

SAGE STUDIES ON INDIA'S NORTH EAST

Blisters on their Feet

Tales of Internally
Displaced Persons
in India's
North East

Edited by
SAMIR KUMAR DAS



ICSSR-NERC



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Preface

This book grows primarily out of the proceedings of four workshops organized by the Indian Council of Social Science Research–North Eastern Regional Centre (ICSSR–NERC) in as many places of India’s North East at different times during the last few years. In addition, I have requested some of my colleagues to write for us on areas and themes that have remained uncovered by the series of workshops mentioned earlier. Its main objective is to weave and tell the tales of people who have been constantly on the move and hence have blisters on their feet. I acknowledge my indebtedness to Somi for reminding me of the famous Phil Collins number on the homeless from which I have generously borrowed the phrase—‘blisters on the feet’—that forms part of the book’s title. I thank Indian Council of Social Science Research–North Eastern Regional Centre, Shillong—particularly, my dear friend Dr C. J. Thomas—for having reposed faith in my ability to edit the book. The individual authors will be responsible for the views they have expressed in their respective writings. Neither the ICSSR–NERC nor the editor necessarily takes any responsibility for the views expressed by them.

The book consists mainly—though not exclusively—of case studies and on occasions, more than one study on the same case and these should not be construed as full-fledged chapters. Case studies are organized state-wise and each of the states constituting in turn a section each is organized alphabetically. The ordering of sections is no reflection of severity of the problem. The concluding section is entitled ‘The North East’ for it seeks to derive some of the implications of these case studies and place them in a wider comparative framework.

I shall feel rewarded if this book comes to any help to the students, scholars and researchers, human rights activists and lawyers and most importantly, any socially concerned person.

Samir Kumar Das

Introduction

SAMIR KUMAR DAS

In one of the recently held workshops on the issue of internally displaced persons (IDPs) in India's North East, a young researcher was literally snubbed and humiliated for having taken her empirical researches obsessively and neglecting thereby what some of the elderly scholars sermonized as the imperative of building theory in this field. This, to my mind, aptly sums up the conundrum that seems to characterize whatever little and sporadic research we have in the field under review. While concern for the field's heavily under-theorized nature can hardly be exaggerated, the elders' expectations of some ready-made theorizations is not only premature but also misplaced. This book does not claim to address the problem of under-theorization per se, for, the book as we have said in the Preface, is meant to be a compendium of case studies—on some occasions, studies conducted by two or more researchers in the same case¹—drawn from as many as four states of the region worst affected by the scourge of population displacement. Nor does it make a plea for waiting till we gather and accumulate data—good enough to warrant any future theorization. Although there is no denying that there is an acute paucity of information and data in the field under review, we argue that social theories seldom develop in this way. Theories we develop are derived from the ongoing discourses that operate and circulate in the larger society and the so-called inadequacy of theories to my mind will have to be explained with reference to these discourses that make certain theoretical developments and their statements possible and accordingly privilege

them, while at the same time censoring and silencing many others. If one is disappointed for having found no theoretical paper worth its name in a workshop like the one I have just referred to, one cannot avoid the responsibility of going deep into what leads to this sorry state of under-theorization in the first place and how we can probably overcome the crisis.

This book seeks to highlight these otherwise censored and *silenced aspects* by way of drawing the implications of the assorted case studies in this volume, and by doing so bring them to the centre of any future theoretical inquiry into the society and politics of the region. None of the case studies can be considered a full-fledged paper or a self-contained chapter, so to say. The value of the case studies included in this book will have to be judged in terms of the low-key, unstated or at times understated theoretical insights they throw on our understanding of the region. Critical social theories are not built in a vacuum so you can ask for them in workshops and seminars at the drop of a hat. After all, Marx too formulated his theory only by making a sustained critique of the bourgeois understanding of political economy, long before he became known for his theory, and the critical insights he obtained in the course of his act of constant critiquing of his predecessors' writings subsequently went into the formulation of his theory. An appreciation of the critical nature of theory first of all entails a recovery of the critical theoretical insights implicit in the case studies—critical insights that cannot be explained and made sense of with the help of the existing stock of theories and discourses. It will be evident that the case studies assembled in this book stand in a somewhat uncomfortable relationship to the already existing theories that have been tested in course of our attempts at coming to terms with the society and politics of the region, and ideally a book of this nature should soon be followed up by a companion volume that proposes to concentrate on the task of recovering these insights and articulating them into a body of theory. This book however does not make such a claim, nor has any theoretical pretensions and hence will only add to the disappointment and consternation of a section of senior and elderly scholars who think that they have a right to expectations of theory from us.

TOWARDS A DISCOURSE SHIFT

About a couple of years back, a highly respected scholar from the North East—well-known for her feminist commitment—wanted her name to be taken off the complimentary mailing list of a journal that makes no bones about its commitment to the victims of forced migration. Her long letter obviously meant for explaining why she had taken this hard decision first of all emphasized that in a region like the North East where the locals face the perennial threat of being outnumbered by the migrants whether from outside India or not and of losing their language and culture to them, such a journal has hardly any relevance and readership. Her letter left us with the impression that she had to take the decision against her will (for she seemed to be sensitive to the cause of hapless migrants) and had to succumb to the pressure of an otherwise highly xenophobic population. The letter points to the larger helplessness and insecurity faced by a socially sensitive person like her who finds it difficult—if not impossible—to voice what looks like, her essentially individual commitment *in public*. She does not want to be publicly identified as the recipient of a journal that goes against the all-pervasive public mood and opinion. She feels thoroughly embarrassed and has to hide her sensitivities and commitments for fear of larger public outrage. It is difficult to ascertain whether she was trying to be polite to the editor by passing the buck onto ‘public pressure’, which is understandable or she was feeling genuinely insecure and helpless in the face of a xenophobic population and finding it difficult to voice her individual commitments in public. A generous take on her letter however gives credence to the first interpretation. It reflects the dilemma of Tocqueville, who in his famous *Democracy in America* (2000: 250) singled out the principle of justice as the ‘highest limitation’ on the democratic rule of the majority. The principle of justice remaining unuttered for fear of repression and retaliation from the majority of the public has hardly been rare in the region’s history.

I propose to read the letter not so much as an individual’s attempt albeit unsuccessful at wriggling out of the conundrum underlined above, but as an important social document that also points to the complex modalities of articulation of public discourse in the region.

The nature of the discourse fixes the limits of what we can say and perhaps disallows us from saying what cannot be said and shared in public. The relevance and readership of our utterances are predicated on the particular articulation of the public discourse. It is important that researches are initiated in this direction sooner rather than later. What the scholar in her letter identifies as ‘public pressure’ has its origins in a discourse that was largely articulated in course of the Assam movement (1979–85). The movement, as we know, is widely accepted as the classical paradigm of ‘anti-foreigners’ upsurge’ that started sending its shockwaves throughout the region precisely since the late 1980s. Prafulla Kumar Mahanta—the then President of the All-Assam Students’ Union (AASU) that spearheaded the six-year long movement—eloquently sums it up in the very title of his celebrated book as *The Tussle between the Citizens and Foreigners in Assam* (Mahanta 1986). While there is no denying that the movement was mainly—though not exclusively—targeted against the ‘foreigners’, mostly Bangladeshi immigrants ‘illegally’ settled in Assam, there was nevertheless significant public outcry also against the Assamese being evicted from their homes. This part is seldom highlighted in most run-of-the-mill writings on the movement. The state was accused of being more interested in evicting the Assamese occupants than the ‘Bangladeshi’ ones in the name of clearing public lands (like roads, mines, grazing reserves, forests, etc.). Thus, the Assamese have reportedly expressed their resentments against the state’s discriminatory stance even in the city of Guwahati (*Dainik Asom* 5 May 1982). Both these responses—whether of driving out the ‘illegal’ settlers or of protesting against the Assamese being driven away from their homes essentially arise from the same anxiety of protecting and preserving the Assamese as a community—their language, culture and homeland. What is often lost sight of is that this discourse articulated in course of the Assam movement makes an implicit distinction between two groups—both victims of forced displacement—the Assamese on the verge of being displaced in the wake of alarming influx or forcibly evicted from their homes by the state and the settlers who have migrated to India more often than not, only after being forcibly driven out from their homes in their own country by a different state. Even some of the very

radical writings are informed by such a distinction. Gail Omvedt, for instance, observes:

This is not because Bengalis (the Bengali immigrants, emphasis mine) are an oppressor nation; rather it has happened because of the particular form of oppression Bengalis have suffered from. But that does not make the danger any less real to the Assamese (1989: 6).

The hierarchy of victims based on their respective ethnic identifications is implicit yet pervasive in the discourse mentioned above and produces a kind of political practice in which one group of victims is pitted against another and vice versa. Assam's 'anti-foreigners' upsurge' viewed in this light is an internal fight amongst the victims of displacement—whether real or potential. It is a movement in which community identifications takes precedence over victimhood per se. That you are displaced is not a good enough reason to assert your right against it or to relief and rehabilitation. The ethnic identification of the victim is important in providing legitimacy to her claim to right. In other words, displacement as a phenomenon could not serve as a thread binding the victims together irrespective of the groups and communities they belonged to.

The refugee-IDP binary is nowhere more sharply illustrated than in the studies of Panigrahi and K.O. Sebastian in the context of Arunachal Pradesh. Both of them point out how the influx of refugees displaced by the inundation of their homes and cultivable lands by the commissioning of the Kaptai Dam in Chittagong Hill Tracts (CHT)—now in Bangladesh—during the early 1960s and their rising population have posed a potential threat of displacement to the comparatively small number of autochthones particularly of Changlang district.

The Assam movement was marked by an ambiguity. While in principle, the movement was directed against the 'illegally' settled 'foreigners' (*bideshis*) who as per the Constitution and law of the land have no right to be in India, the leaders of the movement had at times found it extremely difficult to justify the attacks on victims who might have been outsiders (*bahiragats*)—but migrating from other parts of India and settled in Assam for generations so much so that in 1980, the Asom Sahitya Sabha (Assam Literary Society), one

of the principal organizations providing much of the intellectual leadership to the movement, had to issue a communiqué announcing the change of the neologism from ‘outsiders’ to ‘foreigners’ on the simple ground that all outsiders are not foreigners. The violence that leads to eviction and displacement of ‘citizens’ within a country, produces according to the legal jargon IDPs, not refugees. International Law of course makes a distinction between the IDPs and the refugees: Refugees are those who cross international borders while IDPs lose their homes but remain within the country and therefore live under the sovereign jurisdiction of the same state. Given this ambiguity, it will be more apt to brand the displaced persons during the Assam movement as a curious mixture of the refugees and the IDPs. The mixed nature of displacement calls for a review of the legal regime that is perched on the presumption that the refugees and the IDPs are two clearly distinguishable categories. The discourse articulated in course of the Assam movement makes it imperative on our part to ‘detect, disenfranchise and deport’ the immigrants settled ‘illegally’ in Assam; it does not simultaneously make deliberate displacement of Indian citizens migrating from outside the boundaries of the state of Assam an imperative necessity for the protection and preservation of the Assamese language and culture on the ground that the freedom to move and settle in any part of the country has been guaranteed by the Constitution as one of the fundamental rights. That the discourse is predicated on such a distinction does not mean that violations have not taken place at all in this regard.

If the Assam movement provides the classical paradigm of ‘anti-foreigners upsurge’, it was by all accounts largely successful in welding diverse sections of people together under a reasonably broad umbrella of the ‘Assamese’ community in their six-year long tussle against the ‘foreigners’. It was only after the violence of 1983 that the broad-based fraternity of the Assamese community showed signs of cracks and fissure. Makiko Kimura’s case study on election violence in Assam in 1983 tells us the story of gradual collapse of the in consensus. The tension between the state AASU leadership and the ethnic Lalungs who were accused of being perpetrators of violence against the immigrant Muslims of Nellie—a small hamlet

that witnessed the worst orgy of violence in February 1983—was brewing since that time. While this never culminated in any direct Assamese-Lalung hostility of sorts, it nevertheless brought the question of inter-group equilibrium *within* the parameters of a broadly defined Assamese community to a flashpoint. The Bodos were the first to fall apart and were closely followed by others as well. The collapse of larger ethnic and community formations all over the North East, as I argue, coincided with not only interethnic violence and displacement but a new and unprecedented concern for the IDPs. Bhaumik's study seeks to portray the shift by describing both internal displacement and the concern for IDPs as a 'recent phenomenon'.

Ethnic violence that ensued in the region with a large section of Bodos asserting their identity and homeland autonomous from those of the Assamese, added a significant dimension to the issue of displacement: It has shifted the focus from the 'illegal' settlers whom we loosely term as 'refugees' in popular parlance, to the IDPs. If the Assam movement is regarded as a classical paradigm of 'anti-foreigners' upsurge', the Bodo movement should be regarded as the classical paradigm of upsurge against the non-Bodo outsiders who might have been 'Indian citizens'. At least three studies (10 to 12) directly deal with the case of displacement as a result of the Bodoland movement. Even as late as 2000, I argued in favour of including Refugee Studies as part of the larger Social Science agenda in the region (Das 2000b: 21–25). The present resurgence of researches on internal displacement in the region is to my mind a corollary to the displacement that was taking place during the Bodo movement.

In many cases, ethnic clashes (like the Naga-Kuki clashes in 1993–97 or the Karbi-Dimasa clashes in 2005.) do not actually have to take place in order to trigger off displacement. The fear of an imminent conflict is enough to displace people. The Naga-Meitei conflict has never taken place for that matter. Yet in the highly surcharged atmosphere of anti-ceasefire extension agitation in Manipur, many Nagas reportedly felt it imperative to leave the valley and settle themselves in Naga-inhabited areas of the hills including the present Indian state of Nagaland. One of her Naga respondents for example told Pong Deila—a Naga herself—that he was constantly reminded

by the Meiteis that ‘Manipur is a holy land for the Meiteis’ (Deila 2006 mimeo). As a report prepared by the Naga Peoples’ Movement for Human Rights (NPMHR) echoes:

The continued taunting, verbal threats, physical intimidation even to the extent of torture and physical elimination from the Imphal valley based Meitei militants in the recent years have promoted insecurities and threatened communal flare-ups (NPMHR nd. mimeo).

Yet, it will be significant to note that popular responses in the region are characterized by a paradox: While ‘refugees’ are unwelcome to our land, we do not want to be displaced ourselves. Refugee-hood or displacement is bad as long as it affects us. It is not so as long as it does not affect us. The popular concern for displaced persons in the North East emerged ironically from out of a concern from the purview of one’s collective self and community supposedly facing some sort of danger—whether of immigration or as we will see, of environmental disaster induced by our essentially flawed policies of development. It did not grow out of a concern for the displaced persons per se. The concern does not mark any shift in the discourse. It continues to be marked by the self-same preponderance of ethnicity and ethnic community. The issue of displacement will still take some time to emerge as an autonomous discourse in the region.

The case studies included in this volume seek to make a departure from this otherwise pervasive popular concern—by viewing displacement as an issue of human rights. While displacement entails some kind of human rights violation, the displaced persons irrespective of their ethnicities are entitled to certain rights. Viewing them as rights-bearing entities implies that we *ab initio* recognize them as human beings. The ethnic other as we know is never accorded with this recognition and hence does not deserve the human rights that pertain only to the human beings (Das 2005). The ethnic other is dehumanized in a way that the stories of brutal and gory killings of the members of another community do not evoke any sympathy from us. Unless we bring this recognition to bear on our concern, popular concerns for displacement and IDPs—strong and pervasive they may be—may eventually turn out to be a stumbling block to its emergence as an autonomous human rights discourse.

Any theorization presupposes that we shift the terms of our discourse (Banerjee et al. 2005: 21–26). The case studies albeit covertly, propose to set aright the terms and pave the way to newer theorizations. What the individual feminist could not achieve as an individual, we seek to do as a collective and I wish we grow both in number and in our sensitivity, for, all our contributors vindicate that displacement per se is unethical and involves violation of human rights and displaced persons irrespective of their ethnicities and group identities form a community of their own and is entitled to certain rights before, during and after displacement. Wherever displacement is avoidable, they even have the right against displacement.² Not all who have blisters on their feet automatically constitute a community in the North East.

HOME, HOMELAND, TERRITORIALITY

Displacement, according to the UN Guiding Principles (1998), is measured narrowly with reference to that from home or the places of habitual residence. Displacement from home or places of habitual residence is often the culmination of a long process of depletion and erosion of critical life-bearing resources, displacement from workplace, loss of livelihood and slow submergence of cultivable land as a result of riverbank erosion. The comprehensive study made by Fernandes and Barbora treats the problem of the region in a larger comparative perspective and establishes a direct correlation between gradual loss of livelihood and consequent population displacement. They plead for making the people who migrate as a result of ‘deterioration of conditions of life’ a separate category of displaced persons. This definition clearly turns a blind eye to these early warning signals and wakes up to the problem only when it is too late and a person or a group of persons is actually forced to leave their homes. Besides, its objective is not to secure the right against displacement per se—but only the right against avoidable displacement. Neither the International Law nor the Constitution of India views one’s right to home as ‘fundamental’ and therefore a non-derogable right. Whatever care and protection the victims are eligible for in the eye of

the law are in the nature of compensating them for the loss that the loss of home has inflicted on them. Justice therefore is coeval with the question of relief and rehabilitation given to them as a matter of compensation. Home in South Asia is much more than what can probably be compensated for: it means memories, ambiances, neighbours, members of the joint family and the clan, trees and cattle, one's community, moral beliefs and convictions, one's very existence and much more. One is what one is by virtue of living at home where one actually lives. Loss of home is sure exile for one who has to suffer it. Much of the critical literature on loss of home points to the split that it causes to the displaced—between what one imagines as one's past and one's present and how one fails to come to terms with it throughout one's life (Said 2000). Home, as our case studies argue, is incomplete without homeland. One must keep in mind that the critical Indo-Anglian writings too are predicated on the double experience of losing one's home and homeland at the same time. Home and homeland are so organically connected that their connection can hardly be severed. Debbarma's narrative of losing his home—personal and touching as it is—is also intricately laced with another faintly expressed narrative of gradually losing the homeland, thanks to the population 'invasion' from outside and the reduction of the tribals into a powerless minority in Tripura.

Is the guarantee of homeland then the only means of securing the right to home in the North East? An affirmative answer to this question only confirms our hypothesis of ethnic preponderance. International Law too is gradually becoming sensitive to the issue of recognizing homeland as a right for those who are not represented by the existing order of nation-states. The founding assumption of this discourse is: Right to home is impossible without creating a homeland. K. Shethajit, drawing his case from Manipur, contests this assumption and argues that only the recognition of the composite and inter-lived nature of the space of Manipur and not anyone's right to exclusive homeland can secure one's right to home. For he, like many others in this volume, attributes displacement to the stridency of the claim to exclusive homeland that seeks to cleanse the proposed area of others who do not belong to the community. While the Bodo case, as I have argued, serves as the point of departure, our studies

in Arunachal Pradesh (3 to 5), Manipur (14 to 19) and Tripura (25) point out—of course agonizingly—how the dream of creating ethnic homelands has been responsible for the spiralling of violence and displacement in the areas in question. In a region, which is as ethnically diverse as the North East, it is impossible to create an ethnically homogeneous homeland, for the so-called majorities are haunted by the nagging fear of being outnumbered by others, thanks to the migrations both from within the international borders and without and although the ethnic minorities are minorities numerically, they hate to be socially and politically treated as minorities. The stridency of the majorities is only matched by the growing stridency of the minorities. Political and administrative engineering is bound to fail us; it is bound to fall short of the way people migrate and settle in the era of globalization.

This, as our evidences point out, has proven to be a fatal and losing game for all—everyone has to bear the brunt of violence and displacement—including those who have sought to translate this dream into reality by grotesquely turning the democratic logic of majority on its head. Many Bodos have been displaced and with a rising militancy of the Cobra Force of the Santhals and many Muslim organizations including Muslim Liberation Front of Assam (MULFA), any cleansing operation is unlikely to be a one-sided affair. If they ever become successful in creating a homeland of their own, there will be a homeland without a home. Given the stridency of the Santhal and Muslim militant groups, many Bodos may be deprived of their homes if they decide to attack them. Formation of the Bodo Territorial Council is a tribute to the recognition of the shared nature of space. Both Kukis and Nagas have lost their homes in the Kuki-Naga conflicts of the early 1990s as have the Dimasas and Karbis in the first five years of the new millennium. Interestingly, Uttam Bathari—himself a Dimasa whose family had to suffer displacement induced by the violence perpetrated by the Karbi militant organization—has been equally sensitive to the cause of the displaced Karbis.³ The signs of this new consciousness that transcends ethnic and community lines and inspires one to view the IDPs as persons whose rights have been transgressed irrespective of their ethnicity are slowly becoming visible in the region. If home without homeland is

impossible, homeland without home is not only possible but going to be a distinct possibility in the near future.

An imaginary homeland implies mimicry of state territoriality in more than one sense. As any modern state organizes the people living within a territorially defined space into a nation, the ethnic community seeks to homogenize the people by way of getting rid of what it considers as its other. Its claim to homeland is usually accompanied by an ethnic cleansing project. Insofar as homeland gets organized, it takes precedence over individual claims to home. When large sections of people in Tripura are displaced as a result of barbed wire fencing along the Indo-Bangladesh border in the interest of national security, it does not matter whether you as an individual or as a reasonably large section lose your homestead or cultivable land; it is important that you make way in the interest of the nation. Any protest against this can only be voiced at the risk of being anti-national.⁴ Similarly, the project of organizing ethnic homelands necessarily privileges homeland over home. People living outside their homelands are always encouraged or even coerced to come back and resettle themselves in what is considered as the homeland. Space in the North East for all practical purposes has been ethnically homogenized particularly during the last couple of decades—with mixed areas increasingly becoming a rarity. The people have shifted themselves in keeping with the requirements of these imaginary homelands not always involuntarily—whether the state has recognized them or not. The correspondence of home with homeland has ironically led to a considerable reshuffling and displacement of population.

IDPs are a product of the accretion of boundaries. R. K. Ranjan's case study of the Tarao chief in Manipur excommunicating his brother in the recent past therefore is not an example of displacement. This according to him is a common practice and has acquired a ritualistic significance for the brother settles himself within the boundaries of the imagined homeland and finally reunites with the chief—thanks to the mediation of a common friend. The brother is not in distress either. Even such mediation interestingly is defined by the existing body of rites.

IDPs are displaced *internally* only when we view them from within the territorially defined borders of the nation-state. But viewed from within the boundaries of imaginary homelands—which are as sharply defined and meticulously maintained as territorial borders of our nation-state—it does not matter whether those who get displaced are IDPs or refugees. They will be thrown outside the homeland that is not their own. The travails of the Reangs (Brus) are a case in point. They have to migrate continuously between Tripura and Mizoram. If they cannot claim a homeland of their own, IDPs become ‘refugees’—unwelcome wherever they go within the North East. Their Indian citizenship is hardly of any help to them. They have no way to claim their internality to any place. I will not be surprised if in the near future we see the IDPs demanding a separate homeland of their own in the North East. IDPs may themselves find a solution to their problem in the same *imaginaire* of homeland that has displaced them. In a region like the North East, the distinction between the IDPs and the refugees always hangs by a thread. Bhaumik’s study draws our attention to what it terms as ‘the vast grey area’ that exists in the North East between the transborder refugees and the internally displaced persons.

In many cases, constituent states and state administrations play a role if not directly, at least by making some omissions that allow for violence against the minorities and immigrants. The case study made by Mazumder and Bhattacharjee on the Reangs of Hailakandi (Assam) shows how the displaced persons constantly shuttle between the states of Mizoram and Assam. Often the states have, in the perception of the afflicted victims, failed singularly in providing security to them. Besides attacks on government-run relief camps (to which we will come a little later), many of the victims of Urabari, Tripura, as Basu Majumder points out, want to return to their homes only on condition that pickets of Tripura State Rifles (TSR) are posted in the villages. It seems that their return will never mean restoration of the status quo *ante bellum* that existed prior to the outbreak of violence. A village without any recorded history of conflict limps back to normalcy, but a normalcy that gets redefined with the posting of police pickets. I wish some studies are conducted on

the modalities through which social relations get redefined after the return of the displaced persons.

Sometimes, some otherwise well-meaning government policies couched in the rhetoric of welfare have been responsible for displacement. Dutta and Showren take a critical view of the Government Regulation of 1964 that aimed at liberating the Sulungs (Puroiks) of Arunachal Pradesh by way of buying them from their masters against Rs 500 each. Many of the Sulungs set loose from their masters did not know what to do and were displaced in the absence of any effective alternative. A survey of 1996 still identified a number of bonded labour amongst the Sulungs 'sandwiched between liberation and rehabilitation'.

CONFLICT FORMATION AND TRANSFORMATION

Much of the controversy centering on the IDPs of the North East revolves around the question of legitimacy of their settlement in places wherefrom they have been displaced and therefore the rightfulness of their claim to home. History is conveniently invoked to buttress or discard one's claim to settlement and home. Most of whatever is available in the form of writings on the IDPs in the region, to my mind unnecessarily gets into the controversy engaged in determining the legitimacy, rightfulness or historicity of such claims and counterclaims. The authors seem more comfortable in their role as self-appointed adjudicators of the contentious claims. Thus they unknowingly stumble on the same ethnicist hypothesis. But there is no universally agreed, meta-ethnic way of determining such rightfulness (see Das 2004). Again, habitual residence does not have to be rightful by universal standards. The Guiding Principles interestingly did not raise the issue of rightfulness. One who has been habitually residing on the public sidewalk considers it as one's rightful home. For once, none of the contributors here has trodden this otherwise beaten path.

In a region where ethnicity continues to hold the key to home and displacement, it is interesting first of all to understand the dynamics of interethnic conflicts and see how displacement is inextricably

connected with them. Much of what has been written on ethnic conflicts in the region tells us an incredibly well-rounded story: Violence is attributed to the conflict between two perennially hostile communities making their rivaling claims to the same tract of land and displacement is a result of this conflict. While displacement is often used as a strategy of cleansing others, the examples of people feeling unsafe and fleeing from conflict zones are never very infrequent. It tells us the story of two fully formed communities laying competing claims over land in a region where land is accorded a ritualistic value and is coterminous with a community's identity and most importantly, justifying the claims with two mutually incompatible value systems. A recent statement of this story is available in Varshney's paper (2005) that argues that ethnic conflicts usually evolve from being conflicts over self-justifying values into highly strategic conflicts over resources. Our case studies however corroborate the opposite of this hypothesis.

On the one hand, conflicts should be regarded as the modes of formation of communities. The formation of communities does not precede the emergence of conflicts. It is through the conflicts that communities get organized and transformed. The accounts of Ksh. Bimola Devi and S. Mangi Singh on the Manipur hills show how the 'strategic' use of violence by some 'criminal' elements gradually led to the involvement of whole communities and thus triggered off a conflict over values. We propose to view conflict—not as a product but as a process of community formation. On the other hand, conflicts take place usually on the peripheries of communities whose ethnic affiliations remain uncertain or even contested. K. Gailangam's study of the Zeliangrongs shows how the incidents of violence eventually contribute to certain hardening and polarization of communities.

Displacement induced by ethnic conflicts brings in its wake newer and hitherto unknown forms of conflict. These conflicts obviously should not be seen as a continuation of older forms that are held as responsible for displacement. The micro-study of Sahu & Kundu gives us an idea of marginalization measured in terms of a change in landownership and occupational pattern in Tripura that displacement has brought in the lives of its victims. Many farmers, as some of our case studies point out, have overnight turned into rickshaw pullers

and landless labourers. Besides, the study made of the victims of riverbank erosion in Assam by Goswami and Das brings home how they have been prevented from settling in *char* areas largely inhabited by the *na-Asomiyas*. It is to be noted that the conflict mentioned in this case is internal to the members of apparently the same religious community, for both parties involved in it happen to be Muslims. The displaced persons are nonetheless unwelcome to their religious cousins. It aptly shows how even a religious tie does not prove strong enough to survive the experience of displacement. If religion cannot tie them together, neither can class. Goswami's ethnographic work in western Assam for example brings into focus the conflict between *poor* immigrants and *poor* indigenes. Ethnic and religious ties crumble in the first instance; they prevail over class ties in the second. This only takes us to the conclusion that displacement has a dynamic of its own and it will be wrong to reduce it to either ethnicity or class. Displacement redefines our ethnic and class relations in a variety of unanticipated ways. Indeed, we have reasons to suggest that ethnicities and classes are formed and transformed in tune with the experiences of displacement. The impact of displacement on ethnic and class formations needs to be more adequately researched.

Our case studies also indicate the reverse of the commonly held belief that displacement enhances vulnerability. While it is a truism that displacement makes the victims vulnerable to many other forms of denial and disablement, we suggest that it is the sufferance of many other forms of vulnerabilities that makes one prone to displacement. Debbarma finds a strong correlation between IPs (indigenous people) and the IDPs in Tripura. Riba's study on Arunachal Pradesh reinforces the correlation. The vulnerabilities that pre-exist the experience of displacement (poverty, tribal and indigenous social backgrounds) precisely make them vulnerable to displacement. While only 12 per cent of Assam's population is tribal, most of the development projects are sited in tribal areas. Ninety per cent of those who are going to be displaced if Pagladia Dam in Assam is ever commissioned happen to be tribals (Chowdhury 2006). In an ironic twist to the hypothesized correlation mentioned above, Chakrabarty suggests that there are grades of vulnerability and softness that suggest why Santhals and the immigrant Muslims have

to bear the brunt of Bodo militant attacks and not the Assamese, while all of them have been held as ‘encroachers’ on the proposed Bodoland.

Displacement, as Jana’s study on the victims of riverbank erosion in Assam points out, leads to breakdown of family and the women who—while searching for their livelihood—have often to ‘consent’ to be trafficked, find themselves unacceptable to their husbands and families. They do not stop there losing out in life; they find ways of coping with life and prevailing over it. Migration, in Samaddar’s famous phrase, is a form of ‘self-empowerment’ for many women (Samaddar 1997: 197). Contrary to the commonplace belief, women amongst the displaced are not to be seen as hapless victims. They are the ones who take the initiative of rebuilding lives in new and challenging situations. In a highly gendered labour market, they unlike their male counterparts enjoy greater access to such highly informal sector occupations as domestic help, sex trade, sewing and stitching, and so on. None of the studies included in this volume goes deep into the gender issue.

THE FICTIVE WORLD OF LAW

Article 14 of the Constitution of India guarantees ‘equality before law’ and ‘equality in the eyes of law’ as two principles informing our fundamental right to equality. It does not remove social inequalities prevailing in the society; it only brackets them out. Thus a fiction of equality is created in society in which the law is supposed to treat all the citizens at par with each other—as equal legal and juridical citizens. While critiquing Hegel, Marx in one of his early writings, for example, observed:

... in order to behave as an *actual citizen of the state*, and to attain political significance and effectiveness, he must step out of his civil reality, disregard it, and withdraw from this whole organization into his individuality; for the sole existence which he finds for his citizenship of the state is his sheer blank individuality, since the existence of the state as executive is complete without him, and his existence in civil society is complete without the state. He can be a *citizen of the*

state only in contradiction to these sole available communities, only as an *individual*. His existence as a citizen of the state is an existence outside his *communal* existences and is therefore *purely* individual (Marx 1975: 77).

Social or ‘civil’ inequalities as Marx calls them, according to the Constitution and the law of the land, will not be a hindrance to the enjoyment of our rights as equal legal personalities, provided we qualify ourselves for *what it takes to become equal legal personalities*. The world that creates the legal fiction of equality may be fictive but it sets for us certain actual qualifications we have to meet if we were to enter it. Our legal entitlements are directly related to our ability to meet these legal qualifications. Marx’s dichotomy between the ‘civil’ and the ‘legal’ makes the latter a world by itself. Law creates a fictive world of equals but a world that the modern capitalist state seeks to actualize through all its everyday actions and protocols. Thus, it is by no means an ordinary fiction. However, since we are differentially endowed with our abilities, our entry into the fictive world of law can hardly be considered as equal. We are equal only insofar as we get into it. Displaced persons, as our case studies suggest, are displaced not simply from their homes or places of habitual residence but from the world of law that establishes the principle of equality for the citizens and treats them at par with each other.

We have already pointed out that neither the Constitution nor any law of the land views right to home or for that matter right against displacement as a non-derogable and fundamental right. We have policies that look upon relief and rehabilitation (like, Government of India’s Resettlement and Rehabilitation Policy of 2005) more as compensation for loss inflicted by displacement than as right to be claimed by the victims. It depends on the charity to be doled out by the government.

In political theory, we make a distinction between rights and justice. Rights relate to claims; justice to fairness. Not all claims are considered as rights. Our claims turn into rights when they suit the contemporary notions of justice—that is to say, what should be given to whom and by what means. For example, part of the reason why we thought we had a right to be independent is that the British rule was

perceived by us as unjust. While justice is the fountainhead of our claims to rights, claims turn into rights only when these are voiced in the language of law. The claimants have to establish themselves first of all as legal and juridical personalities in order to make their claims. The governmental mode of justice is premised on the universal bourgeois politics of rule of law, for it has to be administered and delivered through law. Observance of law is the first ground rule of administration of justice and sums up the essence of modern positive theory of law. Once law has been promulgated, we have to subject ourselves to it and this produces the doctrine of equality before law. The importance of justice-seeking legal subject in voicing claims and obtaining rights is being recognized in contemporary positive theory of law. One is entitled to justice only by becoming a justice-seeking legal subject. This implies a transformation of the political subject into a legal subject. The claim for compensation in other words can be voiced by the victims only after establishing them as legal personalities. That justice is denied to the victims per se is not important. Their access to justice is to be ensured by taking the route of law. This shows how justice is governmentalized and is subjected to its paraphernalia and complex modalities. In the absence of any legal recognition of their claims, the ad hocism that marks policies towards them is, as Goswami points out, in fact a means of governing them.

Displaced persons suffer from the double jeopardy of displacement and their acquired inability to articulate claims in the language of law. Even return to homes with the subsidence of conflicts becomes difficult when their villages are declared as 'forest reserves' by the Apex Court. As a result, an estimated 37,677 families (comprising 237,768 people)—according to the last count in August 2004—are unable to return to their homes and are staying in makeshift camps in three districts of western Assam: Kokrajhar, Bongaigaon and Dhubri. They receive rice for 10 days a month and that too after two to three months. Goswami's study shows that the affected Muslims cannot go back as they were settlers of the 1960s when the Government of Assam denotified these areas as forest reserves without giving them land *pattas* (titles). They cannot claim their ancestral home because they do not possess its title.

All the case studies contained in this volume point to the inability of the displaced persons to prove themselves as legal personalities eligible for protection under the law and with rights that the Constitution and the laws of the land guarantees to the people of this country. On being asked to prove their ownership over the land they have been living on—as per the provisions of law—a chief of a tribal community in Arunachal Pradesh expressed his surprise and quipped: ‘The law came first or our ancestors?’ (quoted in Kamcham 2006 mimeo). This attests to the death of the legal person. It is through millions of such deaths that the law establishes its hegemony over the society. The only identity recognized is the legal one. Identity as the social site of mutual recognition loses its importance. The declaration of Jampui Hills in Tripura as a forest reserve has created similar problems for the indigenous people. Debbarma in his study points out that most of the Dumbur Lake oustees could not produce documents in support of their claim to the ancestral land and hence, were deprived of the compensation—otherwise ruefully inadequate—for the loss that was inflicted on them and their communities by the commissioning of the hydroelectric project.

The flash floods of Balbala in Goalpara, lower Assam, on 7–9 October 2004, not only washed away the papers and documents that can prove their identity and but also the bodies. Most of the dead bodies could not be found as the flash flood reportedly moved at over 100 km/hr speed. The government’s policy of compensating the victims only against the dead bodies denied compensation to many of the victims whose bodies could not be recovered or were too decomposed to be identified (Ahmed 2006 mimeo). According to government estimate, only 218 persons lost their lives while unofficial estimates keep the figure well above 1,000. People who lose their lands—whether on the ground of having stayed in forest reserves or on the ground of having no duly conveyed title of land-ownership—find it difficult to establish their right to land or home in the first place. Since most of the victims were new settlers who came to Balbala only recently as their earlier homes were ‘completely eroded’ by the Brahmaputra, they were—as a survey conducted by the Dolphin Trust argues—‘illegal occupants’ although all their names were recorded in the places of their previous residence.

Their names are not recorded with the administration of their newly settled district.

Everywhere IDPs find it impossible to establish themselves as equal legal personalities and remain outside the fictive world of law that continuously strengthens and reinforces itself through a set of commonly noticed modalities. In Tamil Nadu, the problem was all the more appalling after the Tsunami (December 2004). Although a trans-national disaster and therefore under massive media glare, the fishermen of Tamil Nadu lost their land and livelihood rights precisely as a result of the disaster. While freshly announcing the plan for resettlement, the GO 172 of the Government of Tamil Nadu, for example, pointed out that communities living within 200 m of the coastline would not be eligible for any relief and assistance at all, for, their very settlement was illegal. Those living between 200 and 500 m would be eligible for only 50 per cent of the relief and assistance announced for the victims, while those living beyond 1,000 m would be eligible for full 100 per cent relief and assistance. This once again heavily discriminates against the particularly poorer communities that usually live closest to the coastline, and deprives them of the right to residence and settlement that they have been habitually exercising for generations. These people once again have become unable to enjoy their traditional rights as a result of this natural disaster. The government has decided not to interfere with the hotels and private resorts that have come up within 100 m of the coastline. Similarly in the Andaman and Nicobar Islands which was hit by the same Tsunami, it was found that the judges' quarters and even the air force residential quarters were actually constructed in 'no-build zones'. In simple terms, this shows how natural disasters deprive the vulnerable sections of their traditional rights to residence and livelihood.

The IDPs find it difficult to settle themselves in alien places. No place is safe enough for their resettlement. Although the Constitution of India guarantees right to move about and settle in any part of India as a fundamental right (Article 19) albeit with some exceptions—particularly relating to emergency and inner line provisions—IDPs find it difficult to settle and relocate themselves in areas which they think are safe and where they think they have greater chances

This book is a comprehensive study on India's North East where violence, development and natural disasters that lead to eviction and displacement of 'citizens' within a country produce more Internally Displaced Persons (IDPs) than refugees. Dwelling upon this debate, the book discusses the two major sources of displacement, conflict and development, and presents a compendium of case studies drawn from Arunachal Pradesh, Assam, Manipur and Tripura—the four worst-affected states of the region. The Introduction to the book highlights the *silenced* aspects of displacement, drawing upon the implications of the case studies presented and bringing them to the centre of any future theoretical enquiry into the society and politics of the region.

Blisters on their Feet: Tales of Internally Displaced Persons in India's North East provides contrasting perspectives on what is often considered a simple answer to displacement and views the phenomenon as a logical culmination of a package of policies initiated and undertaken in the region, particularly in the age of globalization. The case studies display rare insight, human rights sensitivity and commitment, sans any theoretical pretensions.

The book serves as a useful key in placing the North East in the newly emergent discourse on displacement and brings it to the forefront of the public agenda. It offers important insights for policy makers and analysts, research scholars, human rights activists, lawyers, developmental specialists, students and socially concerned citizens.

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