APPENDIX A

QUESTIONNAIRE

INTERNALLY DISPLACED PERSONS IN NORTH-EAST INDIA WITH SPECIAL REFERENCE TO ASSAM-A SOCIO-LEGAL STUDY

1. Date of Interview: ________________________________

2. Place of Interview: ________________________________

3. Name of Interviewer: ________________________________

4. Name of Interviewee: Man ___ Woman ___ Age ___
   Ethnicity ____________________

5. (a) How long you were living in the present place? ____
   (b) Were you living alone? ____
   (c) Were you living with your family? ____

6. Numbers of members of the family and their age
   Men _____ Women _____ Children _____

7. Had you ever have to leave before? Yes ___ No ___

8. If yes, for how long? ________

9. Since when you are living in present place? _________________

10. Why did you leave your home? Is it due to—
   (a) Armed conflict ________
   (b) Natural disaster ________
   (c) Developmental project ________

11. What kind of work do you do for you living? __________________

12. What is your monthly income? __________________
13. Do you get enough food to eat?  
   Yes ___  No ___

14. Do you have a ration card?  
   Yes ___  No ___

15. Do you have APL card?  
   Yes ___  No ___

16. Do you have BPL card?  
   Yes ___  No ___

17. If yes, does quota of essential commodities provided through the card cater the need/requirement of all the members of your family?  
   Yes ___  No ___

18. Does your house have a roof against the rain?  
   Yes ___  No ___

19. Is there a plastic sheeting?  
   Yes ___  No ___

20. Do you have blankets in the house?  
   Yes ___  No ___

21. Does any of your family member has fallen sick recently?  
   Yes ___  No ___

22. If yes, does he/she receive any medical treatment?  
   Yes ___  No ___

23. Whether any of your family members has died in the recent past?  
   Yes ___  No ___

24. If yes, how did he/she die?  
   ______________
   Sex: Male / Female   Age ___  Cause of death  ______________

25. Do you have a P.H.C/ Dispensary/ Hospital nearby your residence?  
   Yes ___  No ___

26. How far it is the hospital from your living place?  
   __________

27. Whether he or she was treated in a hospital.
28. Where did the person die?  Home ____  Hospital __

29. Do you collect water from :  
   Pump __  Well __  Pond __  
   Other source ____

30. Do you use a hygienic latrine?  Yes ___  No ___

31. Do you keep soap in the house?  Yes ___  No ___

32. Do you know whether the Government has been taking any scheme/ schemes for your rehabilitation?  Yes ___  No ___

33. Have you received any money from Government or other source?  Yes ___  No ___

34. Do you have school going child/children ?  Yes ___ No ___

35. If yes, do your child/children go to school?  Yes ___  No ___

36. How far is the school from your residing place?  __________

37. Any of your child/children is forced to drop out from school because of displacement?  Yes ___  No___
   If Yes, How many?  __________

38. Have you got any kind of vocational training for your livelihood?  Yes___  No____

39. Is there any scheme for adult education?  Yes ___  No ___

Signature

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APPENDIX   B

THE CONSTITUTION (    AMENDMENT    ) ACT

An Act further to amend the Constitution of India.

1. Short Title. ---(1) This Act may be called the Constitution

   (                         ) Act.

   (2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

2. Amendment of Article 21 --- In the Article 21 of the Constitution after
Article 21 A, the following clause shall be inserted, namely:--

   (1) This Amendment of the Constitution has been made for the
implementation of and to give effect to the Guiding Principles on Internal
Displacement adopted by the United Nations with a view to providing
protection and assistance to Internally Displaced Persons.
APPENDIX C

The Proposed Draft Legislation on Protection of Internally Displaced Persons Rights Act

BE IT ENACTED BY PARLIAMENT OF INDIA as follows

CHAPTER 1

PRELIMINARY

This Amendment of the Constitution has been made for Internally Displaced Persons who shall have the right to a meaningful dignified life and shall be entitled to all the fundamental and other legal rights guaranteed by the Constitution of India or any other law for the time being in force in India.

1. Short Title, extent
   (1) This Act may be called as the Protection of the Rights of Internally Displaced Persons Act.
   (2) It extends to the whole of India except in the State of Jammu and Kashmir.

2. Definitions
   (a) Arbitrary displacement shall mean acts of displacement or any other coercive act committed by any person or group of persons and directed against the civilian population, which are contrary to law, good morals, public order and public policy, and committed with abuse of authority, oppressive or wanton disregard of the right to life, liberty or property and abode of the residents of an area in which they are lawfully present.
   (b) Child shall mean human being below the age of eighteen years;
(c) Internal displacement shall mean involuntary or forced movement or evacuation or relocation of persons or groups of persons within internationally recognized state borders;

(d) Conflict-induced displacement means involuntary or forced movement or evacuation or relocation of persons or groups of persons due to armed clashes taking place between two states, or armed opposition groups and state security forces, or between armed groups or any other clash that result on human rights violation and who are within territory of the state;

(e) Development-induced displacement means involuntary or forced movement or evacuation or relocation of persons or groups of persons due to developmental activities such as dams, industries, hotels, nuclear plants and such other activities without the prior, informed, consent of the concerned people.

(f) Natural disaster-induced displacement means involuntary or forced movement or evacuation or relocation of persons or groups of persons due to man-made or natural disaster related reasons and who are within the territory of the state.

(g) Internally displaced persons shall mean persons or groups of persons who have been forced or obliged to flee to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the affects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border;

(h) Non-state actors shall mean private actors who are not public officials of the State, including armed opposition groups or other armed groups whose acts cannot be officially attributed to the State;

(i) ‘Protection’ means all activities aimed at obtaining full respect of the rights of internally displaced persons in accordance with the rights and guarantees provided in the Constitution of India.

(j) Women shall mean human beings of female gender including girls.
CHAPTER II

3. Prohibition and punishment for arbitrary displacement

A person or members of armed groups shall be guilty of a criminal offence under this Act if, with intent, such a person or groups of persons

(a) Causes the arbitrary displacement of persons, or aids or abets such displacement;

(b) Causes harm to internally displaced persons, or aids or abets such harm;

(c) Causes harm to humanitarian personnel, or aids or abets such harm;

(d) Impedes the work of humanitarian personnel, or aids or abets such impediment;

(e) Steals or loots or destroys humanitarian supplies for internally displaced persons, or aids or abets such theft, or looting, or destruction; and

(f) Misuses or abuses the use of humanitarian assistance for internally displaced persons.

Any person or such group of persons guilty of an offence under the section shall be sentenced to an imprisonment for a minimum term of five years.

4. Any authority whether private or public, who violates the provision of the Act shall be liable to pay a penalty as decided by the Commission for Assistance and Protection of Internally Displaced Persons.
5. Jurisdiction of court

No court below to that of Chief Judicial Magistrate or a Court of Session shall try any offence punishable under the Act.

CHAPTER III

6. 1. Establishment of the Commissions for the Assistance and Protection of Internally Displaced Persons

The Central Government shall constitute a body to be known as the Commission for the Assistance and Protection of Internally Displaced Persons to provide protection and assistance to internally displaced persons. The Commission shall consists of

(a) a Chairperson who has been a Chief Justice of Supreme Court;
(b) one Member who is, or has been, a judge of Supreme Court;
(c) one member who is, or has been, a judge of a High Court;
(d) two Members to be appointed from amongst persons, having knowledge of, or practical experience in matters relating to rights of internally displaced population.

6.2 Every State Government shall constitute a body to be known as the Commission for the Assistance and Protection of Internally Displaced Persons to provide protection and assistance to internally displaced persons. The Commission shall consists of

(a) a Chairperson who has been a Chief Justice of High Court;
(b) one member who is, or has been judge of a High Court;
(c) one member who is, or has been a district judge;
(d) two Members to be appointed from amongst persons having knowledge of, or practical experience in matters relating to displaced population.
7. Powers of the Commission

(a) The Commission shall have the power to inquire into and investigate complaints regarding infringement or imminent infringement of fundamental rights of internally displaced persons.

(b) The Commission shall advice the Government on bringing national laws and administrative measures in accordance with fundamental rights guaranteed by the Constitution of India and also international human rights standards and to promote awareness and provide education in relation to protection of human rights of displaced population.

8. Procedure to make complaint

(a) The Commission either on its own or on receipt of a complaint made to it by an individual can inquire into the complaints of violation of human rights of internally displaced persons.

(b) Any person or group of persons who is a citizen of India is entitled to file a complaint before the Commission.

CHAPTER IV

9. Functions of the Commission

The Commission shall function under the Ministry of Home Affairs, Government of India and shall have the function to

(a) Coordinate protection, relief and assistance to internally displaced Persons;

(b) Ensure the protection of internally displaced persons throughout the entire cycle of displacement, including facilitating their durable return and reintegration, or resettlement within the territory of India;

(c) Assess and formulate strategies on the protection and assistance needs of internally displaced persons and mobilize resources necessary for their protection and assistance during all phases of displacement, including assistance to host communities. As may be needed by such communities;
(d) Ensure the registration of all internally displaced persons in order to maintain a national data-base of such persons;

(e) Raise national awareness of the situation of internally displaced persons; And Prepare an Annual Report on the situation of internally displaced persons.

(g) The Commission shall have the power to require attendance and testimony of witnesses and production of all such documentary evidence relating to any matter under investigation. The Commission shall also have the power of enforcement to implement its decisions.

10. Act done in good faith

No suit, prosecution or other legal proceeding shall lie against Central Government, State Government, Commission or any member thereof or any person acting under direction of any of such authority, for any loss or damage caused or likely to be caused by the act which is done in good faith or intended to be done in pursuance of the Act.

11. Harmonious and Complementary application

The provision of the Act be in addition to and not in derogation of, any other law for the time being in force.

12. Law making power

(a) Parliament shall have the power to make law for implementing decisions of the National Commission for the Protection and assistance of internally displaced persons, if the matter falls either in the Concurrent or Union List.

(b) State Government shall have the power to make law for the implementation of the decisions of the State Commission for protection and
assistance of internally displaced persons if the matter is within the State List of the Constitution of India.

(c) Other agencies and bodies shall also have the power to make rules, regulations and policies if they have been authorized to do so by the State Government.