

# MAKING THINGS WORSE



HOW '**CASTE BLINDNESS**' IN INDIAN **POST-TSUNAMI** DISASTER RECOVERY HAS EXACERBATED VULNERABILITY AND EXCLUSION

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HOW 'CASTE BLINDNESS' IN INDIAN POST-TSUNAMI DISASTER  
RECOVERY HAS EXACERBATED VULNERABILITY AND EXCLUSION

Report by

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# CONTENT

<b>I. EXECUTIVE SUMMARY AND RECOMMENDATIONS</b>	<b>5</b>
A. INTRODUCTORY OVERVIEW OF THE FINDINGS	5
B. CHIEF FINDINGS	10
(I) RELEVANT PRE-EXISTING CONDITIONS	10
(II) EMERGENCY PHASE	10
(III) RELIEF PHASE	10
(IV) REHABILITATION PHASE	11
C. RECOMMENDATIONS	11
(I) GENERAL RECOMMENDATIONS TO NGOS AND OTHERS IMPLEMENTING DISASTER RECOVERY OR DEVELOPMENT OPERATIONS IN INDIA OR OTHER CASTE-AFFECTED COUNTRIES	11
(II) SPECIFIC RECOMMENDATIONS TO CURRENT POST-TSUNAMI RECOVERY IMPLEMENTERS	12
(III) SPECIFIC RECOMMENDATIONS TO THE INDIAN GOVERNMENT	13
(IV) SPECIFIC RECOMMENDATIONS TO UN AND MULTILATERAL BODIES	14
D. OUTLINE OF THE REPORT	14
<b>2. PURPOSE AND PROCESS OF THIS STUDY</b>	<b>16</b>
A. RATIONALE FOR THE STUDY	16
B. COMMISSIONING AND PROCEDURE	17
C. PROCESS, LIMITATIONS AND ACKNOWLEDGEMENTS	17
<b>3. BACKGROUND</b>	<b>18</b>
A. CASTE IN INDIA	18
B. CASTE IN TAMIL NADU'S COASTAL BELT	19
C. FORMS OF PRE-EXISTING CASTE DISCRIMINATION ON TAMIL NADU COAST	21
D. THE IMPACT OF THE TSUNAMI	26
<b>4. QUANTITATIVE FINDINGS</b>	<b>28</b>
<b>5. DISCRIMINATION IN THE EMERGENCY PHASE</b>	<b>30</b>
A. NGOS	33
B. GOVERNMENT	33
<b>6. DISCRIMINATION IN THE RELIEF PHASE</b>	<b>37</b>
A. NGOS	41
B. GOVERNMENT	44

**7. DISCRIMINATION IN THE REHABILITATION PHASE** 47

A. NGOS 50

B. GOVERNMENT 53

**8. ALTERNATIVE DATA SOURCES** 56

**9. POOR AND GOOD NGO PRACTICE** 59

A. POOR NGO PRACTICE 59

B. GOOD NGO PRACTICE 60

**10. CONCLUSION** 63

**11. ANNEX** 64

A. RELEVANT EXCERPTS FROM VARIOUS DISASTER RECOVERY INSTRUMENTS 64

(I) UN GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT 64

(II) PRINCIPLES OF CONDUCT FOR THE INTERNATIONAL RED CROSS AND RED  
CRESCENT MOVEMENT AND NGOS IN DISASTER RESPONSE PROGRAMMES 64

(III) SPHERE STANDARDS 65

B. RECOMMENDATIONS FROM THE NATIONAL PUBLIC HEARING 66

C. BIBLIOGRAPHY 68

“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

“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

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

GOVERNMENT OFFICIAL TO AFFECTED DALIT COMMUNITY, KANCHEEPURAM

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# I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

## A. INTRODUCTORY OVERVIEW OF THE FINDINGS

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 Tamil Nadu show remarkable consistency, pointing to a systematic and predictable type of discrimination. These testimonies are backed up by previously published reports by non-governmental organisations (NGOs) and international NGOs (INGOs)<sup>3</sup>, a major National Public Hearing<sup>4</sup>, reports by Indian journalists<sup>5</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 shelters, 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, when the second of two three-week field visits was undertaken (the first took place in September-October 2005)<sup>6</sup>.

This report provides information, evidence and analysis of caste discrimination in post-tsunami recovery operations in Tamil Nadu, 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 is provided here to assist ethical agencies to do so.

The discrimination was not planned or organised centrally by the caste fishermen<sup>7</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

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<sup>3</sup> Reports come from INGOs 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 Tamil Nadu. A brief summary of such reports are presented in the Alternative Data Sources section and References are available at the end of this report.

<sup>4</sup> The National Public Hearing was jointly organized by National Campaign on Dalit Human Rights (NCDHR), Human Rights Forum for Dalit Liberation (HRFDL) and Dalit Mannurimai Kootamaippu (DMK) and held in Chennai, Tamil Nadu on August 30, 2005.

<sup>5</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." Accessed at: <http://www.hindu.com/2005/01/10/stories/2005011006550400.htm>

<sup>6</sup> Information about the field visits conducted, including Districts visited, is found in the Commissioning and Procedure section.

<sup>7</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.

would have known that active measures must be taken to ensure caste discrimination does not occur after an Indian disaster<sup>8</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 7th January<sup>9</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 of 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 targeted assistance.

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 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<sup>10</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

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<sup>8</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>9</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 Shantashela 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." Accessed 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 edition also ran a front page article on the discrimination entitled *Even Govt divides survivors on caste, says it's practical*.

<sup>10</sup> Rt. Hon. Manmohan Singh, Government of India, *TSUNAMI - A Report to the Nation*, June 3, 2005 p 8

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 'caste fishermen' community<sup>11</sup>. 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 had still not acted one year later 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 caste 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>12</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 THEY REGAIN THEIR PRE-DISASTER 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

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<sup>11</sup> The community whose caste or history denotes them as fishermen (e.g. the Meenavars, the Fernandos or the Mukkuvars) are referred to in this report as 'caste fishermen' to denote that it is a caste community. In many other reports this community is simply called 'fishermen', which is fallacious for two reasons: not all members of these communities are fishermen; and many Dalits who are in fact fishermen are excluded from this term. It is vital to acknowledge Dalit fishermen and to separate the caste notion from the occupational practice. Apologies are made for the gender specificity of the term, which seems difficult to avoid for the sake of readability. Unfortunately as well as there being arbitrary caste restrictions on fishing, there are also arbitrary gender restrictions, with women from all communities being prevented from sea fishing. It should be noted, however, that many Dalit women do backwater fishing.

<sup>12</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>





Figure 1: Different forms of Dalit labour in the Tamil Nadu coastal region: rice paddy labour, thatch-making, salt-pan harvesting, net-mending, shell collection and fish-vending (clockwise from top left)

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 Caste Panchayats (or Village Committees, or 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 interfere with their decisions at the local level.

Most coastal Dalits are afraid of the caste fishermen, who have numerical, financial, class and caste superiority over their Dalit neighbours. They would not risk the violence that may be unleashed if they were to go against the wishes of the caste fishermen. Questions posed as to 'what would happen if Dalits started doing

sea-fishing in their own vessels?’ were met with the nervous laughter that greets a naïve question that should never be verbalised. As a human rights lawyer based in Cuddalore explained:

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.

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 Tamil Nadu 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 Tamil Nadu 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.

Virtually all stakeholders reinforced 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’<sup>11</sup>. 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. 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<sup>12</sup>.

NGOs have to answer to their boards and their donors, who would without doubt 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 on the basis of caste 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.

## B. CHIEF FINDINGS

The main findings of the study are as follows:

### (I) 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 fish. 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.

### (II) 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.

### (III) RELIEF PHASE

- Beneficiary lists used as the bases of initial relief were compiled by caste panchayats (or Village Committees or Parish Councils), based on their own caste 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 fisherman 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 Govern-

- ment 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, many Dalit communities who lost their livelihoods were not given this basic assistance despite written requests.
  - 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.

#### (IV) 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 has generally been provided along caste lines, with exceptions permitted where glaringly necessary. Caste fishermen have generally been provided with housing regardless of the damage to their own home; Dalits have only been provided with 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 were desperate to return to work and income, even those Dalits who were already working in construction before the tsunami found themselves locked out of these new jobs. Construction labour has generally been imported from other states.
- Because of the lack of support for affected communities and rising debts, many Dalits have been forced to leave their villages and to migrate to cities or interstate in search for work.
- 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.

## C. RECOMMENDATIONS

### (I) GENERAL RECOMMENDATIONS TO NGOS AND OTHERS IMPLEMENTING DISASTER RECOVERY OR DEVELOPMENT OPERATIONS IN INDIA OR OTHER CASTE-AFFECTED COUNTRIES

- I. 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 Dalit 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. Monitor and counter untouchability practices, which – though illegal – are likely to occur wherever Dalits and non-Dalits are co-located.

12. Develop and participate in Social Equity Audit processes, ensuring they address caste discrimination as one of the most important forms of exclusion.

13. 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.

14. 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.

#### (II) SPECIFIC RECOMMENDATIONS TO CURRENT POST-TSUNAMI RECOVERY IMPLEMENTERS

15. 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.

16. Use unspent funds 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.

17. Provide housing 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.

18. Make a special effort 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.

19. Provide boats or other requested livelihood materials to Dalits, to compensate for the economic gap created by giving such materials only to caste fishermen in the first two years of recovery.

20. Include in needs assessments 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.

21. 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.

22. Provide psycho-social counselling services for Dalits, in particular Dalit children, for the emotional and psychological scarring caused by the caste discrimination and abuse they faced in the post-tsunami recovery process.

23. Involve Dalits directly in decision-making about future projects and in the evaluation and assessment of completed projects.

24. Provide compensation and restitution for those discriminated against on the basis of caste during the post-tsunami relief and rehabilitation process.

### (III) SPECIFIC RECOMMENDATIONS TO THE INDIAN GOVERNMENT

25. In the light of the findings in this and other studies, the Central and Tamil Nadu 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.

26. 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>13</sup>

27. The government should issue fishing licences and identity cards to all Dalit fishermen in the Tamil Nadu coastal region. The State Director of Fisheries (Tamil Nadu), 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 Tamil Nadu 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, recognised fishing associations, operate their own boats and develop independent fishing activities.

28. The Tamil Nadu 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. An investigation should be conducted into discrimination in responding to requests for relief and rehabilitation, to see whether requests from caste fishermen were more consistently responded to than those of their Dalit neighbours.

29. The Tamil Nadu 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 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.

30. 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).

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<sup>13</sup> Government of India, *Scheduled Castes and 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."

Accessed at: <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDLEGAL&id=3ae6b52a1c>

#### (IV) 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 UN Sub-committee on the Promotion and Protection of Human Rights should include analysis and recommendations on combating caste-discrimination in disaster relief and development projects in its draft Principles and Guidelines on the elimination of discrimination based on work and descent. The UN Human Rights Council should encourage the engagement of the government of India in the process and adopt the Principles and Guidelines as soon as practicable to ensure that this form of discrimination is not repeated in future disaster recovery efforts.

33. The UN Committee on the Elimination of Racial Discrimination should investigate and report on the problem of caste-based discrimination in post-tsunami recovery operations in India.

34. The United Nations Development Programme (UNDP) and European Co-operation Office and the European Commission's Humanitarian Aid Department (ECHO) should evaluate that their post-tsunami investments to see to what degree Dalit victims were included, and should ensure that all 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 hard-to-reach Dalit communities.

35. The European Commission should request that the Government of India provides an explanation of the findings of caste-based discrimination in post-tsunami recovery operations.

36. The World Bank and the Asian Development Bank (ADB) should ensure that proper, pre-decisional consultation processes take place with coastal Dalit communities in Tamil Nadu, 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.

37. 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.

38. The SPHERE<sup>14</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.

#### D. OUTLINE OF THE REPORT

This report is addressed to implementers of disaster relief and development projects in caste-affected countries<sup>15</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 some information on the purpose and process of the study, this report will proceed to provide background information on 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 to this study. The quantitative findings are then presented before looking at caste discrimination as practiced by the NGOs (local and international, church-based and non-church based) and the Government of India 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

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<sup>14</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/)

<sup>15</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 <http://www.idsnet.org> for more information.

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 a brief summary of some of the alternative data sources consulted. Subjective examples of observed Poor Practice and Good Practice on the part of NGOs are provided, followed by the conclusions. Case studies are provided throughout to give practical examples of the findings presented. In the Annex, readers can find relevant excerpts from three disaster recovery instruments, the Recommendations of the NCDHR Public Hearing on caste-based discrimination in tsunami recovery operations, and a Bibliography. References are provided in footnotes throughout the report.



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## 2. PURPOSE AND PROCESS OF THIS STUDY

### A. 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 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>16</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>17</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 Tamilnadu 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 in post-tsunami recovery operations.

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<sup>16</sup> The National Public Hearing, referred to previously, was headed by a 7-member Jury Panel. The Panel's Recommendations are provided in the annex and the report is available at: [http://www.indianet.nl/ncdhr\\_hearing.doc](http://www.indianet.nl/ncdhr_hearing.doc)

<sup>17</sup> Pioneer News Service, *Bias in tsunami relief alleged*, 1 December 2005, accessed at: <http://www.dailypioneer.com/displayit1.asp?pathit=/archives2/dec105/kochi/kochi13.txt>

## B. 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 Tamil Nadu Districts of Thiruvallur (Pulicat), Chennai, Kancheepuram, Cuddalore, Nagapattinam, Thoothukudi, Thirunelveli, Kanyakumari, 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 Tamil Nadu 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 Tamil Nadu 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.

## C. PROCESS, LIMITATIONS AND ACKNOWLEDGEMENTS

This study is based on field visits, complementary reports and interviews. The research took a Dalit perspective based on listening to Dalits themselves. The standard perspective is to talk first to the dominant caste leaders, and not to trust Dalits to tell the truth. Of course it is possible that Dalits may not tell the truth, but they deserve to be heard and respected. It is the range of interviews that builds a true picture. Where geographically separate Dalit communities in comparable situations give the same information about the types of discrimination they face, though interviewed completely separately, an image emerges of the forms of discrimination that have been applied in the post-tsunami recovery process. Separate reports from other sources provide supplementary information. Interviews add deeper analysis to the findings from field visits and reports. The sum total of these sources has provided a very clear picture of systematic discrimination against the Dalit community affected by the tsunami.

There are numerous bases for discrimination in India generally, and in the post-tsunami discrimination in general. Discrimination against women, tribals (Irulas), non-Catholics, disabled people, Muslims and other vulnerable groups have also been recorded. The overall findings of this study tend to back up the recognition of these forms of discrimination. However, the study remains one of caste-based discrimination. It should simply be noted that discrimination against Dalits is not the only form of discrimination in the region.

This study would have been impossible without the assistance of *People's Watch Tamilnadu*, and in particular Mr. Henri Tiphagne, Mr. Louis, Mr. Sibu Mathew and Ms. Radha. Fr. Manu Alphonse of *Social Watch* and Ms. Deepthi Sukumar of *Christian Aid* provided vital contacts and analysis. Direct assistance was also provided by: *Rural Development Society* and *Dalit Forum for Dalit Liberation*, Villupuram; *Dalit Landrights Federation (Dalit Mannurimai Kootamaippu, DMK)*, Pondicherry; *Tsunami Relief and Rehabilitation Coordination/Tamil Nadu Legal Action Centres*; *Social Awareness Society for Youths*, Villupuram; *Annai Theresa Welfare Trust*, Thoothukudi/Thirunelveli; and *People's Action Movement*, Chennai. Special gratitude is due to the *National Campaign for Dalit Human Rights* to the *International Dalit Solidarity Network* and to Lawrencia Kwark of *Comité catholique contre la faim et pour le développement* for exposing the problem in the early days after the tsunami struck. Thanks go also to all who took time from their rehabilitation work to be interviewed. But the most sincere appreciation is reserved for the Dalit communities who sat and patiently explained the situation without expecting anything more than to be listened to and advocated for, in the distant hope of being treated on a par with their neighbours.

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### 3. BACKGROUND

#### A. CASTE IN INDIA

The caste system has been in existence in India for perhaps as long as 3,000 years. It has traditionally formed an integral part of the Hindu religion, which is the religion of more than 4 in 5 Indians, though many modern Hindu scholars assert that it is no longer an acceptable characteristic of the religion. In the caste system, each person is born with a different status and purpose, depending upon the family into which they are born. The system is made up of 5 basic groups of people, four large socio-occupational categories (known as Varnas) for caste Hindus, and another category for those beneath the entire system:

<b>Categories of ‘caste Hindus’ within the Varna system</b>	<ol style="list-style-type: none"><li>1. Brahmins (priests or teachers)</li><li>2. Kshatriyas (rulers and soldiers)</li><li>3. Vaishyas (merchants and traders)</li><li>4. Shudras (labourers and artisans)</li></ol>
<b>Those born outside of the Varna system</b>	Dalits (formerly known as Untouchables or Harijans – assigned the work considered ‘polluting’ for caste Hindus)

In simple terms, the caste system says that the Brahmins are the most important people, and must be the spiritual rulers; the Kshatriyas should be the civil rulers and fight for the country; the Vaishyas should run the shops and markets; and the Shudras should do the labouring work. The caste system prevents people marrying people from different varnas, ensuring that generations do not cross into different categories. The categories are in fact fixed before birth and continue until death.

This applies even more strictly to those born outside the varna system – the people who today call themselves ‘Dalits’, who are not only prevented from marrying anyone born into a ‘varna’, but must not allow themselves to be touched by such a person (hence the term ‘Untouchables’). These people are considered spiritually and physically unclean, and in the caste system must live in a separate colony, must use separate water and eating facilities, must never come in contact with caste Hindus, must call out an identifying greeting to ensure everyone knows they are ‘untouchable’ and must perform the tasks considered too unclean for caste Hindus to do. These jobs included removing carcasses of dead animals, working with leather, performing midwifery duties, cleaning toilets, giving news of death and working with particular metals.

Each of the Varnas, as well as the Dalits themselves, are in turn organised into a multitude of sub-castes, each of which has a different status in their local community.

In modern India, caste Hindus are generally free to choose their occupation, however Dalits are generally still confined to the occupations traditionally assigned to them. Over time, Dalits have largely replaced the position of Shudras as labourers in India, with Dalits making up the backbone of the rural workforce. Despite this, Dalits rarely work for themselves – usually they work as farm labourers for caste Hindus<sup>18</sup>, many of them trapped into debt bondage. The most recent estimates are that 75% of Dalits are either landless or near-landless (marginal land allocations).

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<sup>18</sup> “Evidence for more recent year, 1999-2000 from the NSS Employment survey, put the figures of landless and near landless SC households close to 75%.” Indian Institute of Dalit Studies, *Dismantling Descent Based Discrimination - Report on Dalits’ Access to Rights*, 2006, page 13.

In 1949, upon independence from the British, India introduced a progressive constitution drafted by the Dalit leader Dr. BR Ambedkar. The constitution abolished untouchability and forced or bonded labour, banned exploitation of Dalits and enabled reservations for Dalits in parliament and the public service. However, these Constitutional protections have been consistently contravened or ignored. The demands of the Dalit movement have resulted in regulations and the formation of commissions banning manual scavenging (removal of human faeces, work done by Dalits for caste Hindus), bonded labour, contraventions of civil rights, and a National Commission for Scheduled Castes and Scheduled Tribes to look into abuses against Dalits and indigenous groups.

Dalits are frequent victims of violence, particularly Dalit women who are seen as soft targets for rape. Dalits who challenge the caste hierarchy face severe and violent repression. In 1989, seeing that there had been no let-up in horrendous crimes being committed against Dalits, the Indian parliament passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to specifically ban such acts as forcing Dalits to eat faeces or drink urine, parading them naked through the streets, or throwing carcasses into their water sources. The very existence of this Act is evidence that 40 years of civil rights for Dalits had meant very little, as they are still daily subject to the most disgusting, dehumanising crimes whenever they try to implement these rights. The National Human Rights Commission of India published a report<sup>19</sup> in 2004 concluding that the implementation of the Act is abysmal. The report revealed that impunity for the perpetrators of atrocities against Dalits is reinforced at all levels of the criminal justice system:

AFTER EXPERIENCING BIASED CONDUCT OF POLICE OFFICIALS AND INDIFFERENCE OF CIVIL ADMINISTRATION, VICTIMS PIN THEIR LAST HOPE ON JUDICIARY TO DELIVER JUSTICE. THIS HOPE HAS ALSO BEEN BELIED, JUDGED BY THE LOW RATE OF CONVICTION UNDER THE ACT.<sup>20</sup>

In his introduction to the NHRC report, Chairperson Justice Anand exclaimed:

DESPITE ELABORATE PROVISIONS IN THE CONSTITUTION AND OTHER LAWS, IT IS AN UNFORTUNATE REALITY THAT SOCIAL INJUSTICE AND EXPLOITATION OF SCHEDULED CASTES AND SCHEDULED TRIBES AND OTHER WEAKER SECTIONS PERSIST. THERE ARE REPORTS IN THE PRESS ABOUT ATROCITIES AGAINST PERSONS BELONGING TO THESE GROUPS AND THE FREQUENCY WITH WHICH THEY OCCUR IS A CAUSE FOR DISQUIET. THE HUMILIATION WHICH PERSONS BELONGING TO THE SCHEDULED CASTES IN GENERAL AND THE DALITS IN PARTICULAR SUFFER EVEN TODAY, MORE THAN HALF A CENTURY AFTER INDIA PROCLAIMED ITSELF TO BE A REPUBLIC, IS A MATTER OF SHAME.<sup>21</sup>

While a few Dalits have been able to advance their economic status, systemic non-implementation of laws designed to protect and promote Dalit rights means that the vast majority of an estimated 170 million Dalits in India are still subject to extreme forms of violence, social exclusion, labour exploitation, impoverishment, untouchability and repression.

## B. CASTE IN TAMIL NADU'S COASTAL BELT

Tamil Nadu's coast has provided a living for fishermen for many centuries. This is not unusual, but what is particular to the Indian coast is that fishing – as with most traditional occupations – is restricted to a particular caste. One of the major 'fishermen castes' in Tamil Nadu is the *Meenavar* community, which is officially a 'Most Backward Caste'. Outside of Chennai, the Meenavar community is almost completely engaged in fishing, and lives right on the coast. The adjacent communities are typically Dalit (known as 'Scheduled Castes', at the bottom of the caste system). People's Watch Tamilnadu has noted that for each caste fishermen community there are on average two Dalit communities, which are normally completely segregated from the (usually much larger) caste fishermen village. These communities either work for the fishermen, or as agri-

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<sup>19</sup> KB Saxena, National Human Rights Commission, *Report on Prevention of Atrocities against Scheduled Castes*, 2004. National magazine Frontline also published a summary of the report and the problem of atrocities in India (Volume 21, Issue 23), which was made available at: <http://www.flonnet.com/fl2123/stories/20041119004403000.htm>

<sup>20</sup> *Ibid.*, p. 121

<sup>21</sup> *Ibid.*, Forward by Justice AS Anand, NHRC Chairperson.

cultural labourers, usually producing rice for the higher caste landowners. Others work in salt pans as daily wage labourers. A small number own marginal plots of land, do back-water fishing or work in 'petty trades' as self-employed casual labourers. The vast majority are daily wage labourers, known in India as 'coolies'.

Dalits are both restricted and exploited. Their caste means that they are not allowed to officially be fishermen, as this is the official occupation of a separate, higher, touchable caste. This has somehow translated into meaning that they cannot own the means of production, not that they cannot fish. Many Dalits are working directly as fishermen for the fishermen caste. They may be fishermen, or in a zone where fishing would be the most useful means of livelihood, but they are socially prohibited from owning sea-going vessels.

Caste fishermen in Tamil Nadu are generally very well organised. Though they do not have a large political influence in normal times (they are spread along the coast, making up only small proportions of any particular electorate), in their local environment – and in the context of the tsunami – their representative organisations are all-powerful. These organisations are known as 'caste panchayats' or 'traditional panchayats' or, in Catholic areas, Parish Councils or Village Committees. This is an unofficial, local governance structure which parallels (and supersedes) the official, elected local government 'Gram Panchayat' structure. The elected panchayat has no effective influence on the fishing communities or their activities. The caste panchayats are federated in places, with one panchayat becoming the 'government' for the other communities. The caste panchayats, Village Committees and Parish Councils in caste fishermen communities have been highly praised for their organisation, efficiency, advocacy and their social support mechanisms designed to help the neediest in their community. However, viewed from a Dalit perspective, these organisations seem less like benevolent institutions and more like an exclusive club to which Dalits are prevented from belonging, regardless of their connection to sea-fishing. They function effectively as caste clubs which look after the interests of their own, loyal members.<sup>22</sup> The caste panchayats are the ones that the Department of Fisheries entrusts *de facto* with providing information for the assignment of fishing licences. As a result, Dalits find it very difficult or impossible to obtain government-provided fishing licences. Where Dalits have been able to acquire their own boats, they have been the 'kattamurams' (usually four logs tied together with rope), or in rare cases the larger 'vallams' or country boats, which they are normally only able to use in backwaters. Caste fishermen have completely prevented Dalits from owning fibreglass, motor-boats, with which they could earn a living. All of the fibreglass boats, and the vast majority of other boats and nets are owned by the caste fishermen, with Dalits employed as 'coolies' for the caste fishermen.

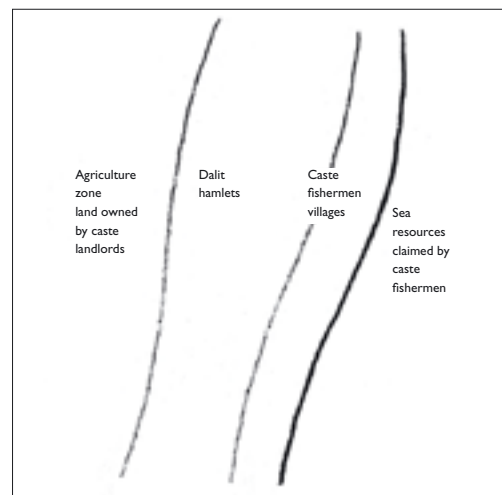


Figure 2: Schema of typical geographic and economic distribution of castes on Tamil Nadu coastal belt.

On the hinterland side, irrespective of some superficial 'land redistribution' which has given some Dalit families tiny plots of land (see section on Land, below), the traditional higher caste land ownership and control of resources continues. Dalits generally work the land and earn daily wages rather than being able to sell their hard-won produce, contrary to 45 years of state policy. Dalits working on salt pans are in the same position. This labour does not come with the guarantees of 'employment', available only to a select few in the cities. Dalit 'coolies' do the menial and manual labour on a day-to-day basis, according to the needs of the caste fishermen or caste landowners. If there is no work that day, month or year, they have to find other ways to eat, which often means borrowing money from the caste that hires them, leaving them open to debt bondage.

<sup>22</sup> See Eline van Haastrecht & Marjanka Schaap, *A critical look at fisheries management practices: the 45-day ban in Tuticorin District, Tamil Nadu, India*, University of Amsterdam, December 2003, p53-54 for an explanation of the role of caste panchayats and Parish Councils in the governance of caste fishermen communities. Accessed at: [http://staff.science.uva.nl/~dcslob/45dayban/The\\_45\\_day\\_ban.pdf](http://staff.science.uva.nl/~dcslob/45dayban/The_45_day_ban.pdf)

Coastal Dalits can generally earn just enough to survive on a day-to-day, hand-to-mouth basis. However births, deaths, marriages, festivals<sup>23</sup>, sickness, leaking thatches or other 'events' require surplus cash that is simply not available. Add to this seasonal variation in the harvest and the catch, and the almost complete disappearance of work during the monsoon season, and vulnerability to indebtedness is evident. For vulnerable communities such as these, natural disasters of the scale of the tsunami – or the floods which followed a year later – make increased debt burdens almost inevitable. Indebtedness need not be problematic if loans are to an independent, transparent source with reasonable interest rates. However, the sources of credit available to these Dalit communities are the salt-pan or agricultural land owners, the caste fishermen, or usurious 'mobile' loan sharks. Enormous interest rates charged by most of these private creditors obviously compound the economic difficulties that led to the need for the loan in the first place; indebtedness to those on whom one relies for daily wage labour can easily transform into debt bondage or even slavery. Caste superiority of creditors adds an extra dimension to their demands for repayments, and reduces the potential for Dalits to be able to complain about debt bondage, non-recognition of payments and unjust interest rates to authorities.

Housing quality is commonly divided along caste lines. Dalits usually live in mud-and-thatch huts (made with woven coconut palm fronds), while their caste neighbours on either side often have 'pukka' dwellings made from concrete or other durable materials. This is not a hard-and-fast division, but it is clear to anyone travelling among the villages of Tamil Nadu that the general standard of housing for Dalits is lower than for other groups, with the exception of Adivasi ('tribals' or indigenous Indians).

Fishing and agricultural coolie work provides the best livelihood available to these coastal Dalit communities, despite the fact that they reside in a resource-rich environment. In the periods where no work is available, or as an alternative when not enough workers are required, they search for other coolie work such as in construction or painting (this is easier in the cities, and migration to cities is quite common, especially in times of economic difficulty). One of the few areas where coastal Dalits had achieved a degree of autonomy and sustainability was in backwater fishing. The caste fishermen claim the oceans as their personal resource; inland waters are accessible to others. Dalits use nets and, where possible, kattamurams to catch fish in estuaries and inlets close to the coast. Dalits have devised many other forms of work to supplement their income, such as 'blind' fishing (catching prawns by hand), small vending shops (perhaps using a bicycle), or thatch making.

### C. FORMS OF PRE-EXISTING CASTE DISCRIMINATION ON TAMIL NADU COAST

It must be noted that caste discrimination, untouchability practices and violent acts against Dalits are completely illegal in India. However, the reality is far from the legality, and there seems little attempt to redress the situation.

#### UNTOUCHABILITY AND SEGREGATION

Physical untouchability practices have reduced to some degree in Tamil Nadu, but remains a serious problem. There are still many reports of non-Dalits refusing food from Dalits (either bought or offered) or refusing to share utensils with Dalits, banning of temple entry and restricting Dalits from entering the centre of a non-Dalit village. Dalits must wait until non-Dalits have finished before they can access water sources or food rations, if they are allowed access them at all. A 2006 study on rural untouchability in India covering 565 villages in 11 States (including Tamil Nadu)<sup>24</sup> has revealed

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<sup>23</sup> Religious or cultural festivals, such as Tamil Nadu's 'Pongal', are important occasions for Dalits – even if they may not be able to participate to the same degree as higher caste people (because of their 'untouchability'), it is a matter of pride to be able to celebrate the occasion properly. Many in the developed Christian world follow this same practice of going into debt at Christmas time. Similarly, ceremonies and celebrations for marriages, deaths and births are not optional, but a cultural and religious requirement.

<sup>24</sup> Ghanshyam Shah, Harsh Mander, Sukhadeo Thorat, Satish Deshpande, Amita Baviskar, *Untouchability in rural India*, Sage, New Delhi, 2006

the extent to which Untouchability – officially banned under the 1950 Constitution – continues to be the daily reality for millions of Indians:

the extent to which Untouchability – officially banned under the 1950 Constitution – continues to be the daily reality for millions of Indians:

- In 38% of villages, Dalits school students were made to sit separately while eating
- In 27.6% of villages, Dalits were prevented from entering police stations
- In 25.7% of villages, Dalits were prevented from entering ration shops
- In 33% of villages, public health workers refused to visit Dalit homes
- In 48.4% of villages, Dalits were denied access to water sources
- In 35% of villages, Dalits were barred from selling produce in local markets
- In 64% of villages, Dalits were restricted from entering Hindu temples
- In 70% of villages, Dalits and non-Dalits cannot eat together

For the most part, however, a strict segregation of the communities means that untouchability takes place on a larger scale: they simply do not mix in ordinary life. The exception to this is on ocean-fishing vessels, where Dalits and caste fishermen mix freely. The same does not apply to the home. The underlying 'untouchability feeling' to which Dalits often refer made itself manifest through the need to share emergency shelters and food after the tsunami. There are numerous reports of non-Dalits claiming they would rather die in another wave than share an emergency shelter with Dalits.

#### MARRIAGE

Inter-marriage between Dalits and non-Dalits is almost unheard of in the coastal belt. Even in large cities it is extremely uncommon. Elopement, a life of estrangement from family and friends, and the risk of extreme violence is the only solution for inter-caste marriages of this kind. Nobody marries without finding out their future partner's caste first. And nobody wants to marry a Dalit.

#### RELIGION AND CULTURAL PRACTICES

The holiest sites are usually at the centre of the village, with higher caste houses surrounding the area. Dalits are never situated close to a village's temple or deity, unless it is their own 'Dalit' shrine to a god or goddess. Dalits will usually be prevented from entering the area surrounding the temple, or from walking on the road leading to the temple. Separate roads are normally used to access Dalit areas, and these are the ones that Dalits are supposed to use. Dalits are prevented from being close to the deity during processions. Celebrations for festivals are commonly separate.

Caste is a Hindu construct and is still a very strong aspect of the life of Hindus. Some Dalits have chosen to leave the Hindu religion to escape the discrimination and humiliation their caste status determines<sup>25</sup>. A number of Dalits have, in the footsteps of their late leader Dr. BR Ambedkar, converted to Buddhism, where caste discrimination is not found in the Indian context. Most of the Dalit converts have turned to the Roman Catholic faith, and Dalits make up an estimated 70% of India's Catholics. However, while caste discrimination is denounced by the Catholic Church<sup>26</sup>, untouchability is still practiced in many parishes in Tamil Nadu, evidenced through seating arrangements, segregated wedding and funeral processions and separate burial

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<sup>25</sup> The religious makeup of the southern Tamil Nadu coastline is explained by Eline van Haastrecht & Marjanka Schaap, *A critical look at fisheries management practices: the 45-day ban in Tuticorin District, Tamil Nadu, India*, University of Amsterdam. December 2003, accessed at: [http://staff.science.uva.nl/~dcslob/45dayban/The\\_45\\_day\\_ban.pdf](http://staff.science.uva.nl/~dcslob/45dayban/The_45_day_ban.pdf)

<sup>26</sup> It is not just a general policy for the Church to be inclusive – Pope John Paul II, just one year before the tsunami hit, speaking to the Indian Bishops directly, addressed the issue of caste discrimination specifically: "At all times, you must continue to make certain that special attention is given to those belonging to the lowest castes, especially the Dalits. They should never be segregated from other members of society. Any semblance of a caste-based prejudice in relations between Christians is a countersign to authentic human solidarity, a threat to genuine spirituality and a serious hindrance to the Church's mission of evangelization. Therefore, customs or traditions that perpetuate or reinforce caste division should be sensitively reformed so that they may become an expression of the solidarity of the whole Christian community." (accessed at: [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/2003/november/documents/hf\\_jp-ii\\_spe\\_20031117\\_ad-limina-india\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/speeches/2003/november/documents/hf_jp-ii_spe_20031117_ad-limina-india_en.html))

untouchability is still practiced in many parishes in Tamil Nadu, evidenced through seating arrangements, segregated wedding and funeral processions and separate burial grounds. The Tamil Nadu Bishops Conference has enounced an Action Plan to tackle this problem, but progress has not been significant to date. Additionally, Dalit Christians lose their right to 'reserved' positions in the public service or government as soon as they convert away from the Hindu religion.

Amongst the Catholic caste fishermen communities, caste discrimination practices are varied. The *Mukkuvar* caste fishermen villages on the southern coast of Tamil Nadu (in Kanyakumari district) converted collectively to Catholicism in the mid 16th century. Caste discrimination was not observed within these communities, though, according to G. John Samuel<sup>27</sup>:

WHILE IN THE INITIAL STAGES CONVERSION AFFORDED THEM SUCCOUR AND A SOCIAL STATUS, IN THE LONG RUN IT FAILED TO RELEASE THEM FROM SOCIAL EVILS LIKE CASTE. FOR ITS SURVIVAL, CHRISTIANITY HAD TO ABSORB THE TRADITIONAL CULTURE; AND TO CONSOLIDATE ITS POSITION THE CHURCH WAS ALSO OBLIGED TO ABSORB THE SOCIAL STRUCTURES INDIRECTLY.

Regardless of whether or not caste is practiced within the community, practices exist which resemble the untouchability and occupational discrimination seen in the caste system, with the subjects being non-Catholics or 'inactive' Catholics. Active Church members may be encouraged to shun non-Catholics or even members who have not attended community meetings or paid their Church taxes. Socio-economic boycott of those no longer officially 'active' members is normal in many parishes, and those no longer considered active parish members can even be prevented from fishing in the sea by Village Committees. Caste discrimination is still actively practiced by members of the *Fernando* Catholic fishermen communities north of Kanyakumari (originally stemming from the *Paravar* fishing caste), as evidenced by their inhumane treatment of both Catholic and non-Catholic Dalits in the aftermath of the tsunami.

#### OCCUPATION

Generally speaking, Dalits are the ones that do the most menial, low-paid, dirty and socially unacceptable work. As Professor Sukhadeo Thorat<sup>28</sup> has explained:

DETERMINATION OF OCCUPATION BY BIRTH AND RESTRICTIONS TO CHANGE THE HEREDITARY OCCUPATION AND SOCIAL POSITION OBVIOUSLY RESTRICTS THE FREEDOM OF OCCUPATION AND INVOLVES DESCENT AND WORK RELATED DISCRIMINATION. AS OCCUPATION AND PROPERTY RIGHTS OF EACH CASTE ARE FIXED AND COMPULSORY IT NECESSARILY INVOLVES FORCED EXCLUSION OF ONE CASTE FROM THE OCCUPATIONS OF OTHER CASTES. DALITS HAVING BEEN EXCLUDED FROM ACCESS TO SOCIAL RIGHTS, PROPERTY RIGHTS AND SOURCE OF LIVELIHOOD FOR GENERATIONS, EXCEPT THE LABOUR OR SERVICE TO THE CASTES ABOVE THEM, EXPERIENCE DENIAL OF BASIC RIGHTS IN MULTIPLE SPHERES.

Dalits are the only ones who will do manual scavenging work, removing carcasses and cleaning drains, roads or sweeping the land on private residences. Dalits may not practice ocean fishing unless accompanied by the caste fishermen or in boats owned by them. They are prevented from becoming members of the caste panchayats or Parish Councils that control sea fishing. They cannot become members of the Fishermen's Cooperative Societies and are hence almost completely locked out of gaining fishing licences from the Fisheries Department.

#### LAND

In 1961, the Tamil Nadu government passed the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, which aimed to reduce the concentration of lands in the hands of the upper-caste few and to give land to landless Dalits in particular. Frontline reports that after more than 40 years, this act

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<sup>27</sup> G. John Samuel, *The Mukkuvar, A Fishing Community*, accessed at: [http://ignca.nic.in/cd\\_08015.htm](http://ignca.nic.in/cd_08015.htm)

<sup>28</sup> Indian Institute of Dalit Studies, *Dismantling Descent Based Discrimination - Report on Dalits' Access to Rights*, 2006, p7-8



had only rendered 4% of the land envisaged for redistribution, and the land distributed has disproportionately benefited non-Dalits. Dr. M. Thangaraj of the Madras Institute of Development Studies has commented on the failure of this scheme<sup>29</sup>:

"[THE SETS OF] DATA UNMISTAKABLY SUGGEST THAT THE LAND CEILING ACT COULD NOT ALTER THE AGRARIAN STRUCTURE. SIGNIFICANTLY, THE GUIDELINES FOR THE DISTRIBUTION OF THE CEILING-SURPLUS LAND SHOW THAT PREFERENCE WILL BE GIVEN TO AGRICULTURAL LABOURERS BELONGED TO THE SCHEDULED CASTES AND SCHEDULED TRIBES. BUT THE DATA ON DISTRIBUTION OF CEILING-SURPLUS LAND SHOWS THAT 61% OF THE LAND WAS DISTRIBUTED TO OTHERS (NON-SCHEDULED CASTES AND NON-SCHEDULED TRIBES). IT IS CLEAR THAT THE IMPLEMENTING OFFICERS HAVE VESTED INTEREST AND HENCE THE BENEFIT OF CEILING-SURPLUS LAND COULD NOT FULLY REACH THE TARGET GROUPS."<sup>30</sup>

#### RESOURCE AND MARKET ACCESS

For untouchability reasons, Dalits are restricted or excluded from accessing many resources and markets. Dalits may be prevented from being involved with food preparation or sales, ruling out for many the markets of restaurants and milk production. Professor Thorat explains that "market discrimination may operate through exclusion, restriction and/or discriminatory access to various markets such as agricultural land, labour, capital, credit or other inputs and services necessary for starting any occupation. The restrictions may also prevail in the exchange of product and consumer goods between members of different castes." In cities, where caste identity is not revealed until questions are asked, Dalits have ventured into a number of new markets, but in rural coastal Tamil Nadu the work options remain extremely limited.

#### ECONOMIC EXPLOITATION

If some untouchability practices have reduced and the occupations are less defined than previously, what remains consistent is economic exploitation of Dalits. Their low caste status and traditional poverty, coupled with low education and traditional domination, means they are easily exploited. Whether it is the fishermen, the saltpan owners, the temple-lands authority or the agricultural landlords, Dalits are the pawns in the economic system, doing the lion's share of the grinding work for the minimum possible income. Their economic relationship with higher castes has not largely changed from the feudal-caste system they have been part of for generations. According to Prof. Thorat:

UNDER THE TRADITIONAL ECONOMIC FRAMEWORK OF THE CASTE SYSTEM, THE OCCUPATION AND ECONOMIC RIGHTS (INCLUDING PROPERTY RIGHTS) OF EACH CASTE ARE FIXED AND COMPULSORY AND THEREFORE, INVOLVE FORCED EXCLUSION OF ONE CASTE FROM THE OCCUPATIONS (AND RIGHTS) OF ANOTHER. THE UNTOUCHABLES ARE PARTICULARLY EXCLUDED FROM ACCESS TO ALL SOURCES OF LIVELIHOOD, EXCEPT MANUAL LABOUR AND SERVICE TO OTHER CASTES. THE EXCLUSION OF UNTOUCHABLES IS MULTIPLE AND COMPREHENSIVE COVERING ALMOST ALL ECONOMIC SPHERES.<sup>31</sup>



Figure 3: Dalit man (striped shirt) forced to abandon use of his new kattamuram due to debt bondage to Fernandos. Singithurai, Thoothukoodi, October, 2005.

#### VIOLENCE AND ATROCITIES

Violence is a common response to attempts by Dalits to bring about changes to the traditional, segregated, exploitative relationship they have with their higher caste neighbours. In fact, the imbalance in population size, relations with officials, capital and savings, and the caste difference are enough of a 'threat of violence' that violence is most often avoided by Dalits accepting the worst they are given. When these threats are not obvious enough, the higher caste communities do not hesitate to remind them with verbal threats and insults. Destruction of property, particularly

<sup>29</sup> *Land and Caste in Tamil Nadu, Land Reforms in India - Tamil Nadu: An Unfinished Task*, Sage Publications, 2003

<sup>30</sup> Quoted in S. Viswanathan, *Land of Inequalities*, Frontline Vol:21 Iss:21, October 9-22, 2004, accessed at: <http://www.flonnet.com/fl2121/stories/20041022003004300.htm>

<sup>31</sup> Indian Institute of Dalit Studies, *Dismantling Descent Based Discrimination - Report on Dalits' Access to Rights*, 2006.

arson, is a common means by which higher castes ensure Dalits do not advance beyond their traditional through limits. The rates of atrocities against Dalits in India are shocking. Though official figures are considered to be ridiculously conservative due to insurmountable caste barriers to registering crimes, even according to official police statistics averaged over the last 5 years<sup>32</sup>, Dalits are the victims of:

- 13.1 murders per week
- 5.62 kidnappings or abductions per week
- 5 arson cases per week
- 10.78 beatings per day
- 3.32 rapes per day
- 27.02 atrocities per day

On average, according to the same source, a crime is committed against a Dalit every 18 minutes.

#### SOCIO-ECONOMIC BOYCOTT

Denial of services and employment is a strategy used by dominant castes to prevent Dalits from advancement. This suppression technique is still being used today in Tamil Nadu's coastal belt (and many other parts of rural India). Prevented from buying food, using toilets, making telephone calls, finding work, letting animals graze or accessing water supplies, Dalits are forced to give up claims to participate in non-traditional markets or to access their own land. The NHRC report on atrocities explained that impunity is enjoyed by the dominant castes using these boycotts to keep Dalits poor and segregated:

ADMINISTRATION IGNORES SOCIAL BOYCOTT OF SCHEDULED CASTES WHICH LEADS TO DENIAL OF EMPLOYMENT AND ACCESS TO BASIC NECESSITIES LIKE RATION SHOP, REFUSAL TO BUY OR SELL ANY GOODS IN THE VILLAGE, ETC., TO PRESSURE SCHEDULED CASTES INTO SUBMISSION AND CAUSE INTENSE SUFFERING TO THEM, THOUGH NO PHYSICAL VIOLENCE MAY TAKE PLACE IN THE PROCESS. THE ATTITUDE OF DISTRICT ADMINISTRATION IN SUCH SITUATIONS USUALLY RANGES FROM INDIFFERENCE TO NEGLIGENCE.<sup>33</sup>

#### DALIT WOMEN

However bad the situation of Dalits in general, the situation of Dalit women is worse. A recent conference on Dalit women held in The Netherlands resulted in The Hague Declaration<sup>34</sup> which noted that:

THE CASTE SYSTEM DECLARES DALIT WOMEN TO BE INTRINSICALLY IMPURE AND 'UNTOUCHABLE', THEREFORE SOCIALLY EXCLUDED. IN CLASS TERMS, THE VAST MAJORITY OF DALIT WOMEN ARE POOR; MANY ARE LANDLESS DAILY WAGE LABOURERS WHO ARE SYSTEMATICALLY DENIED ACCESS TO RESOURCES. AS WOMEN, THEY ARE SUBJUGATED BY PATRIARCHAL STRUCTURES. DUE TO THIS INTERSECTIONAL DISCRIMINATION, DALIT WOMEN ARE SPECIFICALLY TARGETED FOR DAILY, EGREGIOUS ACTS OF VIOLENCE, IN PARTICULAR FOR SEXUAL VIOLENCE, INCLUDING THE DEVADASI SYSTEM OF FORCED AND RITUALISED PROSTITUTION. ON ACCOUNT OF THEIR 'IMPURE' CASTE AND POVERTY, DALIT WOMEN COMPRISE THE MAJORITY OF MANUAL SCAVENGERS, THAT IS, LABOURERS WHO CLEAN HUMAN EXCREMENT FROM DRY TOILETS. WHEN THEY ASSERT FUNDAMENTAL RIGHTS, DALIT WOMEN ARE TARGETED FOR PUNITIVE VIOLENCE BY DOMINANT CASTES. DUE TO PATRIARCHAL NOTIONS OF COMMUNITY HONOUR RESIDING IN WOMEN, DOMINANT CASTE VIOLENCE AGAINST DALIT WOMEN FUNCTIONS TO PUNISH THE ENTIRE DALIT COMMUNITY AND TEACH DALITS A LESSON OF OBEDIENCE TO CASTE NORMS. MOREOVER, DALIT WOMEN ARE DISCRIMINATED AGAINST NOT ONLY BY DOMINANT CASTES ON ACCOUNT OF THEIR CASTE, CLASS AND GENDER, BUT ALSO BY THEIR OWN COMMUNITIES ON ACCOUNT OF THEIR GENDER. DALIT WOMEN HAVE LESS POWER WITHIN THE DALIT COMMUNITY IN GENERAL.

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<sup>32</sup> Derived from National Crime Records Bureau, Crime 2005, Chapter 7, Crime Against Persons Belonging to SCs / STs (providing information on annual figures for 2001 to 2005), accessed at: <http://ncrb.nic.in/crime2005/cii-2005/CHAP7.pdf>. These and other statistics and information are summarised in International Dalit Solidarity Network's recent factsheet "Cast an Eye on the Dalits of India", available at: <http://idsn.org/Documents/asia/pdf/CastAnEye.pdf>

<sup>33</sup> KB Saxena, National Human Rights Commission, "Report on Prevention of Atrocities against Scheduled Castes", 2004, p. 119

<sup>34</sup> Dalit Network Netherlands et. al., *The Hague Declaration on the Human Rights and Dignity of Dalit Women*, The Hague, <sup>21</sup> November 2006, available at: <http://www.justitiaetpax.nl/jep/publicaties/Hague%20Declaration%20on%20the%20Human%20Rights%20and%20Dignity%20of%20Dalit%20Women.logos.pdf>

The need for implementers to have a gender analysis applies just as much to the Dalit community as to any other community. At the same time it must be noted that a gender analysis alone will do little to explain the profound problems faced by Dalit women, victims of a transectionality of caste, class and gender discrimination.

#### URBAN CASTE-BASED DISCRIMINATION

Caste-based discrimination is often viewed as a purely rural problem. Indeed the degree of discrimination is generally worse in rural areas, since everyone's caste status is known and the caste groups are generally completely segregated. However, caste discrimination is also an urban problem. During this study, a Dalit activist from Tamil Nadu's capital Chennai, Mr. Ekanbaram of People's Action Network (an NGO heavily engaged in post-tsunami recovery), cited the several important issues in urban caste discrimination in Chennai. They included migration to the city due to poverty or discrimination at home; over-representation of Dalits in slums (especially the 'non-official slums', which do not even have electricity, roads or water and where Dalits lack official status as residents); denial of land and property (even if a Dalit can afford to buy or rent, they would be asked questions to determine their caste status and then denied the property); impossibility to marry non-Dalits; discrimination in Churches; and occupational discrimination (Dalits do virtually all the manual scavenging and cleaning work in the city, driveways and households).

#### JUSTICE

Access to justice is caste-based as well. Many Dalits do not dare to register crimes against them, for fear of further reprisals from the dominant caste, lack of confidence that police will deal with the case properly, or even fear of being tortured by the police for daring to make an accusation against the dominant caste. Police are frequently far more strongly influenced by the local dominant caste interests than by the law written in their books, and state and central police reform has not been implemented to change this pattern of impunity for higher caste criminals. In spite of this violence and the presence of a law specifically designed to ensure punishment of 'atrocities' committed against Dalits, The Hindu<sup>35</sup> has reported from Chennai that:

THOUGH ATROCITIES ON DALITS CONTINUE, ONLY A FEW OF THE INCIDENTS ARE REPORTED AND EVEN THESE CASES ARE PENDING IN COURTS. BETWEEN 2001 AND 2004, ONLY 730 CASES WERE REPORTED AND TAKEN UP FOR ACTION. OF THIS IN ONLY TWO CASES CONVICTIONS WERE GIVEN, SAYS V. KARUPPAN, STATE CONVENOR OF NATIONAL CAMPAIGN FOR DALIT HUMAN RIGHTS... "IN MANY VILLAGES COOLIES WALK MANY KILOMETRES FOR JOBS BECAUSE OF SOCIAL BOYCOTT. SUCH CASES OF DISCRIMINATION MUST BE REGISTERED UNDER THE SCHEDULED CASTE ATROCITIES ACT BUT OFTEN THE CASES ARE NEVER REPORTED," [M. ARI, STATE SECRETARY] NOTED.

#### D. THE IMPACT OF THE TSUNAMI

The tsunami was a devastating, earthquake-triggered, natural disaster which has been adequately described elsewhere<sup>36</sup>. The tsunami hit three mainland Indian states: Andhra Pradesh, Tamil Nadu and Kerala, as well as parts of the Union Territory of Pondicherry and the Andaman and Nicobar Islands. Of these, Tamil Nadu bore the brunt of the wave, with only the part of the coast shielded by Sri Lanka escaping devastation. India's Ministry of Home Affairs has put the death toll at 12,405 (as of May 25, 2005). The hardest hit region was Nagapattinam, which recorded the highest number of deaths. Most of those killed were from the coastal-dwelling caste fishermen community (known as *Meenavars* or, in some Catholic areas, as *Fernandos* or *Mukkuvars*). An estimated 175 Dalits were also killed<sup>37</sup>. House damage and loss of possessions was also greatest amongst the caste fishermen communities. Many Dalit houses were inundated with water, so

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<sup>35</sup> The Hindu, *Dalits welcome appointment of Rapporteurs*, 22 May 2005, accessed at: <http://www.thehindu.com/2005/05/22/stories/2005052204310400.htm>

<sup>36</sup> See, for example the World Bank's Preliminary Needs Assessment of March 2005, which estimates for Tamil Nadu a reconstruction bill of US\$868 million.

<sup>37</sup> The Hindu, *Dalits welcome appointment of Rapporteurs*, 22 May 2005, accessed at: <http://www.thehindu.com/2005/05/22/stories/2005052204310400.htm>

while most houses survived destruction, many possessions were washed away, including the equipment and materials necessary for their livelihood. Caste fishermen lost their obvious means of livelihood: boats, nets, motors, etc. Dalit losses – such as small, unregistered log-boats (kattamurams), small quantities of nets, bicycles, containers, painting equipment or stored shells destined for limestone production – were less visible.

As well as ruining the immediate fish stocks and changing the underwater ecology in a significant way, the tsunami also wreaked havoc inland, filling salt pans with mud, salinating agricultural lands, destroying livestock, ruining backwaters and canals, and contaminating drinking water supplies. In many cases the livelihoods of the non-ocean fishing communities were interrupted for far longer than those of the caste fishermen. The media was concerned about every day the caste fishermen had to wait before going back to sea, but one year later, the rotting of rice crops due to salinated fields – and the undernourishment of the Dalits reliant on this rice – went almost entirely unnoticed.

## 4. QUANTITATIVE FINDINGS

### A. CASTE IN INDIA

The following graph summarises the quantitative results of field visits to 31 affected Dalit settlements<sup>38</sup>. A brief summary of each of these results is provided below.

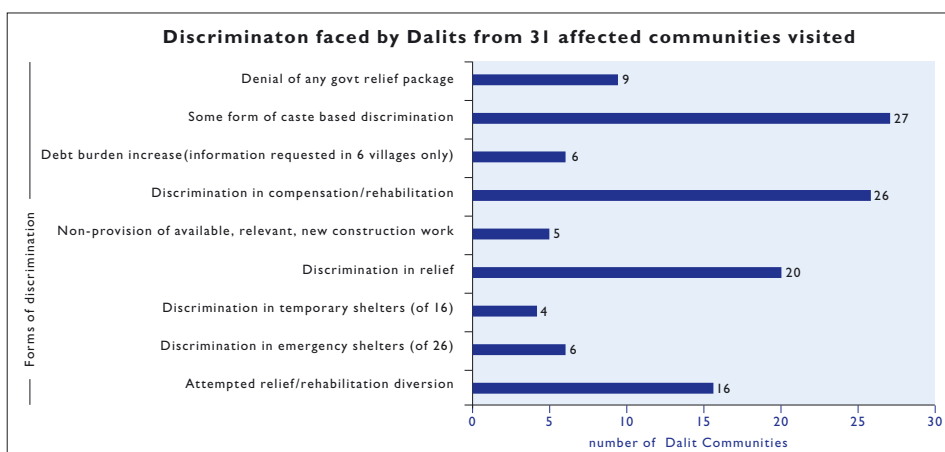


Figure 4: Quantitative findings from field visits to affected Dalit communities, September/October 2005 & January 2006.

**Denial of any government relief package:** 29% of the Dalit communities reporting not having received the government relief package that was officially available to all affected communities. This is despite the fact that the communities were clearly greatly affected (in terms of loss of livelihoods), in serious economic hardship and not difficult to find. Most of the communities had even written many months previously to the government officials outlining the case for consideration for this or other packages, with the standard government response being no response at all.

**Some form of caste-based discrimination:** 87% of the affected Dalit communities visited had experienced some form of discrimination based on their caste status in the post-tsunami recovery process.

**Debt burden increase:** This was only 'discovered' as an important factor and indicator of insufficient relief in the last quarter of the study, so only 6 communities were asked about this issue. However all of these communities reported marked increases – mostly to unmanageable levels – in their debt burden. Debt is not something many want to discuss, either because of embarrassment, fear of loan sharks, fear of losing employment, or simply a lack of comprehension of the dangers involved. The manifestations and effects of this increase – which are quite extreme – are discussed later in this paper.

**Discrimination in compensation/rehabilitation:** 84% of the communities were discriminated against in the provision of compensation and/or rehabilitation. Many of these were not given assistance because they were not registered as fishermen, which is in turn because of their caste status, and the refusal of caste fishermen to include Dalits in their associations. Non-fishing occupations have not been given appropriate consideration in terms of compensation. Many Dalits have missed out on assistance, even though the tsunami took away their livelihoods for periods of between 4 and 12 months.

**Non-provision of available, relevant, new Construction work:** construction work on permanent housing has been a double blow to Dalits. Not only have they missed out on the new houses being provided because of their caste status, they have also been denied the new work available in this industry. A significant number of coastal Dalits are construction workers or 'coolies', many of whom have lost the work they had before the tsunami, or whose work is in any case intermittent, with jobless periods being filled by fishing related work. These people should have been first in line to receive work in the post-tsunami reconstruc-

<sup>38</sup> A full list of districts visited and other information about the procedure is available in the Commissioning and Procedure section.

tion, while their livelihoods were being restored, but they have been completely locked out of this work, as contractors from other states have brought in their own workers. The NGOs and government bodies who have hired these contractors have failed to ensure that unemployed tsunami victims were given every chance possible to fill the positions they were capable of filling.

**Discrimination in relief:** At least 65% of the Dalit communities experienced discrimination in relief, in the form of, for example, lesser quantity and quality of relief materials provided. The relief materials were not supplied on the basis of need, but more often on the basis of caste, with Dalits being the last to receive assistance.

**Discrimination in temporary shelters:** Dalits have faced discrimination by caste fishermen where they have had to share the same temporary shelter, either in the form of verbal abuse or diversion of relief. Where they have not shared a shelter there is some evidence that the Dalit shelters have received less assistance than others. Most of the Dalit groups did not use constructed temporary shelters. When the shelters were used and shared, there was discrimination and segregation in the vast majority of cases. It must also be noted that the general quality of temporary shelters was grossly inadequate for the amount of time the victims had to spend in them, thus the discrimination against Dalits compounded an already unacceptable situation faced by all victims.

**Discrimination in emergency shelters:** when the tsunami hit, all coastal communities fled. Fear and confusion reigned, as everyone asked themselves if there was more to come. While there are some examples of Dalits and non-Dalits uniting and sharing shelter and food in the face of the disaster, there are unfortunately many examples of caste Hindus refusing to share shelter with Dalits, of Dalits being denied food or supplies, of Dalits being abused by caste fishermen or Church leaders, and very commonly of Dalits being given the leftovers after all others were satisfied. These experiences have shown up mostly in the cases where Dalit and non-Dalit communities were together in one place, which is why the figure appears low as a percentage. However, it is unfortunately true that a very small minority of Dalits experienced anything like equality in this emergency environment.

**Attempted relief/rehabilitation diversion:** this is a common feature of the experience of the majority (52%) of the communities visited. The materials were prevented from reaching Dalits by caste fishermen who either denied the existence of the Dalit communities, or stated that they were not victims. The risk of upsetting major partners in the form of caste fishermen communities would have been sufficient for many of the relief providers to simply heed this 'advice'. However, there are other cases where NGOs actually reached Dalit communities with assistance, but pulled back their help after caste fishermen threatened to refuse their aid if they continued to help Dalits. A minority of NGOs reached the Dalits by going through a different route, even after being threatened to not do so.

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## 5. DISCRIMINATION IN THE EMERGENCY PHASE

Untouchability in public places has decreased to a certain extent, but if a Dalit enters the home of a caste person – and even more importantly the food preparation area or shrine – the home is considered to have been ‘polluted’. Dalit communities are segregated from the dominant caste, living either in separate hamlets or at the extreme edge of villages, often with separate access roads, meaning that the homes of higher castes are never touched by the untouchables. In the post-tsunami panic, virtually all coastal people fled and searched for shelter in temples, marriage halls, schools or other public buildings where they stayed for several days or weeks, until they felt it was safe to return. Though there were some shelters where the various castes mixed and shared equally, in many of the shelters Dalits were discriminated against. This discrimination against Dalits took several different forms:

### CASE STUDY I:

Rice thrown in the sea rather than given to Dalit victims

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*Periyakkilamedu village, Edaiyur panchayat, Kancheepuram*



*When the tsunami hit the Dalit community fled to a nearby marriage hall. The caste fishermen refused to accept food served by Dalits and requested a separate hall to shelter in to avoid contact with them. The tsunami caused damage to the agricultural land, cows and goats were killed, 6 kattamurams were lost, and there was some damage to houses when the water came in. The backwater is not suitable for fishing now – there is too much mud, thorns and clay. They can't do the blind fishing there any more. Some 27 men lost their fishing labouring work, and 15 women couldn't do blind fishing any more and the agricultural work had stopped because of salination. They could only find on average 2 days work per week, and have had to take out loans to survive. 'Finance people' come to the village, give cash loans and get up to 10% interest per month ('tandel'), collected weekly. These types of debts have increased a lot since the tsunami, and are now at an unmanageable level of repayment.*

*Despite their lost livelihoods, Dalits missed out on many relief measures. They didn't receive rice, despite the excess given to (and thrown away by) the caste fishermen. They didn't get school uniforms like the children of the caste fishermen, and had to pay school fees despite the government order to suspend fees for all affected children. Only seventy Dalit families were given the Rs3,000 package by the government, which the Dalit Village Development Committee collected and divided evenly among all 120 Dalit families.*

- **DENIAL OF ACCESS TO/REFUSAL TO SHARE EMERGENCY SHELTER:** Caste fishermen often refused to share shelter with Dalits, or put them in a separate part of the shelter, where they could not get easy access to supplies and facilities. Dalits faced verbal and physical abuse for seeking shelter and food. Having seen this, the Government itself took a decision to divide relief camps along caste lines. The Indian Express reported on January 8 2005<sup>39</sup> that the government had given orders to separate the Dalits from Meenavars, and that the Dalits were being forced out of the emergency shelters prematurely.
- **DENIAL OF FOOD:** Distribution of food and supplies was to non-Dalits first, with Dalits receiving leftover, unwanted or spoiled items. Emergency relief suppliers, faced with a confusing situation, took the easy (and unethical) decision to give supplies to the dominant caste fishermen as a priority; when the higher caste needs were filled, Dalits were given the leftovers. Government officials were seen supervising the distribution of different supplies of rice to different caste groups, with Dalits receiving the rotten rice.
- **DENIAL OF ACCESS TO WATER OR TOILET FACILITIES:** In shared camps, caste fishermen managed to prevent Dalits from using emergency water and toilet facilities.
- **CORPSE REMOVAL:** Dalits were forced to remove the corpses, with others refusing to do so. The conditions of their employment were appalling, as described below.

## CASE STUDY 2:

“If it were not for one sensitive NGO we would be dead”

*Periya Manikaperku Dalit Colony, Tarangambadi*



*This village is not economically related to the adjacent fishermen, relying almost entirely on coolie work in the rice fields. After returning from the emergency shelter, they found that the rice was rotten, but that they could not get any help. The entrance to their village was blocked with debris, which they had to clear. The fishermen, who were the focus of the relief efforts, told the agencies that there was no Dalit village, or that there was no road. Riding in the aid trucks beside the providers, they made sure the trucks did not go to the Dalit area. The Dalit community, however, try to avoid conflict with the fishermen because “we are 46 Dalit coolie families. They have 1,000 families and plenty of money – if it came to a fight, we know we would lose.” The Dalits resorted to bringing rotten rice plants with them to the road to tell the NGOs and government that they had lost their food, their work and their livelihood and had no way of surviving. They managed to get a few left-over biscuits, which they shared amongst themselves. They sold what gold they had to survive and to send their children to school. Materials were only able to reach them by going through a different route. Only one or two agencies made the effort to get help to them. “If there is blood flowing through our veins today,” a community member said, “it is because of one NGO. If it were left to the government or other NGOs, We would be dead.”*

<sup>39</sup> Ravjeev, PI, *Even Govt divides survivors on caste, says it's practical* (sub-headed *Nagapattinam: Powerful Meenavars have own camps, not the time for social amity experiment, says official*), January 8 2005, accessed at: [http://www.indianexpress.com/full\\_story.php?content\\_id=62317](http://www.indianexpress.com/full_story.php?content_id=62317)



The Indian Express' investigation into caste discrimination in the emergency phase published on January 7 2005<sup>40</sup> found numerous forms of exclusion and untouchability practiced in Nagapattinam alone, including denying Dalits entry into camps, physically excluding Dalits from queues for relief goods, preventing Dalits from using water (even from sources provided by UNICEF) and stopping Dalits from using communal toilet areas.

Fr. Jesumarian, a Dalit priest who heads the Dr. Ambedkar Centenary Movement for Dalit land rights, was in the field within two hours of the tsunami striking. He is critical of the almost universal lack of effort on the part of NGOs, INGOs, government officials and even Church leaders to reach the Dalit victims. He also saw first-hand how the caste fishermen community discriminated against and segregated Dalits in the emergency phase:

AFTER GIVING OUT FOOD TO 10,000 PEOPLE CAMPING TOGETHER IN CHENGALPAT – 2,000 OF WHOM WERE DALITS, THE REST CASTE FISHERMEN – I RETURNED ON THE SECOND DAY TO DISTRIBUTE OIL BUT FOUND THERE WERE NOW TWO CAMPS: THE HIGHER CASTE PEOPLE IN A CLUBHOUSE, AND THE DALITS IN A SEPARATE CAMP. I NOTICED THAT SOME CASTE FISHERWOMEN WERE ALREADY GOING BACK TO THE VILLAGE IN SPITE OF THE FEAR OF A SECOND TSUNAMI. WHEN I ASKED THEM WHY THEY WERE GOING BACK THEY REPLIED, "BETTER TO DIE HERE THAN TO LIVE WITH PARIHAHS [DEROGATORY NAME FOR DALITS] IN THE CAMP."

While commentators were praising the way in which the disaster had wiped away distinctions of class, ethnicity, religion and caste, as all pitched in to help the victims, the opposite was the case on the ground. Survivors from dominant caste groups, NGOs, government and private philanthropists were ensuring that the higher castes were helped and the Dalits shunned. This is from a report of 17 January 2005 by the Environment Support Group<sup>41</sup>:

IN THE FIRST TWO DAYS AFTER THE DISASTER, MOST AFFECTED COMMUNITIES HAD VERY LITTLE SUPPORT. THEY WERE BY AND LARGE ON THEIR OWN. SURVIVORS ARE ALSO PAINFULLY REALISING THAT THE TERRIBLE WAVES DID NOT WIPE AWAY SOCIAL SCHISMS THAT PREVAIL IN INDIAN SOCIETY. WHILE THERE IS PLENTY OF EVIDENCE OF PEOPLE'S GENEROSITY, IT IS ALSO A STARK REALITY THAT RELIEF WAS EXTENDED ALONG CASTE LINES. DALIT COMMUNITIES ARE STILL THE WORST AFFECTED, WITH RELIEF REACHING THEM LATE AND NOT COMPREHENSIVELY. IN FACT, RETRIEVING FAST DECOMPOSING DEAD BODIES WAS A TASK THRUST ON SANITARY WORKERS WHO WERE BROUGHT IN FROM OTHER CITIES, REINFORCING CASTE DISTINCTIONS, AS THESE WORKERS ARE FROM THE LOWEST OF LOW CASTES. THEY WERE NOT INFORMED WHAT THEY WERE TO DO. THEY WERE BROUGHT IN AND TOLD TO DO WHAT EVEN THE HIGHLY RESILIENT INDIAN ARMY WAS UNWILLING TO. AND THIS WITHOUT ANY PROTECTIVE GEAR WHATSOEVER.

The treatment of the 'sanitary workers' will be discussed further in this section. Media reports and this study are backed up by the case studies of the Fritz Institute<sup>42</sup>:

OUR CASE STUDIES ALSO REVEALED SYSTEMATIC EXCLUSION BECAUSE OF LOCAL POLITICS, CASTE, VILLAGE HIERARCHY AND SOCIAL NORMS. THE MOST VULNERABLE WERE MADE EVEN MORE SO: HANDICAPPED PEOPLE, WIDOWED WOMEN AND THE LOWEST SOCIAL STRATA IN THE VILLAGES REPORTED BEING KEPT OUT OF THE DISTRIBUTION PROCESS, OR NOT BEING ABLE TO REACH THE SITES WHERE AID WAS DISTRIBUTED.



Figure 5:  
*Vaira Maligai temporary shelter, with a vast majority of inhabitants Dalits and Adivasi. The roofing has warped and the mud washed away from the thatch so that the rain pours straight in and floods the shelters. September 2005*

<sup>40</sup> Sreenivas, Janyala, *Tsunami can't wash this away: hatred for Dalits (sub-headed In Ground Zero, Dalits thrown out of relief camps, cut out of food, water supplies, toilets, NGOs say they will start separate facilities)*, Indian Express, January 7 2005, accessed at: [http://www.indianexpress.com/full\\_story.php?content\\_id=62212](http://www.indianexpress.com/full_story.php?content_id=62212)

<sup>41</sup> Environment Support Group, [ESG2] 4. *Tsunami and after: An ESG perspective*, 17 January 2005, accessed at: [http://tsunamiindia.org/tsunamiGI/servlet/ViewPosting?di\\_p=914&urlid=gl](http://tsunamiindia.org/tsunamiGI/servlet/ViewPosting?di_p=914&urlid=gl)

<sup>42</sup> Anisya Thomas, Fritz Institute, *Linking preparedness and performance: the tsunami experience*, in *Humanitarian Exchange No 32*, December 2005, Overseas Development Institute, p 7, accessed at: <http://www.odihpn.org/documents/humanitarianexchange032.pdf>

## A. NGOS

NGOs normally distributed materials via the caste panchayat or Catholic parish leaders, or gave out materials to general groups gathered at the emergency shelters. With relative numerical, physical and social strength on their side, the caste fishermen were able to prevent Dalits from receiving materials, or at least ensure Dalits got last choice. NGOs did not make allowances for this kind of domination. In one case where an NGO gave materials to an elderly Dalit woman (photo in Case Study I) who was directly hit by the tsunami, she explained the persistence of the dominant caste in preventing any Dalit from receiving help:

I WENT TO THE PLACE WHERE AN NGO WAS GIVING OUT KITCHEN UTENSILS AND OTHER RELIEF SUPPLIES. AS I HAD BEEN SWEEPED AWAY BY THE TSUNAMI WHEN IT REACHED THE BACKWATERS AND HAD LOST EVERYTHING IN MY HOUSE, I FELT IT WAS MY RIGHT TO RECEIVE THOSE THINGS TOO. HOWEVER, AFTER I RECEIVED IT, THE MEENAVARS TOOK IT FROM ME. THE NGO PEOPLE SAW THIS, AND REPLACED WHAT WAS TAKEN FROM ME, BUT AS SOON AS THEY WERE OUT OF SIGHT, THE MEENAVARS CAME AND TOOK IT FROM ME AGAIN.

Very few Dalits are brave enough to go into a caste-fishermen area, so few NGOs would have seen this directly. NGOs who managed to reach Dalit areas however, were confronted by caste fishermen telling them that Dalits were not the real victims. This woman no doubt thought that her age and her near-death experience would be respected, but she was wrong – all that mattered was her caste. It wasn't until an NGO began to work systematically with the Dalit community that their recovery process began, long after the caste fishermen were being supported.

NGOs – Church-based and non-Church-based, local and international – delivered emergency relief directly to the dominant caste group sheltering at Churches, marriage halls, schools and temples. They did not generally make any attempt to ensure that the 'outcaste' people, who had either been denied this shelter completely or were kept in a far corner, received emergency assistance. If they had had a standing analysis of caste discrimination mechanisms they would have proactively ensured that Dalits received assistance. Sadly, even those NGOs with a long history of good work in India did not take such an approach. As a result, Dalits were denied toilets, water, food and shelter in the emergency phase.

Both international and national NGOs were largely reluctant to criticise the government, as their work relied largely on the approval of the state. (The Tsunami Relief and Rehabilitation Coordination - Tamil Nadu and Pondicherry<sup>43</sup> (TRRC) is a notable exception to this trend.) The benefits of cooperation between government and NGOs should not be overstated – in Nagapattinam the NGO coordination body had such a privileged relationship with the District Collector that it was praising the work of the government rather than criticising the appalling conditions in the temporary relief camps the survivors were still living in 9 months after the tsunami struck, as evidenced by the visit to the Dalit-dominated shelter at Vaira Maligai, Cokanadar Kovil St (pictured). The coordination was also unwilling to admit the blatant existence of caste-based discrimination, lest it undermine its privileged access to government officials.

## B. GOVERNMENT



Figure 6:  
Under the supervision  
of Government officials, the rice on the  
left was given to members of higher  
castes; the rice on the right, which is  
rotten, was given to affected Dalits.

The Prime Minister of India reported with pride that a plane was airborne within one hour of the news of the tsunami. This may be true in the air, but NGOs and individuals on the ground in the hardest hit areas report that the government was not present there in any significant way for the first few days, as no Disaster

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<sup>43</sup> See a report by Gal Frenkel on the work of TRRC at <http://www.hurights.or.jp/asia-pacific/039/02.htm>

Disaster Relief Centre existed for Tamil Nadu. When the Tamil Nadu government did finally start reaching the tsunami victims on the ground, it took an initial, unwritten decision to distribute and to encourage the distribution of emergency assistance only to the caste fishermen. If materials were left-over, only then were Dalits to be assisted. Evidence for this comes from eyewitness reports. Mr. Karuppan of the National Campaign for Dalit Human Rights, Chennai described the discrimination:

AFTER THE TSUNAMI, DALITS WERE KEPT IN SEPARATE RELIEF CAMPS AND PROVISIONS WERE NOT SHARED WITH THEM. IN TRANQUEBAR, NAGAPATTINAM AND OTHER PLACES, DALITS WERE EVEN BEATEN FOR TRYING TO SHARE THE PROVISIONS. AID WAS DIVERTED FROM DALIT AREAS – EVEN THE AID MEANT FOR CHILDREN. AUTHORITIES WERE ALSO AFRAID OF THE FISHERMEN AND DID NOT MAKE AN EFFORT TO ENSURE AID REACHED DALITS. GOVERNMENT OFFICIALS WHO REFUSED TO HELP DALITS USED THE EXCUSE: “WE DON’T HAVE A GOVERNMENT ORDER TO HELP DALITS”. THE POST-TSUNAMI DISCRIMINATION WAS ABSOLUTE.<sup>44</sup>

The government maintains it did not discriminate, but the facts clearly show they took a priority for the dominant caste fishermen, as seen by the different qualities of rice given to different castes (see figure 6). It is astounding that government officials in a country with a track record of Dalits being discriminated against in disaster relief did not take steps to ensure Dalit victims were getting help, but instead took the opposite approach, encouraging providers to give first to the caste fishermen, regardless of individual needs.

### CASE STUDY 3:

#### THE STORY OF THE SAFAI KARAMCHARIS



*450 Dalits Municipal Workers were brought from this particular ‘manual scavenger’ to Nagapattinam, Nagore, Vellankani, Tarangambadi, Sirkali and Nellikuppam from 27th December to 31st evening. These people are known as Safai Karamcharis, and are the Dalits who have traditionally done the work of clearing drains, bodies, faeces and other manual, dirty occupations. As government employees, their normal work is cleaning drains, sweeping or spraying mosquito repellent. Safai Karamcharis were also brought from other municipalities in their hundreds.*

*They were woken early in the morning by their supervisors and told to come immediately to do post-tsunami clean-up work for one or two days, and that all their needs would be taken care of by the administration. They found a very bad situation, and immediately engaged in shifting debris, animal carcasses and taking human bodies to ambulances or directly to mass graves. ‘We did the dirty work’, they said ‘and we didn’t even have enough money to buy a cup of tea.’*

<sup>44</sup> Personal interview, Mr. V. Karuppan, State Convener, Tamil Nadu, NCDHR, January 2006. This is the same statement used by police who stood by as Muslims were mass murdered in the Gujarat riots of 2002 (see Human Rights Watch report “We Have No Orders to Save You”, available at: <http://hrw.org/reports/2002/india/gujarat.pdf>). This demonstrates that the government officials merely have to do nothing for human rights violations to take place, as per the ‘discrimination by default’ theory. This has been recognised in terms of the violations of Dalit human rights in the *Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act*, which seeks harsh punishment for government officials who neglect their duty to prevent discrimination and violence perpetrated against Dalits.

*They were ready and willing to do the work out of compassion for the dignity and health of the victims and their families, but their own dignity and health was sacrificed needlessly in the process because the managers did next to nothing to provide them with even the most basic facilities. They had nowhere to bathe, no soap or water or disinfectant, nowhere to sleep and had 2 uniforms for 5 days' grisly work. They worked 12 hours a day removing decomposing bodies without proper equipment or any nourishment, and then had to beg for food from the relief centres set up for the tsunami victims to eat. They received vaccinations on the 2nd or 3rd day. They were only given gloves and masks after the first 4 days, despite the fact that all other volunteers, health workers and government staff were provided with these from the beginning.*

*Caste fishermen often threatened them, pounding on the vehicles with sticks to force them to clean and remove the bodies. Safai Karamcharis were supposed to do this because they are Dalits. Removal of bodies is not their job as municipal workers, just as it is not the job of caste fishermen, but because they are untouchables they are the ones supposed to do the untouchable work.*

*After 5 days work like this they received just Rs125 [US\$2.80], working around 12 hours a day, sleeping 7 hours a night. 10 days later, they received a grand sum of Rs188 in compensation. After a month – with the treatment of the scavengers a public scandal – they finally received a decent Rs2500 in compensation. They weren't able to eat properly after they returned; they were not given any counselling. Nobody thanked them, but their incompetent supervisors received Certificates of Appreciation for their 'heroic work' in the tsunami.*

The Government also showed caste bias in its handling of the clean-up operations, which relied on Dalit 'Safai Karamcharis' (also known as 'manual scavengers' or 'Municipal workers'), who were treated in an inhumane manner while being ordered to do the most revolting work: removal of rotting corpses. On behalf of the Municipal Workers' association Safai Karamchari Andolan (SKA), Deepthi Kumar undertook an early investigation into the treatment of this community in the process of corpse removal, and reported, already on 2 January 2005, a whole series of human rights violations including casteism, untouchability practices (non-Dalits would not eat with them and they were only served their meal after the non-Dalits had finished eating) and discrimination in the provision of safety measures and other working conditions. "It is important to note," wrote Ms. Kumar, "that the official regular work of the sanitary workers does not include disposal of carcasses and dead bodies." Rather, body removal was the work the caste system assigned for their ancestors thousands of years ago. That is the only reason they were brought to do the work. Regarding the work conditions, Ms. Kumar explained:

WHEN THE MILITARY PERSONNEL, PUBLIC VOLUNTEERS AND THE POLICE WERE PROVIDED WITH ALL SAFETY MEASURES THE SAFAI KARAMCHARIS [DALIT MUNICIPAL WORKERS] WERE NOT PROVIDED WITH GLOVES, MASKS AND BOOTS – THE BASIC SAFETY MEASURES FOR THIS MOST UNCLEAN WORK. ALL DID SIMILAR WORK BUT ONLY THE SANITARY WORKERS WERE NOT PROVIDED WITH THESE SAFETY MEASURES. ALL THE MUNICIPAL WORKERS ENGAGED IN OTHER WORK SUCH AS HEALTH WORK AND HANDING OUT OF RELIEF AID HAD BEEN PROVIDED WITH GLOVES AND MASKS. THIS ONLY SHOWS UP THE INSENSITIVITY OF THE AUTHORITIES IN TREATING THEM AS SUBHUMAN. THEY WERE TAKEN FOR GRANTED BECAUSE THEY BELONGED TO COMMUNITIES THAT HAVE BEEN TRADITIONALLY FORCED INTO SUCH OCCUPATIONS.

NCDHR's Chennai representative Mr. Karuppan backed up this report, adding that the Dalit municipal workers were made to sleep in the bus stands after their long and revolting days' work. These findings were confirmed in a direct interview with Dalit municipal workers engaged by one of the Municipal Corporation in the removal of bodies (see Case Study 3). The workers did not want to be identified out of fear of reprisals by their managers.

The Tamil Nadu government provided the Municipal Corporations with vast sums of money towards these operations<sup>45</sup>:

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<sup>45</sup> Source: Government of India, accessed at: <http://www.tn.gov.in/tsunami/tsunami-relief.htm>

RS. 1.03 CRORE [US\$231,195] FOR THE EXPENDITURE INCURRED BY THE MUNICIPAL ADMINISTRATION DEPARTMENT TOWARDS THE SUPPLY OF MEN AND MATERIALS, IE., UTENSILS, DISINFECTANTS, FUELS, HIRE CHARGES FOR VEHICLES, ETC, IN THE BADLY AFFECTED COASTAL TOWNS.

It is uncertain who exactly received these funds disbursed to the Municipal Corporations. The interviewed Municipal workers reported receiving Rs125 for their 5 days' hard labour (US\$0.56 per day). This was their normal wage, so should not come under this extra subvention to the Department. The Rs188 payment, applied across 4,799 sanitary workers, this makes a total of Rs902,212 (US\$20,210), or 8.8% of the amount provided to the Municipal Corporations for this work by the State government. Since the workers were packed into trucks for transport and provided with far less than the bare minimum of protective gear, were not provided with bedding or clothing, and had to get their food from tsunami relief providers, questions must be raised about how the other 94.2% of the funds were used.

The caste-based maltreatment of those doing the dirtiest work in the post-tsunami clean-up operations quickly became an international scandal. Reuters reported on January 3<sup>46</sup>:

THEY ARE THE "UNTOUCHABLES", THE LOWEST OF THE LOW IN INDIA'S ANCIENT CASTE SYSTEM. NO JOB IS TOO DIRTY OR TOO NASTY, AND THEY ARE THE ONES CLEANING UP THE ROTTING CORPSES FROM LAST WEEK'S KILLER TSUNAMI. MOST OF THE 1,000 OR SO MEN SWEATING AWAY IN THE TROPICAL HEAT TO CLEAR THE POOR SOUTH INDIAN FISHING TOWN OF NAGAPATTINAM, WHICH BORE THE BRUNT OF THE GIANT WAVE, ARE LOWER CASTE DALITS FROM NEIGHBOURING VILLAGES. LOCALS TOO AFRAID OF DISEASE AND TOO SICKENED BY THE SMELL REFUSE TO JOIN THE GRIM TASK OF DIGGING FRIENDS AND NEIGHBOURS OUT OF THE SAND AND DEBRIS. THEY JUST STAND AND WATCH THE DALITS WORK.

After the scandal over the treatment of Dalit Municipal Workers erupted, the State government later provided a separate 'ex-gratia' amount for compensation, amounting to Rs2500 for the 4799 sanitary workers "in recognition of their efforts." This is a welcome measure, but should have been an immediate measure, not one that the government had to be shamed into providing. The payment should be accompanied with other rehabilitative measures, such as mental and physical health support. A serious investigation into the incompetence and negligence of the Municipal authorities should also be undertaken, as their inaction to protect Dalits puts lives at risk in the fight to salvage the dead. The fact that such an investigation has not thus far taken place is not acceptable.

Ironically, the deployment of these scavengers gave the government a good reputation with the public, as it was seen to be taking care of something non-Dalits Indians seem to exceptionally consider too polluting (relatives and ordinary citizens were directly involved in the corpse removal in other affected countries). Indeed, the Fritz Institute<sup>47</sup> noted a stark difference in the recollections of affected families from other countries of the role of service providers in the first 48 hours after the Tsunami. In Sri Lanka, survivors recalled that 60% of burials were conducted by 'private individuals', with just 11% conducted by the Government. In Indonesia, the figures were 88% and 2% respectively. In India, just 3% of burials were seen to be conducted by private individuals, with 40% conducted by 'the Government' (i.e. the Dalit manual scavengers). An astounding 25% of Indian respondents stated they were 'not aware' how the bodies were removed (compared to 4% of Sri Lankans and 0% of Indonesians), indicating that they simply did not notice the work of Dalits.

The Indian Army was heavily criticised for refusing to conduct this work itself, despite the generally positive role it played in other aspects of the emergency phase. Critics asked the question 'if the soldiers can take care of the dead during wartime, why could they not do so after the tsunami?' The obvious answer seems to be that this time they had access to Dalits to do it for them.

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<sup>46</sup> Reuters, India's 'untouchables' gather tsunami dead, 3 Jan 2005, accessed at: <http://www.abc.net.au/news/news-items/200501/s1275705.htm>

<sup>47</sup> Study conducted by TNS India for the Fritz Institute, entitled Recipient Perceptions of Aid Effectiveness: Rescue, Relief and Rehabilitation in Tsunami Affected Indonesia, India and Sri Lanka., September 2005, available at: <http://www.fritzinstitute.org/PDFs/findings/NineMonthReport.pdf>

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## 6. DISCRIMINATION IN THE RELIEF PHASE

Relief materials were actively diverted from affected Dalits in numerous cases. In other cases, providers passively bypassed affected Dalits in their rush to reach the caste fishermen. In almost all cases, the little that reached Dalits came late, was of poor quality and insufficient in quantity to enable them to survive in good health and dignity. The general policy of all providers was to help the caste fishermen first and foremost because the community was, physically speaking, the hardest hit. However the assumption that the 'hardest hit' were also 'suffering the most' is in many cases false.

### CASE STUDY 4:

Using the Tsunami to evict entire Dalit community

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*Raja Nagar, Pudupattinam, Kancheepuram, Chengalpat*



*In the emergency shelters, Dalits were only given food provided by NGOs after the caste people had finished theirs. When they returned to their village – where they had lost almost all their possessions as the waters entered their huts – they were not able to get relief supplies being doled out. The caste fishermen placed kattamuram logs across the road going to the Dalit area, and when one ambitious lorry went past this road block, the caste fishermen chased it, beat the driver and sent the lorry away. One member of the Dalit community, Sundar, went to the road with a list of affected Dalits to draw attention to those missing out on relief. He was also beaten up by the fishermen.*

*Since the relief and rehabilitation started flowing into the caste fishermen community, they have used the support to try to drive Dalits completely out of the village. They use the Dalit burial ground to store building materials (pictured), they build their new homes right across the only entrance to the Dalit area, they tease and humiliate the Dalit schoolchildren, they harass the Dalit women when they bathe, and they have stopped the Dalit men doing even the backwater fishing they used to do before the tsunami. They tell the Dalits “just wait until our houses are built – we have a lot of lakhs now as well as weapons and we will make you leave.” Government officials and NGOs have largely supported the caste fishermen, the former denying that the community exists or was affected; the latter choosing to appease the caste fishermen by not giving any help to the Dalits. The Dalits know that with the relative strength in numbers they have combined with the large amount of rehabilitation funds they are receiving, the caste fishermen have forced them to leave their homes. They can no longer tolerate the situation and are waiting for someone to help them move.*

The caste fishermen had much more to begin with in the form of assets, savings and, importantly, social capital in terms of strong organisations and caste superiority. This social capital enabled them to fill, and in many cases greatly surpass, their requirements. It also gave them the relative strength necessary to prevent Dalits from receiving relief support, thus advancing even further their relative strength for the longer term.

The relief camps, whose establishment was controlled by the government, were entirely inadequate for the amount of time it took to find land for permanent accommodation. Dalits were indeed segregated from caste fishermen, either in their own separate shelter, or in a separate section of a mixed shelter. While the general standard was poor, it can be seen that the camps where Dalits stayed were given less priority than others. The story of Kannigi Nagar (see Case Study 5) is a prime example, but other examples are provided by the lesser treatment of the Dalit community in the Nagapattinam temporary shelters 'Sivankoil' and 'Vaira Maligai' and by the fact that the Dalit section in the appalling 'Pandagasalai' camp was placed alongside the open sewerage/wastewater drain (see photo). In Sivankoil temporary shelter (see Case Study 6), the Dalit community saw a clear difference in treatment compared to shelters occupied by caste fishermen:

OUR CAMP STILL DOES NOT HAVE LIGHTING OR FANS, AS OTHER CAMPS DO. OTHER CAMPS HAVE ALREADY BEEN PROMISED CERTAIN SITES FOR PERMANENT SHELTERS, BUT WE HAVE NOT BEEN CONSULTED AT ALL. RELIEF IS SPEEDILY DELIVERED TO OTHER CAMPS, BUT NOT HERE. WE ARE ALWAYS THE LAST TO RECEIVE ANYTHING, IF WE RECEIVE IT AT ALL.



Figure 7: Sewerage runs past the Dalit section of Pandagasalai temporary shelter, Nagapattinam, September 2005

Asia Media Forum's report 6 months after the tsunami<sup>48</sup> specifically noted the caste-based difference in the provision of temporary shelters:

IN SOME VILLAGES IN NAGAPATTINAM, DALITS HAVE BEEN GIVEN TEMPORARY SHELTERS. BUT EVEN THEN, DISCRIMINATION IS EVIDENT FROM THE LOCATION AND THE QUALITY OF MATERIAL PROVIDED THEM. FOR INSTANCE, THE DALITS' TEMPORARY SHELTERS ARE NEAR GRAVEYARDS OR GARBAGE DUMPS WITHOUT PROPER SANITATION OR LIGHTING FACILITIES. THEIR 10 BY 15 SQUARE-FOOT SHELTER, FOR A FAMILY OF SIX TO 10 MEMBERS, ARE MADE OF POOR-QUALITY CARDBOARD SHEETS. ALREADY, PLASTIC ROOF COVERS HAVE BEEN BLOWN AWAY IN THE RAIN AND HEAVY WIND. THE ASBESTOS SHEET COVER MAKES THE SHANTIES UNBEARABLY HOT DURING SUMMER, SO THAT MANY HAVE SIMPLY LEFT AND GONE ELSEWHERE. INDEED, EVERY SINGLE HOUSE, ROW AFTER ROW, AT PERUMALPETTAI VILLAGE IN THARANGAMPADY IS LOCKED. IN CONTRAST, THE TEMPORARY STRUCTURES BUILT FOR THE FISHERMEN ARE NOT ONLY STRONGER BUT HAVE A REGULAR SUPPLY OF WATER AND ELECTRICITY. THEY HAVE COMMUNITY CENTRES WITH TELEVISION SETS.

An INGO engaged in the post-tsunami relief explained:

THE LOSSES OF DALITS WERE NOT EVEN ON THE AGENDA FOR GOVERNMENT DISCUSSIONS ON THE PROBLEM. MEANWHILE TEMPORARY SHELTERS WERE BEING CONSTRUCTED, AND THE SHELTERS GIVEN TO DALITS WERE GENERALLY OF A POORER STANDARD THAN THOSE GIVEN TO NON-DALITS.

<sup>48</sup> Soma Basu, *Discrimination vs Dalits Continues, Tsunami or No Tsunami*, 12 July 2005, accessed at: <http://www.asiamediaforum.org/node/209>

The unfair manner in which relief supplies were distributed and the ambition of caste fishermen to prevent Dalits receiving food was made apparent in the way excess food was used. In Kokkilamedu village (see Case Study 1), the Dalit community explained:

THE FISHERMEN GOT ALL OF THE RICE DISTRIBUTED – SO MUCH THEY COULDN'T EAT IT ALL. WE HAD NOTHING, BUT RATHER THAN GIVE IT TO US, THE MEENAVARS THREW FORTY-FIVE 50KG PACKAGES OF RICE INTO THE SEA.

In Raja Nagar, Chengalpat (see Case Study 4), where the caste fishermen went to the extent of beating up lorry drivers that took supplies to the Dalit colony, the community reported:

THE MEENAVARS RECEIVED A LOT OF FOOD – MORE THAN THEY COULD USE. RATHER THAN GIVE ANY TO US, THEY STORED IT IN A PIT.

The reaction of government officials to this injustice in Raja Nagar was to ensure that the Dalit community received nothing:

THE COLLECTOR TOLD US THAT OUR VILLAGE DOES NOT ACTUALLY EXIST. THE TSUNAMI COORDINATOR SAID, “I HAVE MANY HEADACHES, WHY ARE YOU GIVING ME ANOTHER ONE?” THE TAHASILDAR (GOVERNMENT OFFICIAL) SAID, “WHO HAS DIED IN YOUR VILLAGE THAT I SHOULD GIVE YOU RELIEF? LET ANOTHER TSUNAMI COME AND THEN I WILL SEE IF I CAN HELP YOU.” AND THE REVENUE INSPECTOR PROMISED US, “WHEREVER YOU MAKE YOUR COMPLAINT, IT HAS TO COME THROUGH ME; I WILL SEE TO IT THAT YOU GET NOTHING.”

*Figure 8: Dalit girl from the highly affected Raja Nagar village, Chengalpat, shamed in front of her schoolmates for receiving school supplies and forced to return them. October 2005.*

Such actions can only be explained by a desire to use the tsunami relief process to solidify and advance a dominant caste position, at the expense of affected Dalit communities. In the absence of proper accountability and justice procedures, siding with the dominant caste becomes the easiest option for government officials and local police.

The Government and NGOs undertook a good and largely effective scheme to ensure children could continue their schooling despite the upheaval caused by the tsunami, subsidising school fees and delaying examinations. NGOs provided packages for school children to help them continue their studies. The Joint UN Report<sup>49</sup> claims that its provision of school furniture helped reduce Dalit inequality:



FURNITURE HAS HAD A MAJOR IMPACT IN TAMIL NADU AND ANDHRA PRADESH, WHERE PRIOR TO THE TSUNAMI, RURAL GOVERNMENT SCHOOLS HAD NONE. IN CONSERVATIVE CASTE-BASED SOCIETY, LOWER CASTE CHILDREN ARE PERCEIVED TO HAVE NO RIGHT TO SIT ON CHAIRS. FOR MANY OF THESE CHILDREN, THEIR NEW FURNITURE HAS COME TO SYMBOLIZE THAT EQUAL OPPORTUNITY IS EVERYONE'S RIGHT.

Though they may have helped Dalits in some areas, this study showed that even these schemes often proved to be the basis for discrimination on the basis of caste. Dalits were denied access to UNICEF water; Dalit children were forced to pay for UNICEF school-bags provided free of charge to others. Dalit children

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<sup>49</sup> Tsunami: One Year After, A Joint UN Report – India, December 2005, p 19, accessed at: <http://www.reliefweb.int/library/documents/2005/unctind-ind-20dec.pdf>



were charged school fees and were denied books, shoes, bags or pencils. In Dr. Ambedkar Nagar, Pulicat, for example, People's Watch Tamilnadu identified 68 Dalits children who were denied notebooks and other materials that they should have received<sup>50</sup>.

This is a direct result of the refusal of all stakeholders to see Dalits as 'equal victims' in the tsunami. Whether they admit it or not, many providers took a caste-based rather than a needs-based approach, even regarding child victims of the tsunami. A Dyyalikupam elementary school Dalit schoolgirl (pictured) from Raja Nagar explained her experience:

AT MY SCHOOL, THEY WERE HANDING OUT SHOES, BOOKS AND OTHER THINGS FOR THE TSUNAMI VICTIMS. AS OUR VILLAGE WAS HARD HIT, AND MY PARENTS HAD LOST THEIR WORK, I TOO ACCEPTED THE THINGS. BUT THE MEENAVAR CHILDREN GOT THEIR PARENTS TO MAKE THE TEACHERS TAKE THEM BACK OFF US. I HAD TO GIVE BACK EVERYTHING. THE TEACHERS MADE ME KNEEL IN FRONT OF THE SCHOOL TO HUMILIATE ME, AS A PUNISHMENT.

A Dalit NGO has stepped in to provide equipment for this girl and her fellow Dalit students, and is organising after-school tuition where healthy food is also provided. One of the great success stories of the post-tsunami recovery was the prevention of significant interruption to schooling. However, while Dalits have returned immediately to school, the increased discrimination faced by Dalit schoolchildren increases the likelihood of later school drop-outs amongst this community. This is compounding the pre-existing drop-out problem amongst Dalits: it has been estimated that up to 80% of Dalit students drop out of school<sup>51</sup>. Early drop-outs are contributing to the significant literacy gap between Dalits and non-Dalits<sup>52</sup>. These low-cost yet vital actions to provide after-school tuition and help restore the dignity of these children create the possibility that these Dalit tsunami victims will not contribute to Dalit illiteracy rates after the media attention has receded.

An even greater problem was that entire regions in the hinterland were left out. People's Watch Tamilnadu's study "The Hit and the Affected"<sup>53</sup> uncovered 346 non-ocean fishing villages – the vast majority Dalit – that were significantly affected by the tsunami but had not received any support.

Indian magazine Frontline<sup>54</sup> reported on May 6 2005 that Dalit agricultural and fishing workers were being denied relief assistance in the northern half of the Tamil Nadu coast:

"EVEN THE BASIC RELIEF HAS NOT REACHED A LARGE NUMBER OF AGRICULTURAL WORKERS," SAID K. BALAKRISHNAN... DALITS CONSTITUTE THE MAJORITY OF THE AFFECTED AGRICULTURAL WORKERS... IN ADDITION, DALITS WHO DO ODD JOBS FOR FISHERFOLK BUT DO NOT OWN PROPERTY HAVE ALSO BEEN AFFECTED BADLY. BUT THEIR SUFFERINGS ARE LOST SIGHT OF, MOSTLY BECAUSE OF THE DEEP-ROOTED CASTE PREJUDICES OF THE DOMINANT FISHERMEN COMMUNITY, ACCORDING TO I. ELANGO VAN, A VELLORE-BASED ENGLISH PROFESSOR, WHO IS THE PRESIDENT OF THE DR. AMBEDKAR CENTRE IN CHENNAI. AT SEVERAL PLACES THEIR NAMES HAD NOT BEEN INCLUDED IN THE LIST OF TSUNAMI VICTIMS NEEDING RELIEF MATERIALS, HE SAID... IN MANY PLACES, ELANGO VAN SAID, RELIEF TEAMS WERE PREVENTED FROM VISITING DALIT VILLAGES BY SECTIONS OF THE FISHING COMMUNITY. HE SAID THAT THE SADDEST PART WAS THAT EVEN MEDICAL ASSISTANCE COULD NOT REACH THE AFFECTED DALITS IN A FEW PLACES BECAUSE OF THE HOSTILITY SHOWN BY THE PRINCIPAL COMMUNITY. IF THE GOVERNMENT HAD ARRANGED FOR PROPER ENUMERATION, DISTRIBUTION OF RELIEF MATERIALS COULD HAVE BEEN ENSURED, HE SAID.

The same report described how the caste-based membership of Cooperative Societies had led to Dalit exclusion in Chennai harbour:

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<sup>50</sup> M Louis, *Study on Discrimination and Exclusion in State Relief*, People's Watch, Tamil Nadu, 2005 (unpublished)

<sup>51</sup> Indian Institute of Dalit Studies, *Dismantling Descent Based Discrimination - Report on Dalits' Access to Rights*, 2006, p 14

<sup>52</sup> The Census of India 2001 (latest available) demonstrates a 54.80% SC literacy rate (Table C-8SC). Total literacy rate in India is 65.38%.

<sup>53</sup> People's Watch Tamil Nadu, *The Hit and the Affected*, 2005

<sup>54</sup> Viswanathan, S., *A Neglected Lot*, Frontline, Volume 22 Issue 9, 23 April – 6 May 2005, accessed at: <http://www.flonnet.com/fl2209/stories/20050506002412400.htm>

B. KARUNANIDHI, GENERAL SECRETARY OF THE TAMIL NADU FISHWORKERS FEDERATION, SAID THAT DALITS WHO ACCOUNTED FOR ABOUT 25 PER CENT OF THE TWO LAKH [20,000] FISHING WORKERS AT THE CHENNAI FISHING HARBOUR COULD NOT GET TSUNAMI-RELATED ASSISTANCE. THE REASON, HE SAID, WAS THAT THEY HAD NOT BEEN TAKEN AS MEMBERS OF THE FISHERMEN'S COOPERATIVE SOCIETY, THROUGH WHICH RELIEF WAS GENERALLY ROUTED.

Thus, alongside the ubiquitous images of distraught caste fishermen being given relief packages, one must hold the unseen pictures of Dalits who had lost their very ability to survive, being abused for asking help and being denied assistance on the basis of their caste. The various INGOs and government bodies were falling over each other to be the one to give help to the same caste fishermen communities and associations; meanwhile, hundreds of Dalit villages devastated by livelihood loss and thousands of Dalit fishermen were neglected because they weren't on the lists drawn up by the caste fishermen. It's not the wastage and the inefficiency of multiple donations (which resulted in the formation of numerous co-ordination bodies) that should be of the greatest concern; the discrimination in distribution of materials – the fact that the dominant caste got more than they could use while the untouchable, exploited caste got nothing – which is the truly obscene aspect of the tsunami recovery process. It should be a wake-up call for all involved.

#### A. NGOS

NGOs failed to look deeply at the situation when they first arrived, no doubt commencing their work with the preconceived notion that the fishermen communities they approached were the only ones affected. An important factor here is that in India even the word 'fishermen' does not mean the same thing it means in other countries. One would assume that 'fishermen' were those whose occupation was fishing, but in India 'fishermen' means the people whose caste makes them 'traditional' fishermen. The Dalits whose occupation is fishing are not counted – neither officially nor socially – as 'fishermen' in India, meaning that even when fishing was wiped out as an occupation, Dalit fishermen were not considered to have been affected. "Dalits cannot be ocean fishermen" was a mantra repeated by most stakeholders, showing that they blindly (and mistakenly) accepted the occupational separation created by the caste system. In fact Dalits were simply not considered at all. In the words of one high-level Indian civil servant<sup>55</sup>:

IN INDIA, THE TERM 'GENERAL PUBLIC' DOES NOT INCLUDE THE SCHEDULED CASTES – THEY ARE A SEPARATE GROUP. THUS, ONE CANNOT APPROACH A TRAGEDY FROM A GENERAL PERSPECTIVE, BECAUSE IT WON'T REACH THE SC COMMUNITY. IN INDIA, BEING NEUTRAL IS THE EQUIVALENT OF PERPETUATING THE STATUS QUO, WHICH IS DISCRIMINATORY BIAS AGAINST SCS. TO REACH DALITS, FUNDING AGENCIES NEED TO HAVE A DEFINED PURPOSE PLUS A DEFINED BENEFICIARY GROUP. IF AGENCIES DON'T GO THROUGH DALIT NGOS THEY ARE NOT DOING A BIT OF GOOD FOR DALITS; THEY ARE MAKING THINGS WORSE.

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<sup>55</sup> Name withheld, interview, January 2006.

## CASE STUDY 5:

“If we had been Meenavar the Government would have helped us”

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*Kannigi Nagar, southern outskirts of Chennai*



*The shelter at Kannigi Nagar, which finally burnt down, was filled with 1,575 people – virtually of them Dalits – from Didinagar, Srinivasapuram, Urukuppam, Oraqkuppam, Mulaimanagar and Teruaniakuppam. After the destruction of the shelter, 500 found rental places in the neighbouring apartments; the rest went to relatives or other places.*

*The Dalits of Kannigi Nagar feel they have been neglected by the government. Government officers say every few days that they will come, but 3-4 months passed without any visit. They are living on charity, and not even eating properly. 12 months after the tsunami, no step has been taken to provide them with proper rehabilitation. The Collector and the Minister visited there earlier and promised shelters but have not delivered.*

*The back of the adjacent Jain college was assigned by the government for the semi-permanent shelters, and building had started (despite recommendations that the area be prepared properly first). However, as predicted, the monsoon rains flooded the site and the buildings collapsed. It has now been abandoned as a location for permanent shelters.*

*With so much theft – thieves simply cut holes in the tar-sheeting and took the few things they could find – they feel the police and government have not done enough to protect them. After reporting the thefts, police simply said “why didn’t you take more care? You should have made sure someone was always present in the shelter” (regardless of the need to search for work and the intense heat and humidity of the cramped shelters in the pre-monsoon season). The government knew that the place where the temporary shelters were built was flood-prone. They had promised to prevent flooding through building barriers, but did not do so. The December 2005 flood reached to the level of the rooves of the temporary shelters. Soon after, fire engulfed what the flood had not quite finished off.*

*Their life is now on hold. They need to travel long distances and pay high bus fares to go to the city where they may or may not find work for the day. But if they do that and the government officials finally come, they are certain they will miss out on any chance they have to finally get a decent roof over their heads. They feel they have taken all steps possible and tried their best to make sure the government would respond. They feel the government is doing everything for the caste fishermen but nothing for the Dalit victims of the tsunami. “If we had been Meenavar instead of Dalit,” they say, “the government would have helped us properly.”*

## CASE STUDY 6:

### Dominant caste dominating Dalit temporary shelter

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*Sivankoil Nandavanam, Vellipalayam, Nagapattinam*



*The Dalits in this camp used to live right next to the sea, near the government warehouse. 10 of their community died in the tsunami; everyone lost everything.*

*It proved difficult to gain a Dalit perspective from the residents of this temporary shelter. All visitors to the shelter are met by a small group of caste fishermen who also reside in the shelter along with dozens of Dalit families. The caste fishermen do not allow the Dalit residents to speak to visitors, have organised their own separate toilet facilities in the camp and have managed to funnel most of the funds given to the shelter into their own pockets. The only way to find out this was to meet with Dalit residents in a separate location. A second interview conducted on the campsite had to be aborted when the caste fishermen arrived in the camp and started shouting because they found the researchers speaking directly to the Dalit community members.*

*The fishermen have never treated them equally – they are hired labour for fishermen, but cannot do their own fishing, as it is only possible to get a license if recommended by the ‘caste panchayat’. The fishermen’s caste panchayat would never accept a Dalit as a member, and would not tolerate them taking their own boats (if they owned them) into the sea. Because the Dalits don’t have the fishing card, they do not qualify for livelihood rehabilitation. They also lost handcarts used for selling vegetables or fruit, bicycles and autorickshaws and livestock, for which they were not compensated.*

*One of their people, Mr. Ravindran, son of Srinivisan, aged 35, committed suicide by hanging himself as a result of his inability to restart his work and get a home. He had made repeated requests for the capital necessary to restart the small business he had before the tsunami, so he could start repaying his debts, but received no response. He left a wife and 3 children behind. Others in the community feel the same frustration. They have sent detailed petitions to the Collector and the Chief Minister for small amounts of capital to re-start their petty businesses: items such as tools, cutting machines and tricycles, which were of course unregistered before the tsunami. They had not received responses to their requests, submitted 9 months before the interview.*

The caste fishermen prepared the beneficiary lists, and of course Dalits did not appear on those lists. NGOs used these lists for their own beneficiary lists. The fact that NGOs did not take this into account is an inadequate but perhaps understandable excuse. The fact that they continued to ignore this fact long after it had been brought to the attention of everyone with the slightest interest in the tsunami recovery process is simply unethical.

With its strong parish structure, its experience of outreach within its own community and its natural networking with both Church and non-Church relief and development agencies the world over, affected Catholic parishes – which acted as the primary distribution centres for incoming aid, both from Catholic and non-Catholic donors, in Catholic-dominated areas – were extremely well placed to provide social welfare to all those in need. However, the Catholic parishes in affected parts of Tamil Nadu, which are dominated by the Parish Council or Village Committee, generally refused to allow non-Catholics or Dalit Catholics to access the relief that the Church had amassed. This was not just a matter of neglect: even when non-Catholics or Dalit Catholics knocked on the Church door or stood in the line at the parish centre they were often verbally abused and threatened with violence. Such actions are in stark contradiction of the Social Teachings<sup>56</sup> of the Catholic Church.

This parallels the role of ‘caste panchayats’ or fishermen’s associations in non-Catholic areas. In both cases, Church-based and non-Church-based INGOs failed to ensure that the local distributing partners did not discriminate on the basis of caste, even long after the scandal of caste discrimination was made public. These INGOs failed to implement procedures to ensure their funds were not being used in a casteist fashion. The failure to hold implementing partners (notably caste panchayats and parish councils) accountable for the non-discriminatory distribution of relief materials is condemnable.

## B. GOVERNMENT

Reports from those present at the time of the relief distribution point very clearly to an initial, orally transmitted government policy to distribute relief materials only to the caste fishermen, and to exclude Dalits from relief unless there were surplus supplies after the needs of fishermen had been fulfilled. This contrasts greatly with the ethical approach of giving relief to those most affected first. Instead of giving based on need, the government and through their directions the NGOs gave based on caste. Certainly those from the fishermen caste suffered on average the greatest losses, but it is at best naïve and at worst casteist to decide that all those from the fishermen caste were a superior quality of victim to Dalits.

The government took this approach, in spite of its manifold policies and legislations designed to counter caste discrimination. This fact is supported by the eyewitness reports of different qualities of government-provided rice being given to different castes (see photo), and is backed up by the statement of UK Under-secretary for Development Gareth Thomas<sup>57</sup>:

WE HAVE MONITORED THE DISTRIBUTION OF DFID AID TO THOSE AFFECTED BY THE DECEMBER 2004 TSUNAMI. WE DID LEARN OF SOME PROBLEMS IN INDIA, WHERE THERE WAS SOME RELUCTANCE BY THE AUTHORITIES TO ALLOW AID TO REACH CERTAIN CASTES.

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<sup>56</sup> Indian Cardinal Telesphore Toppo affirmed in a 27 July 2006 speech, “Responding to people’s needs irrespective of caste, creed and religion, is the essence of the Catholic social teaching.” Reported in article *Integrate Social Action Into Day-To-Day Ministry, Urges Cardinal Toppo*, accessed at: [http://www.cardinalrating.com/cardinal\\_114\\_\\_article\\_4540.htm](http://www.cardinalrating.com/cardinal_114__article_4540.htm) . For information about non-discrimination as a tenet of Catholic Social Teaching, see also *Vatican II, Church in the Modern World (1965)* 29, accessed at: [http://www.shc.edu/theolibrary/resources/handbook\\_discrimi.htm](http://www.shc.edu/theolibrary/resources/handbook_discrimi.htm) and William J Brian, *Ten Building Blocks of Catholic Social Teaching*, accessed at: <http://www.americamagazine.org/articles/Byron.htm>

<sup>57</sup> Gareth Thomas, MP, Parliamentary Under-Secretary of State in the Department for International Development, House of Commons, *Written Answer to a question from Mr. Holloway MP*, 28 March 2006

Rohini Ghadiok, a Delhi-based civil activist who worked in the post-tsunami relief camps observed multiple forms of caste-based discrimination, observing that in terms of violence and abuse faced by Dalits, “caste determines one’s security in the aftermath of the catastrophe”. Ghadiok reported<sup>58</sup> that the government took a blatant caste bias in its delivery of relief materials:

THE STATE MACHINERY PERPETUATES CASTE DISCRIMINATION. A DAY AFTER THE TSUNAMI, WHEN SURVIVORS STARTED COMING IN, LOWER LEVEL FUNCTIONARIES WERE INSTRUCTED BY HIGHER OFFICIALS TO IDENTIFY PEOPLE ON THE BASIS OF CASTE AND RELIGION. A LIST WAS MADE. SINCE THE MEENAWAR COMMUNITY DOMINATED A PARTICULAR AREA, GOVERNMENT FUNCTIONARIES WERE TOLD TO PROVIDE MEENAWAR SURVIVORS WITH THE RELIEF MATERIAL.

An Indian government official explained how the discrimination functions among civil servants:

THE ADMINISTRATION JUMPED INTO THE RELIEF WITH A GOOD HEART, BUT THE CASTE MINDSET IS VERY STRONG: THE BUREAUCRATS DID NOT EVEN CONSIDER THAT NON-FISHERMEN MAY HAVE SUFFERED TOO. GOVERNMENT BUREAUCRATS WILL ALWAYS CLAIM THEY DO NOT DISCRIMINATE AND DID NOT DISCRIMINATE IN THE TSUNAMI RELIEF. THERE ARE TWO KINDS OF DISCRIMINATION WITHIN THE PUBLIC SERVICE: THAT OF THE ANTAGONISTIC BUREAUCRATS WHO PRACTICE NAKED DISCRIMINATION AND BIAS; AND THAT OF THE APATHETIC BUREAUCRATS WHO FAIL TO USE ANY INITIATIVE TO RESOLVE DISCRIMINATION. MOST BUREAUCRATS ARE SOAKED IN THE NEUTRAL POSTURE.



Figure 9: Dalit children from the village of Nonankuppam, Pondicherry, January 2005. Their families – who do back-water fishing for a living – were denied the government relief package provided to the Meenavars living in same village who are doing exactly the same work in the same place.

The government did, however, provide an extremely important source of relief to the ‘affected’ families<sup>59</sup>, in the form of a ‘Rs3000’ relief package<sup>60</sup>. The package was distributed, in theory, to all those affected by the tsunami. While many affected Dalits received this package, enabling them to survive

several months that would have been almost impossible otherwise, in this study alone nine affected Dalit communities missed out on this measure, while in other communities at least part of the relief they received was subsequently taken by members of the dominant caste (see Case Study 9). In Srinivasapagam slum, Chennai there are many cases of higher caste landlords taking the relief package meant for their Dalit tenants. Many higher caste landlords took the opportunity presented by the tsunami to evict their Dalit tenants and to collect multiple aid packages.

Additionally, it seems that the Pondicherry Union Territory government (separate to the Tamil Nadu state government) took a general policy to not give any package to Dalits (information from local NGOs, evidenced by a visit to the mixed caste Nonankuppam village in Ariyanguppa Commune (pictured), where caste Hindus doing inland fishing were given the relief package but their neighbouring Dalit inland fishermen were denied the package).

<sup>58</sup> Ghadiok, Rohini, *His Relief, Her Relief*, Indian Express, February 8 2005, accessed at: [http://www.indianexpress.com/full\\_story.php?content\\_id=64243](http://www.indianexpress.com/full_story.php?content_id=64243)

<sup>59</sup> The government differentiated between the victims directly ‘hit’ by the tsunami wave, and those whose lives were ‘affected’ by the tsunami, though the differentiation between the two seems to have been at times quite arbitrary, or even communal. Generally speaking, Dalits were not considered ‘hit’ unless their houses were clearly destroyed by the wave, and caste fishermen were normally considered ‘hit’, regardless of the personal damage they suffered.

<sup>60</sup> The package referred to in this report as the ‘Rs3,000 package’ is in fact worth Rs2,912. The government reports it distributed this package to 176,458 recipients of whom 9,930 were Dalit – for those with ‘lost livelihood’. The bigger ‘Rs5,000 package’, worth Rs4,912 package was provided to 118,572 recipients, 11,510 of whom were Dalit – for those ‘rendered homeless’. See [http://www.tn.gov.in/tsunamiEAP/TO\\_tsunami\\_relief.pdf](http://www.tn.gov.in/tsunamiEAP/TO_tsunami_relief.pdf) and <http://www.tn.gov.in/tsunami/tsunami-relief.htm>

The 'affected' relief package came only after a long delay and following protests by those who had missed out on help because of their caste position. The fact that the government had to be forced and embarrassed into providing this small degree of aid to genuine tsunami victims shows how Dalits have to struggle in order to receive the assistance that others could take for granted.

The decisions about victimhood and the delivery of relief packages were often based on extreme scepticism of the reliability of affected Dalits, with more faith being put in the word of the dominant caste people. In one contrary example, a caste panchayat leader who was also the Village Officer went against the trend and asserted that the Dalits were also victims, securing a Rs10,000 package for the Dalit fishermen in the area of Semmanguppam Panchayat, Sonaganchavadi, near Cuddalore Old Town. This is evidence that assistance for Dalits was dependent on the word of the dominant caste leaders, most of whom unfortunately exploited their position and took the opposite stance to the Village Officer in Semmanguppam.

Inter-caste tensions have increased as a result of the uneven distribution of aid and the attempts by caste fishermen to prevent Dalits from accessing aid. The injustice meted out to Dalits on one hand and the significant socio-economic advancement of dominant caste fishermen in particular has created a great deal of ill-will between neighbouring communities segregated along caste lines. According to staff of an international NGO based in Chennai:

ANY ALLOCATION OF RESOURCES FOR DALIT VILLAGES IS MET WITH AGGRESSIVE RESISTANCE FROM BOTH FISHING AND HIGHER CASTE VILLAGES. CASTE DIFFERENCES WHICH WERE ALWAYS THERE HAVE NOW BECOMING SIMMERING CONFLICTS WHICH WILL ERUPT ANY TIME AND THE DALIT COMMUNITIES WILL BECOME THE VICTIMS. IT IS OF CRITICAL IMPORTANCE THAT COMMUNITIES AND SUPPORTING ORGANISATIONS SHOULD BE PREPARED FOR THIS.

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## 7. DISCRIMINATION IN THE REHABILITATION PHASE

The rehabilitation process has taken far too long to implement. The government delayed NGO plans by failing to secure adequate land in a timely manner. However, government controls have been somewhat necessary to ensure good quality of housing. NGOs have generally done a lot of work to ensure that the caste fishermen receive good quality housing that fits with their needs and expectations, and community consultation has been generally considered a benchmark of success in the process.

### CASE STUDY 7:

“The Fernandos made sure Tsunami set us back three decades”

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*Virapandiapathinam, Thoothukudi*



*The Dalits of Virapandiapathinam are one of a tiny number of Tamil Nadu Dalit communities to be engaged in independent ocean fishing. To achieve this status, they have had to fight for decades against the efforts of the neighbouring caste fishermen (the Fernandos), who wanted to maintain their monopoly on ocean fishing vessels. They have survived their homes being burnt down, two separate periods of socio-economic boycotts and numerous threats, but kept up the struggle to be in a position where they had their own fleet of 40 simple log vessels (unregistered kattamurams) with which they could do near-shore ocean fishing when ‘coolie’ work was unavailable. They live adjacent to the coast, and when the tsunami hit, they lost all their hard-won boats and nets, along with the rest of their possessions. The women lost their collections of shells destined for lime production, which function as a ‘bank’ throughout the year. The Dalits went to the school premises where rice was being cooked and distributed for tsunami victims, but were told to go away and come back later – when they came back there was none left. So they collected some money amongst themselves and bought some oatmeal and cooked and ate it. They had to do this for 5 days. The Catholic Church received a lot of resources for relief purposes which was distributed to the Fernandos only, with leftovers sent to other Catholic Fernando communities in neighbouring towns rather than being offered to the hard-hit local Dalit fishermen. The Dalits – including Dalit Christians – got nothing from the Church. The Dalit Hindus and Christians asserted together that “there are absolutely no religious problems here; just caste problems.” The Department of Fisheries announced to the Dalit fishermen that they would only be rehabilitated after the caste fishermen were assisted. However, Dalit requests for compensation for lost kattamurams and shell banks have been rejected by the Government even during the ‘second round’. Dalit fishermen claim that this is because the Fernandos told the Government officials that Dalits had no boats, and the officials chose to believe the dominant caste fishermen. The Fernandos have succeeded in using the tsunami tragedy to reassert their absolute dominance over the Dalit fishermen, who have not been compensated for their losses, and have to re-start their struggle from where they were decades ago.*



However, with the construction of assets, the full extent of the ongoing discrimination and exclusion of Dalits has become clear. While some NGOs gradually trickled in to reach the Dalits and provide assistance for livelihood, the assistance was miniscule in comparison to the torrent of aid being given to the caste fishermen. As a result, the pre-existing gap between the communities has widened to a gulf. The high quality concrete houses, the community halls, the computerised, satellite-linked communication centres, and the meeting spaces for caste panchayats in the caste fishermen villages are a stark contrast to the collapsing mud-and-thatch huts of the neighbouring Dalits.

## CASE STUDY 8:

“How can a Hindu Dalit be helped by a Christian fisherman?”

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*Muthamalpuram hamlet, Thoothukudi*



There are 70 Dalit families here, living in a segregated colony adjacent to many hundreds of Catholic caste fishermen. They are all dependent on the sea for their living, working as coolies for the ‘Fernando’ boat-owners. They are forced to do this work, even when sick, and are boycotted if they try to do other work; they feel they are the slaves of the Fernandos. Despite their applications for fishing licences, they could not secure a fishing licence from Thoothukudi Fisheries Department. Possession of fishing licences was arbitrarily used as proof of the need for new housing, so Dalits have missed out. The government, who is responsible for securing the land for post-tsunami housing, has not questioned the caste-based distribution of housing; rather they tried to buy the Dalits’ land from them to build the homes for the Fernandos. The Dalits sensibly refused. Besides housing, the Fernandos received a lot of relief materials, so much so that they did not return to work for the first 6 months, robbing the Dalits of their only source of survival. The Church was the main source of relief materials, but when Dalits approached the Church for materials they replied “How can a Hindu Dalit be given relief by a Christian?” Even the Dalit Christians were denied assistance by the Church in this community. The local self-help group run by an upper caste person from a notable NGO told the Dalits “better you go and die in the sea than beg for help, because you were not affected.” Dalits claim that the local Church, supported by NGOs and INGOs, received funds, nets and 125 fibreglass boats on the basis of a survey of the needs of both Fernandos and Dalits. The Dalits – included the Catholic Dalits – received none of this rehabilitation aid.

As a result of caste-based rehabilitation, the Fernandos have, in the words of the Dalits, “been high level-ised” – they have a lot more money to lend and power than before, especially in comparison to the Dalits. Following the tsunami, the Dalit community missed a lot of their debt repayments to the dominant caste. The average family debt burden to the Fernandos has increased from around Rs5,000 to Rs20,000. Before the tsunami, 7 Dalit families had given their house property papers to the Fernandos as ‘collateral’ against a loan; now there are 20 families in this precarious situation. There are no external controls on the payment; the Fernandos just keep the ownership papers of Dalit property until they decide the debt is fully repaid. Interest can be up to 10% per month. As a result of the loss of work and income in the community after the tsunami, 8 youths have migrated to the city for work.

A Dalit-run Dalit NGO is now assisting the whole Dalit community to get back to their old jobs and to recover. They succeeded in helping them get the basic government relief package, which the Fernandos had persuaded the officials not to give to the Dalit fishermen. The Dalit NGO has provided them with financial and political support to venture into new enterprises such as tailoring, basket-making and running tea shops. The NGO assistance has helped them not only practically but has also given them the support and confidence to go into occupations they could not previously have considered.

The caste-biased manner of constructing houses has had several ill-effects on Dalits:

I. The low socio-economic status of Dalits is set to drop further as the dominant caste's position increases. They were mostly not considered as possible recipients of housing, because they are mainly the "affected" and not the "hit". Of course, those whose houses were destroyed in the tsunami deserve to have new houses, and they should be better quality than the homes they replace.

## CASE STUDY 9:

"They consider us their slaves. We are like the chappal under their foot"

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*Singithurai, Kayalpattinam, Thoothukudi*



*This is an impoverished community of 24 Dalit Christian families living on the seaward fringe of a coastal 'Fernando' fishermen community, so they were hit hard by the tsunami. They have been there for 31 years, and managed to get 6 kattamurams, which they use to catch prawns. The others go fishing as coolies in the vallams (small boats, larger than kattamurams) owned by the Fernandos, or they manually collect ornamental shells undersea.*

*When the tsunami hit, their 6 kattamurams were damaged and their work stopped. Despite this they did not get the initial government relief. A Dalit NGO gave the community 10 kattamurams in replacement of the 6 they had lost in the tsunami. The Dalits restarted fishing, using their own boats (two families sharing each boat). However, the Fernandos told them they had to pay back the debts they had accrued to the Fernandos immediately. These debts had built up because the Dalits needed to borrow a small amount every time there was not a big enough catch of fish, in order to eat. Each family owes between Rs12,000 and Rs30,000. The Fernandos objected to the Dalits setting up their own sangam (self-help group) to collect savings and use it to escape their dependence on the Fernandos. To get the Dalits back as coolies, they tell the Dalits that it is only possible to pay in instalments if the Dalits work for them. If the Dalits do their own fishing, the Fernandos will make them pay the whole amount immediately (which is impossible). At least one Dalit man has stopped using his kattamuram for this reason, and more children have started working. Where this doesn't work, the Fernandos cut the ropes tying together the kattamurams, or take their nets.*

*The government eventually recognised that the community deserved the 'partially affected' relief payment of Rs3,000, and handed it out to the Dalit families. However, as soon as the official had left, the caste fishermen's Village Committee took the money from the Dalits, and refused to give any back until a bribe had been paid (one man paid Rs500 and was given Rs1,500 of his own money). Government officials going to the village always see the Catholic priest first, who, according to the Dalit community, tells them that only fishermen are affected.*

*15 of their homes were totally damaged and others were partially damaged, but the Dalits believe that "even if the government gives us some form of compensation, we will not get it because the Fernandos will take it from us." After 31 years of putting up with servitude and humiliation, their treatment after the tsunami has finally broken their will to stay – they want to move anywhere else they could find work.*

Others affected by the tsunami, whose houses are damaged or simply poor quality, should also receive housing where funds are available, to improve the general standard of living for the coastal belt. While there are important social considerations in the allotment of housing, it cannot be just to assume that caste fishermen should be the automatic recipients of this second-priority housing. The houses of caste fishermen are generally better quality than those of neighbouring Dalits, so a better way of distributing housing would be to look at the *post-tsunami quality of housing* for each family and to distribute housing first to those with the poorest quality dwellings. Unfortunately this method was not used, and housing was given on a communitarian basis, so Dalits missed out. The difference between their huts and the quality new houses of their neighbours will be a stark indicator of the socio-economic gap running along caste fault-lines.

2. Dalits have not been given work constructing the houses, at a time when they were desperate for an income. The workers were brought in from other states by the contractors. No-one demanded that capable, experienced or qualified Dalit labourers be given every chance of obtaining work on these sites. As a result, a significant number of Dalit construction workers and 'coolies' who lost their livelihoods in the tsunami remained unemployed at a boom time for the industry.

3. Housing has been used to squeeze out Dalits from the vicinity of caste fishermen areas, which have expanded with the construction of new homes.

The houses of caste fishermen were superior to those of the neighbouring Dalit fishermen before the tsunami; after the caste-based rehabilitation efforts the concrete-thatch polarisation will be even starker.

One major negative result of the lack of concern for the welfare of Dalits is an increased and untenable debt burden. With no income for months on end and little or no assistance, the only way to survive has been through borrowing extra money. Many Dalit communities operate by necessity through credit in normal times, often borrowing from their dominant caste neighbours or employers. Despite the precarious and exploitative nature of this arrangement, Dalits can often manage to maintain repayments when work is there; the lack of work during the post-tsunami period has raised debt burdens astronomically in some cases (see Case Study 12, for example). All 6 villages questioned about debt burdens reported increases in debt. The risk of falling into debt bondage is too serious a possibility to be ignored. Yet recovery providers have indeed ignored this problem, despite the fact that it stems from their failure to reach the poorest victims.

The report by People's Watch Tamilnadu entitled "The Hit and the Affected" enumerates 346 non-ocean fishing hamlets (almost two-thirds of these Dalit) which had been affected by the tsunami but denied government or NGO rehabilitation. Of the houses damaged amongst these affected non-ocean fishing hamlets, 22% were not even registered as damaged. The study involved a transect walk in 6 districts to identify the hamlets, because the government administration did not even have information about the existence of many of these communities, 6 months after the tsunami. This points to a lack of will to reach the affected non-caste fishermen.

The caste fishermen are now more autonomous and asset-rich than before, meaning that some of the basic opportunities for Dalits – fishing labour, fish vending, fish preservation, etc. – have literally disappeared, being taken over comprehensively by the dominant caste. The planning for the development of the caste fishermen has not taken into account Dalits, who were intricately woven into the economic – if not the social – fabric of the caste fishermen community. The gain for the caste fishermen has meant in many cases a loss for the Dalits, with no planning for how to recuperate this loss.

## A. NGOS

Expanding the range of livelihood possibilities is naturally a desirable objective of rehabilitation, but when this is done in a blinkered, communitarian way, without taking into account economic links with other communities, the effect can be extremely negative from a Dalit perspective. This was seen in the supply of 'ice boxes' and fish storage units by NGOs to women and men of the caste fishermen community. Women of the caste fishermen community control the fish auctions after the catch is brought in by their husbands and family members. After the auction is over, some unwanted fish may be left over, which poor Dalit women can turn into a livelihood by selling it on the street or on the beach. One INGO reported that:

NOW WITH INCREASED FISH VENDING OPPORTUNITIES MADE AVAILABLE FOR WOMEN IN THE FISHING COMMUNITY BY PROVIDING EQUIPMENT OF BASKETS, AUTOS, FISH STORAGE UNITS, ICE BOXES ETC. THIS LIVELIHOOD OPTION [SALE OF UNWANTED FISH] FOR WOMEN IN THE DALIT COMMUNITY IS NOT AVAILABLE ANYMORE. ANY EXCESS FISH IS STORED IN THE FISH STORAGE UNITS AND ICE BOXES AND THE EXPANSION OF THE FISH VENDING OPPORTUNITIES AND MARKET LINKAGES PROVIDED BY NGOS HAS EXCLUDED THE WOMEN IN DALIT COMMUNITIES WHO WERE HITHERTO ENGAGED IN FISH VENDING ACTIVITIES.

## CASE STUDY 10:

### Protests bring promises but no relief

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*Dr. Ambedkar Nagar, Pulicat*



*The discrimination began right after the tsunami – on their way back from the marriage hall where they shared an emergency shelter, the caste fishermen were given free transport, while the Dalit fishermen had to pay for their bus ride. This was compounded by the government deciding the neighbouring caste fishermen should receive the full Rs4,000 package while the Dalit fishermen, who had lost their own boats (15 ‘vallams’, the larger ‘country boats’, in addition to 11 kattamurams) as well as their work, were given the Rs2,000 package. The caste fishermen then received a further Rs10,000 rehabilitation package. After a protest uniting neglected Dalit, Adivasi and Muslim communities from 24 villages, the government promised in writing to provide these other groups with the same rehabilitation package, but they simply did not pay it.*

The provision of rehabilitation should not imply the economic exclusion of an impoverished and reliant community; but this is exactly what has happened. Ethical NGO practice demands consultation with economically linked groups and at the very least the provision of compensation and the development of alternative livelihood for those dependent groups; but this is exactly what has not happened. One of the key demands of Dalits is to be given access to food markets, which are normally excluded to them because of their perceived untouchability. In this example of poor practice, NGOs have in fact removed Dalit women from a food market into which they had managed to insert themselves prior to the tsunami.

NGOs and INGOs have focused on the caste fishermen communities, and very few have taken the effort to reach affected Dalits. This can be explained in several ways:

- Dalits are **less visible**, so the assistance is less visible. Since caste fishermen had most of the attention, and

- Caste fishermen's organisations were effective in providing data on the losses of their members. Government officials and NGOs took this data as their point of departure and distributed housing and materials on this basis. **The social capital** of the caste fishermen was efficiently turned into information capital, which has led to capital assets. Little or no data was available on Dalit losses because of their social weakness, and NGOs did not make the effort to acquire it. Dalit and other concerned NGOs made the effort to collect this data, but by then many agencies considered it too late to offer assistance, as their funds had already been disbursed to caste fishermen.
- Dalits lost relatively few possessions, because they *had* hardly any possessions to lose. There was far too much emphasis placed on **replacement of goods** rather than replacement of livelihoods. Caste fishermen lost registered boats, which provide a magnificent advertising panel for NGOs eager to show their donors how they spent the money.
- Caste fishermen were often **opposed** to Dalits receiving assistance, and in some cases threatened to refuse assistance from agencies if the agencies gave also to Dalits. Agencies were desperate to disburse their funds and could not afford to lose the most visible group of victims as their partners, so agreed – actively or tacitly – to neglect Dalits.
- Dalits are frequently **considered by others to be dishonest**. Agencies were encouraged to believe that Dalits would lie about the things they had lost. This relative dishonesty is a complete fabrication, but is very commonly believed. Both NGOs and government officials were inclined to side with caste fishermen when presented with contrasting information by Dalits.
- Dalit livelihoods may be **more difficult to replace** than those of caste fishermen. The caste fishermen can return to fishing once the ecology allows it, but what will Dalits return to? Relatively few of them had independent means of gaining a living; they were dependent on and often exploited by others higher in the pecking order. Providing a post-tsunami livelihood for affected Dalits may mean changing the economic relationships and/or creating new forms of production or services. Clearly, boats and nets are an easier option.

As a result of NGOs refusing for the most part to take the more difficult path, the gulf between caste fishermen and Dalits has widened further. It was reported that in the most affected city, Nagapattinam, that there are now four times as many boats as there were before the tsunami<sup>61</sup>. This is not necessarily a terrible thing, but the fact that none of these boats seem to have gone to the Dalits, despite the fact that many Dalits were in fact fishermen, is an indicator of deep discrimination. The only basis for this difference in giving is caste.

Again, the Church has largely failed to tackle the problem of restitution of the livelihoods of Dalits, since it largely restricted itself to the caste fishermen members of the Church. The study revealed one Dalit community that was being helped very effectively by the diocesan relief agency, who went so far as to provide fibreglass boats for the community (unheard of in Dalit communities before the tsunami). One church-based agency reports<sup>62</sup> another Dalit community in Pulicat that was also given fibreglass boats, in an apparently very successful attempt to overturn the local caste discrimination that has locked Dalits out of sea fishing<sup>63</sup>. This is highly commendable, but compared to the scale of rehabilitation implemented by Church-based and non Church-based agencies, the efforts appear to be token and designed to defer attention from the general failure to assist Dalit communities in need. This serves to prove that such agencies had the capacity to help Dalit communities but did not make a general and timely effort to do so. With all the media attention drawn to the exclusion of Dalits, they had to respond, but a few cases of successful support are not sufficient to make up for an overall failure to ensure Dalits affected by the tsunami were helped as much as caste fishermen. Church-based and non-Church based INGOs failed to prevent local partners from practicing caste discrimination in the dissemination of the post-tsunami aid they were given. One hopes that the belated but very welcome Dalit-focussed projects are proof of a major 'lesson learnt' for these and other agencies. Some Catholic individuals, agencies and Orders did make a special effort to reach excluded Dalit victims of the tsunami, and are to be commended for doing so.

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<sup>61</sup> Source: interview with NCRC, September, 2006. The caste fishermen associations of Nagapattinam had even requested donors to stop giving boats. Numerous boats given as aid to caste fishermen were re-sold by the recipients at low prices; making the denial of boats to Dalit fishermen even more unethical.

<sup>62</sup> Accessed at: <http://www.caritastsunami-relief.com/innernews.asp?id=19> The report claims that "[Dalits] were not considered having any social right, but in the course of their tsunami rehabilitation work, the Church agencies clarified that the affected should get help without discrimination."

<sup>63</sup> Article accessed at: [http://www.dec.org.uk/index.cfm/asset\\_id,1634/index.html](http://www.dec.org.uk/index.cfm/asset_id,1634/index.html)

Recently, more INGOs have come to realise that they cannot afford to leave themselves open to criticism of caste-based discrimination. A major new initiative to conduct Social Equity Audits that take into account caste based discrimination in development agencies working on the tsunami shows that it is possible for agencies to work together to tackle this problem. Hence, with the disappointment there is nevertheless hope that the agencies are waking up to their inadequacy when faced with inherent caste discrimination. After the scandal of post-tsunami caste discrimination, and these comprehensive efforts, agencies that fail to have mechanisms to address this form of discrimination in their development or emergency programs in India will have no recourse for special consideration. Important questions of ethics and social justice will be asked of agencies working in India from now on. It will no longer be enough to tell donors “there is a disaster; help us help the victims” – donors will ask “which victims will you be helping this time around? How will you make sure you reach Dalit victims and not just the dominant caste?” Agencies must take steps now to ensure they do not allow the same injustices to be repeated in future.

## B. GOVERNMENT

The Tamil Nadu government is apparently working on a scheme funded by the World Bank and the Asian Development Bank to systematically develop the livelihood of all in the coastal belt. In an interview with Mr. CV Shankar, Special Officer for Tsunami Relief and Rehabilitation with the Tamil Nadu Government, in October 2005, it was revealed that the main beneficiaries were expected to be coastal Dalits. Participation in the process of livelihood diversification was said to be a prerequisite for the scheme, which was to have been implemented within the following 6 months. However, the interviews with Dalit communities and with NGOs along the length and breadth of the coast held in September 2005 and January 2006 showed that there was no knowledge of even the existence of such a scheme, let alone a comprehensive consultation phase or implementation of the scheme. A comprehensive scheme for livelihood recovery and development for Dalits is indeed necessary, and must be tailored to the needs and desires of the community as much as to the market. But to begin such a scheme more than one year after the tsunami struck is a wholly inadequate response. The government should have embarked on preliminary consultation with Dalits as soon as it knew the finances were to be made available.

The Government could have used the tsunami as a basis for helping Dalits escape from their position of dependence and exploitation, in the spirit of ‘building back better’. It could have implemented land reforms to hand over to Dalit ‘tillers’ the lands concentrated in the hands of higher caste landowners, in line with pre-existing state policy, but no actions were taken in this regard. It could have made efforts to ensure that Dalit fishermen were furnished with licenses and had effective access to their own boats, to remove the illegal caste stranglehold on the occupation of sea-fishing, but it did not do so. It could have made an effort to compensate Dalits for the small, unregistered livelihood equipment they lost in the tsunami, but it did not do so (despite saying it was ready to do so). It could have ensured that its officials compensated Dalits for all of the kattamurams, nets and shells they lost, but it did not do so. It could have made an effort to ensure that work previously undertaken by Dalits was not taken over by others without a viable alternative for Dalits already in place, but it did not do so. Again, this is not for the most part malicious casteism on the part of government officials, but the typical ‘neutral posture’; a failure on the part of authorities to tackle the ‘discrimination by default’, despite laws and policies to the contrary. Where NGOs and other providers of relief failed to reach Dalits, the government’s role was to ensure that those falling through the gaps were taken care of. For this reason, they should have taken a particularly active priority to provide help to the Dalits being systematically neglected by the NGOs. It never took such a priority, and in fact continued to give priority to the most highly publicised and assisted victims from the caste fishermen community, in all phases of recovery. As Mr. Karuppan of NCDHR explained in January 2006, more than a year after the disaster:

FISHERMEN GOT BOATS, NETS AND KATTAMURAMS; DALITS WERE NOT GIVEN THESE EVEN THOUGH MANY HAD THIS EQUIPMENT FOR BACKWATER FISHING AND LOST IT DURING THE TSUNAMI. DALIT AGRICULTURAL LABOURERS LOST THEIR LIVELIHOODS, BUT WERE NOT COMPENSATED, OR WERE ONLY COMPENSATED AFTER PROTESTING. NGOS ARE BUILDING HOMES FOR FISHERMEN BUT NOT FOR DALITS, FOLLOWING A GOVERNMENT RECOMMENDATION AND AFTER GOVERNMENT PURCHASED LAND FOR THE HOUSING. THE GOVERNMENT HAS STILL NOT RESOLVED THIS ISSUE; THE PROBLEM CONTINUES.

Official Government data states that Dalits were provided with just 11 kattamurams across the entire state, out of a total of 20,000 kattamurams given. The government also replaced livestock for a grand total of 22 Dalits, and provided 'fisheries' assistance to 98 Dalits. 266 Dalits (all of them in Cuddalore) received the government's 'crop loss' relief, out of 11,400 farmers compensated<sup>64</sup>. This shows the pathetic degree to which Dalit tsunami losses were recognised and compensated. Basically, if you were a member of the caste clubs – agricultural land-owners, fishing cooperatives, Village Committees, caste panchayats or Parish Councils – the government compensated you because the 'club' would testify on your behalf that you lost something. If you were an impoverished Dalit excluded from such organisations and you lost a kattamuram or a goat, too bad.

The Government took responsibility for allocation of land for permanent shelters. Certainly this is a difficult task, but according to an international NGO engaged in the rehabilitation process, the acquirement of land is having a profound and uncompensated impact on Dalit daily wage labourers in the coastal zone:

## CASE STUDY II:

"My cow has drowned and now I am helpless"

*Kovalam Nachiyarkulam, Kancheepuram*



*This is an impoverished community of 24 Dalit Christian families living on the seaward fringe of a coastal 'Fernando' fishermen community, so they were hit hard by the tsunami. They have been there for 31 years, and managed to get 6 kattamurams, which they use to catch prawns. The others go fishing as coolies in the vallams (small boats, larger than kattamurams) owned by the Fernandos, or they manually collect ornamental shells undersea.*

*When the tsunami hit, their 6 kattamurams were damaged and their work stopped. Despite this they did not get the initial government relief. A Dalit NGO gave the community 10 kattamurams in replacement of the 6 they had lost in the tsunami. The Dalits restarted fishing, using their own boats (two families sharing each boat). However, the Fernandos told them they had to pay back the debts they had accrued to the Fernandos immediately. These debts had built up because the Dalits needed to borrow a small amount every time there was not a big enough catch of fish, in order to eat. Each family owes between Rs12,000 and Rs30,000. The Fernandos objected to the Dalits setting up their own sangam (self-help group) to collect savings and use it to escape their dependence on the Fernandos. To get the Dalits back as coolies, they tell the Dalits that it is only possible to pay in instalments if the Dalits work for them. If the Dalits do their own fishing, the Fernandos will make them pay the whole amount immediately (which is impossible). At least one Dalit man has stopped using his kattamuram for this reason, and more children have started working. Where this doesn't work, the Fernandos cut the ropes tying together the kattamurams, or take their nets.*

*The government eventually recognised that the community deserved the 'partially affected' relief payment of Rs3,000, and handed it out to the Dalit families. However, as soon as the official had left, the caste fishermen's Village Committee took the money from the Dalits, and refused to give any back until a bribe had been paid (one man paid Rs500 and was given Rs1,500 of his own money). Government officials going to the village always see the Catholic priest first, who, according to the Dalit community, tells them that only fishermen are affected.*

<sup>64</sup> *Tiding over tsunami*, Government of India, accessed at: [http://www.tn.gov.in/tsunamiEAP/TO\\_tsunami\\_relief.pdf](http://www.tn.gov.in/tsunamiEAP/TO_tsunami_relief.pdf)

*15 of their homes were totally damaged and others were partially damaged, but the Dalits believe that “even if the government gives us some form of compensation, we will not get it because the Fernandos will take it from us.” After 31 years of putting up with servitude and humiliation, their treatment after the tsunami has finally broken their will to stay – they want to move anywhere else they could find work.*

In the process of allocating land for permanent shelter for fishing communities, land that has been used for cattle grazing, salt pans or agriculture has been acquired and thus reducing land availability and wage opportunities for Dalit communities.

In at least one case, the government has even sought to buy the land where an affected Dalit community is living in order to build houses for the caste fishermen (see Case Study 8).



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## 8. ALTERNATIVE DATA SOURCES

Starting from January 1, 2005, there was so much international media attention on the caste-based discrimination in India after the tsunami that the UN High Commission for Refugees released this summary on January 13, 2005<sup>65</sup>:

RELIEF WORKERS AND MEMBERS OF INDIA'S DALIT CASTE ("UNTOUCHABLES") HAVE REPORTED INSTANCES OF DISCRIMINATION AGAINST THE CASTE IN THE AFTERMATH OF THE TSUNAMI THAT HIT INDIA'S SOUTHERN COASTAL REGION ON 26 DECEMBER 2004 (DEUTSCHE PRESSE-AGENTUR 7 JAN. 2005; THE TIMES OF INDIA 1 JAN. 2005; AFP 7 JAN. 2005; ANS 5 JAN. 2005; JAPAN TODAY 11 JAN. 2005). AMONG THE ALLEGATIONS WAS THE FORCED REMOVAL OF DALITS FROM RELIEF CAMPS BY HIGHER CASTE SURVIVORS (AFP 7 JAN. 2005). IT WAS ALSO ALLEGED THAT DALITS WERE REFUSED ENTRY INTO RELIEF CAMPS BY MEMBERS OF OTHER CASTES (TIMES OF INDIA 1 JAN. 2005) AND WERE REFUSED RELIEF SUPPLIES BY GOVERNMENT OFFICIALS (ANS 5 JAN. 2005; AFP 7 JAN. 2005; DEUTSCHE PRESSE-AGENTUR 7 JAN. 2005). A DALIT WOMAN WHO LOST HER HUSBAND TO THE TSUNAMI TOLD AFP THAT HER FAMILY DID NOT RECEIVE THE PROMISED COMPENSATION OF 100,000 RUPEES FROM THE GOVERNMENT (AFP 7 JAN. 2005). ACCORDING TO A DALIT OFFICIAL, DALITS ARE BEING ASKED TO BURY THE DEAD WITHOUT BEING GIVEN "GLOVES OR MEDICINES BUT ONLY ALCOHOL TO FORGET THE ROTTEN STENCH" (IBID.; SEE ALSO ANS 5 JAN. 2005). ANOTHER DALIT OFFICIAL IS QUOTED AS HAVING SAID THAT DALITS WERE NOT COUNTED AMONG THE DEAD IN SOME COMMUNITIES (IBID.). ACCORDING TO AFP, NO GOVERNMENT OFFICIAL OR ASSISTANCE WERE SENT TO KESHVANPALAYAM, A VILLAGE HOUSING 83 DALIT FAMILIES, WHICH WAS FLATTENED BY THE TSUNAMI (7 JAN. 2005).

Media reports continued to show up the caste-based discrimination as the recovery process moved into the rehabilitation phase. The report by Asia Media Forum<sup>66</sup> published 6 months after the tsunami is one such example:

HUNDREDS OF DALITS AND OTHER LOWER-CASTE FAMILIES HAVE REMAINED EXCLUDED FROM RELIEF THAT HAVE BEEN DISTRIBUTED BY THE STATE OR THE CENTRAL GOVERNMENT, BY POLITICAL PARTIES OR NON-GOVERNMENTAL ORGANISATIONS, BY LOCAL CHURCHES OR COMMUNITY ASSOCIATIONS SINCE THE ROILING SEA DESTROYED EVERYTHING MORE THAN SIX MONTHS AGO. MOSTLY POOR AND ILLITERATE, THEY CANNOT DOCUMENT THEIR ECONOMIC AND PROPERTY CLAIMS AND SO HAVE REMAINED EXCLUDED FROM COMPENSATION AND RELOCATION SCHEMES. THEY ARE WITHOUT EFFECTIVE LOCAL OR POLITICAL CLOUT, ARE MOSTLY SERVANTS TO HIGHER-CASTE PEOPLE AND REMAIN SUBSERVIENT ABOUT THEIR DEMANDS, NEEDS AND RIGHTS... ATTEMPTS BY GROUPS OR INDIVIDUALS TO LEND A HAND TO DALITS HAVE BEEN BLOCKED BY UPPER-CASTE GROUPS, AND LOCAL OFFICIALS AND OTHER UPPER-CASTE VICTIMS HAVE REFUSED TO HELP THEM. "I HAVE PERSONALLY SEEN FOOD AND CLOTHING BEING DISTRIBUTED BY AGENCIES TO MEMBERS OF ONLY ONE COMMUNITY IN NAGAPATTINAM, EVEN AS BARELY 50 METRES AWAY AT THE END OF THE STREET, THE DALITS CONTINUED TO WAIT IN HOPE – AND IN VAIN," SAYS M SOLOMON BERNARD SHAW OF THE NATIONAL SERVICE SCHEME... THE GOVERNMENT HAS FOCUSED ITS RELIEF WORK ON COASTAL COMMUNITIES OF FISHERMEN, WHO SUFFERED MOST CASUALTIES AND GREATER LOSS OF LIVELIHOOD. BUT THIS FOCUS HAS ALSO MEANT THE EXCLUSION OF SOME VILLAGES THAT NEED ASSISTANCE. IN NAGAPATTINAM, THE GOVERNMENT HAS DECLARED 73 VILLAGES AS TSUNAMI-AFFECTED, BUT AT LEAST DOUBLE THIS NUMBER HAVE BEEN EXCLUDED. RELIEF, AS PER GOVERNMENT INSTRUCTIONS, IS TO REACH THOSE WHO HAVE BEEN "HIT" BY THE TSUNAMI – MEANING A DEATH IN THE FAMILY, MAINLY THE BREADWINNER OR THOSE WHO LIVED WITHIN ONE KILOMETRE FROM THE COASTLINE. BUT FOR EACH SUCH "TSUNAMI-HIT" AREA AND FAMILY, THERE ARE FIVE SURROUNDING "TSUNAMI-AFFECTED" AREAS WHERE OTHERS SUPPORTING THE FISHING COMMUNITY – CARPENTERS, TRADERS, SHOPKEEPERS, CLEANERS, CRAFTSMEN, FARMERS AND FARM WORKERS, ICE PLANT OWNERS, FISH NET AND BOAT MENDERS – HAVE LOST ALSO THEIR SOURCES OF INCOME.

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<sup>65</sup> Summary accessed at: <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.htm?tbl=RSDCOI&id=42df610a3e>. References provided in the summary: Jay Shankar, Agence France-Presse, *India's Untouchables Forced out of Relief Camps by Higher Caste Fishermen*, 7 January 2005; Jeremy Reynolds, ASSIST News Service, *India's Lowest Face Additional Discrimination in Tsunami Aftermath*, 5 January 2005; Deutsche Presse-Agentur, *Low-Caste Tsunami Victims Denied Aid*, 7 January 2005; Japan Today, *India: Rights Group Calls India's Tsunami Relief Efforts 'Pathetic'*, 11 January 2005; Shankar Raghuraman, *The Times of India, Caste Antagonism in Providing Relief?* 1 January 2005.

<sup>66</sup> Sona Basu, *Discrimination vs Dalits Continues, Tsunami or No Tsunami*, Asia Media Forum, 12 July 2005, accessed at: <http://www.asiamediaforum.org/node/209>

FARMERS WERE LEFT WITH FIELDS DELUGED BY SALTY SEAWATER THAT RUINED THEIR HARVESTS AND SOIL. BUT SINCE THEY DID NOT REPORT DIRECT CASUALTIES, THEY HAVE BEEN EXCLUDED FROM RELIEF MEASURES. MAJORITY OF THE RESIDENTS OF THESE AFFECTED AREAS ARE SHARE CROPPERS OR LANDLESS AGRICULTURAL LABOURERS, TENANTS, WORKERS ON TRAWLERS, DAILY WAGERS IN SALT PANS, FARMLANDS AND FISHING VILLAGES WHO ARE MOSTLY DALITS.

The National Campaign for Dalit Human Rights (NCDHR) alerted the world to the problem of caste discrimination in emergency and relief efforts on January 9 2005, and called for immediate action to ensure that Dalits were reached. After giving the government and NGOs every chance to make the effort necessary to reach the Dalit communities, NCDHR was forced to hold (together with Human Rights Forum for Dalit Liberation and Dalit Mannurimai Kootamaippu) a Public Hearing in Chennai on August 30 2005, to present the evidence of the continuing problem of caste discrimination within the post-tsunami recovery operations. The Recommendations from this Hearing are included in the Annex. The findings of this study show that even these Recommendations went largely unheeded.

## CASE STUDY 12:

### Double debt burden

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*Poovamthoppu (Salt Street), Agasthiyampalli, Vedaranniyam, Nagapattinam*



*This is an extremely poor community of 105 Dalit families, virtually all of them salt pan labourers. The men earn Rs75 per day and the women Rs40-50/day. All of the families will receive permanent shelters – they are extremely happy about this. They all received the government's Rs3,000 package and have been provided welfare assistance by NGOs. However, the owners of the salt pans only resumed production at the beginning of 2006, so they missed a whole year's work and income. Every year they get a loan from the upper caste salt pan owner of Rs5-15,000 – it is effectively a salary advance: they pay it off over the course of the entire year. With no work for a year, they have not repaid any of the 2005 loan. They now have a double debt burden for 2006 and no way of paying it back*

People's Watch Tamilnadu conducted several studies which have been referred to in this report, showing the continuing neglect of the tsunami-affected non-ocean fishing communities in general, and Dalits in particular. ActionAid India has also reported on the problem in its 'Human Rights Assessment' of the post-tsunami recovery operations<sup>67</sup>:

FOR DALITS (MEMBERS OF THE 'LOWEST' CASTE) IN INDIA, DISCRIMINATION THAT EXISTED BEFORE THE TSUNAMI INCREASED AFTERWARDS WHEN THEY WERE EVEN MORE VULNERABLE. FIFTEEN FAMILIES BELONGING TO PARAIYAR

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<sup>67</sup> ActionAid India, *Tsunami Response, a Human Rights Assessment*, January 2006, p55

FOR DALITS (MEMBERS OF THE 'LOWEST' CASTE) IN INDIA, DISCRIMINATION THAT EXISTED BEFORE THE TSUNAMI INCREASED AFTERWARDS WHEN THEY WERE EVEN MORE VULNERABLE. FIFTEEN FAMILIES BELONGING TO PARAIYAR COMMUNITY IN VEL NAGAR, TAMIL NADU, WERE LEFT COMPLETELY DEVASTATED BY THE TSUNAMI WAVES, THEIR HOMES DESTROYED AND CATTLE AND POULTRY KILLED. FORMERLY AGRICULTURAL LABOURERS WORKING FOR PALTRY WAGES IN FIELDS OWNED BY THE LOCAL FISHING PEOPLE, THEY WERE LEFT WITH NO MEANS OF INCOME. THE 15 FAMILIES TOGETHER OWN JUST THREE ACRES OF LAND. WHEN THEY APPROACHED THE VILLAGE AUTHORITIES FOR HELP, THEY WERE DRIVEN AWAY. WHEN THE LOCAL ASSEMBLY MEMBER VISITED THE AREA, HE AVOIDED GOING TO SEE THE DALITS ALTHOUGH HE SPENT TIME VISITING OTHER AFFECTED VILLAGES NEARBY. WHEN HE RETURNED TO THE AREA TO OVERSEE THE DISTRIBUTION OF RELIEF AID, AGAIN THE DALITS WERE IGNORED. AS A LAST RESORT, DALITS TOOK MATTERS INTO THEIR OWN HANDS AND LAID A ROADBLOCK TO GET RECOGNITION OF THEIR PLIGHT. SOME MEMBERS OF THE VILLAGE EVENTUALLY RECEIVED A BARE MINIMUM OF RELIEF (RICE AND FLOUR) BUT THE LOCAL FISHING COMMUNITY WAS NOT HAPPY THAT THE GOVERNMENT WAS GIVING RELIEF TO DALIT FAMILIES. THE CASE CLEARLY ILLUSTRATES WHY GOVERNMENTS MUST BE PROACTIVE IN TACKLING DISCRIMINATION. THE LOCAL FISHING COMMUNITY WAS THE FIRST TO GET TEMPORARY SHELTER, WHILE DALITS HAD TO WAIT. THEY DESPERATELY NEED PERMANENT HOUSES AND SUPPORT TO RESTART OR FIND NEW WORK AND TO REPLACE THEIR CATTLE AND POULTRY.

In May 2005, Human Rights Watch released its human rights assessment of the post-tsunami response, entitled *After the Deluge*<sup>68</sup>, with a damning chapter on caste-based discrimination, which concluded:

EVEN IF, AS SOME COMMENTATORS HAVE ARGUED, DISASTERS MAY NOT BE THE TIME TO PRESS FOR SOCIAL CHANGE, THE GOVERNMENT HAS TO RECOGNIZE THE PRINCIPLE OF NON-DISCRIMINATION IN DELIVERY OF EMERGENCY HUMANITARIAN RELIEF. EVEN IN CASES WHERE PRIVATE ACTORS ARE RESPONSIBLE FOR DISCRIMINATORY BEHAVIOUR, IT IS THE GOVERNMENT'S RESPONSIBILITY TO TAKE ALL REASONABLE MEASURES POSSIBLE TO END SUCH DISCRIMINATION.

A number of non-governmental, governmental and international organisations came together to study the problem and to develop the Social Equity Audit tool for measuring social exclusion (See Case Study 16). In the Preliminary Framework for the development of this tool<sup>69</sup>, the organisations noted:

INSPIRE OF A FAIRLY SUCCESSFUL IMMEDIATE RELIEF EXTENDED TO THE AFFECTED COMMUNITIES; WITHIN DAYS THE ISSUE OF 'SOCIAL EXCLUSION' SURFACED. THERE WERE REPORTS THAT THE DALITS OR THE SCHEDULED CASTES WHO ARE THE MOST EXCLUDED SOCIAL GROUPS OF INDIA WERE EXCLUDED EVEN IN THE IMMEDIATE RELIEF AND REHABILITATION PROGRAMMES.

As quoted previously, Gareth Thomas, UK Parliamentary Under-Secretary of State in the Department for International Development acknowledged the "reluctance by the authorities to allow aid to reach certain castes." He also referred to "the January 2006 report of a five-country study by a group of international charities reporting internal discrimination."

These sources were supplemented by direct interviews with many of those involved directly or politically in the implementation of post-tsunami recovery efforts from NGOs, INGOs, fishermen's associations, coordination bodies and government officials as well as visits to numerous affected non-Dalit and Dalit communities.

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<sup>68</sup> Available at <http://hrw.org/reports/2005/india0505/index.htm>

<sup>69</sup> Social Equity Audit framework, 2006 (draft, unpublished), p2

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## 9. POOR AND GOOD NGO PRACTICE

This study has identified a series of practices by NGOs in the post-tsunami context which have either contributed to the maltreatment and discrimination of Dalits, or have practically contributed to their upliftment and human dignity. These practices are summarised below.

### CASE STUDY 13:

Poor NGO Practice – Neglect leads to mass migration

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*eriyakamedu, Chidambaram*



*The rice fields these 80 Dalit families work in were ruined by the tsunami waters, robbing them of their only means of subsistence (this is a meagre subsistence indeed: women earn Rs35 a day for 8-10 hours work in the paddy fields). Some of the women did blind prawn fishing and shell collecting, but this work too was halted because of the tsunami. They lost livestock also, but without any proof of ownership they have little chance of being compensated. Nevertheless, while they watched their neighbours receive assistance immediately, they spent four days on the verge of starvation before any NGO or government official would help them. With the announcement of the government scheme to help all affected by the tsunami, they applied to the Collector for compensation, but never even received a reply, let alone the package created for people in their situation. NGOs are helping the neighbouring caste Hindu communities, but only the Dalit NGOs will help this community. Children of 'officially tsunami-hit' villages are getting uniforms, equipment and a subsidy of up to Rs500 a month, but Dalits in the same school from this affected village have received nothing. As a result of joblessness, 40 men have gone to Kerala for labouring work. The result of the loss of half of the community's men because of caste discrimination in tsunami recovery is yet to be seen.*

#### A. POOR NGO PRACTICE

- 'Caste-blindness', in other words the absence of an analysis or policy to tackle caste-based discrimination. The caste system is already there; being 'blind' to it is a certain way to ensure its continuation.
- Preferential treatment for dominant castes for the purpose of maintaining partnerships, at the expense of Dalit victims.
- Provision of assistance to dominant castes which inadvertently discourages them from returning to work and providing work for Dalits.
- Aiding dominant castes to take over the work previously done by Dalits, without helping Dalits find alternative work.
- Provision of materials based on the desire for good publicity.
- Oversimplification of problems in the haste to distribute aid within unreasonable timeframes.

- Failure to research, find, meet and dialogue with local Dalit communities to assess impact of the disaster.
- Failure to assess whether NGO, fishing association, Village Committee, caste panchayat or Church partners were excluding Dalits in the distribution of the funds and materials entrusted to them. In fact, the most common NGO partners were effectively exclusive representatives of caste fishermen.
- Using beneficiary lists provided by the dominant caste as the basis for assistance.
- Provision of assistance based on caste communities rather than individual needs.
- Failing to recognise the gravity of the needs of those who lost nothing but their livelihoods, and failure to assess vulnerability in general.
- Taking a non-critical approach in relations with the government, in order to facilitate their work. Even NGO Co-ordinations have been guilty of being too close to government officials to confront discrimination squarely. Independence from government is a means to ensure reliability in advocating for the real needs of beneficiaries.

## CASE STUDY 14:

### Good NGO Practice – Village Sangam Microfinance Scheme

#### *Thoothukudi*

*Local, Dalit-sensitive NGOs have developed and successfully implemented a ‘sangam-based’ method of post-tsunami recovery, targeting Dalit communities in Thoothukudi in particular. The method is a systematic, bottom-up poverty reduction and empowerment strategy. ‘Village Sangams’ (self-governing community groups based on the involvement of women) are formed at the Dalit hamlet level, with leaders elected by the members. Seed funding is provided to the sangam and the sangam then finances the establishment of micro-enterprises on the basis of poverty: the poorest families are offered the first loans. The loans are repaid over several months, with a small interest rate attached to increase the rolling funds available over time. The initial aim is not to replace existing work arrangements, but to provide supplemental income, which can in turn be used to pay off pre-existing debts to upper caste landlords and employers, thereby reducing the long-term economic dependence that has prevented Dalit social mobility. The scheme is not unique, but the fact that it is targeted at Dalit communities is of note, especially considering that Dalits are excluded from many of the famous ‘Self Help Groups’ that have flourished both pre- and post-tsunami.*

*In Ulagar Rakshagapuram village in Thoothukudi, for example, the sangam microfinance model has been applied, with the first repayments being made on time, income levels increasing, debt burdens decreasing and, perhaps most importantly, the confidence and optimism of the Dalit community being significantly raised. This and other pilot Dalit communities were denied the government relief due to them, and were shunned by other NGOs (including church-based NGOs, even though many of the Dalits were members of the Catholic Church) to the point of starvation. Thanks to the initiation of this scheme, however, they are now in a better economic position than prior to the tsunami.*

#### B. GOOD NGO PRACTICE

- Projects in Dalit communities themselves, aimed at specifically rehabilitating them through short-term cash-for-work schemes, long-term occupational replacement and other projects.
- Provision of boats to Dalits, with political support for keeping them, using them, maintaining them and gaining fishing licences.
- Actions to bring together Dalits and dominant castes, without compromising a commitment to Dalit upliftment.
- Attempts at mixed housing.
- Field research aimed at uncovering unreached victims and assessing their needs.
- After-school tuition for Dalit children.
- Revolving funds for SHGs/Village Sangams for Dalit hamlets, focused on women.

- Tackling alcoholism, sexism and division within and among Dalit communities.
- Considering relocation for Dalits where the situation is utterly hopeless.
- Considering alternative livelihood schemes that are well-researched, cooperative-based, appropriate to the wishes of the community and do not endanger current or future food security of the community.
- Development and application of a Social Equity Audit tool.
- Support for the formation of Dalit associations and unions.

## CASE STUDY 15:

### Good NGO Practice – Dalit Association given fibreglass boats

*Periya Kottaikadu village, Edaikazhinadu panchayat, Kancheepuram*



*A local Dalit NGO has combined with Dalit-sensitive INGOs to give 10 new fibreglass boats, along with engines and nets, to this Dalit fishermen community. They became perhaps the first Dalits along the Tamil Nadu coast to do sea-fishing in their own, fibreglass boats. The Dalits here have had their own Dalit Marine Fishermen Association since 1997, and when the tsunami hit it counted 120 members from among the 200 Dalit fishermen in the village. Through the Association, the Dalits managed to get fishing licences and went to the sea in these boats, or as wage earners for the caste fishermen. This association is the main reason for the success, as without this level of organisation, they would not be able to take advantage of the courageous and timely initiative of the NGO to provide them with fibreglass boats.*

*When the tsunami hit, the whole community lost its livelihood. There was no more fishing work available – either inland or sea fishing – and those doing agricultural work could not resume because the fields were salinated. The women doing blind prawn catching or sippi collection or fish vending also lost their means of survival. The community lost 80 kattamurams (the caste fishermen forbade them from owning fibreglass boats) and around 400kg of nets. However, the government did not give them relief. The official position was based on the following: Dalits are inland fishermen, and inland fishing was not affected, therefore no relief should be given to the Dalits. This is clearly wrong for two reasons: inland fishing was seriously affected, and Dalits are doing sea fishing. Even the members of the Association were not compensated, because they are Dalit, with the exception of 11 fishermen who happened to be in the right place and filled in the form given to the caste fishermen.*

*So, when the Dalits were given new, fibreglass, motorised boats by an NGO that has supported Dalits in the region for many years, the caste fishermen tried to buy the new equipment from the Dalits. After they refused to sell them, the caste fishermen then stole some of the drive shafts of the new engines. But the Dalits refused to give in, and, in a sign of their empowerment, 200 of them went to the caste fishermen village to demand the parts be replaced. For generations they had worked for fishermen in daily wage labour (many are still doing so), in an exploitative arrangement where the boat/net owner gets a disproportionate benefit compared to the Dalit labourers. The income from the catch is all theirs now, because they are the owners. The community had approached 20 NGOs who refused them*

before they got the support of the Dalit NGOs, who are also supporting women's groups to do thatch-making, which is helping supply the need for housing after the tsunami and the floods.

Relations between the communities are not 'smooth'. The caste fishermen are jealous that Dalits are becoming independent, but they have to accept this fact, because the Dalits are organised and not prepared to give in, and are being supported not only as impoverished, downtrodden individuals, but as a community who can learn to fight for their own rights.

## CASE STUDY 16:

### Good NGO Practice – Social Equity Audit

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*Initiative of several INGOs, NGOs and Bilateral donors*

*In response to the scandal of caste discrimination in post-tsunami recovery operations, several major providers have joined forces to develop a mechanism for assessing the degree to which providers are reaching the 'excluded', the 'vulnerable', or the 'hard to reach' in the delivery of relief or rehabilitation. The mechanism involves the training of independent 'Social Equity Auditors', who would analyse the programmes of participating providers and provide a report on the degree to which Dalits, women, the disabled and other excluded groups are being reached. The idea is to systematically inquire into social exclusion within post-tsunami recovery operations, by creating a Social Equity Audit tool with which organisations could subject themselves to examination according to social inclusion criteria.*

*The objective of the Social Equity Audit tool development has been described by the participating institutions as: "to ensure that recovery programmes increase accountability and social inclusion by pro actively addressing issues of social exclusion and negative discrimination affecting the poorest as well as the other marginalized communities in the post tsunami relief and rehabilitation phase."*

*A Social Equity Audit tool and process could contribute enormously to understanding, monitoring and preventing social exclusion amongst organisations implementing emergency response programmes.*

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## 10. CONCLUSION

The news is overwhelmingly bad in terms of post-tsunami caste discrimination in India. Dalits were the most vulnerable before the tsunami, suffered terribly from loss of livelihoods and small equipment, and faced abuse, aggression and exclusion, but for most of the recovery providers they never appeared on the radar. Through the eyes of Dalits, the role of 'caste blind' recovery providers has not been neutral but rather negative, further widening the gulf between Dalits and non-Dalits, and making them further impoverished and even more vulnerable than before the tsunami.

The experience of the few providers who made a special effort to listen to, work with and reach out to Dalits has, however, shown that the opposite was indeed possible. Since it is possible to take an approach that enables those at the bottom of the caste hierarchy to be reached on a par with others, it is the moral obligation of all providers of disaster relief in caste-affected areas to design and adopt a standing policy to ensure this happens whenever a disaster occurs.

The Recommendations (provided in Section I), findings and analysis provided in this report provide the basis for a planning/monitoring/evaluation tool with which disaster recovery and development providers could ensure they are not discriminating against Dalits in their South Asian programmes. With so much public information available about post-disaster caste discrimination, agencies are now faced with the ethical imperative of developing internal 'Dalit exclusion preparedness' policies for South Asia alongside their external programmes for 'disaster preparedness'.

Those who say "disasters are not the time to tackle caste problems" are wrong. The inhumanity of caste discrimination and exclusion knows no temporal barriers. Every time is the wrong time to contribute to such inhumanity through 'caste blind' policies. Every opportunity is the right opportunity to bring dignity to the most oppressed and downtrodden.

The furthering of Dalit exclusion confounds any humanitarian objective. Dalits must be authentically consulted, intrinsically involved and actively included in all phases of disaster recovery. The dream of "building back better" that all providers and victims share deserves no less than this.



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## II. ANNEX

### A. RELEVANT EXCERPTS FROM VARIOUS DISASTER RECOVERY INSTRUMENTS

Equality and non-discrimination is an ethical pre-requisite for disaster relief operations. Below are provided some excerpts which describe these pre-requisites in three instruments – from the United Nations, the Red Cross and the SPHERE project – that guide the ethical conduct of disaster recovery providers. Readers are encouraged to consult the full documents to contextualise these excerpts.

#### (I) UN GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

The *UN Guiding Principles of Internal Displacement*, some excerpts of which are prevented here (emphasis added), are available at: <http://www.unhcr.ch/html/menu2/7/b/principles.htm>

##### PRINCIPLE 4

1. These Principles shall be applied **without discrimination of any kind**, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or **social origin**, legal or social status, age, disability, property, birth, or on any other similar criteria.

##### PRINCIPLE 24

1. All humanitarian assistance shall be carried out in accordance with the **principles of humanity and impartiality and without discrimination.**

#### (II) PRINCIPLES OF CONDUCT FOR THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT AND NGOS IN DISASTER RESPONSE PROGRAMMES

Following are some relevant excerpts (emphasis added) from the *Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes*, available at: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57JMNB>

##### 1. THE HUMANITARIAN IMPERATIVE COMES FIRST

... the need for **unimpeded access** to affected populations, is of fundamental importance... **The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster...**

##### 2. AID IS GIVEN REGARDLESS OF THE RACE, CREED OR NATIONALITY OF THE RECIPIENTS AND WITHOUT ADVERSE DISTINCTION OF ANY KIND. AID PRIORITIES ARE CALCULATED ON THE BASIS OF NEED ALONE

Wherever possible, we will base the provision of relief aid upon **a thorough assessment** of the needs of the disaster victims... The implementation of such a **universal, impartial and independent policy** can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

##### 7. WAYS SHALL BE FOUND TO INVOLVE PROGRAMME BENEFICIARIES IN THE MANAGEMENT OF RELIEF AID

... Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve **full community participation** in our relief and rehabilitation programmes.

##### 9. WE HOLD OURSELVES ACCOUNTABLE TO BOTH THOSE WE SEEK TO ASSIST AND THOSE FROM WHOM WE ACCEPT RESOURCES

...We recognize the obligation to ensure **appropriate monitoring** of aid distributions and to carry out regular assessments of the impact of disaster assistance...

10. In our information, publicity and advertising activities, we shall recognize disaster victims as dignified humans, not hopeless objects  
... we will **not allow external or internal demands for publicity to take precedence** over the principle of maximizing overall relief assistance...

### (III) SPHERE STANDARDS

The SPHERE Standards were the principle reference for Indian post-tsunami recovery providers. The standards demand that non-discrimination is a core aspect of the recovery process. Clearly the discrimination against Dalits is contrary to the fundamental ideas of these – and all other – ethical standards for recovery work. Nevertheless, the Standards would be improved by including the specific consideration of caste discrimination, which is a unique form of discrimination based on purity and pollution. Some of the relevant sections of the SPHERE Standards, which are available at: <http://www.sphereproject.org/content/view/28/84/lang,English/>, are presented below (emphasis added).

#### VULNERABILITIES AND CAPACITIES OF DISASTER-AFFECTED POPULATIONS

Specific vulnerabilities influence people's ability to cope and survive in a disaster, and **those most at risk should be identified in each context... Special care must be taken to protect and provide for all affected groups in a non-discriminatory manner** and according to their specific needs.

#### COMMON STANDARD 1: PARTICIPATION

The disaster-affected population actively participates in the assessment, design, implementation, monitoring and evaluation of the assistance programme.

KEY INDICATORS (to be read in conjunction with the guidance notes) include:

- Written assistance programme objectives and plans should reflect the needs, concerns and values of disaster-affected people, **particularly those belonging to vulnerable groups**, and contribute to their protection (see guidance notes 1-2).

#### GUIDANCE NOTES

1. **Representation of all groups**: the participation of disaster-affected people in decision-making throughout the project cycle (assessment, design, implementation, monitoring and evaluation) helps to ensure that programmes are equitable and effective. Special effort should be made to ensure the **participation of a balanced representation of people within the assistance programme, including vulnerable and marginalised groups**. Participation should ensure that programmes are based on the willing cooperation of disaster-affected people and that they **respect local culture, where this does not undermine the rights of individuals**. Assistance programmes should reflect the **interdependency** of individuals, households and communities and ensure that protection elements are not overlooked.

#### COMMON STANDARD 2: INITIAL ASSESSMENT

Assessments provide an understanding of the disaster situation and a clear analysis of threats to life, dignity, health and **livelihoods** to determine, in consultation with the relevant authorities, whether an external response is required and, if so, the nature of the response.

KEY INDICATORS INCLUDE:

- Estimates of population numbers are **cross-checked and validated with as many sources as possible**, and the basis for the estimate made known.

GUIDANCE NOTES INCLUDE:

9. **Disaggregation of data** is important for various reasons... As time and conditions allow, more detailed disaggregation should be sought, to detect further differences according to age, sex and vulnerability.

10. Underlying context: the assessment and subsequent **analysis should take account of underlying structural, political, security, economic**, demographic and environmental **issues**. Likewise, any changes in living condi

tions and community structures of both host and displaced populations in relation to the pre-disaster phase should be considered.

## B. RECOMMENDATIONS FROM THE NATIONAL PUBLIC HEARING

The Hearing was jointly organized by National Campaign on Dalit Human Rights (NCDHR), Human Rights Forum for Dalit Liberation (HRFDL), Dalit Mannurimai Kootamaippu (DMK). It was held on August 30, 2005 in Chennai, Tamil Nadu. Following are the recommendations of the Hearing's 7-member Jury Panel, which have already been published by NCDHR:

1. The depositions prove that there is discrimination in distributing relief and rehabilitation during tsunami. It is condemnable. We conclude that caste discrimination is also equal to racial discrimination. The International Convention On The Elimination Of All Forms Of Racial Discrimination (ICERD) defines the term racial discrimination as, any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, social cultural or any other field of public life. India is a signatory to it and has obliged to adopt the same in its statutory books and enforce the same through courts of law. It has also incorporated the same in Art. 17 of our Constitution. But all these remain only in statutory books and the same has been violated during tsunami. We recommend the Government to strictly implement the same immediately and register cases against the erred officials.
2. Though India is a signatory to the Universal declaration of Human Rights (UDHR), the concept of right to equality has been violated in tsunami rehabilitation. Art. 7 of the UDHR says that all are equal before law and are entitled without any discrimination to equal protection of the Law. The same has been enshrined in Art.14 of our Constitution. It states that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. But in distributing the relief materials and compensation, the state has neglected the Dalits, vulnerable people of India. Hence, we urge both the Union and the State Governments to strictly implement the same and disburse the relief and rehabilitation to the Dalits without discrimination.
3. Though the Supreme Court has issued guidelines with regard to manual scavenging to all the States, several scavengers belonging to the scheduled caste were involved for removing corpses and debris during tsunami. They were not given precautionary measures like gloves, injections and even food. At the outset we are wondering as to why the army is not involved for removing corpses and debris. If they could work on the warfront why can't they in tsunami? Many of the scavengers were not even given money for their work till date. We demand that the Government of Tamil Nadu should immediately disburse the money for their work.
4. The government of Tamil Nadu and the concerned officials should have a common understanding that fishermen denotes all the people who resides and profess fishing. We the jury panel thinks that it is necessary that, without this understanding no government could carry the tsunami relief operations.
5. We urge the Government of Tamil Nadu to immediately assess the damage incurred by the Dalits. While assessing the damage, the loss of houses, boats, catamarans, cattle and poultry, leased lands, rented houses, house hold utensils, jewels and loss of two wheelers should be taken into account.
6. We feel that it is the duty of the Government to bring peace and harmony between the communities where already exists the concept of discrimination. Instead the relief operation carried out by the government of Tamil Nadu has widened the division between the Dalits and the non-Dalits.
7. As enshrined in the Constitution of India, everyone has the right to form associations. But many of the victims deposed stated that in several places where the Dalits were fishing, they were not permitted to form their own fishing associations. Hence the Fisheries Department should immediately intervene in this matter and help the Dalits to register their own fishing associations.
8. We recommend that all the insurance companies to consider tsunami as an accident and compensate the loss of vehicles.
9. FIR should be registered against the fishermen who plundered the relief materials from the Dalits and it should be given back to them without fail.
10. We urge the Government to frame a policy facilitating the reconstruction of livelihood resources in the tsunami-affected areas enhancing sustainable development.

11. We demand that the state should not remove the existing habitats as CRZ notification allows the fisher community habitats. In this context the letter by Thiru.R.Santhanam, IAS., Special Commissioner and Commissioner of Revenue Administration Department, should be withdrawn immediately (Lr. ODS(DRR)/Relief / 05, dated 19.01.2005 D.O. Lr.No. OSD (RR) / Relief / dated 21.01.05).
12. The shelter reconstruction should be owner driven policy where the victim should become part and parcel of the planning and implementing process. The affected family can be assisted in terms of access to material support, grants and technology which is ensuring seismic safety, cyclone safety, wind proofing etc in the backup of local geological conditions and traditional wisdom.
13. The Central Government has announced 650 crores for housing (for 1.5 lakh houses) 923 crores for repairing boats buying new boats, (subsidy – 353 crores and loan component of 566 crores). Although it is only for the Fisher people, the loan component should be withdrawn and given as 100% subsidy.
14. The State Government should entrust the responsibility of disbursing the funds from the state for reconstruction and monitoring the reconstruction with Panchayat in coordination with the NGOs and CBOs.
15. The state should constitute “Tsunami Relief, Reconstruction and Rehabilitation” committees at district, union and Village Panchayat and at ward levels in all the coastal districts with the participation of Dalits and women.
16. The elected Government must prepare the demographic data, the need assessment data and Village development plan and the reconstruction plan must be executed with the CBOs under the leadership of elected Government.
17. The Government should extend Worker status to the Dalit workers and they should be ensured all the provisions of welfare board and the benefits of the savings cum relief scheme.
18. The Government must offer special relief package to Dalit workers in processing vending, auctioning and other fish related activities. Interim relief grant must be provided for them till they are able to resume their former economic activities.
19. The traumatic effort of the disaster on reproductive health must be assessed and special medical care, including necessary scan and psychological counseling must be, immediately, offered to them at free of cost.
20. The state should reconstruct toilets on a war footing to ensure the dignity of women and also for the sanitation of the area. These must be provided even in temporary shelters. The state must provide drinking water and domestic water needs to the affected communities.
21. The state should supply adequate supply of kerosene at free of cost to resume cooking till normalcy is restored.
22. The government should protect the local communities from forcible relocation by vested interests attempting to obtain beach-front properties for their own profit. In particular, the government of Tamil Nadu should prevent the forcible relocation of families with houses within the 200-meter high tide zone, because they have been given the option by the Tamil Nadu government of staying if they so wish, but without any compensation for loss of damage of property.
23. The government should provide the market price for lands acquired for permanent settlements.
24. Many acres of agricultural lands have turned saline. The government should draw plans to make these lands fertile and fit for cultivation.
25. The Mayiladuthurai police officials should immediately register an FIR against the erring bus driver of the TRSTC who injured Mr. Kumar, the temporary scavenger of the Corporation of Coimbatore. It should also provide the compensation to him. The Corporation of Coimbatore should immediately disburse the allowance of Rs,2500/ to the remaining scavengers who worked in the tsunami affected areas.
26. After hearing several witnesses we infer that in many of the tsunami affected areas, the Dalits were not given compensation. Despite several petitions, none of them were provided with the proper relief or rehabilitation. In many places the Dalits were abused by the Government officials. The Government should vigorously investigate and register FIR against the erring officials under Section 4 of the SC/ST PA Act 1989 for negligence and dereliction of duty.
27. We came to know from the organizers of the National Public Hearing that except the District Collector Nagapattinam, none of the District Collectors have responded to the petitions sent under Tamil Nadu Right to Information Act- 1997. We condemn this. Above all the government should strengthen governance systems ensuring transparency and accountability at every level starting with the village councils. This is particularly important because orders issued at the top are often not implemented on the ground. Hence, we demand that the Government of Tamil Nadu should publish a status report with regard to the relief and rehabilitation carried out so far in tsunami affected areas.

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