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**NAVIGATING DISPLACEMENT: A STUDY ON THE CAUSES,
CONSEQUENCES AND LEGAL FRAMEWORKS FOR INTERNALLY
DISPLACED PERSONS IN INTERNATIONAL AND INDIAN CONTEXTS**

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Abstract

Internally displaced persons (IDPs) belong to a vulnerable group of population who are forcefully displaced from their place of habitual residence within the borders of their own countries. This article focuses on the international legal frameworks available for protecting IDPs and the provisions available under the Indian Constitution. It aims to define who internally displaced persons are and draw a thin line of distinction between IDPs and refugees. IDPs are prone to several social, economic and legal issues due to their condition of displacement. This article further covers the causes of displacement and the consequences arising thereby, which directly impacts their socio-economic conditions. International laws play a major role in upholding human rights. This would be incomplete without analysing the UN Guiding Principles on Internal Displacement, which lists 30 principles upholding the rights of IDPS, along with other international treaties such as UDHR and ICCPR. Additionally, this article explores the rights of IDPs under the Indian Constitution. Fundamental rights, the basic rights available to all citizens, are dealt with in the relevant case laws under this part. The internally displaced persons often encounter risks of various factors and are deprived of their basic needs. Thus, the last part of this article analyses the challenges faced by the IDPs, which require significant attention.

KEYWORDS: - Displacement, IDPs, rights, protection, principles, challenges

“Internally Displaced Persons” - Defined

Internally Displaced Persons (IDPs) are people or communities who have been compelled to leave their residences because of factors like conflict, violence, persecution, natural disasters, or

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violations of human rights. Unlike refugees, who leave their countries and seek shelter in another nation, IDPs stay within the borders of their own country. They usually require aid, safety, and help from their government or humanitarian groups as they are often in precarious situations. According to the 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, in particular as a result of or to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised border."² The fact that the guiding principles do not mention citizenship is essential because it indicates that foreigners could also be considered as internally displaced persons. The mention of "homes or places of habitual residence" however suggests that they must have a permanent presence in the country, rather than just passing through.

Therefore, the following groups of individuals are considered as internally displaced persons:

1. Citizens who have been displaced within their country
2. Former refugees who cannot return to their original homes
3. Stateless persons with habitual residence in the country
4. Nationals of another country who have lost contact with their home country or have been living in the concerned country for a long time
5. Displaced nationals who have been admitted permanently or for extended periods.

IDPs who are non-citizens do not automatically have all the rights mentioned under guiding principles specifically reserved to citizens under the applicable international law, such as voting and participation in government affairs.³

IDPs Distinguished from Refugees

The terms "refugee" and "internally displaced persons" are sometimes used interchangeably, but the two terms have fundamental differences.

² Guiding Principles on Internal Displacement

³ Principle 22(d)

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A “refugee” is a person 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 his habitual residence.”⁴

On the other hand, “internally displaced” is “a person or group 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 to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters.”⁵

The main distinction between refugees and internally displaced persons is that refugees flee across international borders, whereas IDPs remain within the boundaries of a country or state. While both groups may have similar reasons for displacement, the critical difference is that IDPs are displaced within their own country and are still under the protection of their government, even if the government is the cause of their displacement.

Causes of Internal Displacement

- **Displacement due to political causes:** It can be categorised into international armed conflicts, which involve fights between armed forces from at least two states, and non-international conflicts, which occur within a state's territory between regular armed forces and identifiable armed groups or between armed groups fighting each other.
- **Displacement due to situation of violence:** That does not reach the level of armed conflicts; many IDPs live in conditions of internal tensions or disturbances. These situations involve the use of force by government agents to maintain public order, such as riots, sporadic acts of violence, and ethnic conflicts that do not escalate into complete armed conflict.
- **Displacement due to violation of human rights:** It encompasses government actions that breach rights outlined in national, regional, and international human rights laws. No

⁴Convention on the Status of Refugees (1951)

⁵International Organisation for Migration

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IDPs shall be deprived of their fundamental rights, and the concerned authorities should uphold the same.

- **Displacement due to industrial projects:** Land has been continuously acquired to establish Special Economic Zones and industrial projects without seeking consent or providing information beforehand. Primarily, the rapid displacement of people can be attributed to the construction of dams. Development projects often occur in rural areas, hilly terrains, and remote locations. Displacement resulting from these projects leads to the loss of sources of livelihood, homes, natural habitats, and assets that have supported the affected communities. The most vulnerable in society, such as the weak and the poor, are the ones most severely impacted by these developments. Moreover, globalisation poses a significant threat to rural areas as multinational corporations often intrude upon tribal regions to develop business infrastructure.
- **Displacement due to natural disaster:** Frequent and extensive displacements have occurred due to natural calamities such as floods, cyclones, earthquakes, and landslides. Displacement due to natural disasters is often overlooked once initial relief efforts are provided. A significant issue with this type of displacement is that it is both silent and frequent.

Consequences of Internal Displacement

1. **Livelihood:** When people are internally displaced, they are forced to leave behind their land, possessions, work areas, connections, and customers. This leads to competition with locals for jobs and increased demand for goods and services, which can raise prices. These effects, which have economic and personal consequences, are well-documented and directly impact the ability of internally displaced persons to maintain a decent living. This displacement affects not only their financial well-being but also their social life, health, education, security, housing, and infrastructure, impacting the livelihoods of the displaced persons, their host communities, and their original communities.
2. **Health:** When people leave their homes, it is usually because staying would be dangerous. They flee to escape violence or disasters and protect their well-being. Internal displacement, though often the safer choice, can still have adverse effects on physical and

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mental health, especially when it is not planned well or lasts a long time. Studies show that internally displaced people (IDPs) have higher mortality rates due to diseases and reproductive health issues like lack of contraception and malnutrition. Displacement also impacts livelihoods, the environment, housing, and social life, creating challenges for displaced individuals and their host communities.

3. **Education:** The displacement of children due to internal factors such as conflict or natural disasters can harm their education. This disruption separates them from their regular school environment, teachers, and classmates, leading to months or years of missed education. When they eventually return to school in their original community, a host area, or a camp, they must catch up on the lost time while dealing with the stress and trauma of displacement. The educational outcomes for displaced children are often lower in terms of enrolment, achievement, and higher dropout rates compared to non-displaced children. This decline is primarily attributed to the loss of livelihoods, documentation, and the lack of proper schooling facilities. The disruption to their education can also negatively affect the mental health of these children, exacerbating any existing trauma they may have experienced. Additionally, it can lead to social disintegration, heightened gender disparities, and long-term economic impacts, creating a cycle of poverty that persists even after the displacement period ends.
4. **Housing and infrastructure:** When people are forced to leave their homes, finding a safe place to live becomes a top priority. This includes access to water, sanitation, and energy and the opportunity to rebuild a sense of belonging and community. Unfortunately, due to the immediate nature of the crisis, the lack of proper infrastructure in hosting areas, and the displacement causing people to lose their sources of income, their housing situations often become substandard. One of the essential costs that internally displaced persons (IDPs) encounter is housing, and it significantly impacts their overall well-being. Poor living conditions can lead to health issues as individuals are exposed to harsh weather conditions and natural disasters, increasing the risk of infectious diseases. Mental health can also be affected by substandard housing due to overcrowding or isolation. Additionally, inadequate housing can compromise security by leaving people vulnerable

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to discrimination, exploitation, abuse, or violence and by violating their rights as tenants or homeowners.

5. **Security:** Security is frequently a significant concern for internally displaced persons (IDPs) and the communities hosting them. In addition to the challenges stemming from the initial disaster, conflict, or violence that forced their displacement, the act of being displaced can lead to various security issues. Displaced individuals may face threats to their jobs, official documents, and social support systems, which heighten their susceptibility to abuse, exploitation, and violence. Vulnerable groups like women, children, older people, and those with disabilities are especially at risk. Men may be targeted by armed groups for recruitment and may encounter increased hostility in their new surroundings. Meeting the security needs of all affected populations necessitates specific measures and resources coordinated by governments, communities, international organisations, and civil society.
6. **Environment:** The environment is impacted by mass population movements, with increased resource demand in destination areas and decreased supply in regions of origin. While the effects of refugees and international migrants on the environment are well-documented, less is known about the impact of internally displaced persons (IDPs). Most studies on the environmental effects of population movements focus on cross-border flows, leaving a significant knowledge gap regarding internal displacement.⁶ Poor housing conditions of IDPs have been linked to degradation of natural resources nearby. Large influxes of IDPs can lead to overexploitation, increased pollution, and adverse effects on health and food security. Loss of livelihoods can force people into unsustainable activities that harm the environment and limit future opportunities. These factors can also create tensions between displaced individuals and host communities, affecting security and social cohesion.
7. **Social life:** The social implications of internal displacement are significant, as it can cause the breakup of communities and families. This can have lasting effects on relationships in the original area and the new location where internally displaced persons (IDPs) settle. These relationships are crucial for stability, economic opportunities, and overall well-

⁶ IDMC, *The ripple effect: economic impacts of internal displacement*, October 2018

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being. Disruption of these social networks can negatively impact mental health, job prospects, and personal security. Additionally, limited access to education resulting from internal displacement can further harm social life, leading to long-term consequences on livelihoods, mental health, and security.

Protection of IDPS Under the International Law

Every individual's rights are outlined in international law, and the responsibility of the states is to ensure that these rights are upheld. These international laws are formulated based on the international treaties and customary international laws.⁷ International treaties are formally drafted agreements between States that include a broad spectrum of subjects such as human rights, trade, environment, and disarmament. These treaties become legally binding after ratification by the States. A treaty is also commonly referred to as a "convention". Customary international law refers to customs or unwritten rules and principles binding on all States due to consistent practice. Although these are not formally drafted agreements like international treaties, they evolve and gain common acceptance. There is no single international provision under international treaties or international customs specifically focused on protecting internally displaced persons. However, various international human rights laws include protection in all circumstances of internal displacement.

"Human Rights" - Defined: Human rights refer to the fundamental rights and freedoms that apply to all human beings irrespective of nationality, ethnicity, religion, gender, residency, colour or other status. These rights are non-discriminatory and are derived from the principles of dignity, equality and respect. They are protected by various international frameworks. To better understand, human rights are fundamental rights that humans possess by being humans and are neither created nor can be nullified by any State. These human rights instruments include the protection of internally displaced persons as well.

The Universal Declaration of Human Rights (UDHR):

⁷ Global Protection Cluster Working Group, *Handbook for the protection of Internally Displaced Persons*, p.20, March 2010

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The Universal Declaration on Human Rights (UDHR), 1948, was the first international instrument established by the United Nations, focusing on the civil, political, economic, social and cultural rights to which all persons are entitled, without discrimination. Although it is not a binding instrument, it has gained some binding force; its principles have been incorporated in various treaties since they constitute and are derived from customary law.

ARTICLE 1 - The Universal Declaration of Human Rights states that all human beings are born free and are entitled to equal rights.

ARTICLE 2 - Everyone has the right to freedom and dignity without discrimination based on race, colour, sex, language, religion, political, national or social origin, property, birth or any other status. Further, no discrimination shall be encouraged based on the political, jurisdictional or international status of a nation to which a person belongs.

ARTICLE 13 - UDHR also states that every individual is free to move and reside within the borders of the State. Everyone also has the right to leave or return to any country.

ARTICLE 15 deals with the right to Nationality and states that no person should be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 17 - Mentions the right to own property whereby no one shall be arbitrarily deprived of his property.

Apart from these, the right to religion⁸, social security⁹, employment¹⁰, livelihood¹¹, education¹², and the right against torture or cruelty¹³ are all guaranteed by the UDHR. These rights above constitute the protection of the rights of internally displaced persons.

⁸ Article 18 of the UDHR

⁹ Article 22 of the UDHR

¹⁰ Article 23 of the UDHR

¹¹ Article 25 of the UDHR

¹² Article 26 of the UDHR

¹³ Article 5 of the UDHR

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The International Covenant on Civil and Political Rights (ICCPR):

The ICCPR is a multilateral treaty adopted by the UN General Assembly and came into force in 1976. It is one of the international instruments upholding human rights along with UDHR. It mainly focuses on the civil and political rights of individuals.

ARTICLE 6 guarantees every individual the right to life and states that it shall be protected by law without anyone being arbitrarily deprived of his life. It includes the rights of IDPs as well.

ARTICLE 7 - This article prohibits torture and other forms of cruel, inhuman and degrading treatment or punishment. It applies to IDPs who may be vulnerable to such brutal treatment during displacement.

ARTICLE 9 - It prohibits arbitrary arrest or detention, thereby protecting the right to liberty and security of all individuals, including displaced persons who may face restrictions on their movements during displacement.

ARTICLE 17 - This article protects the rights of individuals from arbitrary or unlawful interference with privacy, family, home or correspondence. It is relevant to IDPs who face interference with their personal belongings after being displaced from their homes.

United Nations Guiding Principles on Internal Displacement:

The United Nations Commission on Human Rights issued the first international instrument for internally displaced persons in April 1998. Under the guidance of the UN Secretary-General's Representative on Internally Displaced Persons, international lawyers formulated the Guiding Principles on Internal Displacement. In all stages of displacement—before internal displacement happens (i.e., protection against arbitrary displacement), during situations of displacement, and the return and reintegration phase—they lay out the rights of internally displaced people and the responsibilities of governments and other forces. Although these principles are not legally binding like treaties, they still represent and uphold international humanitarian law and human rights.

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Origin of UN General Principles:

The Representative of the Secretary-General requested a group of international lawyers to conduct research, which led to the establishment of these principles. The UN General Assembly and the UN Commission on Human Rights have asked the Representative to investigate whether the current international laws sufficiently protect the rights of internally displaced people. Determining the extent to which international law offers a sufficient foundation for protecting such individuals was deemed vital since governments regularly induce or permit internal displacement and are frequently unable to protect the needs of the displaced. People who were forcibly uprooted from their homes due to armed conflict, internal unrest, abuses of human rights, and other circumstances but who remained within the borders of their own countries were generally referred to as internally displaced persons.

After the completion of the study, it was entitled *Compilation and Analysis of Legal Norms*. It was presented to the Commission in 1996, and it examined how well international humanitarian law, international human rights law, and international refugee law address the fundamental requirements of internally displaced people. It found that although the current legal framework offers considerable protection for internally displaced people, there are still essential gaps whereby laws fail to provide adequate protection. There were four types of gaps found:¹⁴

One category in international law is called "normative gaps," where specific needs are not protected. For instance, no provision exists for restoring property lost due to conflict-induced displacement. Another type is "applicability gaps," where legal norms exist but are not applicable in certain situations. Human rights law may not apply to non-state actors, leaving internally displaced persons with minimal protection. Additionally, there are "consensus gaps," where general norms exist, but specific rights to enforce them have not been clearly defined. Lastly, "ratification gaps" occur when states have not ratified key treaties, leading to insufficient protection for displaced persons. To address these gaps, suggestions include prohibiting forced returns to dangerous areas, providing specific protections for women and children, clarifying

¹⁴ Robert Cohen, *The Development of International Strategies to Protect Internally Displaced Persons*, BROOKINGS (May 7 1978) <https://www.brookings.edu/articles/the-development-of-international-strategies-to-protect-internally-displaced-persons/>

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lawful detention rules, ensuring restitution for lost property, and recognising the obligation to accept humanitarian assistance. According to the findings, explicit protection for internally displaced persons is essential.

SECTION I - GENERAL PRINCIPLES

PRINCIPLE 1 - It states that internally displaced individuals must have complete equality with others, enjoying the same rights and freedoms under domestic and international law as any other persons in their country.

PRINCIPLE 2 - All authorities, organisations, and individuals must apply these principles equally and without bias, regardless of their legal status. The provisions of any international human rights or international humanitarian law instrument or rights guaranteed to individuals under domestic law shall not be construed as restricted, modified, or impaired by these Principles.

PRINCIPLE 3 obligates the national authorities to provide protection and humanitarian assistance to IDPs as their primary duty and responsibility. Further, internally displaced people also have the right to ask for and obtain protection and aid from these authorities. They shall not be punished for making such requests.

PRINCIPLE 4 - It prohibits discrimination by stating that regardless of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria, these principles shall be extended to all individuals who face displacement. Certain internally displaced people are entitled to the protection and assistance their condition requires and treatment for their unique needs. These people include children, especially unaccompanied minors, expectant mothers, mothers with small children, female heads of household, people with disabilities, and elderly persons.

SECTION II - PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT

PRINCIPLE 5 - To prevent and avoid situations that could result in the displacement of people, all authorities and international actors shall uphold and ensure respect for their duties under international law, including human rights and humanitarian law.

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PRINCIPLE 6 - It upholds the individual's right and protection against arbitrary displacement from their home or place of habitual residence.

PRINCIPLE 7 - The authorities must provide suitable alternatives before deciding to avoid displacement. Where no other options could be provided, all the required measures must be taken to minimise displacement. Proper accommodation, nutrition, safety, health and hygiene of the individuals shall be ensured.

PRINCIPLE 8 - Displacement should not affect individuals' rights to life, dignity, liberty and security.

PRINCIPLE 9 - It emphasises the role of States in protecting against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a particular dependency on and attachment to their lands.

SECTION III - PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

PRINCIPLE 10 - This principle upholds the protection of the displaced persons against genocide, murder, summary or arbitrary executions, abduction or unacknowledged detention, threatening or resulting in death. All acts and attacks of violence against IDPs are strictly prohibited.

PRINCIPLE 11 - Individuals' dignity and physical and moral integrity must be protected. It prohibits all outrageous acts such as rape, mutilation, torture, gender-based violence, forced prostitution, slavery, forced labour and so on.

PRINCIPLE 12 prohibits arbitrary arrest and detention to ensure that no displaced persons shall be discriminately arrested or confined to a camp. It upholds the right to liberty and security of IDPs.

PRINCIPLE 13 - Under no circumstances shall the displaced children and other persons be recruited for engaging in unlawful activities.

PRINCIPLE 14 - Every individual has the right to move and can move freely out of camps or settlements. It also guarantees the freedom to choose their residence.

PRINCIPLE 15 - It promises the IDPs the right to leave their country, the right to seek safety in another part of a country, the right against forcible return and the right to seek asylum in another country.

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PRINCIPLE 16 - Everyone internally displaced has a right to know what happened and where their lost family members are. The concerned authorities are also responsible for identifying the mortal remains of those deceased and making it easier for the remains to be returned to the deceased's next of kin or to be disposed of in a dignified manner.

PRINCIPLE 17 - Reuniting families separated by displacement should happen immediately. When children are involved, all necessary measures must be taken to facilitate the reunion of these families as quickly as possible. The concerned authorities shall assist family members and support and collaborate with the efforts of humanitarian groups working to reunite families.

PRINCIPLE 18 guarantees all the IDPs the right to adequate living standards and ensures access to food, water, shelter and housing, clothing, essential medical services and sanitation.

PRINCIPLE 19 - This principle provides medical care and attention to all those IDPs who are sick, injured or disabled without any discrimination. Women's health needs, such as access to female healthcare practitioners and services, including reproductive health care and adequate counselling for victims of sexual and other abuses, should receive particular emphasis. Preventing infectious diseases, such as AIDS, among internally displaced people should also receive special attention.

PRINCIPLE 20 - The concerned authorities shall provide the IDPs with all the documentation they need to enjoy and exercise their legal rights, including passports, personal identification, birth and marriage certificates. In addition to this, the authorities shall also make it easier to obtain new documents or replace the ones that were displaced without putting unjustifiable restrictions on IDPs.

PRINCIPLE 21 - It upholds the protection of possession and properties of the IDPs against pillage, attacks and violative acts, carrying out of military operations or being appropriated or destroyed. They must be protected from arbitrary usage or destruction.

PRINCIPLE 22 - It guarantees the right to freedom of thought, belief and religion, the right to employment opportunities, the right to vote and the right to communicate in a language that they can speak and understand.

PRINCIPLE 23 - It guarantees the right to education and mandates free and compulsory education at the primary level for all the displaced children. Further, it ensures the active participation of women and girls in various educational programmes.

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SECTION IV - PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

PRINCIPLE 24 - It states that humanitarian assistance to IDPs must not be forbidden in the light of political or military reasons and guarantees humanitarian aid without any discrimination.

PRINCIPLE 25 - National authorities are primarily obligated to provide humanitarian aid to internally displaced individuals. All authorities concerned must permit and facilitate the open flow of humanitarian assistance and provide quick and unhindered access to those who are engaged in providing it to internally displaced people.

PRINCIPLE 26 - The transport and supplies of the persons granting humanitarian assistance must be protected from attack or acts of violence.

PRINCIPLE 27 - While offering assistance, international humanitarian organisations and other suitable actors should take adequate steps and pay proper attention to the requirements and protection of the human rights of internally displaced people.

PRINCIPLE 28 - The concerned authorities are responsible for providing sufficient facilities in return and resettlement of the IDPs to their habitual residence with safety and dignity.

PRINCIPLE 29 - It prohibits the act of discrimination against the IDPs after their return to habitual residence. It ensures their full and equal rights to engage and take part in public affairs and have equal access to public services. The concerned authorities shall ensure that the IDPs who have returned shall be assisted to the fullest for the recovery of their property and possessions left behind during the displacement. If no recovery can be made, the authorities must provide adequate compensation.

PRINCIPLE 30 - To support internally displaced people in their return, resettlement, and reintegration, the competent authorities shall give and facilitate timely and unhindered access to international humanitarian organisations.

Protection Of IDPS under the Indian Constitution

The Constitution of India grants certain fundamental rights under Part III, listed in Schedule IV. The fundamental rights are regarded as the basic rights and freedoms essential for the individuals' well-being. These rights shall extend to all citizens without discrimination based on race, religion, gender, place of birth and other such distinctions. Fundamental rights serve as a check on the power of the government and other authorities, ensuring that they do not infringe

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upon the rights and freedoms of individuals. They provide a legal framework for protecting citizens from arbitrary actions by the state and other entities and form the basis for the rule of law and democracy in a society. The IDPs are also entitled to these provisions under the Indian constitution.

In *M. Nagaraj & Ors. Vs. Union of India & Ors.*,¹⁵ The court observed that "It is a fallacy to regard fundamental rights as a gift from the State to its citizens. Individuals possess fundamental human rights independently of any Constitution because of the basic fact that they are members of the human race."

ARTICLE 14 of the Indian Constitution guarantees the right to equality and equal protection of all. IDPs shall enjoy equal rights and protections as any other citizen is entitled. For IDPs, who may face marginalisation or discrimination due to their displacement status, Article 14 provides a basis for challenging discriminatory practices and seeking redress for violations of their rights.

ARTICLE 15 prohibits the State from any act of discrimination based on religion, race, caste, sex or place of birth. It ensures that IDPs have equal access to opportunities, services, and protections, regardless of their background. In *Randhir Singh v. Union of India & Ors.*,¹⁶ the court held that "The judges of the Court must redeem their constitutional oath and do justice no less to the pavement dweller than to the guest of the five-star hotel."

Article 16 ensures equal opportunity for all citizens in matters of public employment and prohibits discrimination against various factors. It promotes the inclusion of IDPs by providing them with employment opportunities irrespective of their displacement.

ARTICLE 19 grants the IDPs the right to move freely throughout the country.¹⁷ This ensures them the right to reside in any part of the country without arbitrary discrimination or restrictions.

¹⁵ (2006) 8 SCC 212

¹⁶ (1982) 1 SCC 618

¹⁷ Article 19(1)(e) of the Indian Constitution

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In the case of *Olga Tellis v. Bombay Municipal Corporation*¹⁸, the Supreme Court held that the State government should provide adequate alternatives for rehabilitating the pavement dwellers who were forcibly removed. This act, leading to their displacement, was held unconstitutional by the court.

ARTICLE 21 guarantees the protection of life and personal liberty. The scope of this article was expanded after the case of *Maneka Gandhi v. Union of India*: It thus included various rights such as the right to shelter, food, health, privacy, sleep, water, a pollution-free environment, free legal aid, suitable against inhuman treatment, etc. This Article ensures that IDPs are in no way deprived of the rights above and are entitled to equal protection of life and liberty.

In the case of *Narmada BachaoAndolan vs Union Of India And Others*¹⁹, it was held by the Supreme Court that “...It is a matter of great concern that even after half a century of freedom, water is not available to all citizens even for their basic drinking necessity violating the human right resolution of U.N.O. and Article 21 of the Constitution of India....”

The right to shelter was accepted as a part of the right to life under Article 21 in the case of *Francis Coralie Mullin, Petitioner v. The Administrator, Union Territory of Delhi and Ors.*²⁰

It was also held in the case of the State of Karnataka &Ors. *Vs. Narasimhamurthy&Ors*²¹., “Right to shelter is a fundamental right under Article 19 (1) of the Constitution. To make the right meaningful to low-income people, the State has to provide facilities and opportunities to build houses. Acquisition of the land to provide house sites to the poor houseless is a public purpose as it is a constitutional duty of the State to provide house sites to the poor.”

Article 38 leaves emphasis on the duty of the State to ensure justice and social, economic, and political order, thereby contributing to the welfare of all citizens. This enables the right of IDPs

¹⁸ 1986 AIR 180

¹⁹ 2000 AIR 3751

²⁰ AIR 1981 SC 746

²¹ 1996 AIR 90

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to access housing, healthcare, education, and livelihood opportunities by addressing their needs to the State.

Article 39 ensures equal access of IDPs to sufficient resources and equal pay for their work without any arbitrary discrimination.

Article 32 empowers the IDPs to move the Supreme Court for the violation of any of their fundamental rights guaranteed under the Indian Constitution.

Challenges

IDPs struggle to get essential services like food, water, shelter, and healthcare due to limited resources, crowded camps, and poor infrastructure. They are often in danger of violence, exploitation, and abuse, with weak security measures and restricted access to justice making things worse. Displacement can cause significant psychological issues like trauma, anxiety, and depression, straining mental health support systems. Further, it can harm livelihoods and economic stability, leading to unemployment and financial struggles in unfamiliar places. The IDPs may face legal issues regarding property rights and citizenship, complicating access to services and entitlements. They often feel excluded and marginalised within host communities, facing stigma and barriers to social integration. Displacement also disrupts education for children, affecting their academic progress and future opportunities. It can also increase exposure to environmental hazards and climate change impacts and worsen health conditions due to poor living conditions and limited healthcare access. Many IDPs deal with prolonged uncertainty and insecurity about their future due to a lack of durable solutions.

Recommendations:

1. Internally displaced persons (IDPs) should actively reach out to local authorities, humanitarian organisations, or community support networks that can provide essential services like food distribution, clean water access, temporary shelter, and medical assistance. These services are crucial for addressing immediate needs and ensuring the well-being of displaced individuals and families.

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2. Displacement often leads to significant emotional and psychological challenges due to trauma, loss, and uncertainty. IDPs should prioritise seeking counselling services, support groups, or mental health professionals who can offer psychological support and coping mechanisms to address these challenges effectively.
3. Education and skills training are vital for empowering IDPs to rebuild their lives and secure sustainable livelihoods. IDPs should explore educational opportunities such as temporary schools, literacy programs, vocational training courses, and job placement services offered by NGOs, government agencies, or community-based organisations.
4. Creating connections between displaced and host communities can provide valuable support, information, and solidarity. IDPs should actively engage with local community centres, religious institutions, cultural groups, and community leaders to access resources, social support networks, and opportunities for collective action.
5. Understanding legal rights and protections is crucial for IDPs to navigate legal challenges related to property rights, documentation, service access, and protection from discrimination or exploitation. IDPs should seek legal assistance from NGOs, legal aid organisations, or human rights advocates to advocate for their rights and address legal concerns effectively.
6. IDPs should stay updated on available resources, services, and supportive opportunities by regularly accessing information provided by local authorities, humanitarian agencies, and community-based organisations. This includes participating in community meetings, accessing online platforms, or engaging in information dissemination campaigns.
7. IDPs have the right to advocate for their needs and rights. They should actively engage with local authorities, policymakers, and humanitarian agencies to ensure their voices are heard and their concerns are addressed. This may involve joining advocacy campaigns and community organisations or forming advocacy groups to mobilise support for collective action.
8. IDPs should actively plan for their future by exploring options for durable solutions like voluntary return, resettlement, or local integration. Seeking assistance from relevant agencies, organisations, or legal experts can help IDPs develop realistic plans and access support for rebuilding their lives safely and sustainably.

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9. Fostering resilience is crucial for coping with the challenges of displacement and rebuilding lives with dignity and determination. IDPs should rely on personal strengths, maintain hope, and cultivate positive coping strategies like self-care, maintaining social connections, and seeking support from peers and community networks.
10. Encouraging positive relationships within the displaced community and with host communities can promote mutual understanding, cooperation, and social cohesion. This involves actively participating in community activities, cultural events, and collaborative initiatives that promote inclusivity, diversity, and solidarity among displaced individuals and their host communities.

Conclusion:

The international community plays a crucial role in supporting internally displaced persons when the state fails to do so. Monitoring changes in political and legal discussions about IDPs and studying the decisions and commitments governments and organisations make is essential.

Professionals and scholars need to grasp how sovereignty as responsibility and a rights-based protection approach influence global politics. Liberal peacebuilding has encouraged a simplistic approach to rehabilitation, aiming to quickly restore pre-conflict conditions and swiftly reintegrate IDPs without adequately considering the intricate nature of transition processes or the diverse needs, interests, and rights of displaced individuals.

Addressing internal displacement necessitates a thorough strategy for supporting and safeguarding those affected. Safeguarding internally displaced persons (IDPs) means enabling them to rebuild their lives and find a sustainable resolution. Finding a lasting solution for IDPs involves tackling various challenges linked to human rights, humanitarian aid and development, reconstruction, and peace efforts. In essence, it requires a comprehensive human security approach that leverages the resilience and capacities of IDPs.

A well-defined procedure of law must be framed to protect their life and rights, including resettlement and relief aid provisions. The concerned authorities must be quick and transparent in providing adequate assistance to the IDPs. The law should aim at protecting their life and dignity.

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