

# **Making things worse**

**How 'caste blindness' in Indian  
tsunami recovery exacerbates  
vulnerability**

**Dalit Network Netherlands (DNN)**

**December 2006**

*“Let another tsunami come – maybe then we will help you.”*

Government official to affected Dalit community, Kancheepuram

*“Others have received boats and nets, but not us. Now with our loss of income, we are only eating twice a day – half of what we cook in the evening we eat the next morning, and that’s all we eat now. Before we could manage but now we cannot even afford to fix the leaks in our huts. Now we cannot work. It is better that another tsunami comes and takes us away.”*

Dalit fisherman, Pulicat

*“The fishermen’s society has set the unwritten rule that Dalits cannot fish in the sea – if they did their nets would be cut and they would be beaten up or even killed. It is easy to dispose of a body in the sea and make it look like a fishing accident.”*

Human rights lawyer, Cuddalore

*“One of our men has committed suicide because he never got any response to his request to re-start the small business he lost in the tsunami. We also are frustrated that the government never replies to our requests to replace the tools and handcarts we need to go back to work. We also are considering suicide.”*

Dalits in a Nagapattinam temporary shelter

*Report by*

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# 1. Executive Summary and Recommendations

Discrimination on the basis of caste in the aftermath of the tsunami is an unquestionable fact. The testimonies of Dalit victims of the tsunami all along the Indian coast of Tamilnadu show remarkable consistency, pointing to a systematic and predictable type of discrimination. These testimonies are backed up by previously published reports by NGOs<sup>1</sup>, a major National Public Hearing<sup>2</sup>, reports by Indian journalists<sup>3</sup>, and dozens of interviews with the various stakeholders conducted during the course of this research. The discrimination was present at all phases of the recovery process, from the denial of rice, the refusal to share emergency shelter, the removal of bodies, and the relief materials provided, through to the compensation and provision of livelihood assistance and housing. The discrimination began in the first week after the disaster and was still very much in evidence in January 2006, more than one year after the tsunami.

This report provides information, evidence and analysis of caste discrimination in post-tsunami recovery operations in Tamilnadu, India. The discrimination has been inhumane and was largely avoidable. Agencies implementing disaster or development programmes in India must ensure that this is not repeated again, and take steps immediately to ensure they are not contributing to the caste divide in their pretence of 'caste blindness'. A series of recommendations are provided here to assist ethical agencies to do so.

The discrimination was not planned or organised centrally by the caste fishermen<sup>4</sup>; it merely played out its natural course as a result of thousands of years of an unchallenged caste system. It is the *lack* of planning and organisation to tackle the discrimination that ensured it took place. As is often the case in India, the discrimination was not generally malicious, but stemmed rather from an unwillingness to confront the discrimination and go against the current. In other words, this is **discrimination by default**. The existing situation is one of long-term, systematic, caste-based discrimination; unless government, Church bodies or NGOs have an analysis, strategies and training programmes designed to counter this inherent discrimination, they effectively reinforce it, by giving only to those with the loudest voice and the strongest influence, at the expense of the most vulnerable and least organised. An active approach is necessary to prevent this discrimination.

Any agencies who had some experience with the recovery after the 26 January 2001 Gujarat earthquake would have known that active measures must be taken to ensure caste discrimination

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<sup>1</sup> Reports come from international NGOs such as Human Rights Watch, ActionAid and the Fritz Institute and from local NGOs such as District Forum for Dalit Liberation, Social Awareness Society for Youths and People's Watch Tamilnadu. A brief summary of such reports are presented in the Alternative Sources section. References to various reports consulted are provided in the References section.

<sup>2</sup> The National Public Hearing was jointly organized by National Campaign on Dalit Human Rights (NCDHR), Human Rights Forum for Dalit Liberation (HRFDL), Dalit Mannurimai Kootamaippu (DMK) and held in Chennai, Tamilnadu on August 30, 2005.

<sup>3</sup> See for instance the report in The Hindu, Ensure fair distribution of relief to Dalits, 10 January 2005:

*The Puthiya Thamizhagam today urged the State Government to ensure that Dalits are not discriminated against in relief administration. K. Krishnasamy, founder-president of the party, said he had been receiving complaints that aid was not reaching the Dalits whereas fishermen were being given "special treatment." Though no one grudged relief being disbursed to the fisherfolk, that the Dalits were not given even the basic relief materials was condemnable... Dr. Krishnasamy, who undertook a tour of tsunami-hit areas last week, said the relief administration was not effective in about 65 villages in the Nagapattinam-Vedaranyam belt, where the Dalits were a dominant community.* Available at : <http://www.hindu.com/2005/01/10/stories/2005011006550400.htm>

<sup>4</sup> Caste fishermen may have used their organisations to later reinforce the idea that Dalits were not victims of the tsunami, but the discrimination began immediately after the tsunami hit, in strikingly similar ways all along the coast, before any coordination between the various caste fishermen villages would have been possible. The government, however, does stand accused of taking an initial, unwritten policy to ensure that relief materials were given to caste fishermen as a priority, despite its denials that such a policy ever existed.

does not occur after an Indian disaster<sup>5</sup>. Those who would like to claim ignorance may be able to justify their failure to foresee this or to notice it during the first two weeks. But after the discrimination against Dalits became public news for everyone via the national and international media from the 7<sup>th</sup> January<sup>6</sup>, none could claim they did not know what was happening.

A few agencies acted relatively quickly to develop a strategy to reach Dalits effectively, and succeeded in doing so. The majority buried their heads in the sand despite the front page news, spoke of their 'caste blindness' when questioned about caste discrimination, and quietly continued targeting caste fishermen for relief and pretending Dalits were not actually there. The degree of Dalit neglect 9 months after the tsunami hit was astounding; the continuing discrimination 12 months after the tsunami showed a condemnable lack of political will to address this problem. Government claims to have addressed this discrimination were largely contradicted by the facts on the ground (see 'Quantitative Findings'), showing that the rhetoric did not equate with political will. However, the scattered yet very successful initiatives by the NGOs committed to reaching the most vulnerable and excluded communities – some of which are discussed here – show that it is indeed possible to counter deeply entrenched discrimination even through the disbursement of small quantities of assistance.

## **Introductory Overview of the Findings**

The tsunami hit Indians indiscriminately, with the caste fisherman community the hardest hit by virtue of their proximity to the coast. They suffered the most deaths and loss of property. However, Dalits were also seriously affected by the tsunami, a number losing their lives and thousands losing their few possessions and their means of livelihood as daily wage labourers for either the dominant 'caste fishermen' or agricultural land-owners. The caste system prevents Dalits from fishing in the sea, unless they are working for the fishermen caste. They survive from day to day, without savings and mostly deprived of the means to earn their own, independent living. They are generally prevented from registering with the government as fishermen, and the few small wooden boats they owned were not replaced.

"Building back better" was one of the catch-cries of post-tsunami rehabilitation. Most of the areas hit by the tsunami across Asia were impoverished before the disaster, and the Prime

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<sup>5</sup> See Human Rights Watch's 2001 report *Caste Discrimination, A Global Concern*, available at [http://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P145\\_19883](http://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P145_19883) which states "In the months since the earthquake, residents of the state of Gujarat have been besieged by a man-made disaster: caste and communal discrimination in the distribution of relief and rehabilitation... In all areas visited by Human Rights Watch, Dalits and Muslims lived separately from upper-caste Hindus. Several residents and survivors told us, "we are surviving the way we lived, that's why we are in separate camps." The report also provides a global picture of the existence of caste-like systems around the world.

<sup>6</sup> See, for example, the Indian Express front page article of January 7, 2005, Headed *Tsunami can't wash this away: hatred for Dalits*, sub-headed: *Dalits thrown out of relief camps, cut out of food, water supplies, toilets, NGOs say they will start separate facilities*. The article goes on to quote some of the relief providers reactions to the problem:

*"[We] will look into the problem and report back on what can be done to put an end to this. We certainly do not discriminate but if the fishermen themselves are doing it because of their local status, what can the government do?" says Shantasheela Nayar, Secretary, Rural Development, Nagapattinam. Says activist Darpaya: "Dalits are not allowed to drink water from tanks put up by UNICEF. Even in relief camps, Meenavars don't want to sit with Dalits and have food. Some of them manage to get rice but other relief items coming in like biscuit packets, milk powder and family household kits are denied to Dalits." Several NGOs which noticed the problem raised the issue during their meeting with District Collector M Veerashanmugha Moni. "But no one is willing to take up the matter at the field level as this could complicate things. We don't want friction between the two castes by trying to address it during this crisis," says the team leader of NGO Accord*

Article available at: [http://www.indianexpress.com/full\\_story.php?content\\_id=62212](http://www.indianexpress.com/full_story.php?content_id=62212). The Jan 7 editorial was also devoted to the discrimination, entitled *Caste away - Crack down on those who discriminate against Dalits in relief operations*. The Jan 8 editon also ran a front page article on the discrimination entitled *Even Govt divides survivors on caste*, says it's practical.

Minister of India joined many others promising that the reconstruction would aim to seriously improve the lot of those affected compared to their *a priori* developmental position:

The Government is committed to providing a safer and a higher quality life to its people. It will be the endeavour of the Government that on completion of the rehabilitation and reconstruction package, the scars of the Tsunami disaster are replaced by better means of livelihood with modern day civic amenities. The Government renews its support to the people affected by the Tsunami disaster.<sup>7</sup>

However, the discriminatory approach to this 'building back better', focussed intently on the dominant caste-group of the Indian coast-line, has meant 'building back worse' for coastal Dalit communities, as their *relative* poverty and communal powerlessness has increased. The caste fishermen have been given on balance far more and far better boats than they had before the tsunami. They have also had their houses replaced, regardless of the level of damage to their pre-existing houses, and have been provided with important infrastructure. They received a lot of rice and cash, which made them less keen to go back to work – work that the Dalits were relying on. Through all this, caste fishermen did their utmost to prevent Dalits from receiving aid. Though the caste fishermen suffered greatly in the tsunami, their position now is in many cases stronger than before the tsunami; certainly the community will be far better off after the permanent housing has been constructed. No-one would deny that these improvements were necessary and are welcome, but without assisting the neighbouring Dalits – who are generally exploited by the caste fishermen – this biased reconstruction is a disaster for those who miss out. As Henri Tiphagne of People's Watch Tamilnadu explained, "As a result of the relief and rehabilitation, Dalits are even more dependent and vulnerable than before."

The situation of Dalits is generally worse than before the tsunami, and comparatively far worse, in relation to the dominant fishermen community. Caste tensions have increased in many areas. In an extreme but not isolated case, the community in Raja Nagar, Chengalpat explained that the increased dominance of caste fishermen will force them out of their village altogether:

The Meenavars tell us "just wait till our houses are constructed – we have many lakhs of Rupees and weapons waiting to get you... if you don't like being here and putting up with our torture, you can leave." They build their new houses right across the only entrance to our community and use our burial ground for their construction materials. Now we have no choice but move from here. Even if we have no work somewhere else, at least we will be able to sleep at night because we are no-one's slave.

The government and NGOs were very slow to react to the caste discrimination, and in many cases have not yet acted to ensure equality of relief for all victims of the disaster. Many prefer to pretend there is no caste discrimination, and simply give their assistance to the fishermen because it is easy and provides good publicity.

Rehabilitation must be more than replacement of lost items: it is the reconstruction of a devastated community. The community was in need of reconstruction even before the tsunami hit – not just because of poverty, but because of occupational discrimination. As explained by Sandhya Venkateswaran of Care India<sup>8</sup>:

The emergency response to the 2004 tsunami in India demonstrates once more that, while disasters are class- and caste-neutral, those on the margins feel their impact much more severely. Marginalised people live in precarious conditions that increase their vulnerability to disasters. When viewed in this light, accountability to affected communities needs to go well beyond the provision of relief and rehabilitation, so that

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<sup>7</sup> Sing, Manmohan, Rt. Hon., Government of India, TSUNAMI - A Report to the Nation, June 3, 2005 p 8

<sup>8</sup> Sandhya Venkateswaran, CARE India, *Accountability lessons from the tsunami response in India*, in Humanitarian Exchange No 32, December 2005, Overseas Development Institute, p 10, accessed at :

<http://www.odihpn.org/documents/humanitarianexchange032.pdf>

they regain their predisaster level. Accountability needs to *empower* them – socially and economically – to build their resilience and protection from future disasters.

Did the government and non-government agencies take the opportunity to better reconstruct these communities? No, they shied away from the difficult questions. They refused to face up against the local elite (caste panchayats and coastal Catholic Parish Councils) who control the ocean fishing. They refused to give relief to all affected regardless of caste. They closed their eyes to the suffering of those who were not touched by the salt water but who are now suffering increasing poverty, debt and unemployment as a result of their relation of dependency on the fishing community. They claimed 'caste blindness', which is a euphemism for saying they chose not to take the effort required to help Dalits.

Oversimplification of the problems caused by the tsunami has led to deepened discrimination. The tsunami has exposed the power relations in the coastal communities. The traditional fishing panchayats (or the parish councils, in the case of the Catholic caste fishermen communities) control the use of ocean fishing boats, and refuse to allow Dalits to own or control anything related to the industry. In many cases Dalits are doing the fishing, cooking or labouring on the boats in the sea, but they are strictly forbidden from owning the boats. Dalits may own small boats on inland waters, but not on the sea itself. Caste fishermen claim a customary right to control sea fishing. Though they are rightly considered a vulnerable community, within their own domain, their power is supreme, and government officials, police and elected leaders do not dare to interfere with their decisions at the local level. Most coastal Dalits are afraid of the caste fishermen, and would not risk the violence that may be unleashed if they were to go against the wishes of the caste fishermen.

The caste fishermen (known usually as *Meenavars*, or as *Fernandos* in some Catholic villages) are also among the chief landowners of inner coastal agricultural lands, with Dalits the large part of the labourers on these lands. The other large agricultural landowners are the higher caste *Vanniars*, who also rely on Dalits to till their lands. The salt pans which are prepared and harvested by Dalits are owned mostly by the government, who hand over control of the salt pans to cooperatives. Dalits are usually not able to participate in these cooperatives. In sum, coastal Dalits in Tamilnadu are excluded from controlling the means of their own production.

Dalits were also brought in from various areas and forced to do the work of removing dead bodies. The treatment of this community was disgraceful. They were brought by their managers from various districts of Tamilnadu specifically to remove dead bodies, yet these managers made virtually no effort to ensure they were provided with appropriate equipment, facilities or supplies to undertake this grisly task. They were not even given soap, bedding, or enough clothes. They received immunization, gloves and face masks days after they had begun handling the rotting corpses, even though other higher caste workers had already received these. They had to work the entire day without food and faced harassment from caste fishermen unwilling to do the work themselves. They have never been thanked, but their incompetent, exploitative managers were given certificates of recognition.

Virtually all stakeholders affirmed the caste system by stating that 'the fishermen community' was the hardest hit. However, this 'fishermen community' is not the community of people who do fishing, but rather a caste group. The Dalits who do fishing are not counted as part of 'the fishermen community'. Thus, caste was the basis for determining categories of victims, with caste fishermen considered the primary victims, and the Dalits the secondary victims. Caste would not be a basis for recognition in countries that do not have caste. Authorities and NGOs in other countries would have looked at each family on a **case-by-case** basis. In post-tsunami India, it was a **caste-by-caste** basis. There are many individual caste fishermen who were far less affected (and many more who were far better able to cope with the impact) than individual neighbouring Dalits, yet, they retained their respective primary and secondary victim status because of their caste status. It is completely arbitrary to say that all from a particular caste

community were affected more than all from another caste. It is even worse when it is the local dominant caste that is given all the attention and assistance. Any NGO that claims to be 'caste blind' yet took a policy where caste fishermen were considered the primary victims is contradicting itself, and is ethically bound to develop a policy to prevent repetition in the remainder of their post-tsunami work, and in their future projects in India.

NGOs have to answer to their boards and their donors, who would doubtlessly be disappointed to discover that funds only went to the dominant caste, or that only a token effort was made to reach them. The Catholic Church is a promoter and provider of social justice and social welfare for the poorest of the poor. A situation where these poorest are rejected, abused and neglected by the local Church provides reason for both Church authorities and lay donors to be extremely disappointed with their counterparts, to whom they entrusted the care of all tsunami victims within their reach.

Ultimately, it is the responsibility of the government to ensure that those who are excluded by the private organisations are reached by the government. Their coordination role, which they took on with gusto, is to see to it that none of the victims falls through the gaps. In many cases, the government has actually created and reinforced the gaps that Dalits fell through in their thousands. They have picked up some of the pieces, but they are still yet to comprehensively address this failure. Worse, there are no signs that the government would do any differently if another disaster were to strike the region.

## **Chief Findings**

The main findings of the study are as follows:

### Relevant pre-existing conditions

- Dalit communities were more vulnerable than other groups to the disaster before it happened due to pre-existing debts, low savings, poor quality settlements, lack of assets, low social status, dearth of social capital in the form of effective organisations and ability to 'plug into' media and social networks, lack of effective political representation, and their reliance on daily wage labour. Despite the lesser loss of life and property, in many ways Dalits have suffered more greatly than other groups as a result of their comparative vulnerability, poverty and invisibility.
- Dalits were segregated from and exploited by the caste fishermen and landlords surrounding them prior to the tsunami, a situation which has been enhanced as a result of unequal distribution of assistance.
- The caste definition of occupations has been a significant factor in preventing help from getting to Dalits. Dalits are not considered 'fishermen' even when they are in fact fishermen, and caste fishermen are considered fishermen even if they do not actually do fishing. This fundamental, caste-based problem has led to generations of inequality and exploitation, which the government agencies have in fact condoned and strengthened through caste-based distribution of fishing licences and identity cards. This same, fallacious link between descent and occupation – a social construct of the caste system – was used by the government, NGOs, INGOs, corporate bodies and others implementing relief programs.

### Emergency Phase

- Numerous cases were reported of Dalits being refused entry, excluded, segregated and/or discriminated against in emergency shelters. Many were completely denied access to food, water, shelter and toilets because they are considered 'untouchable'.
- Active diversion of aid by caste fishermen away from Dalits was disturbingly common.

- The normal treatment of Dalit manual scavengers by their government employers was exaggerated in the milieu of the tsunami clean-up operations. They utterly failed to cater for even the most basic needs of their workers. The workers themselves were expected to perform the work because they are Dalits. Caste fishermen often refused to engage in this work, and demanded that the Dalits collect bodies for them.

### Relief Phase

- Beneficiary lists used as the bases of initial relief were compiled by caste panchayats (or parish councils), based on their own, caste (or religion-based) membership. Dalits were denied help because they were not on the list because they are not allowed to be part of the caste fishermen's organisations. They were simply born into the wrong caste. In many cases, it was only after Dalits conducted road protests that the lists were revised. However, the lists provided by the caste fishermen's organisations continue to provide the basis for the most significant assistance provided by many INGOs, NGOs and corporations. There is a general non-recognition of Dalits as tsunami victims, or they are seen as 'lesser victims' because they are not caste fishermen. A caste fishermen who did not lose his house or his wife or his boat is not considered a lesser victim than another caste fishermen who did lose these things; however, Dalits are considered lesser victims because they are from a different caste group.
- Dalits were frequently given leftover or rejected relief provisions. This is evidenced by the different qualities of rice given to different castes at some of the food distribution points. Dalits were given leftover biscuits or rotten rice. Worse still, in numerous cases, Dalits were not even given the leftovers. Dalits reported being near starvation while caste fishermen threw surplus sacks of rice in the sea or put provisions they could not eat into storage.
- Even one year after the scandal erupted over negligence of Dalits, most were still not receiving sufficient support, while many caste fishermen were receiving more than they could use.
- Caste tensions have increased as a result of either the unequal distribution of assistance, disputes over status as victims, or exploitation of victimhood at the expense of those considered 'lesser victims'.
- Higher caste landlords, creditors and employers have used the tsunami to increase their stranglehold over Dalits dependent on them for survival; other higher caste groups have taken the opportunity to push Dalits out of their homes in order to gain more land and to not have to live adjacent to the 'untouchables'.
- Affected Dalit children were also often discriminated against, being asked to pay school fees despite a Government Order to the contrary, and not being given materials provided to the children of affected caste fishermen.
- The government is to be commended for having applied one measure which helped many Dalits survive in the first half of the year (broad distribution of smaller cash payments). This is commendable, but seems to only have come after a large number of protests, and has not thus far been accompanied by other measures to provide for their most basic needs. Further, the difference in the amount of relief funds given to the 'affected' Dalits compared to the 'hit' (mostly caste fishermen) seems to be arbitrary and unjustified, being based on proximity to the coast and not on the needs of the victim.
- Reports of delayed registration and compensation for the families of Dalits who died in the tsunami were common in the initial period; however this study has not verified nor contradicted these reports.

### Rehabilitation Phase

- The economic disempowerment of Dalits continued for over a year despite a massive injection of funds into the tsunami recovery process.
- Boats have been provided along caste lines. Caste fishermen have been provided with boats even when they did not have boats before the tsunami. Dalit fishermen have not been provided with boats (with a few rare exceptions), and even the small kattamurams they lost

have not been replaced. Thus the caste fishermen generally have many more boats than before the tsunami, while Dalits generally have less.

- Housing provision is still generally being provided along caste lines, with exceptions permitted where glaringly necessary. Caste fishermen are generally being provided housing regardless of the damage to their own home; Dalits are only being provided houses if their dwelling was destroyed by the tsunami. Dalits along the coast mostly live in thatch huts; caste fishermen often had sturdier dwellings. Hence, again, the pre-existing difference in quality of life between the communities has been enhanced through caste-based aid distribution.
- The construction of housing for the recovery efforts implies an army of construction workers. At a time when many of the victims are desperate to return to work and income, even those Dalits who were already working in construction before the tsunami have found themselves locked out of these new jobs. Construction labour has generally been imported from other states.
- The government has failed to replace or compensate the lost possessions of Dalits, even those essential for their livelihoods. In many cases the government officials had not even visited affected communities nor responded to written requests for the replacement of essential livelihood materials, indicating that the government is not serious in its claim to be restoring livelihoods of affected Dalits.
- Entire Dalit and other non-ocean fishing communities were excluded from consideration as affected. The People's Watch Tamilnadu report of 30 October 2005 *The Hit and the Affected*, enumerated 346 such villages found to be "affected by the tsunami but excluded from rehabilitation". Around two-thirds of these villages are Dalit villages.
- The overall emphasis on replacement of *goods* in general, and *registered goods* in particular, has left Dalits with less than the very little they had before the tsunami. Even where caste fishermen have not had their boats registered, they have been provided based on the word of the caste panchayat or Parish Council. If Dalits say they lost a small boat or a bicycle, they are simply thought to be lying.
- The Catholic Church, and in particular the Parish Councils in affected areas, has largely failed to significantly help Dalits or other non-Catholic victims of the tsunami, and in many cases these victims have been abused for requesting assistance, even though most assistance was funnelled through these bodies. In a number of cases, even Dalits who are Catholic have been excluded from receiving assistance provided by Catholic parishes, solely because of their caste status.
- Few NGOs have stepped in to actively support Dalits, and few are even willing to openly speak about the existence of caste discrimination in the relief and rehabilitation process
- The small number of NGOs and church agencies that have decided to tackle the problem have applied a variety of successful techniques and have made life better for Dalits as a result

## **Recommendations**

### **General recommendations to NGOs and others implementing disaster recovery or development operations in India or other caste-affected countries:**

1. Develop a standing general caste analysis and include this for consideration in all aspects of disaster relief and development policy for projects in South Asia. This should include indicators to ensure that Dalits are reached in all projects.
2. Ensure consultations with Dalits. Implementers must find and talk to Dalits in a secure environment to hear their perspective and to respond to their needs, and must meet with Dalit organisations and Dalit activists.
3. Conduct a localised social relations mapping exercise at the outset of project consideration: find out 'who are the local elite' and 'who are the local subordinates'. This should include an

analysis of 'reliance structures', in particular the economic and social relations between affected communities.

4. After gaining a Dalit perspective and discerning the social relations and reliance structures, develop a caste analysis of the local situation and design or modify implementation accordingly.
5. Give priority to replacement of or creation of a minimum livelihood for all affected persons, over simple replacement of goods. Consider the resources available to the different affected communities (including savings, assets, labour status, social capital), drawing on the perspective of local Dalits, in determining needs and beneficiaries. Ensure that assistance is given on a *considered real needs* basis.
6. Assess vulnerability to indebtedness and debt bondage of affected communities, in particular Dalits, and take measures to avoid exploitative practices (such as private loans schemes charging extremely high interest, or loans from employers or their caste associates).
7. Prioritise ability to interact with local people and understand the local situation (and in particular the needs of Dalits and other vulnerable groups) over high (English) literacy level for consultants and partners. A good partner, consultant or staff member with local knowledge and community skills coupled with a professional translator may produce far greater results, especially in reaching the most vulnerable communities.
8. Provide general training on the caste system and forms of discrimination and exploitation for staff involved in South Asian projects both on-site and in the head offices. This knowledge could be refined with specific training for the region affected when a particular disaster response is necessary.
9. Actively seek to employ Dalits in staff and volunteering for the recovery operations (the Indian government has a 'reservations' system to ensure Dalits can access 15% of civil service positions – Dalits are encouraging private companies and organisations to do the same). Affected people who have lost their livelihoods should obviously be a first choice for reconstruction labour employment.
10. Never compromise the credibility of the organisation by yielding to casteist demands of partners in order to preserve fund distribution networks.
11. Develop and participate in Social Equity Audit processes, ensuring they address caste discrimination as one of the most important forms of exclusion.
12. Establish a permanent, non-governmental Dalit Disaster Mitigation and Relief Organisation that could swing into action whenever a disaster occurs in India, with an immediate focus on assisting Dalits and conducting research and advocacy to ensure other agencies do not neglect Dalits. Such a body could and should also assist non-Dalit communities in need (which has the added advantage of breaking down communitarianism), but would take a priority for the victims and potential victims of caste-based discrimination in disaster recovery activities.
13. All Church and non-Church development agencies outside India should review their cooperation with Indian partners in order to be certain their assistance is not further locking out Dalits from social or economic development.

#### **Specific Recommendations to current post-tsunami recovery implementers:**

14. Conduct an urgent review, with input from Dalits themselves, to ensure that existing or planned post-tsunami projects – including those being implemented by partner organisations – are not excluding Dalits. This can be done on a coordinated basis, with NGOs pooling resources for a common process, as with the current Social Equity Audit initiative.
15. Unspent funds can be used to provide assistance to affected Dalits who are yet to receive such help. The People's Watch report *The Hit and the Affected* provides details of numerous affected Dalit hamlets that have remained unreached, many of which were still in need of assistance at the time of writing.
16. Housing should be provided on a *considered real needs* basis, rather than membership of a particular caste or religious group. 'Building back better' should be egalitarian, with the

- recovery process being used to improve the standard of housing for all affected communities, with priority given to those with the worst post-tsunami housing, regardless of their caste.
17. A special effort must be made to create mixed-caste communities where possible, as building new or refurbished segregated settlements would only serve to reinforce the apartheid-like separation pre-existing before the tsunami.
  18. Those who have already provided boats only to caste fishermen should consider also giving boats or other requested livelihood materials to Dalits.
  19. Needs assessments should include lost or damaged small equipment used for trades and petty business such as tools, bicycles, rickshaws, as well as unregistered kattamurams and livestock. Debts accumulated as a result of non-provision of necessary assistance should be reimbursed.
  20. Support the formation of Dalit associations so as to improve the feeble social capital of most of the Dalit communities, as an asset and insurance policy for the future.
  21. Providers of psycho-social counselling should provide services for Dalits, in particular Dalit children, for the psychological scarring caused by the caste discrimination and abuse they faced in the post-tsunami recovery process.
  22. Involve Dalits directly in decision-making about future projects and in the evaluation and assessment of completed projects.
  23. Provide compensation and restitution for those discriminated against on the basis of caste during the post-tsunami relief and rehabilitation process.

#### **Specific Recommendations to the Indian government:**

24. In the light of the findings in this and other studies, the Central and Tamilnadu governments should, with the help of Dalit organisations, conduct an inquiry into the government's failure to ensure aid reached all victims equally, based on their actual need, regardless of caste.
25. The Indian Police's Central Bureau of Investigation should inquire into allegations that its officials refused to register complaints lodged by Dalits or prevent plundering of materials received by Dalits or ensure affected Dalits were able to equally access relief materials. Cases must be lodged against officials responsible for 'negligence and dereliction of duty' in their response to Dalit requests for assistance, as required by for example Section 4 of the Scheduled Castes and Scheduled (Prevention of Atrocities) Act, 1989.<sup>9</sup>
26. The government should issue fishing licences and identity cards to all Dalit fishermen in the Tamilnadu coastal region. The State Director of Fisheries (Tamilnadu), the Central government Secretary of Fisheries (Ministry of Animal Husbandry and Fisheries) and the Indian Minister of Fisheries must commission and implement the recommendations of an independent review of caste discrimination in the process used by the Marine Fisheries Division of the Fisheries Department of Tamilnadu to allocate such documents in order to rectify the existing caste bias, and to implement a policy that guarantees Dalit fishermen equality of status with caste fishermen. Dalit fishermen must be given the *de facto* freedom to form their own fishing associations, operate their own boats and develop independent fishing activities.
27. The Tamilnadu government must ensure that all Collectors and other officials immediately respond to all written requests from Dalits for compensation, and that 'closure of the scheme' cannot be used as a valid reason for non-compensation of goods lost or destroyed in the tsunami.
28. The Tamilnadu government should conduct an inquiry into the gross mismanagement of post-tsunami cleanup operations by Municipal Corporations involving Dalit manual scavengers. The workers involved should be completely compensated and given assistance to

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<sup>9</sup> Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (No. 33 of 1989) Section 4. "Punishment for neglect of duties: Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year." Available at: <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDLEGAL&id=3ac6b52a1c>

not only recover psychologically but to tackle the endemic exploitation they face at the hands of the Municipal Corporations, which was the source of their maltreatment.

29. Consider the other recommendations proposed formally by the Jury Panel of the National Public Hearing on Discrimination against Dalits in Tsunami Relief and Rehabilitation (see Annex)
30. Consider the other suggestions for Disaster Preparedness proposed by Mr. Balasubrahmanyam of TATA Relief, Chennai in an interview during the course of this study, presented here in the Annex.

### **Specific recommendations to UN and multilateral bodies:**

31. The United Nations Children's Fund (UNICEF) should conduct an inquiry into exclusion of Dalits from the water sources it provided and the caste-based distribution of school materials and subsidies provided for child victims of the tsunami. Where affected Dalit families have had to pay for free materials or subsidised school fees in order to maintain the dignity and education of their children, UNICEF should ensure they are properly compensated.
32. The World Bank and the Asian Development Bank (ADB) should ensure that proper, pre-decisional consultation processes take place with coastal Dalit communities in Tamilnadu, to ensure their food security and other human rights will not be endangered by planned livelihood development projects in the region. Likewise the right of Dalits to free choice of labour, including access to sea fishing, food production and other occupations traditionally withheld from them because of their caste status, must be respected and promoted in the process.
33. The International Committee of the Red Cross (ICRC) should develop a policy document and guide for ensuring Dalits receive equal attention during relief operations in South Asia.
34. The SPHERE<sup>10</sup> Board should revise the Standards its Handbook to specifically include caste as a cross-cutting issue on a par with gender, in the South Asian context.
35. The United Nations Development Programme (UNDP) and Europeaid should ensure that their post-tsunami, post-disaster and general development work in India and other caste-affected countries is designed to actively reach Dalits on a par with higher castes. Planning, monitoring and evaluation tools should be developed and applied to ascertain whether programmes are reaching Dalits effectively and that these programmes are at least not 'making life worse' for vulnerable Dalit communities.

## ***Commissioning and Procedure***

This study was commissioned by Dalit Network Netherlands (DNN) after reports emerged of blatant discrimination by NGO, Church and government bodies. The discrimination was reported to be denying Dalit victims even a minimum level of assistance despite their obvious need, and worse still, denying them dignity even where the means were available to offer this to them. DNN sought to collect enough information about the modes of discrimination in order to seek recommendations that would at least help prevent a repeat of the situation in future disasters.

Two three-week field visits were conducted (in September-October 2005 and in January 2006), comprising single or multiple visits to 31 affected Dalit communities in the districts of

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<sup>10</sup> The SPHERE Project provides "a humanitarian charter and minimum standards in disaster response", and was the chief ethical reference for relief providers undertaking post-tsunami recovery operations. For more information see [http://www.sphereproject.org/component/option.com\\_frontpage/Itemid.200/lang.English/](http://www.sphereproject.org/component/option.com_frontpage/Itemid.200/lang.English/)

Thiruvallur/Pulicat, Chennai, Kancheepuram, Cuddalore, Nagapattinam, Thoothukudi, Thirunelveli, Kanniyakumari, and the Union Territory of Pondicherry. For comparative purposes, 12 visits were made to non-Dalit communities comprising caste fishermen (Hindu, Catholic and Protestant), Irula, Muslim and other caste Hindu communities. Specific consultations were held on three other Dalit and two other non-Dalit communities. Additionally, 39 interviews were conducted with key persons stationed in Tamilnadu with intimate knowledge of the recovery process hailing from NGOs, INGOs, fishermen's associations, Church bodies, the corporate sector, Dalit and women's organisations, the media and the Government. A consultation was also held with 14 Dalit-run Dalit NGOs working in the southern region of Tamilnadu from the National Dalit Front for Social Justice and further information was gathered at a special assembly in Thoothukudi of some of the most vulnerable and excluded communities affected by the tsunami, organised by the Annai Theresa Welfare Trust. The field visits were complemented by existing reports from NGOs and media and contact with knowledgeable persons in Europe.

## ***Outline of the Report***

This report is addressed to implementers of disaster relief and development projects in caste-affected countries<sup>11</sup>: multilateral bodies, governments, NGOs, INGOs and Church bodies. The recommendations have been placed here at the start of the report, because the purpose of the report is action. In the sections below, following an explanation of the rationale for the study, this report will proceed to explain the caste system in general, and its manifestation in the coastal belt of Tamil Nadu. A summary of some pre-existing forms of discrimination provides a vital background for looking at caste discrimination as practiced by the various actors through the different phases of the recovery process: emergency operations, relief and rehabilitation. The **emergency phase**, as described in this report, is the period immediately following the tsunami comprising the escape and emergency sheltering as well as the clean-up operations. The **relief phase** is the provision of essential needs to those staying in the temporary shelters established, or after returning to their damaged villages. The **rehabilitation phase** is the provision of the means – such as livelihood equipment, permanent shelters, community goods, capital and training – to return to an active, 'normal' life in the long term.

The reports on discrimination in each phase are followed by an overview of the qualitative results of the study and some brief information from additional sources. Examples of observed poor practice and good practice on the part of NGOs are provided, followed by the conclusions and some information on the process involved. Case studies are provided throughout to give practical examples of the findings presented.

## **Rationale for the Study**

Discrimination against Dalits in the aftermath of the tsunami was brought to the local, national and international attention of the public through reports by the National Campaign for Dalit Human Rights, based on their first hand observations in fact-finding missions. NCDHR's "Urgent appeal to call for cognisance of the plight of Dalit victims in the tsunami hit areas and to ensure Dalits get adequate attention and access to all relief and rehabilitation measures", issued

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<sup>11</sup> According to the International Dalit Solidarity Network, caste and similar forms of discrimination are present in all South Asian countries as well as Japan and several African countries. See [www.idsn.org](http://www.idsn.org) for more information.

on January 9, 2005 informed the world of 6 different forms of discrimination being practiced by the fisher community against Dalits, and 15 different forms of discrimination or negligence against Dalits on the part of the government officials and police. The appeal also pointed to 9 forms of discrimination against Dalit workers forced to engage in the relief operations. It provided case studies of discrimination and made a blatant appeal "to all Actors in the field, including the Government machinery, to focus their personal and immediate attention to this plight." This appeal received significant local, national and international attention. If some actors may be able to claim that they were not aware of discriminatory practices during the first 15 days after the tsunami hit, none can justifiably claim ignorance after this date. Yet, the National Public Hearing<sup>12</sup> held in Chennai on 30 August, 2005 (i.e. 8 months after the tsunami), concluded that:

there is no equitable distribution of resources in the process of relief and rehabilitation works to [non-Caste fishermen] Tsunami victims, since Dalits are in the degraded position on the caste hierarchy... it is evident that the government focused [on] the [caste] fishermen in distributing the relief materials and compensation during tsunami... the relief operation carried out by the government of Tamil Nadu has widened the division between the Dalits and non-Dalits."

The Pioneer Daily<sup>13</sup> reported on the National Public Hearing:

According to Justice D Sreedevi, the officials have not taken care even to assess the damage in the dalit-majority areas. "In Chellanam in Ernakulam district, the district authorities have not visited the eastern side where the backward classes are in a majority. Many times, these families have complained to the authorities, but officials have not taken any action," Justice Sreedevi said. She is of the opinion that this is a clear case of human rights violation... The members of the NCDHR alleged that their request for the data regarding the number of tsunami-affected dalits has been neglected by the District Collectors. "Even during the stage of enumeration, dalits were neglected. The authorities are violating the Constitutional rights and the five principles laid down by the UN General Assembly regarding disaster management," alleged the organisers.

Many other reports, notably that prepared by People's Watch Tamil Nadu in June-August 2005, "The Hit and the Affected", have shown that discrimination was continuing in a widespread fashion right up until the beginning of this study. DNN, a network consisting of six non-governmental organizations, decided to initiate a study on the matter, which could gather broader information, describe in detail the discrimination being practiced and make appropriate recommendations to rehabilitation implementers. Unfortunately, by the end of the study period, very little evidence pointed to an effective change of policy by the majority of implementers of rehabilitation, even one year after the news was broken of caste-based discrimination.

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<sup>12</sup> The National Public Hearing was headed by a 7-member Jury Panel. See the report of "The National Public Hearing on Discrimination against Dalits in Tsunami Relief and Rehabilitation", conducted by National Campaign for Dalit Human Rights, Human Rights Forum for Dalit Liberation (HRFDL) and Dalit Mannurimai Kootamaippu (DMK), August 30, 2005. A report of the process, observations and recommendations is available at: [http://www.indianet.nl/ncdhr\\_hearing.doc](http://www.indianet.nl/ncdhr_hearing.doc)

<sup>13</sup> Pioneer News Service Bias in tsunami relief alleged, 1 December 2005, available at: <http://www.dailypioneer.com/displayit1.asp?pathit=/archives2/dec105/kochi/kochi13.txt>