

NATIONAL CAMPAIGN ON DALIT HUMAN RIGHTS

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National Public Hearing on Discrimination against Dalits in Tsunami Relief and Rehabilitation

The National Public Hearing on Discrimination against Dalits in Tsunami Relief and Rehabilitation held on 30th August 2005 at Good Shepherd Hall, Nungampakkam, Chennai. More than 1000 Dalit victims from the whole of Tamilnadu participated this PH. NGOs and other Dalit organizations working in the coasts of Tamilnadu also took part extensively.

The National Public Hearing was jointly organized by National Campaign on Dalit Human Rights (NCDHR), Human Rights Forum for Dalit Liberation (HRFDL), Dalit Mannurimai Kootamaippu (DMK).

Context

As it stands, the majority of people affected by the Tsunami have been of the Fishermen community. However other communities such as Dalits and Muslims have also been affected.

But there is no equitable distribution of resources in the process of relief and rehabilitation works to these Tsunami victims, since Dalits are in the degraded position on the caste hierarchy.

In order to provide justice to the Tsunami hit Dalit victims, NCDHR - National Campaign on Dalit Human Rights along with its local partners HRFDL, NESAI, DMK, have taken up many actions. First, we have looked at what was the position of the Dalit communities prior to the Tsunami. Secondly, we evaluated the extent of the devastation and damage that was caused to the Dalit communities as a result of the Tsunami. Thirdly, we studied the discrimination they have faced from the Fishermen communities as well as from the Government. Fourthly, we assessed the relief that had been promised to the Dalit communities. Finally, we have taken up many advocacy interventions i.e. appealing the governmental and non governmental bodies, reporting the situation and submitting memoranda to high officials, organizing meetings, workshops, seminars and demonstrations to ensure that the Tsunami Dalits have an equal opportunity to rebuild their lives and communities.

The National Public Hearing on Discrimination against Dalits in Tsunami Relief and Rehabilitation was one of major social action to ensure justice to Tsunami hit Dalit victims.

Jury Panel

1. Mr. Sami Durai, Judge (Retd.), Madras High Court
2. Mr. B. Akbar Basha Khadiri, Judge (Retd.), Madras High Court
3. Mr. C. Chellappan, IAS (Retd.), Former Member SC/ST Commission

4. Dr. V. Vasanthi Devi, Former Chair Person, Tamil Nadu State Commission for Women
5. Ms. Annie Raja, National General Secretary, NFIW-National Federation of Indian Women
6. Ms. Shabnam Asmi, Social Activist, New Delhi
7. Prof. A. Marx, Writer and Social Activist, Chennai

Objectives

- To publicize and sensitize the public and civil society about the discrimination against the Dalits regarding Tsunami relief and rehabilitation undertaken by both the Government of Tamil Nadu and the voluntary organizations.
- To highlight the manner in which article 17 of the our constitution has been subverted in the Tsunami hit villages by the Tamil Nadu Government.
- To highlight the discrimination against Dalits by the Government with regard to the policies and budgetary allocation with special reference to the Government orders issued so far after Tsunami.
- To bring this willful neglect of the State and Union Government before the media and civil society as a public invitation to the National and State SC/ST Commission with the hope that the institution will take cognizance of this case and issue speedy order for relief and rehabilitation for the Dalits.
- To highlight the lapse if any on the part of civil society organizations, democratic organizations and political parties for the past 8 months in bringing this pathetic situation to the attention of the general public and media for drawing support to this issue.

Major Observations

1. The jury panel observed that there is discrimination in distributing relief and rehabilitation during tsunami. Particularly the revenue officials and the district administration that were carrying out the relief operations have neglected the requests made by Dalits and not provided the relief materials.
2. The deposition of the victim indicates that in many places, the relief materials distributed to the dalits have been plundered by the fishermen. The district administration appointed for monitoring the distribution was inactive and silent in curbing these atrocities.
3. We observed that despite several complaints given by the Dalits to the concerned police officials, regarding the above said, none of the complaints were registered.
4. Likewise, it is evident that the government focused the fishermen in distributing the relief materials and compensation during tsunami.
5. During our visit to the tsunami affected areas, we could see that the temporary shelters constructed by both the Government and the NGO's have segregated the dalits and the fishermen.

6. We could also observe that many of the affected dalits are unaware of the food for all programme.
7. The tsunami rehabilitation service committee constituted for assisting the government in giving the beneficiaries list and distributing relief, does not contain any woman, dalit member. It is one of the major reason for the neglect of the vulnerable community in tsunami relief.
8. It was observed from the depositions that in many places in spite of the Government orders after tsunami, many of the educational institutions had collected fees from the children of the tsunami affected areas.
9. We could infer that the insurance companies had refused to compensate for the loss of vehicles (Two wheelers, cycles, autorickshaws) during tsunami.
10. The depositions prove that the scavengers of the Corporation are involved in this tsunami disaster for the removal of corpses and debris. They were not provided with any of the preventive medicines, gloves, food etc. during their work. Many of them were not paid money for their work till date. They were also ailing from various diseases, trauma and most of them have turned drunkard.

Recommendations of the Jury Panel

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 of 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 Tamilnadu and the concerned officials should have a common understanding that fishermen denote 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 TamilNadu 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 TamilNadu 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. ODSD(RR)/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 or 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 with drawn 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 Tamilnadu 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 Tamilnadu 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 erred 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 erred 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 Tamilnadu 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 TamilNadu should publish a status report with regard to the relief and rehabilitation carried out so far in tsunami affected areas.

J. Vincent Manoharan

General Secretary- NCDHR