs in Northeast, it was mentioned that ethnic conflicts became endemic in postcolonial period. The conflicts include the conflict between the state and ethnic groups or insurgent group, inter-ethnic and intra ethnic conflicts. One particular situation of ethnic conflict may reflect one, two or all these three kinds of conflicts simultaneously.”¹¹ It is pertinent to note that a vast majority of people who were displaced owing to these conflicts could never return for several years, due to either protracted conflicts or owing to the fact that those disputes over land and property remained unresolved.¹²

The Naga movement started in 1950s is regarded as the earliest armed sub-nationalist conflict of Northeast in post-independent India. The contestation over sovereignty in the Naga

⁹ *Supra* note 6

¹⁰ *Supra* note 7

¹¹ Partha S. Ghosh, “Mapping the Mixed and Massive Human flows in South Asia: Impact on women, the stateless and other disadvantaged groups”, in Paula Banerjee (ed.) *Unstable populations, Anxious states: Mixed and Massive Populations Flows in South Asia*, (Stree, 2013).

¹² *Ibid.*

Hills district of Assam (present day Nagaland) is deepened with state counter-insurgency operations, internal political fragmentation, and the subsequent emergence of factional armed groups.¹³ This prolonged nature of the conflict transformed the entire area into a militarized zone for a long time. As a part of military strategy, forced “village re-grouping” intended to sever civilian support from insurgents led to uprooting of ten thousands of Naga villagers from their ancestral lands.¹⁴ This compulsory relocation, combined with recurring inter-factional violence set a historical precedent for conflict-induced dislocations of people across the hill regions of Nagaland, Assam, and Manipur.

The Mizo Uprising of 1960s has been an armed secessionist movement sparked by deep-seated political alienation, administrative neglect, and socio-economic distress in the then Lushai Hills district of Assam (present day Mizoram). Outraged by official apathy during the *Mautam* famine and further alienated by the passage of the Assam Official Language Act of 1960, the Mizo National Front (MNF) under Laldenga demanded complete sovereignty of Mizoram.¹⁵ This separatist movement led the entire region into an unprecedented crisis. To counter *Operation Jericho*, coordinated strikes on government installations, and other violent attacks, the government responded with heavy military counter-insurgency operations, including controversial airstrikes on Aizawl in March 1966.¹⁶ One of the major consequences of the conflict was the forced displacement of the civilian population through a strategic counter-insurgency measure. The Indian military forcibly evacuated over 80 percent of the rural Mizo population through “village grouping”- relocating hundreds of isolated villages into concentrated “Grouping Centers” guarded by security forces.¹⁷ The objective was to deprive MNF guerrillas of local logistical support, food, and intelligence. This mass uprooting stripped Mizos of their ancestral land, dismantled traditional *jhum* (shifting) cultivation practices, caused severe economic hardship, and led to deep social trauma, which finally ended with the Mizo Peace Accord of 1986 and the creation of Mizoram state in 1987.¹⁸

In the 1980s, the Anti-foreigners Movement, demanding detection, disenfranchisement, and deportation of immigrants is regarded as one of the biggest conflicts which led to

¹³ Sajal Nag, “Whose Nation Is It Anyway? Nation-Building and Insurgency in North-East India” 28 *Economic and Political Weekly* 1421 (1993).

¹⁴ Dinesh Kotwal, “The Naga Insurgency: The Past and the Future” 24 *Strategic Analysis* 751 (2000).

¹⁵ J. Holt, “Building the State and Conceiving the Nation: The Origins of Separatist Insurgency in the Mizo Hills, 1945–61” 51(3) *Asian Affairs* 578 (2020).

¹⁶ L. B. Thanga, “National and Religious Identity of the Mizo with Special Reference to Mizoram Insurgency” 11(4) *Research Journal of Humanities and Social Sciences* 305 (2020).

¹⁷ *Supra* note 15

¹⁸ Henna Vaiphei, “Mizoram: The Only Indian State Born Through an Insurgency Movement in India” 31(6) *IOSR Journal of Humanities and Social Science* 68 (2026).

widespread displacement in Assam. The primary catalyst was deep-seated in the demographic anxiety sparked by decades of unchecked cross-border migration, which escalated sharply following the 1971 Bangladesh Liberation War. Indigenous populations feared becoming a political and cultural minority in their own homeland, losing control over land, resources, and electoral representation to non-citizens.¹⁹ The movement organized widespread civil disobedience, strikes, and economic blockades, framing the influx as a threat to national sovereignty and regional identity. Beyond its political mobilization, the agitation caused severe ethnic and communal fracturing, triggering large-scale internal and inter-state displacement. Targeted violence and fear of retaliation forced hundreds of thousands of residents, predominantly linguistic and religious minorities such as Bengali-speaking Muslims and Hindus, to abandon their homes and land. This upheaval resulted in long-term rural homelessness, the loss of land titles, and a lingering crisis of displaced populations that fundamentally altered the socio-spatial landscape of Assam. This conflict eventually concluded with the signing of the historic Assam Accord in 1985, establishing March 24, 1971, as the statutory cut-off date for identifying illegal migrants.²⁰

The Kuki-Naga conflict in Manipur during the early 1990s was a violent ethnic clash primarily rooted in historical territorial overlaps, competing sub-national identities, and control over strategic geopolitical trade routes. The conflict was further exacerbated by the militarization of the region through insurgent groups, notably the National Socialist Council of Nagaland (NSCN-IM) and various Kuki underground organizations, which sought to secure exclusive ethnic homelands (*Nagalim* and *Zale'n-gam*, respectively) across the hilly districts of Manipur.²¹ This armed confrontation resulted in severe humanitarian consequences, marked by widespread village burnings, economic blockades, and thousands of casualties, which ultimately drove large scale forced displacement across the state.²²

The Bodo ethnic conflict in Assam stems from socio-political assertions for self-determination, territorial autonomy, and the protection of indigenous identity against demographic shifts and perceived political marginalization. Emerging in the late 1960s and in the late 1980s, the movement evolved from constitutional demands for a separate statehood of

¹⁹ Monoj Kumar Nath, "Assam Movement and Communal Polarisation" 18(1) *Social Change and Development* 35 (2020).

²⁰ Amalendu Guha, "Little Nationalism Turned Chauvinist: A Comment" 15(42) *Economic and Political Weekly* 1701 (1980).

²¹ Gaichingongliu Kamei and Sejal Ashok Yadav, "The Naga-Kuki Conflict (1992–1997): Ethnic Identity, Political Struggles, and Conflict in Northeast India" 7 *International Journal for Multidisciplinary Research* 1 (2025)

²² Thongkholal Haokip, "Essays on the Kuki–Naga Conflict: A Review" 37 *Strategic Analysis* 251 (2013)

Bodoland into violent armed insurgencies.²³ The conflict's trajectory was heavily shaped by contestations over land rights, forest resources, and political hegemony along the north bank of river Brahmaputra, frequently pitting the Bodo population against non-Bodo communities. Despite successive institutional arrangements including the creation of the Bodoland Autonomous Council (1993), the Bodoland Territorial Council (2003), and the 2020 Bodo Accord, the conflict periodically altered the region's demographic and administrative landscape. Inter-ethnic clashes and targeted violence, most severely in 1993, 1996, 1998, 2012, and 2014 forced thousands of Bodos, Adivasis, and Bengali-speaking Muslims out of their ancestral villages and into under-resourced makeshift relief camps.²⁴ This displacement severed agrarian communities from their land base, disrupted rural livelihoods, and degraded social infrastructure, generating a state of chronic, protracted vulnerability.

The Bru displacement crisis stemmed from ethnic tensions between the dominant Mizo majority and the indigenous Bru (Reang) minority in western Mizoram during the late 1990s. Mobilized under the Bru National Liberation Front (BNLF), the community demanded political autonomy through an Autonomous District Council under the Sixth Schedule of the Indian Constitution.²⁵ This demand provoked a severe backlash from Mizo social organizations, culminating in targeted ethnic violence, arson, and intimidation against Bru hamlets in 1997. Due to this targeted violence, over 37,000 Bru tribal members fled their homes in Mizoram to seek refuge in neighboring Tripura and Assam. This resulted in one of India's most protracted internal displacement crises, with generations residing in makeshift relief camps under sub-human conditions for over two decades. However, the situation achieved a policy resolution only in January 2020 through a historic quadripartite agreement that enabled the permanent resettlement and integration of the displaced Bru people.²⁶

Karbi Anglong and Dima Hasao (formerly North Cachar Hills) experienced severe inter-ethnic instability during the 2000s due to contests over tribal autonomy, political representation, and territorial control. Localized armed groups mobilized tribal identity to secure exclusive political dominion within Autonomous District Councils, turning minor territorial and resource disputes between neighboring indigenous tribes into violent ethnic

²³ Sumit Sarma, "The Bodoland Demand: Genesis of an Ethnic Conflict" 22 *IOSR Journal of Humanities and Social Science* 33 (2017).

²⁴ Mikhael Chaudhuri, "Historicizing Conflict in Assam: A Study on Bodo-Adivasi Conflict in Bodo Territorial Autonomous Districts (BTAD)" 37 *Refugee Watch: A South Asian Journal on Forced Migration* 45 (2015).

²⁵ Arshad, "Rehabilitation of Displaced Tribes in North East India: A Case Study of Reang Tribe in Mizoram" 6 *International Journal of Applied Social Science* 917 (2019).

²⁶ Lalnundika Darlong and Lalchhandama, "The Bru–Mizo Conflict: Recent Progress and Peaceful Resolution Measures (1997–2023)" *Economic and Political Weekly* (2025).

conflicts.²⁷ This structural friction led to a series of localized clashes- Karbi-Kuki violence in 2003-2004, Karbi-Dimasa riots in 2005, and Dimasa-Zeme Naga hostilities in 2009. These consecutive waves of violence claimed hundreds of lives, destroyed vital local infrastructure, and internally displaced over 50,000 villagers across multiple ethnic groups.²⁸ The displaced populations faced severe economic hardship and protracted stay in makeshift camps, highlighting the vulnerability of minority tribal pockets within hill districts to ethnic territorialization.

The Manipur crisis of May 2023 marks one of the most acute humanitarian and governance breakdowns in post-independent Northeast India, driven by deep-seated structural disputes between the valley-dwelling majority Meitei community and the hill-dwelling Kuki-Zomi tribal populations over Scheduled Tribe (ST) affirmative action status, ancestral land rights, forest conservation mandates, and political representation.²⁹ The rapid erosion of institutional trust, compounded by the widespread looting of state armories, facilitated a prolonged state of ethnic conflict characterized by physical, geographic, and administrative segregation that effectively established a *de facto* border between the Imphal Valley and the surrounding hill districts. To date, the conflict has resulted in over 220 fatalities and the internal displacement of approximately 60,000 to 70,000 individuals, many of whom endure protracted stays in relief camps across Manipur, Mizoram, and Assam characterized by legal precarity, economic dispossession, and systemic deficits in state-led rehabilitation.³⁰

Ethnic conflict and displacement have been happening in Northeast India for decades, yet there is still no clear or central record of how many people have actually been forced from their homes since independence. This lack of data isn't accidental; it stems from a major gap in how the government handles these situations.³¹ In India, state governments are responsible for maintaining law and order. Admitting that large numbers of people have been displaced often signals a failure to maintain peace; state authorities frequently downplay, ignore, or avoid formally registering these incidents. As a result, most of what we know about displaced communities comes from local newspaper reports, which cover immediate crises but lack the resources to track long-term numbers. Without an official national tracking system or

²⁷ Sulbha Rai, "Ethnic Conflict in Assam: Issues, Causes and State Responses" 14 *Journal of Humanities and Social Sciences* 385 (2018).

²⁸ Amrita Dey, "Bodo, Karbi and Dimasa Peace Agreements in Assam: An Analysis" *MP-IDS Issue Brief* (2024).

²⁹ "The Manipur Violence Case (2023–2024): A Legal And Constitutional Analysis Of State Responsibility And Human Rights", *Lawful Legal*, June 12, 2025, available at: <https://lawfullegal.in/the-manipur-violence-case-2023-2024-a-legal-and-constitutional-analysis-of-state-responsibility-and-human-rights/>

³⁰ Allen David Simon, Rajashree Addy, and Shovontika Chakraborty, *Unravelling the Identity Conundrum in Manipur: Gender, Ethnicity and Peace-Building*, *Journal of Contemporary Politics*, Vol. 4, Issue 3 (2025).

³¹ *Supra* note 21

centralized database, the true number of displaced people remains hidden. This leaves thousands of affected families living in uncertainty, largely invisible to mainstream national attention and left out of long-term government relief, policy solutions, and rebuilding efforts.³²

PROTECTION OF IDPs: INTERNATIONAL PERSPECTIVE

The legal framework for protecting Internally Displaced Persons (IDPs) emerged in response to a major protection gap in public international law during the post-Cold War era. Unlike refugees, who cross internationally recognized state borders and fall under the protection of the 1951 Refugee Convention, IDPs remain within the sovereign boundaries of their home states. The UN Guiding Principles on Internal Displacement, 1998 came into force to consolidate human rights, humanitarian law, and refugee law into a cohesive framework tailored for internally displaced persons. Experts on international law have opined that IDP protections were delayed for decades due to strict doctrines of national sovereignty and non-interference, as governments insisted that citizens remaining within domestic borders fell strictly under internal jurisdiction, even when the state itself was the primary perpetrator of violence or displacement.³³

With the geopolitical shift following the end of the Cold War and the surge of intrastate ethnic conflicts in the 1990s, the international community began reframing state sovereignty not as an absolute shield against external scrutiny, but as a responsibility to protect one's population.³⁴ Recognizing that existing legal frameworks contained significant gaps regarding IDPs, the 1998 Principles established thirty non-binding standards that reaffirm the primary responsibility of national authorities while outlining global guidelines for preventing displacement, protecting affected populations, and securing durable post-conflict solutions. The 1998 UN Guiding Principles establish 30 standards structured around the full cycle of displacement: pre-displacement, actual displacement, and post-displacement.³⁵ Under this framework, protections are categorized into three core phases:

- 1. Protection Against Arbitrary Displacement:** Explicitly prohibits forced movement resulting from policies of apartheid, ethnic cleansing, armed conflict (unless imperative

³² Marconi Debbarma, "A Study on Ethnic Conflict in North East India with Special Reference to the State of Tripura" 10 *EPRA International Journal of Multidisciplinary Research* 112 (2024).

³³ Shibani Ghosh, "Climate Change and Displacement in India: Legal Frameworks and International Obligations" 8 *Journal of Indian Law and Society* 45 (2017).

³⁴ Saurabh Bhattacharjee, "India's National Policy on Resettlement and Rehabilitation: A Critical Analysis in Light of International Standards" 1 *NUJS Law Review* 231 (2008).

³⁵ UN Commission on Human Rights, "Guiding Principles on Internal Displacement", UN Doc. E/CN.4/1998/53/Add.2 (11 February 1998).

for civilian safety), or large-scale development projects lacking compelling public interest.

2. **Protection and Assistance During Displacement:** Reaffirms IDPs' equality under domestic and international law without discrimination. States are obligated to guarantee access to essential food, potable water, basic shelter, sanitation, medical services, and physical safety, while paying special attention to vulnerable groups like female-headed households and unaccompanied children.
3. **Durable Solutions:** Guarantees the right of IDPs to voluntarily return in safety and dignity to their places of origin, or to resettle and reintegrate locally or in another part of the country. It mandates that national authorities assist in the recovery or compensation of lost property and possessions.

At the domestic level, the translation of international IDP principles into operational reality remains uneven and plagued by structural barriers. State adoption generally follows three pathways: enacting standalone national legislation, establishing dedicated policy frameworks, or incorporating principles into existing constitutional and statutory schemes. However, a notable strength of domestic incorporation has been seen in jurisdictions across Africa, Latin America, and South Asian countries.³⁶ Following the UN Guiding Principles many states adopted legal codification of property restitution, emergency relief budgets, and dedicated administrative bodies in their respective domestic arena.

Though UN Guiding Principles marks as significant step in recognizing internally displaced persons at international level, however, it is criticized as a soft law due to its non-binding nature. In 2009, the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa considered as a historical milestone. This Kampala Convention, came in to force in 2012, is considered as the world's first legally binding regional treaty governing internal displacement.³⁷ Africa has historically hosted a disproportionate share of the world's internally displaced persons, driven by inter-state and intra-state armed conflicts, severe drought, climate change, generalized violence, and human rights abuses. While the UN Guiding Principles on Internal Displacement, 1998 provided a global legal benchmark, African leaders recognized the urgent need for an enforceable framework tailored to the continent's specific governance and conflict challenges.³⁸

³⁶ Paula Banerjee, "Internal Displacement, State Responsibility and International Standards in South Asia" 37 *Economic and Political Weekly* 4341 (2002).

³⁷ Manoj Kumar Sinha, "Protection of Internally Displaced Persons: A Comparative Study of International Frameworks and Indian Perspectives" 52 *Journal of the Indian Law Institute* 145 (2010).

³⁸ *Ibid.*

The Kampala Convention establishes comprehensive, binding responsibilities for state parties, armed groups, and non-state actors across all phases of displacement.³⁹ At its core, the convention outlines the following key principles:

- 1. State Primary Responsibility & Sovereign Accountability:** Reaffirms that national governments bear the primary duty to prevent arbitrary displacement, protect IDPs during displacement, and facilitate safe, voluntary, and durable solutions. It reframes state sovereignty as a duty to protect rather than a shield against accountability.
- 2. Prohibition of Arbitrary Displacement:** Explicitly criminalizes arbitrary displacement caused by armed conflict, human rights violations, climate disasters, and harmful development projects, holding perpetrators including state actors criminally liable under domestic and international law.
- 3. Obligations of Non-State Armed Groups:** Unlike many traditional international instruments, the treaty directly addresses armed insurgent and non-state groups, prohibiting them from forcibly displacing civilians, impeding humanitarian access, or using IDPs as human shields.
- 4. Humanitarian Access & Durable Solutions:** Guarantees unobstructed access for humanitarian organizations providing relief to displaced populations and obligates states to create conditions for voluntary return, local integration, or resettlement, alongside mechanisms for property restitution and compensation.

THE INDIAN APPROACH TO CONFLICT INDUCED DISPLACEMENT

The legal and conceptual framework governing conflict induced displacement issues in India is characterized by the absence of a centralized rights-based entitlement system. Instead, the protection operates under a decentralized, ad-hoc legal regime. In India, public order and police are assigned to state governments; thereby conflict induced displacement issues also come under the state responsibility. In displacement cases, the common state practices rely on existing domestic frameworks such as state relief manuals, the Disaster Management Act of 2005, and periodic executive notifications.⁴⁰ However, measures to address conflict induced internal displacement are managed through a combination of central policy frameworks, state-

³⁹ Stellina Jolly and Menaka Guruswamy, "Climate Change, Displacement and International Law: Lessons from the Kampala Convention for South Asia" 18 *Indian Journal of International Law* 89 (2012).

⁴⁰ Shibani Ghosh, "Development-Induced Displacement in India: A Human Rights Perspective" 2 *Journal of Indian Law and Society* 45 (2010).

level relief operations, and specialized financial schemes. The Union Ministry of Home Affairs (MHA) plays a pivotal role by providing financial assistance, policy coordination, and security support to affected states. In 2008, the Central Government launched the Central Scheme for Assistance to Civilian Victims of Terrorist / Communal / Naxal Violence), which subsequently transformed to the Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal, LWE Violence and Cross Border Firing in 2016. The scheme later on in 2017 revised and expanded further to include victims of Left-Wing Extremism (LWE), cross-border firing, and improvised explosive device (IED) explosions.⁴¹ Under this scheme, the Government of India provides direct financial compensation, health coverage through NRHM health cards, and educational support for affected children.

Despite the lack of an overarching statute, the Government of India and various state authorities have deployed specific executive and institutional initiatives to manage displacement crises. Immediate interventions typically focus on establishing state-administered relief camps, providing emergency rations, basic medical care, and ex-gratia financial assistance for lost lives and property. Besides, to address long-term rehabilitation, the Union Government frequently utilizes political peace accords, socio-economic rehabilitation packages, and institutional bodies such as autonomous territorial councils or statutory rehabilitation authorities to facilitate return or local integration.⁴² Furthermore, judicial activism through the Supreme Court of India and High Courts has occasionally filled legislative gaps by issuing directives to ensure basic amenities in camps, compel security deployments, and mandate compensation frameworks for affected communities.⁴³

If we evaluate India's position in mitigating conflict induced displacement against international normative standards like the UN Guiding Principles on Internal Displacement and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions, protection framework in India exhibits significant divergence. International standards has conceptualized internal displacement through a comprehensive rights-based lens providing protection across all phases i.e. pre-displacement, during displacement, and during return or local integration, Indian state policy remains largely state-centric and emergency-driven. The government does not recognize any specific classification of conflict induced displacement. It treats the Guiding

⁴¹ Ministry of Home Affairs, Government of India, *Guidelines of Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist/Communal/LWE Violence*, available at: <https://www.mha.gov.in>

⁴² Sudhir C. Rajan & Sujatha Byravan, "Cross-Border and Internal Migration on a Warming Planet: A Policy Framework" 13 *WIREs Climate Change* 763 (2022).

⁴³ *Narmada Bachao Andolan vs. Union of India* (2000) 10 SCC 664; *Nandini Sundar vs. State of Chhattisgarh* (2011) 7 SCC 547

Principles as non-binding recommendations and claims that existing domestic legal structures adequately cover civil and political rights of displaced people. Besides, many experts are of the opinion that internal displacement in India is seen as an exclusively domestic issue and the government fears that formal adoption of the UN Guiding Principles could invite international scrutiny, external intervention, or oversight in its internal security and administrative matters. It is said that this policy of non-recognition leads to key gaps in meeting international benchmarks, particularly regarding protection against conflict induced displacement. As a result, in analyzing the displacement cases, particularly the conflict induced ones in northeast region, it is found that there exist no systematic mechanisms for housing, land, and property restitution, neither any institutional safeguards for vulnerable demographics like women and indigenous populations exist.

CONCLUSION

The preceding discussion contextualizes internal displacement as a complex legal and humanitarian issue with a special focus on conflict induced displacement crisis of Northeast India. The discussion highlights how unresolved identity politics, land competition, and political fragmentation transformed localized ethnic friction into widespread, recurrent conflict-induced displacement across the region. In managing these crises, the state's reliance on reactive, executive-led measures, basic relief camps, and ad-hoc political accords has proven insufficient when measured against the comprehensive, rights-based protections codified in the UN Guiding Principles on Internal Displacement. This structural misalignment leaves fundamental issues such as housing, land, and property restitution, arbitrary displacement prevention, and long-term socio-economic reintegration largely unaddressed, perpetuating protracted vulnerability among displaced populations.

To mitigate conflict-induced displacement in northeast India, a strategic, institutional shift from ad-hoc emergency management to a comprehensive rights-based framework is required. Analyzing displacement issues in India including the displacement vulnerability in northeast region and recognizing the absence of a dedicated national policy, this paper puts forward some suggestions. First of all, the Union Government should enact a national legislation or formulate a dedicated policy on internal displacement aligned with the UN Guiding Principles, legally recognizing IDPs as rights-holders and the displaced people should be entitled to protection throughout all stages of displacement. Secondly, in Northeast region, the state governments must establish independent, statutory bodies equipped to manage land

claims, property restitution, and civil documentation replacement, mitigating inter-ethnic competition over scarce resources. Additionally, there should be peace-building initiatives and territorial accords to integrate durable solutions such as voluntary return in safety and dignity, local integration, or planned resettlement supported by sustainable livelihood programs and inclusive inter-community dialogue. Institutionalizing these safeguards is essential to break the cycle of displacement, and it will also strengthen social cohesion ensuring lasting stability in Northeast India.

