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INVISIBLE WITHIN BORDERS: THE LEGAL VACUUM OF REHABILITATION RIGHTS FOR INTERNALLY DISPLACED PERSONS IN INDIA

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I. ABSTRACT

There is already extensive literature on internal displacement in India, yet this paper surveys all forms of forced relocation conflict, communal violence, development projects, and natural calamities to expose gaps in existing law and missing protections. It examines constitutional guarantees under Articles 14, 15, 19, and 21 alongside the Disaster Management Act 2005, the Land Acquisition, Rehabilitation and Resettlement Act 2013, and the National Policy on Resettlement and Rehabilitation 2007, demonstrating that definitions remain vague, entitlements unclear, and implementation inconsistent. Case studies from Jammu and Kashmir, Manipur, Gujarat, and Delhi, as well as large infrastructure projects displacing millions and recent crises like the Himachal Pradesh floods and the 2023 Manipur ethnic violence, reveal the state's persistent failure to secure timely shelter, restore livelihoods, or ensure durable solutions. A review of leading judicial rulings between 2023 and 2025 on property restitution and compensation shows that courts have reaffirmed a duty to rehabilitate displaced populations but stopped short of creating enforceable rights without a dedicated law. Comparative analysis of Colombia's land restitution law, Uganda's reintegration policies, and the African Union's Kampala Convention highlight comprehensive protection frameworks that India has yet to adopt, despite endorsing the UN Guiding Principles on Internal Displacement. The study concludes that scattered policies and executive orders cannot replace a unified statute. It recommends enacting a clear legal definition of internally displaced persons, establishing enforceable rights to restitution, compensation, and psychosocial support, and creating institutional mechanisms such as a national IDP registry, participatory social impact assessments, time-bound targets for durable solutions, and judicial oversight. Only a coherent, rights-based national law aligned with international standards can enable India to fulfil its constitutional and humanitarian obligations to protect its displaced citizens.

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II. KEYWORDS

Internally Displaced Persons, Rehabilitation Rights, UN Guiding Principles, Constitutional Protection, Land Acquisition.

III. INTRODUCTION

“When people lose their homes, they lose not only shelter but identity, community and the promise of tomorrow”, Khaled Hosseini Afghan American novelist, UNHCR goodwill ambassador.

India is beset by a persistent crisis of internal displacement, triggered by inter-ethnic conflict, communal violence, development interventions, and natural disasters. Despite constitutional guarantees under Articles 14, 15, and 21, IDPs’ rights and rehabilitation remain unaddressed and fragmented. As development-induced displacement exceeds disaster-related displacement, national policies and legal frameworks display critical gaps, especially regarding alignment with the UN Guiding Principles on Internal Displacement (UNGPs). This paper examines the conceptual, legal, and policy landscape for IDPs in India, analyses recent judicial approaches, and proposes substantiated reforms for improved domestic protection and international compliance.

A. Research Problem

India lacks any dedicated law or institution for internally displaced persons. Although the Constitution guarantees fundamental rights, there is no enforceable domestic legislation or mechanism to implement the UN Guiding Principles on Internal Displacement. The National Policy on Resettlement and Rehabilitation for Project Affected Families, 2007, addresses only project-induced displacement, thereby excluding conflict, communal violence, and disaster-induced displacement. As a result, relief and rehabilitation remain ad hoc and uneven, leaving many internally displaced persons without secure shelter, livelihoods, or durable solutions.

B. Research Objective

1. To identify and evaluate the constitutional and legal protections available to IDPs in India, and to assess their alignment with international standards such as the UN Guiding Principles on Internal Displacement.
2. To analyse the effectiveness of India's existing laws, policies (including the 2007 Rehabilitation Policy), and practices in addressing the protection and rehabilitation needs of IDPs, and to pinpoint remaining gaps and challenges.
3. To recommend practical legislative and policy reforms for a comprehensive framework to protect the rights and welfare of IDPs in India.

C. Research Questions

1. What is the current legal status of the rehabilitation rights of IDPs under the Indian Constitution, national policies (such as the 2007 Rehabilitation Policy), and judicial pronouncements?
2. How do the gaps in India's legal and policy framework for IDPs compare with the standards set out in the UN Guiding Principles on Internal Displacement?
3. What reforms and measures are needed to ensure effective protection and rehabilitation rights for IDPs in India?

D. Research Hypothesis

The absence of a comprehensive national legislation on rehabilitation of internally displaced persons in India results in denial of constitutional rights and prevents effective protection in line with international standards. A legally binding framework incorporating the UN Guiding Principles would significantly improve rehabilitation outcomes for IDPs in India.

E. Research Methodology

This study adopts a doctrinal and analytical research methodology based on qualitative analysis of constitutional provisions, statutes, judicial decisions (spanning approximately 1990–2025), and international legal instruments relating to internally

displaced persons in India. It also undertakes a comparative analysis of international frameworks, particularly the United Nations Guiding Principles on Internal Displacement, to identify gaps in the Indian legal framework and propose reforms.

F. Literature Review

1. Atanu Bose's article,² "Resettlement and Rehabilitation, Policy Imprecision in India," in the *Journal of Politics & Governance* (2018), critiques India's fragmented, compensation-based approach to displacement and calls for justice-oriented policies that address cultural and social losses.
2. Bulbul Khaitan and Nitya Priya's paper,³ "Rehabilitation of the Displaced Persons in India," highlights judicial recognition of the right to rehabilitation but notes weak implementation, suggesting that IDPs be included within international refugee definitions to ensure stronger protections.
3. Sukanya Singha's article⁴, "Rights of the Internally Displaced Persons in India, a case analysis," in *Kurukshetra Law Journal* (2021), identifies a legal vacuum for conflict-induced displacement and argues for constitutional recognition of IDP rights.
4. Tanushree Rao's essay⁵, "Protecting Internally Displaced Persons in India," in *E-International Relations* (2013), shows how security concerns and state control lead to denial of displacement categories, leaving IDPs reliant on non-binding international norms.

² Atanu Bose, 'Resettlement and Rehabilitation: Policy Imprecision in India' (2018) 7(3) *Journal of Politics & Governance* <https://ijour.net/article/jpg-7-3-002> accessed 31 August 2025

³ Bulbul Khaitan and Nitya Priya, 'Rehabilitation of the Displaced Persons in India' (2015) *Kurukshetra Law Journal* <https://nujlawreview.org/wp-content/uploads/2016/12/bulbul-khaitan-and-nitya-priya.pdf> accessed 31 August 2025

⁴ Sukanya Singha, 'Rights of the Internally Displaced Persons in India: A Case Analysis' (2021) *Kurukshetra Law Journal* <https://klu.edu.in/journal/klj-vol7-issue1.pdf> accessed 31 August 2025.

⁵ Tanushree Rao, 'Protecting Internally Displaced Persons in India' (2013) *E-International Relations* <https://www.e-ir.info/2013/01/30/protecting-internally-displaced-persons-in-india/> accessed 31 August 2025.

5. Hemasri Devi's study⁶, "Internally Displaced Persons and the National Policy of Rehabilitation and Resettlement," in the *International Journal of Multidisciplinary Educational Research* (2020), finds India's R&R policy narrow and project-centric, urging broader coverage for disaster-induced displacement.

IV. CONCEPTUALISATION OF IDP'S

A. International Legal Definition

The United Nations, Guiding Principles on Internal Displacement (UNGPs), formulated in 1998 by Francis Deng, define IDPs as those "who have been forced or obliged to flee or leave their homes ... as a result of or in order to avoid ... armed conflict, generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."⁷ This definition highlights involuntary displacement and distinguishes IDPs from refugees, who cross borders and receive international legal protections, particularly under the 1951 Refugee Convention and the UNHCR mandate.⁸

B. Indian Legal and Policy Context

India still lacks a statutory definition of "IDP" or a unified legal framework for displacement. The 2007 National Rehabilitation and Resettlement (R&R) Policy applies only to development projects (not conflict or disaster) and is non-binding. Although the Union adopted this policy and subsequently introduced the Land Acquisition, Rehabilitation and Resettlement Bill in 2011, the operative legal framework ultimately emerged through the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which continued to treat rehabilitation as an enabling duty

⁶ Hemasri Devi, 'Internally Displaced Persons and the National Policy of Rehabilitation and Resettlement: An Observation' (2020) 9(6(5)) *International Journal of Multidisciplinary Educational Research* <https://ijmer.in/issue.php?volume=9&issue=6&part=5> accessed 31 August 2025.

⁷ United Nations, Guiding Principles on Internal Displacement (1998) UN Doc E/CN.4/1998/53/Add.2

⁸ Hathaway JC, *The Law of Refugee Status* (2nd edn, Cambridge University Press 2021).

rather than an enforceable right.⁹ Even states with R&R laws, such as Madhya Pradesh, Maharashtra, and Karnataka, have not actively implemented them.¹⁰

In practice, affected individuals rely largely on ad hoc executive orders or litigation under Articles 19–21 of the Constitution. India’s climate and disaster policies likewise sidestep IDPs. The National Action Plan on Climate Change (2008) sets broad mitigation and adaptation missions but does not specifically address the plight of climate-displaced populations.¹¹ The Disaster Management Act 2005 mandates relief in emergencies, including shelter and food,¹² but focuses on short-term disaster response rather than long-term rehabilitation. Scholars have therefore observed that “neither national laws nor specific policies in India directly address internal displacement, IDPs and climate change.”¹³

V. PATTERNS AND SCOPE OF INTERNAL DISPLACEMENT IN INDIA

A. Conflict-Induced Displacement

In Kashmir, the exodus of Pandit Hindus since 1989 is a prominent case of long-term internal exile. Courts have acknowledged their vulnerability. In *P.K. Koul v Union of India* (2011), the Delhi High Court held that displaced Kashmiri government employees must be protected from eviction, since denying interim housing would leave them “homeless” in violation of Article 21.¹⁴ Similarly, in *All India Kashmiri Samaj v Union of India* (2016) 9 SCC 567, [54]–[57], the Supreme Court expressly identified a “humanitarian gap” in the State’s relief framework, noting deficiencies in housing, financial assistance, and livelihood measures for displaced persons, and consequently

⁹ Vinai K Singh, ‘India and Internally Displaced Persons: Current Legal Avenues and New Legal Strategies’ (2012) 24(3) *International Journal of Refugee Law* 321, 340.

¹⁰ Ibid

¹¹ Ritumbra Manuvie and Nidhi Yadav, ‘Climate Change, Migration and Displacement in India: Towards a Rights-Based Framework’ (2022) 12(2) *Indian Journal of Human Development* 165, 170.

¹² Disaster Management Act 2005, s 12.

¹³ Nidhi Yadav and others, ‘Climate Change, Disasters and Displacement in India: A Legal Gap Analysis’ (2022) 4 *Indian Journal of Environmental Law* 55, 62.

¹⁴ *P K Koul v Union of India* 2011 SCC OnLine Del 3992, [37].

urged the government to ensure more comprehensive rehabilitation support, though without converting these directions into enforceable statutory rights.¹⁵

Chief Justice B.R. Gavai recently highlighted the need for legal and social support for internally displaced persons, especially in conflict-hit Manipur. At a Manipur SLSA event, he affirmed that the Constitution guarantees all citizens, including IDPs, speedy and affordable justice, emphasizing the moral and constitutional duty to protect and assist the displaced in rebuilding their lives. The establishment of special legal aid clinics within displaced communities aims to empower IDPs with free legal assistance and greater protection of their rights, reflecting the judiciary's growing commitment to support their rehabilitation.¹⁶

B. Communal Violence

Successive waves of communal violence in the 2002 Gujarat riots, 2013 Muzaffarnagar riots, 1984 anti-Sikh riots, and the recent Delhi riots have generated large groups of IDPs. Rehabilitation outcomes have varied; many remain excluded from durable solutions and reintegration due to policy ambiguities and political hurdles.¹⁷

The response of the Gujarat state government to displacement caused by communal conflict revealed a significant rift with the central government. When the central government allocated Rs. 150 Crore to Gujarat for relief measures, the state government under Narendra Modi returned Rs. 19.1 crore, deeming the funds unnecessary. Despite demands from the National Human Rights Commission (NHRC), Gujarat escalated from denial to hostility toward displaced populations. By July 2002, the state decided to close all relief camps, citing a stabilized political condition sufficient for the safe return of displaced persons. This action contravened

¹⁵ *All India Kashmiri Samaj v Union of India* (2016) 9 SCC 567, [54]- [57].

¹⁶ Anmol Kaur Bawa, 'SC Judges' Manipur Visit | Justice Gavai Appeals For Peace, Urges Citizens To Help Rebuilding State' *Live Law* (New Delhi, 23 March 2025) <https://www.livelaw.in/top-stories/sc-judges-visit-to-manipur-justice-gavai-appeals-for-peace-urges-citizens-to-help-rebuilding-state-287217> accessed 1 October 2025.

¹⁷ Tanushree Rao, 'Protecting Internally Displaced Persons in India' (2013) *E-International Relations* <https://www.e-ir.info/2013/01/30/protecting-internally-displaced-persons-in-india/> accessed 31 August 2025.

NHRC's explicit recommendations that IDPs should not be forced out of camps before adequate rehabilitation and reconstruction were ensured.

The closure during the monsoon worsened living conditions in fragile shelters, with no alternative rehabilitation or security provided. Nearly 99% of the displaced feared returning home due to ongoing violence and mistrust of police protection. This period marked a profound crisis in displacement policy, highlighting the state's failure to safeguard vulnerable populations amid ongoing communal tensions.¹⁸

C. Development-Induced Displacement

Development-induced displacement is primarily a socioeconomic concern marked by the reduction or loss of access to essential resources that communities depend upon. It refers to situations where people are compelled to leave their homes or land due to development projects.

Development projects including large dams, mining, urban expansion, and infrastructure are the largest single drivers of internal displacement in India.¹⁹ The Land Acquisition, Rehabilitation and Resettlement Act 2013 (LARR) and the National Policy on Resettlement and Rehabilitation (2007) constitute the primary policy response, but courts have critiqued inconsistent application of rehabilitation, with particular scrutiny of livelihood and housing support.²⁰ Development-induced displacement resulting from land acquisition, resettlement, and restrictions on land use (LARR) presents complex social challenges that existing legal frameworks struggle to fully address.

D. Disaster-Induced Displacement

This form of displacement encompasses situations wherein individuals or communities find themselves compelled to relocate from their customary dwelling

¹⁸ S Sudetic, 'From Citizen to Subject-Governmentality and Politics of Internal Displacement in Post 2002-Ahmedabad (Gujarat)' (2015).

¹⁹ Fernandes W, 'Development-Induced Displacement in India: Issues and Concerns' (2017) 16 Economic and Political Weekly 44.

²⁰ LiveLaw, 'Rehabilitation Not Necessary In Land Acquisition Cases Except For Those Who Lost Residence Or Livelihood: Supreme Court' (2024) <https://www.livelaw.in/supreme-court/rehabilitation-not-necessary-in-land-acquisition-cases-except-for-those-who-lost-residence-or-livelihood-supreme-court-297857> accessed 31 August 2025.

places either as a direct consequence of a disaster's impact or as a preventive measure against an imminent and predictable natural hazard. This displacement phenomenon manifests through a complex interplay of three fundamental elements: the magnitude and intensity of the hazardous occurrence, the degree of exposure experienced by affected populations and their assets, and the underlying vulnerability levels within these communities.

India's geographical positioning and climatic conditions render it exceptionally susceptible to disaster-induced displacement, with documented cases demonstrating the scale and severity of this phenomenon across diverse regional contexts. The 2023 Himachal Pradesh monsoon catastrophe exemplifies recent displacement patterns, affecting approximately 10,000 individuals across multiple districts including Kullu, Mandi, Shimla, Sirmour, Solan, and Chamba.

VI. INTERNATIONAL FRAMEWORK AND INDIA'S OBLIGATIONS.

The international normative architecture for internal displacement is composed primarily of non-binding but authoritative standards and of regional binding instruments where they exist. The seminal text is the UNGP(1998), which synthesizes human rights, humanitarian and refugee law into 30 principles covering prevention of displacement, protection and assistance during displacement, and durable solutions including safe return, resettlement or local integration.²¹ The Guiding Principles are widely accepted by states, international organisations and humanitarian actors as the operative blueprint for IDP protection even though they are not a treaty.²²

At a regional level the African Union's Kampala Convention (2009) is the first binding treaty to provide comprehensive protection and assistance obligations for internally displaced persons, including obligations to prevent displacement and to punish acts

²¹ UN Guiding Principles on Internal Displacement (1998) UN Doc E/CN.4/1998/53/Add.2 <https://www.unhcr.org/sites/default/files/legacy-pdf/43ce1cff2.pdf> accessed 5 October 2025.

²² R Cohen, 'The Guiding Principles on Internal Displacement: An Innovation in International Standard-Setting' (2004) 4 *Global Governance* 459.

that create displacement.²³ India's international obligations relevant to IDPs derive from its ratification of core human rights treaties and from customary international humanitarian law. India is party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which impose obligations of non-discrimination, equality and the progressive realisation of socio-economic rights (including adequate housing, food and health) for all persons within the state's jurisdiction.

International humanitarian law (Common Article 3 and Additional Protocols where applicable) imposes duties during non-international armed conflict to protect civilians, and while the Convention against Torture prohibits inhuman treatment of persons under state control, India has only signed (and not ratified) this Convention; nevertheless, the prohibition of torture is widely regarded as a norm of customary international law applicable to displaced persons.²⁴ Although these treaties do not mention "IDPs" by name, their protections plainly cover displaced persons within the state.

Despite these obligations, India has not incorporated a specialised IDP instrument into domestic law nor acceded to regional IDP treaties (India is not a party to the Kampala Convention). The practical consequence is an implementation gap: international standards (particularly the Guiding Principles) remain largely aspirational unless and until they are domesticated through legislation.

VII. JUDICIAL RESPONSE TO INTERNALLY DISPLACED PERSONS

The Manipur violence that erupted in May 2023 following a Tribal Solidarity March against the Meitei community's demand for Scheduled Tribe status led to widespread sectarian strife, resulting in loss of life, injury, and the destruction of homes and religious sites. Over 60,000 persons were internally displaced, underscoring the State's

²³ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (23 October 2009) https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf accessed 5 October 2025.

²⁴ Geneva Convention Common Article 3 and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (signed by India 14 October 1997, not ratified) <https://www.ohchr.org> accessed 5 October 2025.

failure to safeguard fundamental rights under Article 21. The Supreme Court, taking suo motu cognizance, held that displaced persons are entitled to protection of life and dignity including temporary shelter, medical aid, food, sanitation, and security and mandated both Central and State governments to devise a roadmap for permanent rehabilitation, including reconstruction of destroyed homes and religious structures and facilitation of voluntary return in a secure environment.

To provide reparative justice, the Court ordered interim compensation of INR 10,00,000 to the next of kin of every tribal person killed and directed the release of special reconstruction funds. It appointed a monitoring committee headed by Justice Gita Mittal to oversee rehabilitation progress, report regularly, and ensure adherence to human rights standards. Recognizing the inadequacies of existing disaster-management statutes for conflict-based displacement, the Court emphasized that judicial intervention is a last resort and urged legislative solutions for internally displaced persons, thereby expanding Article 21 jurisprudence to encompass the right to a dignified existence amid ethnic violence.²⁵

The recent Supreme Court ruling in *Estate Officer, Haryana Urban Development Authority and Ors v. Nirmala Devi* clarified that rehabilitation of landowners beyond monetary compensation is not mandatory, but discretionary based on fairness and humanitarian considerations. The Court held that in cases of land acquisition for public purposes, the entitlement of landowners is primarily to appropriate compensation as per settled legal principles, and additional rehabilitation schemes are exceptional rather than obligatory. Rehabilitation should be limited to persons rendered destitute owing to loss of residence or livelihood intrinsically linked to the acquired land. The Court set aside the High Court's order granting rehabilitation where procedural requirements under the State's 1992 policy were not met by landowners, reflecting risks of litigation due to state attempts at appeasement through such schemes. Notably, the Right to Fair Compensation and Transparency in Land

²⁵ Dinganglung Gangmei v Mutum Churamani Meetei & Ors SC (India) Diary No 19206/2023

Acquisition, Rehabilitation and Resettlement Act, 2013, independently mandates rehabilitation rights beyond compensation.²⁶

The Supreme Court in *Mahanadi Coal Fields Ltd. & Anr. v. Mathias Oram & Ors.* held that displaced persons from affected Odisha villages including Kirpsira and Ratansara, among others, whose lands were acquired pursuant to a notification issued on 11 February 1987 for coal mining, are entitled to compensation and rehabilitation in accordance with the R&R Act²⁷. The Court held that the R&R Act obliges the State to provide not just compensation but full rehabilitation, including employment, monetary aid, and community facilities, and condemned the delay, reiterating that “justice delayed is justice denied.”

In *Narmada Bachao Andolan v Union of India*, the Supreme Court allowed continuation of the Sardar Sarovar Project but underscored that “displacement of people must be accompanied by proper rehabilitation.”²⁸ Despite this, compliance remained poor; field research revealed that thousands of people were inadequately compensated or resettled.²⁹ Empirical scholarship confirms that implementation gaps persist across projects and states, reflecting weak institutional coordination.³⁰ Courts today recognise a constitutional obligation to ensure humane treatment of displaced persons yet refrain from creating a positive, enforceable right to rehabilitation absent legislation. As Balaji Naika observes, India’s framework “meets only fragments of international obligations” because the UN Guiding Principles have never been incorporated into domestic law.³¹ Consequently, IDPs in India continue to rely on a mosaic of constitutional interpretation, sector-specific statutes, and non-binding policies rather than a coherent legal regime.

²⁶ *Estate Officer, Haryana Urban Development Authority and Ors v. Nirmala Devi*, 2025 LiveLaw (SC) 700, paras 14-15, 20-25, https://www.livelaw.in/pdf_upload/872820172025-07-14-610045.pdf. accessed 4 October 2025.

²⁷ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

²⁸ *Narmada Bachao Andolan v Union of India* (2000) 10 SCC 664 [229].

²⁹ M Cernea, ‘Impoverishment Risks, Risk Management, and Reconstruction: A Model for Population Displacement and Resettlement’ (2000) *World Development* vol 28 no 1 11.

³⁰ A K Singh, ‘Development Induced Displacement: Issues and Indian Experiences’ (2020) 69(2) *Journal of the Anthropological Survey of India* 276.

³¹ Balaji Naika, ‘Internally Displaced Persons and the Law in India’ (relevant journal/source), noting gaps in incorporation of UN Guiding Principles into domestic law.

Consequently, IDPs in India continue to rely on a mosaic of constitutional interpretation, sector-specific statutes, and non-binding policies rather than a coherent legal regime.

Similarly, in *Tehri Hydro Development Corporation Ltd. v. K.S. Rawat*, the Supreme Court reiterated the positive duty of the State to rehabilitate persons displaced by infrastructure projects. The Court explicitly stated that the State “cannot wash its hands of displaced persons” and must provide adequate alternative accommodation along with access to livelihood and other rehabilitative measures necessary to sustain a dignified life post-displacement. These pronouncements affirm that displacement without corresponding rehabilitation not only breaches constitutional guarantees but also undermines the very essence of human dignity and equality before law.³²

VIII. SUGGESTIONS AND RECOMMENDATIONS

A focused national statute on internal displacement should begin with a clear definitional clause aligned with the UN Guiding Principles: an IDP is any person or group forced or obliged to flee or to leave their homes or places of habitual residence within the national territory 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. The law should ensure enforceable rights to humanitarian aid, legal protection from forced eviction, restitution or compensation for lost property, livelihood and education support, psychosocial rehabilitation and mental health services, and special safeguards for vulnerable groups.

The law should designate central and state authorities, establish a financed IDP fund with accountability, mandate an IDP registry, require social impact assessments for projects causing displacement, set time-bound durable solutions, and ensure IDP participation in decision-making. Procedural safeguards such as administrative review, time-bound remedies, and judicial review should render rights enforceable.³³

³² *Tehri Hydro Development Corporation Ltd. v. K.S. Rawat* (1997) 2 SCC 43.

³³ Brookings-Bern Project, Walter Kalin & Rhodri Williams (eds), *Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges* (Brookings Institution 2005).

Comparative models provide useful precedents. Colombia's Law 1448/2011 (Victims and Land Restitution Law) establishes a comprehensive legal recognition of victims, administrative reparations, a land restitution programme and a centralized victims' registry; it demonstrates both the potential of comprehensive law and the challenges of under-resourcing and slow implementation.³⁴ Uganda's policy and statutory response to internal displacement (post-LRA) prioritised reintegration and services for returnees, showing the value of linking recovery programmes to long-term development.³⁵ The Kampala Convention shows how binding norms can spur national action; India should consider acceding to the African Union's Kampala Convention or adopting a comparable domestic legal framework, incorporating its provisions on restitution, registries, time-bound aid, and livelihood measures tailored to India's federal structure and vulnerable populations.

Until specific legislation is enacted, India should adopt the Guiding Principles through binding executive orders or amendments to the 2013 Land Acquisition and Rehabilitation Act to ensure enforceable rehabilitation rights. Courts can uphold Article 21 and equality guarantees to mandate protection, while the NHRC and parliamentary committees must monitor displacement and drive reform ensuring constitutional promises become real safeguards for internally displaced persons.

IX. CONCLUSION

The analysis demonstrates that, in practice, the absence of a dedicated statute has left internally displaced persons reliant on fragmented policies and judicial pronouncements that offer interim relief but no guaranteed rights. Sectoral laws and constitutional provisions have failed to deliver consistent outcomes across conflict,

³⁴ Law 1448 of 2011 (Victims and Land Restitution Law) (Colombia) (English translation) <https://reparations.qub.ac.uk/assets/uploads/Victims-Law-1448-2011.pdf> accessed 5 October 2025; see Amnesty International, 'Colombia: The Victims and Land Restitution Law' (2012) <https://www.amnesty.org/ar/wp-content/uploads/2021/06/amr230182012en.pdf> accessed 5 October 2025.

³⁵ F Santner, 'Uganda's Policy for Internally Displaced Persons: A Comparative Perspective' (2013) *Revista* (Javeriana Univ) and UN/NGO analyses of Uganda's return/reintegration programmes; see also academic reviews on Uganda's post-conflict displacement response.

communal, development, and disaster contexts, revealing a systemic inability to translate international standards into enforceable domestic protections.

Establishing a unified national framework aligned with the UN Guiding Principles emerges as the only viable path to bridge these gaps. A clear legal definition of IDPs, enforceable entitlements to restitution and psychosocial support, and institutional mechanisms such as a central registry and time-bound durable-solution targets would transform episodic relief into rights-based rehabilitation, ensuring displaced communities receive the protection envisaged in India's constitutional and international commitments. This affirms the hypothesis that the absence of a comprehensive legal framework undermines constitutional protections, and that a binding, rights-based regime is essential to secure effective rehabilitation for internally displaced persons in India.

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