Towards Understanding the Displaced Citizen

How do people relate to land? Family, kinship, religion, tribe, feudal ties and various other collectivities have signified ways in which people related to authority in a geographic space or location before being overshadowed by the seemingly ubiquitous embrace of what is called modernity and the form of modern polity— the state with its principle of membership i.e. citizenship. The spread of this now pervasive form of modern polity of the state across the globe had also coincided with more people being displaced than ever before. Even in our globalised times of advanced technology and communication with new forms of citizenship in some parts of the world and people becoming increasingly mobile, there continue to be large number of population movements that are not voluntary. A number of developments in recent times have given greater analytical visibility to the phenomenon of what is called forced migration or displacement.

The formation of modern nation states in the Indian subcontinent was marked by the displacement of millions from their homes when they moved to find citizenship in the newly formed nation-states at the time of the Partition, the basis of which was religious identity when the cartographic redrawing of boundaries of maps did not as neatly match the demographic aspects of their territories. Subsequently different conflicts have led to situations of displacement in different parts of India. This chapter explores historical and theoretical developments related to displacement and highlights major instances of displacement due to conflict in India while highlighting an aspect of displacement that has not received much attention despite the frequency of its occurrence, namely displacement due to conflict between religious groups called communal violence.

The institution of the modern nation state and displacement

In all likelihood since time immemorial, people have moved due to fear of persecution, conflict, natural disasters etc. although it is widely believed, never on the scale that is prevalent today. The etymology of words such as *hijrat* (exodus), alien, exiled, expatriate, diaspora, displaced, stateless, refugee etc. indicate cultural, social and political understandings for people fleeing to seek refuge existed before though
not as a legal status. Despite previous instances of displacement, it is the displacement of hundreds of thousands of people after the first World War that is considered to be the first time in the West that displacement appeared as a mass phenomenon on an unprecedented scale. The moment in history that is widely traced as the beginning of increase in normativity on the subject is Europe at the end of World War II when after 6 years of war there were around 30 million displaced Europeans during the war and 11 million continued to be displaced at the end of the war. Displacement more than coincided with that period in Europe when something happened that was radically different from the past. In the complex of ideas and events called modernity there was also a manifestation of the modern polity as the nation state as a single, unified collectivity confined within territorial borders, ruled by an authority that was bundled into a single entity that was to guarantee rights of the members of the nation state i.e. the ‘citizens’. The creation of the modern polity of ‘nation state’ that was to become the entrenched operative framework that eventually spread across the globe caused great demographic upheaval in Europe. A million and a half White Russians, seven hundred thousand Armenians, five hundred thousand Bulgarians, a million Greeks, and hundreds of thousands of Germans, Hungarians, and Romanians had left their countries and moved elsewhere. In addition to this in the new states created by the peace treaties on the model of the nation-state in Eastern Europe, some 30 percent of the population was identified as minority groups that no nation state was willing to guarantee rights for and had to protected through a series of international treaties called Minority Treaties. A few years later, to the increasing number of displaced populations was added those displaced by the racial laws in Germany and the Civil War in Spain.

Even after the war had ended the presence of these stateless people that no national government was willing to guarantee protection posed a persisting crisis for post war Europe. The term “displaced persons” was coined at this time to describe

these stateless people that initially the Allied forces and subsequently the states through a host of international commissions such as Intergovernmental Commission on Refugees (IGCR), International Refugee Organisation (IRO), and United Nations Relief and Rehabilitation Administration (UNRRA) sought to attend to. In 1951 the United Nations High Commissioner for Refugees (UNHCR) was established to deal with the situation and it is in this context that the United Nations coined the term refugee to define anyone who “owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear is unwilling to return to it.”

Owing to the problem of stateless people in Europe the discourse on displacement for years came to be seen as one of refugees through an international lens i.e. across national boundaries. Moreover, with the formation of the UNHCR the issue of displaced persons came to be seen increasingly as a humanitarian problem rather than a political one.

Although the post war efforts in dealing with the situation were not planned, certain responses that the Allied powers and a whole host of international organisations and governments came up with at that time have had much currency to date in dealing with displaced populations. Some of these include the “spatial concentration” of displaced in camps that were often modeled on military barracks that enabled control of population through measures such as the segregation of nationalities; the orderly organisation of repatriation or third country resettlement; medical and hygienic programs and quarantining, continuous screening and the accumulation of documentation on the inhabitants of the camps, the control of movements and black marketeering to name a few. For more than a decade after the creation of UNHCR however, displacement and the discourse on it continued to be seen as a European ‘problem’.

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The subsequent years leading up to the 1960s however, saw a wave of decolonisation and the cartographic redrawing of boundaries of erstwhile colonially ruled countries in the non western world which created a new ‘unprecedented’ in phenomenon of mass displacements. In 1967, in the Protocol Relating to the Status of Refugees, conditions specific to Europe such as those related to geographical restrictions and the war were finally removed and the Geneva Convention became the universal instrument of refugee law. In subsequent years in different parts of the world regional refugee law instruments such as the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problem in Africa (1969) and the Cartagena Declaration of 1984 for Latin America expanded the situations under which refugee status is recognised to foreign aggression, occupation (for Africa), foreign domination, events seriously disturbing public order and, in the case of Cartagena declaration to massive violations of human rights and domestic conflict. However such regional instruments as well as the Geneva Convention Relating to the Status of Refugees were all restricted to those persons who crossed an international border. Thus the discourse on displacement for years continued to be viewed under ‘refugee studies’, with an international and humanitarian lens. 

Displacement by development

Within the borders of nation states however the kind of displacement that came to be afforded analytical visibility and subsequently afforded some normativity was that of displacement due to development and natural or man made disasters. Scholarship on displacement by development has rendered displacement as violating an essential aspect of human existence. Such displacement has come to be widely acknowledged, at least in international normativity to create a peculiar vulnerability that causes, by its very nature a multiple deprivation of rights. A number of anthropologists and sociologists have demonstrated the social, cultural and economic costs of displacement due to development. Anti dam movements across

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13 See Jean Dreze et al (Ed), *The Dam and the Nation*, Oxford University Press, Delhi, 1997; Michael Cernea and Christopher Mc Dowell (Ed.), *Risks and Reconstruction- Experience of Resettlers and
the globe and in India such as the Narmada Bachao Andolan have opposed the principle of *minent domain* which requires few (who are invariably already marginalised) to give up their land and home for the benefit and development of the majority.

Development anthropologist, Michael Cernea's Impoverishment Risks and Reconstruction model, identifies the principle and most widespread components of displacement as landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property assets, and community disarticulation. Land being the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed, landlessness is deemed to be one of the principle causes of impoverisation as the loss of land results in both loss of natural and man made capital. In addition to this, unemployment and underemployment among displaced often endures long after physical relocation has been completed. Also, although loss of shelter may be temporary for some displaced, for some, according to this model, homelessness or worsening in their housing standards remains a lingering condition. The loss of a family's individual home and the loss of a group's cultural space also tend to result in alienation and status deprivation. In this model displacement has also been shown to cause a drop in the social status of those displaced. Marginalisation occurs when families loose economic power and their condition seems to spiral downwards. Middle income farm households do not become landless, they become small landholders; small shopkeepers and craftsmen downsize and slip below poverty thresholds. Many individuals cannot use their earlier required skills at the new location; human capital is lost or rendered inactive or obsolete.

Economic marginalisation is often accompanied by social and psychological marginalisation. Moreover displacement, according to Cernea, is often perceived as socially degrading stigma by host communities. Displaced persons are also most likely to fall into temporary or chronic undernourishment defined in Cernea's study as calorie-protein intake levels below the minimum necessary for normal growth and

work. Massive displacement threatens to cause serious declines in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-born diseases such as malaria and schistosomiasis. Unsafe water supply and improvised sewage systems increased vulnerability to epidemics and chronic diarrhoea, dysentery, and so on. The weakest segment of the demographic spectrum—infants, children and elderly are affected most strongly. The interaction between the two processes included in the risk model—decrease in health and loss of shelter—has been long established empirically. Another important aspect of displacement is the loss of access to common property and services. The loss of common property resources such as pastures, forested lands, water bodies, burial grounds, quarries and so on results in significant deterioration in income and livelihood levels especially of the poor and landless. These losses are compounded by loss of access to some public services such as schools. Forced displacement according to studies often also causes community disarticulation when communities get dispersed and fragmented, patterns of social organisation get dismantled and interpersonal ties and kinship groups become scattered. Life sustaining informal networks of reciprocal help, local voluntary associations, and self organised mutual service are disrupted. Cernea holds that there is a net loss of “social capital”. There is a loss to associational life as dismantled social networks that once mobilised people to act around common interests and to meet their most pressing needs are difficult to rebuild. The loss of what he calls reciprocity networks directly worsens the corollaries of poverty namely, powerlessness, dependency, and vulnerability.\(^\text{14}\)

Displacement is thus widely acknowledged to produce a fundamental deprivation even though this recognition is lacking in formally recognized rights. Nevertheless there has been considerable normativity on displacement by development through efforts of creative social movements and international organizations. ‘Involuntary resettlement’ has been described as consisting of “two distinct, yet loosely related social processes: (a) displacement of people and (b) reconstruction of their livelihood; this reconstruction is sometimes called rehabilitation.” That the demands, risks, costs, logistics and socio-cultural and economic effects of each of these has to accounted for in continuum has atleast been

acknowledged in theory. The Indian government has also formulated a draft National Policy, Packages and Guidelines for Resettlement and Rehabilitation for Project Affected Families, 2003 whose objective among others is “to minimize displacement and to identify least-displacing alternatives”. Prior to this Maharashtra, Madhya Pradesh and Karnataka had framed their own laws regarding relocation after displacement. The draft National policy came after three decades of discussion and debates with civil society activists and displaced people and earlier versions of the draft bill by different ministries of the government as well as concerted efforts of civil society members. It is important to note here that while the Land Acquisition (Amendment) Bill, 1998 was approved by the Union Cabinet then, the National Policy, Packages and Guidelines for Resettlement and Rehabilitation remained unconsidered till another version in 2003 came up. Upendra Baxi has made the telling observation that “while displacement is enabled by law, rehabilitation is sketched by policy.” Meanwhile, one estimate holds that over 21.3 million people have been displaced, out of which tribals alone constitute 8.54 million. Since what the displaced eventually get depends a lot on their political power and organizational abilities, given this situation there have been few instances of successful resettlement in India.

The forward movement, howsoever incremental, made in the direction of rights of those displaced by development in India is the acknowledgment in the latest national policy that displacement must be avoided and its effects minimized. Also, important mechanisms on resettlement have been deliberated and developed for the last three decades including standards for cash compensation and its drawbacks that in official policy only considered formally owned land to the exclusion of large number of landless people whose livelihood was determined by economic, environmental and social determinants and the amendment of Land Acquisition Act of 1984 which though not binding, allows the state to provide for alternative land as compensation.

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The deliberation and development of criteria such as land-for land, employment based compensation, maintaining income standards of displaced after displacement or the ‘same standard of living’ have been important steps forward. However, the plight of those rendered homeless and living in ‘refugee like’ conditions due to situations of generalized violence directed against a particular group due to their religion, ethnicity or language or what is called communal violence in India was at best considered along with those who affected by ‘natural and man made disasters’.\(^{21}\) For some reason there seemed to be much separation and insularity between what had come to constitute different domains of displacement such as refugee studies and displacement by development.\(^{22}\)

**The category of Internally Displaced Persons**

It was realised in the last decades of the 20th century that in international normativity there was a blind spot when it came to those who lived in refugee like situations and had not crossed an international border. In 1992, at the request of the Commission on Human Rights, the then UN secretary-general, Boutros Boutros Ghali, appointed a representative, Francis Deng to raise awareness of the problem and to investigate ways to improve protection and response. In his first study, presented to the Commission on Human Rights in 1993 Deng observed that unlike in the case of refugees, there was no single organization within the UN system responsible for protecting and assisting the internally displaced.\(^{23}\) Deng examined international human rights law, humanitarian law and refugee law, and concluded that while existing law provides substantial coverage for the internally displaced, there are significant areas


where it fails to provide sufficient protection. Deng pointed out that "along with its emotional cruelty, displacement often breaks up the nuclear family, cuts off important social and cultural community ties, terminates stable employment relationships, precludes or forecloses formal educational opportunities, and deprives those in need of special protection, such as infants, expectant mothers and the sick, of vital public/private sector services."  

The two principal categories where protection for internally displaced persons (henceforth IDPs) was found to be insufficient were as follows: one area of insufficient coverage resulted from gaps in legal protection which occurred where no explicit norms existed to address identifiable needs of the displaced. In some cases there was a norm in human rights law but not in humanitarian law and vice versa. In such cases it was only possible to articulate rights by analogizing from existing provisions of law that were applicable only in limited situations or only to certain categories of persons as children, refugees or minorities. The second area of insufficient coverage resulted where a general norm existed but a corollary; more specific right had not been articulated that would ensure implementation of the general norm in areas of particular need to internally displaced persons. In such cases there was a possibility to infer specific legal rights from existing general norm. To follow up on the assessment that the Compilation and Analysis of Legal Norms team had produced, the Commission on Human Rights asked Deng to prepare a normative framework, and this later became the Guiding Principles on Internal Displacement.

The Guiding Principles on Internally Displaced Persons defines IDPs as, "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 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." The principles identify the rights and guarantees of internally displaced persons. They approach displacement from the

25Ibid. p 3.
26 Ibid p 77.
perspective of the needs of internally displaced persons. They address the needs of the IDPs in terms of protection, assistance and solutions. In keeping with its focus on needs, the Guiding Principles are structured around the phases of internal displacement: they address protection against displacement; protection during displacement; protection during return, resettlement and reintegration; and the framework for humanitarian assistance.\(^{29}\)

While there is hope that the principles will eventually attain the status of customary law, they are not a draft declaration on the rights of internally displaced persons, nor are they binding in law but reflect and are consistent with international human rights law, humanitarian law and refugee law. Kalin Walters and others specify that the guiding principles do not provide a legal definition for internally displaced persons. Becoming displaced within one’s own country of origin or country of habitual residence does not confer special legal status in the same sense as becoming a refugee does. This is because the rights and guarantees to which internally displaced are entitled stem from the fact that they are human beings and citizens or habitual residents of a particular state. Those rights and guarantees emanate from a particular vulnerability and special needs that flow from the fact of being displaced.\(^{30}\) The Guiding Principles restate in more detail those legal provisions that respond to the specific needs of the internally displaced persons and spell them out in order to facilitate their application in situations of internal displacement. They also clarify those areas where the *Compilation and Analysis of Legal Norms* came to the conclusion that present international law contains grey areas and even gaps. While not themselves legally binding, the Principles draw extensively on legally binding provisions of international humanitarian and human rights law and, by analogy, on the basic principles of refugee law.

The effects of displacement are only compounded in the case of those displaced by conflicts because in addition to being the victims of the cumulative effects of displacement, they are also the victims of violence or a very real threat of it. For instance, it has been widely recognised in refugee studies that catastrophic stresses such as torture, rape and exposure to war are associated with a typical cluster of symptoms now labelled “post-traumatic stress disorder” or PTSD. Conflict induced


\(^{30}\) *Ibid.*
internal displacement also has more long term and lasting consequences due to the added dimension of exclusion. Social and economic exclusion intensifies the deprivation of conflict induced internally displaced persons. Michael Cernea points out that forced displacement epitomizes social exclusion of certain groups of people. "It cumulates physical exclusion from a geographic territory with economic and social exclusion out of a set of functioning social networks."

Reasons of relapolitik cannot be entirely discounted for this recent enlightenment about IDPs in the post cold war world where countries have developed cases of "compassion fatigue" and 'host country predicament' so that fewer people who found themselves in refugee-like situations could escape national boundaries if they wanted to. BS Chimni has also pointed to the growing tension in international refugee law "between its language of protection and the ground reality of rejection." It has been estimated that in 2006 there were 24.5 million IDPs around the world. In a study commissioned by the Norwegian Refugee Council (NRC) for the 1998 Global IDP Survey, it was held that in 1970 there were 5 million IDPs from 5 countries; by the end of the 1980s, there were 7 million in 10 countries. Between 1980 and 1990, the numbers of both internally displaced persons and refugees have reported to have nearly tripled, to 22 million from 23 countries and about 17 million from 15 countries respectively.

There is the widely disseminated perception supported by the United Nations High Commission for Refugees (UNHCR) that there has been a steady and exponential increase in internally displaced persons, especially after 1990 due to changes in the nature of conflict after the cold war. The UNHCR observes that the brutality of "contemporary" civil conflict includes gender-specific violence, rape, mass murder, the use of child soldiers and the spread of terror through conspicuous atrocities." Although he admits the lack of data to conclusively prove it, Edward

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34 The enumeration of IDPs is characterized by its own set of definitional and methodological challenges. In addition to the lack of legal precision over who constitutes an IDP, statistics are dubious. US Committee for Refugees, more recently the Internal Displacement Monitoring Centre, and the Office of the United Nations High Commissioner for Refugees (UNHCR) provide global estimates for internally displaced persons.
Newman questions the thesis that there has been a dramatic and qualitative increase of IDPs in a linear manner. He blames the lack of reliable data and increased visibility afforded by advances in mass media as being responsible for this construction by researchers, international civil servants and politicians partly as a response to the threat perception of states towards migration and displacement.\textsuperscript{35} It has been estimated that the number of refugees declined from 1990 onwards, internal displacement increased sharply, peaking at 27 million in 32 countries in 1994.\textsuperscript{36} The scale and magnitude of internal displacement has been estimated to be more pervasive than refugee flows- estimated in hundreds rather than tens of millions of people worldwide.

Since the UN Guiding Principles on Internally Displaced Persons describe displaced persons as those who are “forced to flee” the element of choice has become a defining factor but also a bone of contention giving that choice can be a subjective criterion. There are many “push factors” leading to internal displacement. However the distinction between coercion and choice becomes unclear in situations of extreme poverty where people have no choice but to move to another place to seek their livelihood. This problematic is evident in the case of rural to urban migrants in India. For example a poor farmer faced with drought and starvation hardly has a choice but to move. Ranabir Samaddar has pointed out that categories like this do not take into consideration structural violence as one of the “push factors” of displacement.

The notion of forced is so narrowly defined, that the structural violence permeating these societies escapes our attention, though violence and coercion are considered as benchmarks in determination of IDPs.\textsuperscript{37} For example, in the case of Dalits, the lack of social, political and economic power and their deficient presence at the national decision making levels make them susceptible to exploitation. Attacks on Dalits continue to this day. In 2005 Dalit homes were burnt in Gohana due to upper caste resentment at their development and more recently in Mirchpur in Haryana. In case of displacement due to communal violence as well displacement can be dispersed and take place incrementally over a period of time.


The UN Guiding Principles also do not apply to persons who move voluntarily from one place to another solely in order to improve their economic circumstances. What is emphasized here is the element of choice. According to Peter Penz what makes migration displacement is that it is migration that is induced by coercion.\textsuperscript{38} Penz argues that the element of coercion is not always straightforward and therefore it is misleading to view coercion and choice as mutually exclusive. Choice is not eliminated, merely restricted.\textsuperscript{39} Robert Muggah also reiterates that internal displacement occurs when coercion is employed, where choices are restricted and where they are facing more risks than opportunities by staying, which is purported to distinguish it from "voluntary" or "economic" migration.\textsuperscript{40}

Another important area that requires deliberation in this category of IDPs is the role of the state. The Guiding Principles place "primary duty and responsibility" on "national authorities" to "provide protection and humanitarian assistance to internally displaced persons within their jurisdiction".\textsuperscript{41} This reflects the generally recognized principle of sovereignty which as contained inter alia, in Article 2 (7) of the UN Charter prohibits intervention in matters that are essentially within the domestic jurisdiction of any state, which has the effect reinforcing the national order of sovereign nation states. The UN General Assembly on several occasions has reaffirmed "the sovereignty of affected states and their primary role in the initiation, organization, co-ordination and implementation of humanitarian assistance within their respective territories. It is important to note that subparagraph 2 of Principle 5 of the General Principles does mention international intervention; and according to well established principles of international law, refusal of a state to consent to an offer of relief might, amount to a violation of the right to life, at least in certain circumstances. However in the compulsions of national politics, compliance to international law or even signed treaties is easier said than done.

While the Guiding Principles place primary responsibility on the state, they fail to address situations of internal displacement due to ethnic conflict where the state itself is the perpetrator of violence. For instance, many of the most serious and violent

\textsuperscript{38} Peter Penz, "Development, Displacement and International Ethics" in Omprakash Mishra (Ed.), \textit{Op. cit.}

\textsuperscript{39} \textit{Ibid} 84. Also Veena Das, 'Dislocation and Rehabilitation: Defining a Field', \textit{Economic and Political Weekly}, June 15, 1996. pp 1509-1514.

\textsuperscript{40} Robert Muggah, 'A Pressing Humanitarian and Development Issue: Reflections on Internal Displacement and Resettlement', \textit{Global Security and Cooperation Quarterly} 9, Summer 2003.

conflicts that India has experienced in recent years have been directed against the
state.\footnote{Amrita Basu and Atul Kohli, \textit{Community Conflicts and the State in India}, Oxford University Publications, Delhi, 1998. p 2.} Sanjib Barua points out that one of the consequences of the discipline of
political science being state centered is that in the discourse in comparative politics,
often non-state violence is seen as uniquely dangerous and immoral, while implicitly

Despite these legitimate criticisms, one must concede that a category has been
formed. And institutions need categories to respond to situations. Moreover the
category of IDPs touches upon and strings together hitherto separate and insular
domains of refugee studies, displacement due to development and disaster
management. Recently efforts have been made to “cross the boundaries” into the
other domain, by advancing overarching typologies, drawing comparisons and
illuminating differences that cannot be subsumed or commonalities that can.\footnote{Michael Cernea and Christopher Mc Dowell (Ed.), \textit{Op. cit.} p 17.} Efthia Voutira and Barbara Harell-Bond for instance hold that Cernea’s Impoverishment
Risks and Reconstruction model that seeks to define and predict the cumulative
impact of displacement and to provide a practical guide to resettlement for
displacement by development can also been used to study refugee-like
situations.\footnote{Efthia Voutira and Barbara Harell-Bond, “Successful Refugee Settlement: Are Past Experiences Relevant?”, in Cernea \textit{Op. cit.} pp 56-76.} Despite its shortcomings the category amplifies the voice of those who are
displaced due to conflict and makes the rights language available to them.

\textbf{Internal displacement in India}

Displacement is not a recent phenomenon in the subcontinent where at the
very time of independence from colonial rule the cartographical redrawing of
boundaries of maps of newly formed nation-states did not as neatly match the
demographic aspects of their territories. The independence from colonial rule and the
formation of the modern nation states of India and Pakistan marked by the
displacement of up to 12.5 million\footnote{Barbara and Thomas Metcalf, \textit{A Concise History of India}, Cambridge University Press, 2006. pp221-22.} people with estimates of loss of life varying from
several hundred thousand to a million became the new ‘unprecedented’ for mass
population movements or refugees. Between August and December 1947, some
fifteen million people crossed the borders, some of whom were Hindus and Sikhs seeking refuge in India and around the same number of Muslims seeking refuge in Pakistan in the opposite direction.\textsuperscript{47} Even in West Bengal, although migrations from East Pakistan were spread over a period of many years, by a quarter of a century after Partition, six million Hindus from the East had come as refugees into West Bengal.\textsuperscript{48}

The newly formed states faced this massive situation of displacement even as the state apparatus were being put in place and in the near absence of international aid.\textsuperscript{49} Asi in Europe where displaced people after World War II were classified as a military problem and placed under the jurisdiction of Supreme Headquarters Allied Expeditionary Force (SHAЕF) as a part of Allied Forces dealing with the effects of war before it came to be viewed as an increasingly humanitarian problem under UNHCR, securing the safe movement of refugees in both India and Pakistan was placed under Military Evacuee Organisation in September 1947. The governments of India and Pakistan employed the UNHCR definition of refugees but expanded it to include “persons fleeing civil disturbances or the fear of disturbances”. The central government in India appropriated responsibility for relief and rehabilitation of refugees under the “temporary and transitional provisions” in Article 369.

The Displaced Persons (Legal Proceedings) Act of 1949 was primarily about the transfer of Muslim property of those who had left for Pakistan for the rehabilitation of refugees in Western India which became the focal point of policies on rehabilitation. The fact that within a year the Ministry of Relief and Rehabilitation was rechristened Ministry of Rehabilitation illustrates a government in the making’s intent to resolve the refugee issue and get on with the important task of nation building.

In fact, as the violence and displacement around the time of the Partition of Bengal (despite the ‘Calcutta violence’ that seemed to ignite the Partition violence) was not of the scale or nature of the Western and Northern parts, the then Prime Minister Jawaharlal Nehru continued to maintain that Bengal had no refugee problem with a view to discourage Hindus from leaving East Pakistan.\textsuperscript{50} Joya Chatterjee argues


\textsuperscript{48}Ibid.

\textsuperscript{49}Matthew J Glibney and Randall Hansen (Ed), \textit{Immigration and Asylum: from 1900 to the Present}, Vol 1, California. p 301.

that the Bengal government in tandem with the government at the centre (Delhi) followed a “disastrous principle of dispersion” i.e. to break up refugee clusters and to resettle them elsewhere in empty tracts of land or in refugee colonies dispersed on the periphery. “The core of the policy was to spread the ‘problem’ as widely and thinly across the province as possible, diluting the political impact of unwelcome trouble makers’ by scattering them in far-away districts.”\(^{51}\) The policy of dispersion seems to have been followed in Western and Northern parts of the country as well where after a year relief that was essentially government’s provision of food in camps and a small amount as ‘assistance’ in cash were stopped with a view to get refugees off doles and into earning their own livelihood. Despite resorting to denial of the problem as in the case of the state of Bengal and its stretched resources, the government initiated a slew of policies towards the rehabilitation of refugees. However, these policies made by the central government that was intervening under the “temporary and transitional provisions” in Article 369 were temporary and transitional for the targeted population of partition refugees. They were not to influence government practices for displaced persons in future.

India has witnessed a number of situations of major internal displacement since 1947. The largest cases of internal displacement in India, according to the Norwegian Refugee Council, are the exodus of Kashmiri Pandits from the Kashmir valley that started in 1989-90 after the rise of militancy, the numerous cases of internal displacement in the North East and displacement of Muslims in the post Godhra violence in Gujarat in 2002. According to a survey conducted by the Norwegian Refugee Council (NRC) for the 1998 Global IDP Survey, the largest population displacements in India have been related to the protracted conflict in Jammu and Kashmir. Since 1989, approximately 34,000 people, including thousands of civilians, have died as a result of the conflict with militants. An estimated 3,50,000 Kashmiris have been internally displaced as a result of fighting. Most are living in Jammu (2,40,000) or Delhi (1,00,000), many of them with relatives. In Kashmir valley, 90% of the minority Hindu Pandits fled the valley during 1990. Towards the end of 2001, another wave of displacement took place with some 60,000 Kashmiris fleeing heavy shelling and a massive build up of troops on both sides. According to the survey 3000 crores had already been spent by the Indian government on running

\(^{51}\) Ibid.
the camps. While their situation has been far from ideal and many attempts by the central and state governments for the return of Pandits have failed, the government’s response to internally displaced from Kashmir has been much more generous than the response to the plight of the displaced in the Northeastern states.52

The Norwegian Refugee Council’s profile of internal displacement in India in 2000-2001, based on its Global IDP Database, is illustrative of the wide divergence that exists between various available estimates of IDPs in Northeast India as well as the absence of data in some cases. The Northeast as a frontier region is important for the Indian state to maintain its territorial integrity. The Naga rebellion and stirrings of unrest in other parts of the region as well made the Indian state anxious about this region’s position as a frontier region for security reasons. The Indian state began to see the external and internal ‘enemies’ in this frontier region coming together and constituting a looming threat to national security. Extending the institutions of the state all the way to the international border- nationalizing this frontier space- became the thrust of the Indian policy ever since.

Over the next few years, the governmental structure of the region was fundamentally redesigned to create what Sanjib Barua calls a cosmetically federal regional order. The region of predominantly tribal communities was organized into a number of mini states all of them with formal institutions of any other Indian state government. This not only consolidated the idea of homelands and also had the effect of imposing a particular developmentalist paradigm. Many parts of the Northeast are also going through a process of transition from shifting cultivation to settled agriculture, from clan control of land to commodification of land, urbanization and cultural change associated with the process of ‘modernisation’. New economic opportunities created by this process of social transformation also attract migrants to the sparsely populated parts of this frontier region.53 The political discourse has thus shaped the politics of insider-outsider which has created a powder keg of a situation in the Northeast that seems to flare up in violence ever so often. The peculiar state of state-society relations in the Northeast also tends to tip the balance towards violent ethnic conflict.

The available estimates of the number of IDPs in the state of Assam in 2000-1, for instance, varied between more than 2,00,000 to more than 87,000 persons. The estimates of Reangs displaced from Mizoram and living in the refugee camps of Tripura varied between 31,000 and 41,000. The profile cites one estimate that at least 80,000 Bengalis were uprooted in Tripura since 1993. In Manipur, conflicts between tribal groups led to the displacement (at least temporarily) of as many as 1,30,000 Kukis, Paites, and Nagas since 1992, but there were no estimates of the number of IDPs in Manipur in 2000-1. In Arunachal Pradesh as many as 3000 Chakmas had become internally displaced, but the number of those who have left the area was unknown.54

Due to restrictions imposed by the Indian government on visits by international human rights organizations it is difficult to monitor or give exact numbers of the displaced in the Northeast.55 Most of the displaced in the Northeast estimated at 1,50,000 internally displaced has been inaccessible to foreigners. Despite the absence of precise figures, these estimates underscore the magnitude of the IDP crisis in Northeast India. The North East has witnessed at least seven major cases of internal displacement in the fifty years of the Indian republic, namely, the displacement caused due to movement for Bodo homeland, the displacement of Bengalis from Tripura, the displacement of “tea tribes” in western Assam, the displacement of Reangs from Mizoram, the displacement of Nagas, Kukis and Paites in Manipur and the displacement of Chakmas from Arunachal Pradesh and Mizoram. While a homeland has become something to aspire for various ethnic groups, ethnic activists of existing homelands have become zealous defenders of what they see as their statutory entitlements.

In both Kashmir and the Northeast which are border areas, the dynamics of displacement get even more complicated with the state contributing to displacement in anti insurgency operations. In response to the secessionist movements in Nagaland and Mizoram, the Indian army, as a result of deliberate state policy, regrouped hundreds of Naga and Mizo villages in order to isolate the ‘insurgents’ from the people. This regrouping of villages uprooted and displaced several thousand tribal people from their homes. This was part of the anti-insurgency operations in the hills

of undivided Assam. In Mizoram relocation of populations as part of counter insurgency strategy that happened in 1966-69 affected at least 1,50,000 peasants. Counter-insurgency has meant the de facto suspension of the rule of law, or at least a highly selective view of legality. The Armed Forces Special Powers Act (AFSPA) Section 3 gives the Governor of the state or centre the power to declare an area disturbed. Section 4 of AFSPA allows security forces to “fire upon or otherwise use force, even to the extent of causing death”. Finally the act gives legal immunity to security personnel in that they cannot be prosecuted for violating the rights of the arrested persons without the Central Government’s permission.

Although the official figure varies, over 35,000 Reangs had crossed the borders and to take shelter in Assam and Tripura where they live in extremely uncertain conditions. The Reangs in the camp in Kanchan, Tripura were reportedly living under life-threatening conditions, leading to a number of deaths from curable diseases. The immediate return of some 30,000 Reangs from Mizoram currently in camps in Tripura has been ordered by the central government and the National Human Rights Commission. However the state government in Mizoram has refused to take back the displaced and has argued that only half of then could be defined as original residents of Mizoram. In case of the displaced in Manipur, the non-existence of formal relief camps does not mean the non existence of displaced people there. Various relief camps set up by the government immediately after the displacement could not even provide even the basic necessities. Hence displaced persons prefer to stay outside the relief camps. Moreover the displaced tribals prefer to move back to hill areas where their own groups of people are dominant. Women and children who account for 70 per cent of the displaced are in extremely vulnerable positions. A large number of the affected children are inadequately nurtured in makeshift orphanages. The displaced have received little medical care and they have no access to formal

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education. IDPs in urban centres live mainly in rented houses without any regular source of income. The government of Assam granted Rs.10000 each to some families. Besides, the government of Assam allotted houses to 1758 Bodo and Santhal families under the central government sponsored scheme called ‘Indira Awas Yojana’ (Indira Gandhi Housing Scheme). As a result, 5000 inmates have reportedly left the relief camps recently.62 However, this is not even six per cent of the total displaced persons awaiting rehabilitation. There are more than 200,000 inmates living in relief camps out of which 70000 are children.63 The food supplied by the government includes only rice and salt and sometimes ‘dal’. The monthly ration hardly meets the requirement for a week.

This internal displacement has not only affected the concerned IDPs but entire communities. The areas to which the IDPs flee are also heavily affected. In rural areas forests and grasslands are quickly stripped for housing and farming. The damage done to forest and environment will have long term economic effects. In urban centres, social services, water supply and sanitation facilities quickly became overloaded. The conflict has also spilled over to neighbouring villages and regions. The Kuki-Naga conflict originally confined to Ukhrul district in Manipur has spread to other districts like Churachandpur and even to Nagaland. According to TT Haokip, due to the internal displacement, ethnically mixed villages, once common in the hills of Manipur, have virtually ceased to exist. Displaced populations are spilling over to other states, stretching their resources and causing greater competition for resources. For example the displacement in Manipur taxed the neighbouring Mizoram whose government had to provide the displaced people the needed support in terms of giving them shelter, food, health care etc.

**Current scholarship on displacement and the international focus**

Only in the recent past an particularly after the creation of the category of internally displaced persons has such displacement received scholarly attention. Th recent analytical visibility afforded to displacement can be traced to when Francis Deng (the UN appointed International Commissioner for the rights of Internally Displaced Persons) gleaned international law, refugee law and humanitarian law to produce *Internally Displaced Persons: Compilations and Analysis of Legal Norms*,

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63 Ibid.
and formulated the UN Guiding Principles on Internally Displaced Persons. The Norwegian Refugee Council then produced a constructive compendium of sorts of internally displaced persons around the world. Through their work on displaced populations Francis Deng, Roberta Cohen, David A Korn’ have provided descriptive accounts of situations of displacement around the world, highlighting the plight of the displaced in the light of the UN Guiding Principles, a pattern that most of the scholarship on internally displaced persons seem to follow.

In *Caught between borders: response strategies of Internally Displaced Persons* by Sorensen, Birgette Refslund and Mark Vincent, and *Living in Limbo: Conflict Induced Displacement in Europe and Central Asia*, Holtzman, Steven B. and Taies Nezam, compare descriptive accounts of internally displaced persons in South Asia and across Europe and Central Asia to identify patterns in the experience of displaced populations and highlight major issues of concern for IDPs such as livelihood, material well being, employment, relationship with state etc. The importance of the study is that it compares the poverty, employment and other indicators of the displaced with that of local populations in the same country rather than comparing the situation of displaced with international human rights instruments, thereby giving a more accurate picture of the plight of the displaced however, being a macro level study *Living in Limbo* lacks narrative accounts to describe the instances which give rise to the statistics or explain processes of displacement. Given that in most countries, several groups are seen as similarly impoverished and that there is competition among deprived groups for resources from the state, Holtzman, Steven B. and Taies Nezam make a strong case to show how displaced have a specific pattern of ‘vulnerability’ that deserves the state’s attention. Vulnerability, they argue, does not challenge the rights based approach but helps operationalize it.

With a focus on the condition of being displaced rather than overly emphasising the distinction of formally created categories such as refugees and internally displaced persons, especially given the history of conflict along borders in South Asia, Paula Banerjee, Sabyasachi Basu Ray Chaudhuri and Samir Kumar Das have, in *Internal displacement in South Asia*, given a rich, descriptive account of displaced persons in the region. *Forced migration in the South Asian region: Displacement, Human Rights and Conflict Resolution* edited by Omprakash Mishra brings out the major issues that have dominated debates in the emerging area of forced migration studies such as those of responsible sovereignty postulated by
Roberta Cohen and the arguments by Peter Penz regarding the subjective element of coercion which a defining element of the category of internally displaced persons. *Dimensions of Displaced Persons in Northeast India* edited by CJ Thomas chronicles the several cases of internal displacement in the region.

The current scholarship on internally displaced persons provides rich empirical accounts and detailed descriptive accounts of local situations in the light of normative developments at the international level. The literature on IDPs also seeks to break new ground in the emerging domain of forced migration studies through new conjectures and theoretical shifts. Due to the historical context in which the category emerged and the role of the UN in normative developments with regard to displaced persons the discourse on displaced has emphasized neutrality and humanitarian aspects in order to intervene in a world of sovereign nation states. This context is carried forward in most of the scholarship on internally displaced persons so far that is couched in the language of human rights and studies displacement primarily from an international lens that emphasizes the humanitarian aspects of the plight of displaced persons. While this is crucial for amplifying the plight of the displaced that has only received much attention in the recent past it is also important to examine political and social processes that create situations of displacement in the first place.

**Displacement and Communal Violence**

Despite the existence of democratic and constitutional form of government and peaceful coexistence of communities in most parts, communal riots seen by some scholars as endemic to India, have occurred every now and then primarily in urban areas throughout the country especially in the Northern and Western parts and have, that have led to destruction of property, loss of lives and displacement. Although enumeration of incidents of communal violence has serious methodological and logistical problems in India given that Home Ministry of the Government of India whose responsibility includes the reporting of law and order has stopped publishing records of riots since 1985, according to one estimate, from 1961 to 2002, except for 2

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years, there was one or more riot every year in India.\textsuperscript{66} In another estimate of communal incidents between Hindus and Muslims from 1950-1995 in 28 Indian cities had claimed 7173 lives.\textsuperscript{67} According to estimates compiled from analysis of newspaper reports from the period 1960-93 to enumerate the number of communal incidents in which there was at least one death for India as a whole and by state, communal incidents between Hindus and Muslims rose during the 1960s reaching a peak in 1969, declined between 1971 and 1977, then began a sharp increase during the years from 1978-1993.\textsuperscript{68} After 1993 as well, although Paul Brass holds that there was a marked decline in riots, according to other figures, communal incidents continued to occur sporadically till in 2002 violence in Gujarat, which is considered to be a pogrom by some and genocide by others occurred.

While communal violence has not been defined in the Indian legal system, a riot is defined in criminal law as “assembly of five or more persons” engaged in unlawful activities directed against government institutions, the laws, persons, or property for the purpose of committing “mischief or criminal trespass, or other offence.”\textsuperscript{69} This broad, archaic definition is possibly one of the reasons the Home Ministry has shied away from producing records of riots since 1985.

Based on narratives collected over several years Ashgar Ali Engineer has highlighted what he calls major riots after independence to include in the decades of 60s and 70s the 1964 riots in West Bengal over rumours of the ill treatment of Hindus in East Pakistan, as well as riots in Rourkela (Orissa), Jamshedpur (Bihar) and Raigarh (erstwhile Madhya Pradesh) in the same year, the 1967 riots in Bihar over the move to include Urdu as the official language of the state, the 1969 riots in Ahmedabad over the issue of cows from Jagannath temple accidentally injuring a few in the crowded locality of Jamalpur, the Bhiwandi- Jalgaon riot in 1970 and the riot that took place in the industrial town of Jamshedpur in Bihar over a Hindu religious procession passing by a mosque.

The 1980s which saw an escalation of communal violence saw a number of riots such as the riot in Meerut in 1982, Hyderabad riots in 1983, the Anti- Sikh riots


\textsuperscript{68} \textit{Ibid}.

\textsuperscript{69} Cited from Law of Crimes in Paul Brass in \textit{Ibid}.
in 1984 which were not between Hindus and Muslims but against the Sikh community and claimed as many as 3000 lives; Meerut erupted again in violence in 1987 and the end of the decade saw the Bhagalpur riot in 1989. BJP leader LK Advani's rath yatra to mobilise support for the building of the Ram temple in Ayodhya as well as the demolition of the Babri majid led to a sharp escalation of communal violence in 1990 and 1992-93. According to Ashgar Ali Engineer more riots occurred during 1967-70 and also during 1978-80 when the central government authority was weak. He notes that a number of major communal riots also occurred in Jamshedpur, Varanasi, Aligarh and other places, during the “Janata Period” from 1977-1980 when a coalition of non Congress parties that challenged the hegemony of Indira Gandhi held sway. This, he attributes to the strong Rashtriya Swayam Sevak Sangh (RSS) influence on Jan Sangh the precursor to the Bharatiya Janata Party (BJP). According to Paul Brass, “Rioting and killing in the years between 1990 and 1993 reached peaks not seen since 1947.” In these years, he describes communal violence as taking place in two waves of riots across large parts of northern and western India that have been associated with mass mobilisations by the Vishwa Hindu Parishad (VHP) and the BJP for the removal of a 16th century mosque from the site of what is believed to be the birthplace of the Hindu god, Ram in Ayodhya.

In any ethnic conflict, the fact that the property and homes of persons belonging to the communities connected with the conflict become prospective targets of violence is well acknowledged. In the significant body of scholarship on communal violence one can find accounts of how residential localities get transformed into battlegrounds in the face of violence where turfs must be defended and protected. After the 1969 riots in Ahmedabad itself, many Muslim families that had witnessed violence or who felt insecure moved out of localities where they lived among Hindus. Similarly displacement of Muslims was evident in other major riots such as the Bhagalpur, Bihar in 1989 when at the worst stage of the violence from October to November 1989 some 40,000 people left their homes and lived in make shift relief camps. In the violence that followed the violence that followed the demolition of the

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73 Interview with Noorjahan Kalumiyan Sheikh, Siddiqabad Relief Colony, 27/10/2008, Ahmedabad and Interview with Professor Abid Samshi on 28/10/2008.
Babri masjid in 1992 thousands were displaced in different parts of India\textsuperscript{75} and particularly in Bombay and Gujarat.\textsuperscript{76} Besides Muslims, thousands of Sikhs were displaced during the anti Sikh violence in 1984 and in recent times Christians were displaced in violence in Orissa over a dispute between two communities in Kandhamal in 2008.

Displacement is usually seen as a peripheral consequence of communalism, like collateral damage in a conflict. Some studies however have assigned a more instrumental role to displacement due to communal violence. For instance in Ahmedabad, Ornit Shani points out that in between the 1975 and 1980s, as a result of the growing demand for land and the price rise, the slum land owners realised that they would get higher returns on the land if slum dwellers could be evacuated. Previously the land had had no commercial value and it had been profitable to let the slum exist so that low rent could be collected from the inhabitants. In the meantime slum dwellers who paid rent for a long time acquired legal rights over the land and the landowners were restricted from removing them. Consequently the slum landlords used other methods and riots sometimes became a means of forcing them to leave.\textsuperscript{77} Even in the Bombay riots of 1992-93, there were suggestions that riots were used by the slumlords to clear the land of slums.\textsuperscript{78} Satish Deshpande goes even further to imply that displacement is not a peripheral consequence but an intended effect of communalism to shape space. He highlights certain significant aspects of the nationalist discourse of Nehru and Savarkar to point out that the nation exists both in imagination as well as concretely, and that through various political strategies the imagination of the nation is sought to be realized. Successful “spatial strategies” are able to link in a durable and ideologically credible way, abstract imagined spaces to concrete (physical) places. Nations-ness, he says, clearly involves ideological and material contests. The three ‘spatial strategies’ of communalism that he highlights are those based on site, such as the movement for Ram Janmabhoomi over the Babri masjid in Ayodhya or the Idgah Maidan in Hubli; those related to neighborhoods that take place in localities and residential areas and those related to processions during

\textsuperscript{75} The Statesman, Bhopal, 11/1/1993.
\textsuperscript{76} Interview with Shafi Madni, Juhapura, Ahmedabad, 17/2/2009. Times of India, 31/12/1992
\textsuperscript{78} Times of India, 5/6/1993.
religious or festive occasions or in the event of death of persons of either communities. Neighbourhoods, he points out, are seen as an important site to conquer among the ideologues of Hindutva.  

Vinayak Damodar Savarkar has been widely credited as the foremost ideologue of the imagination of the Indian nation in an exclusivist religious paradigm which he called Hindutva or Hinduess, a term that subsequently became synonymous with Hindu nationalism. In ‘Hindutva: Who is a Hindu’ he argued that “Hindustan meaning the land of Hindus, the first essential of Hindutva must necessarily be this geographical one. A Hindu is primarily a citizen in himself or through his forefathers of ‘Hindustan’ and claims the land as his motherland.” He also went on to say, “the Hindus are not merely the citizens of the Indian state because they are united not only by the bonds of common love they bear to a common motherland but also the bonds of a common blood.”

This metaphoric, biological language of blood and bonds of love to the common motherland finds theoretical resonance in the *jus sanguinis* or line of descent principle of citizenship law adopted from the *volk* centred conception of German law which emphasises difference rather than the more assimilationist principle of *jus soli* or place of birth or naturalisation. But Savarkar added another criteria to citizenship in the Hindu rashtra, one that was ultimately the all important one, namely that one’s holy land *punyabhoo* was to coincide with ones *pitrabhoo* fatherland. Therefore Sindhis, (the community which gets its name from the Sindhu or Indus river which forms part of his *akhand Bharat* encompassing the entire Indian subcontinent “from Atak to Cuttack” and from “Himalayas to the Cape” along with non resident Indians and even for instance an American finds a place in his imagination of the Indian nation but not Muslims and Christians whose holy-land is in a land outside the Indian subcontinent. By such an imagination of the nation, those who claimed to be

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81 *Ibid* p 179.

82 *Ibid*.
Indian but had spiritual connections to a holy land outside the subcontinent such as Muslims or Christians would have divided loyalties with regard to the Indian nation.\textsuperscript{83}

The question of citizenship rights

During the violence in Gujarat in 2002 as well as in previous instances of communal violence, there have been incidents of mobs calling for Muslims to leave India for Pakistan. Especially given the history of partition as well as that of communal violence in India, the effect of displacement on the experience of citizenship rights is a significant question. The question of displacement seems to be tied to questions of belonging and of citizenship. However, as Nira Yuval-Davis and Nina Werbner point out, citizenship is usually understood through the cerebral, jural lens of what the criteria of political membership are and its claims and entitlements. In his paradigmatic work on the evolution of citizenship in Britain and its culmination as a welfare state, British sociologist, T.H. Marshall described citizenship as “full and equal membership in a political community.”\textsuperscript{84} This widely accepted definition of full and equal membership is seen as encapsulating two promises of modern citizenship, “a horizontal camaraderie” or equality among members of the political community and an “integration as equals” into the political community with a share in a common national culture and social heritage thus gradually bringing into its fold excluded and marginalised sections of the population.\textsuperscript{85} Thus although from the surface citizenship may be seen as engaging with notions of identity and belonging from a more “jural, cerebral and procedural”\textsuperscript{86} lens, it is also an expression of identity and belonging to a political community\textsuperscript{87} which in modern times has meant the nation state. Recent debates on citizenship such as the debate between civic universalism and cultural particularism as well as Marxist and feminist critiques of liberal citizenship have also

\textsuperscript{83} Liisa Malkki points out, “the powerful metaphorical practices that so commonly link people to place are also deployed to understand and act upon the categorically aberrant condition of people whose claims on, and ties to, national soils are regarded as tenuous, spurious or non-existent.” Liisa Malkki, ‘National Geographic: The Rooting of Peoples and the Territorialisation of National Identity among Scholars and Refugees’, \textit{Cultural Anthropology}, Vol.7, No. 1, Space, Identity and the Politics of Difference, February 1992. pp 24-44.


sought a thicker notion of citizenship but have questioned the basis on which equality and integration are sought to be assured.

TH Marshall proposed a distinction of three kinds of citizenship, civil, political and social. Although Marshall’s work was written in a particular context, of Britain with the intention of “civilising capitalism” and has been critiqued for a number of reasons, a number of scholars working on marginalised sections of society such as those working on gender and disabled persons have drawn from his account of social citizenship which describes the social element of citizenship as the whole range of rights from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social services. Marshall’s description of social citizenship although dismissed for the passivity and dependence it generates on the welfare state, is important in that it resonates with and articulates tangible dimensions of the experience of citizenship. Feminists like Nira Yuval-Davis and Pnina Werbner also emphasise the sociological and relational aspects of the concept of citizenship that engage with the substantive experience of citizenship rights. Taking a cue from these theoretical propositions this study seeks to analyse the experience of citizenship for those displaced due to violence using not just formal membership but such substantive indicators of the experience of citizenship as the availability of civic, political and social rights for those displaced.

Despite the frequency of communal violence, although displacement finds mention in the significant literature communal violence, the phenomena of displacement itself has not received much analytical attention. Despite its several limitations the recently coined UN category of internally displaced persons has given more analytical visibility to the phenomena of displacement. This chapter has highlighted various normative advances made in recent years to understand the displacement. This study employs these advances to the analysis of the displacement of Muslims due to communal violence in Gujarat in 2002. However, the mere application of high ethical standards to situations on the ground especially after a major conflict will do little more than to highlight the lack of these standards at the ground level. The next chapter therefore seeks understand the context of this study,

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namely the state of Gujarat before turning to the question of displacement of Muslims in the post Godhra violence in 2002.