

# Addressing caste discrimination in Humanitarian Response



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*Commissioned by*

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## Glossary of terms

**DR-DRR**- Disaster Response and Disaster Risk Reduction

**ECHO**- European Commission Humanitarian Organisation

**CBDRR**-Community Based Disaster Risk Reduction

**CMDRR**-Community Managed Disaster Risk Reduction

**UNDP** - United Nations Development Programme

**MGNREGA** – Mahatma Gandhi National Rural Employment Guarantee Act

**DDMP** - District Disaster Management Plan

**DM** - Disaster Management

**NDMA** - National Disaster Management Authority

**SDMA** - State Disaster Management Authority

**SDMP** - State disaster management plans

**SEC**- State Executive Committee

**PRI** - Panchayati Raj Institutions

**NDRF** - National Disaster Response Force

**NCMC**- National Crisis Management Committee

**NDMF**- National Disaster Response Fund

**SDMF**- State Disaster Response Fund

**GO** –Government Organisations

**NGO**- Non government Organisations

**CBO**- Community Based Organisations

**HAP**- Humanitarian Accountability Principles

**WASH**- Water Sanitation Hygiene

**UNICEF**- United Nations Children's Fund

**UDHR**- Universal Declaration of Human Rights

**TISS**- Tata Institute for Social Sciences

**VDCs** -Village Development Committees

**CCHC** - Community Complaints Handling Committee

**CfW** - Cash for Work

**CRF**- Calamity Relief Fund

**NCCF**- National Calamity Contingency Fund

**ALPS**- Accountability, Learning and Planning system

**ECHO**- European Commission for Humanitarian Assistance

**JNNURM** - Jawaharlal Nehru National Urban Renewal Mission

**GoI**- Government of India

**CMG** - Crisis Management Groups

## Foreword

A series of disasters, including the 2004 tsunami, the floods that ravaged Nepal (2008) and the Indian states of Bihar, Andhra, Karnataka and Assam during 2007-2009, and flooding in Pakistan (2010), have highlighted the degree to which, by virtue of their inherent socio-economic vulnerability, Dalits – the ‘untouchable’ communities at the bottom of the caste system – have been systematically excluded from relief and rehabilitation efforts across the South Asian region.

Several reports<sup>2</sup> drawing on the experiences of Dalits during the relief and rehabilitation measures that followed these disasters have demonstrated the degree to which caste discrimination by default can entrench and enhance inequity. There are an estimated 260 million caste-affected people in the world, and wherever they exist, discrimination in day to day life as well as during disaster relief is highly predictable.

Dalits are more vulnerable to natural and human-made disasters because of their marginal social standing and discrimination as well as their habitation in marginal spaces segregated from mainstream settlements. This often results in Dalits living in highly vulnerable places prone to all kinds of disasters. Yet humanitarian minimum standards do not currently require, guide or even suggest that providers of humanitarian assistance in caste-affected countries understand and respond to caste discrimination.

This research document is grounded in this backdrop which analyses the Indian experience of caste based discrimination in Disaster Response and Disaster Risk Reduction that illustrates the need for policy and legislative measures. Also, the document contains a compilation of the few chosen case studies on good practices and action to facilitate socio- economic inclusion of Dalits in disaster relief and rehabilitation responses and pre-empt caste discrimination by default.

The documentation is conceived with the objective of evolving a draft general framework and recommended instruments for international humanitarian stakeholders to enable them to take concrete actions to achieve inclusion of Dalits in their Disaster Response and Rehabilitation processes.

In the document, the term Dalit includes the most vulnerable among the Dalits- the sub castes, children, single/widowed women, pregnant women, the differently-abled, elderly and the orphans.

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<sup>2</sup> 1. *Making Things Worse*, Dalit Network of the Netherlands, 2007, available at: [http://www2.ohchr.org/english/bodies/cerd/docs/ngos/tsunami\\_report.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/ngos/tsunami_report.pdf)  
2. *The uncertainties of life...living through waters of dejection (Yamuna floods, Delhi, 2010)*  
3. *Exclusion of Dalits in Flood Rehabilitation, Bijapur district, Karnataka, 2009* (By HRFDL-K and NDW)  
4. *The Excluded in Relief and Rehabilitation, 2009-10 floods, Andhra Pradesh* (By Dalit Watch-AP and NDW)  
5. *Status of implementation of the Calamity Relief Fund in SC villages of Dhakuakhana block of Lakhimpur district (Assam) during flood and Post flood-2008/09* (By RVC Assam and NDW)  
6. *The Affected and the Relief and Rehabilitation-Status report on Bihar Flood 2007* (By Dalit Watch-Bihar and NDW)  
7. *For a Morsel of Life! ...Bihar Relief Camps report, 2008* (By Dalit Watch Bihar and NDW)

The International Humanitarian community is urged to operationalise these Guidelines to counter caste based discrimination and exclusion in disaster response and risk reduction intervention.

## Introduction

Natural disasters are not bound by regional or national boundaries, nor are they ‘caste’ prejudiced, yet the Dalits are found to be the worst victims of any grave emergency. It is therefore important to understand the background of Dalit marginalisation from the social exclusion perspective.

Under the caste system, which is associated with Hinduism, people were categorized by their occupations. Although originally caste depended upon a person's work, it soon became hereditary. Each person was born into an unalterable social status. The four primary castes are: Brahmin, the priests; Kshatriya, warriors and nobility; Vaisya, farmers, traders and artisans; and Shudra, tenant farmers and servants. Some people were born outside of (and below) the caste system, and were called the “Untouchables”.

Untouchables are the people who today call themselves ‘Dalits’, who are not only prevented by their caste 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.

In totality, it is these given pre-existing conditions of vulnerabilities posed by untouchability practices and discrimination based on caste that gets magnified and multiplied into various forms of systemic and societal exclusion of Dalits in emergency situation, in disasters.

It is the neglect in understanding these caste structures and how it works in disaster situations that result in invariable discrimination and exclusion of Dalits even in disaster response. Even in cases where there is no intentional bias against Dalit communities, the lack of knowledge about their vulnerabilities, not mapping these communities in the context of the disaster and prevalent norms of operations result in the administration not taking the cause of Dalit and other marginalised communities in times of disaster. The local political structures condition even the humanitarian agencies besides the government who are the primary responders to disasters, from seeing through the caste specific vulnerabilities of a particular community and helping them out.

Caste based discrimination (CBD) is internationally recognized as discrimination based on work and descent<sup>3</sup>, as typically associated with the notion of purity and pollution and practices of untouchability. This kind of discrimination leads to multiple marginalisation of Dalits suffering with their identity and origin based discrimination, resulting in systemic exclusion in social, economic and political spheres, including humanitarian assistance,

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<sup>3</sup> [\*UN Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent\*](#), clause 2

through *discrimination by default*<sup>4</sup>. The economic factor is most apparent as many poor people are forced to live on marginal lands, such as floodplains, coastal towns and unstable hillsides<sup>5</sup>.

The attention of the international community has been brought to the existence and persistence of various forms of caste-based discrimination<sup>6</sup> occurring around the world. This practice has been established firmly as a violation of international human rights law. Important actions have been taken by the UN human rights mechanisms,<sup>7</sup> including the UN Treaty Bodies, the former UN Sub-Commission on the Promotion and Protection of Human Rights, and UN Special Rapporteurs, to bring attention to caste-based discrimination, to affirm its prohibition under international human rights law, and to advise governments on the implementation of existing law to prohibit caste-based discrimination and the adoption and implementation of new measures towards this end.

The case study of India appended to this document provides deep insights into the situation of Dalits presented through findings from the civil society studies and media reports, which also highlights similar trends of exclusion and discrimination of Dalits from disaster response across the South Asian countries. This makes it even clearer that the social positioning plays a crucial role in determining the chances of survival and recuperation of victims during and post disaster. The pre-existing vulnerabilities of Dalits make them easy targets and primary victims of any disaster.

### **Glimpses of caste in South Asian disasters**

In South Asia, forms of CBD in disasters situations have successively unfolded the different and yet uniform patterns of discrimination and exclusion across these countries. The deadliest combination of caste (equivalent to manmade disaster and equated to racism) and natural disasters across the world have revealed the denial and inability of the government and non-government, respectively, in noticing and then adequately addressing the issue of discrimination of Dalits in disaster response and rehabilitation.

In August 2008, more than 35,000 villagers were displaced by a massive flood along the Kosi River in Nepal. In December 2010, the Nepalese government was at the final stage of accomplishing its billion rupee relief and rehabilitation programmes for the Kosi deluge victims. The Chief District Officer's High Level Task Force team, created to assist with flood-related matters, which included representatives of a local volunteer body of villagers blatantly, lacked representation from the Dalit community. There was no safe drinking water available for 80 households in just one ward. The community lavished in agony for want of

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<sup>4</sup> *Ibid* 2 (1)

<sup>5</sup> Disaster Management in Southeast Asia, an Overview, accessed at <http://www.adpc.net/pdr-sea/publications/11-DMSEA.pdf>

<sup>6</sup> Persons affected by caste discrimination cover *Dalits* in South Asia and similarly affected groups around the world

<sup>7</sup> Please see the [UN Compilation of References to Caste-based Discrimination by UN Treaty Bodies, Universal Periodic Review, and UN Special Procedures, IDSN \(November 2011\)](#), available at: [www.idsn.org/UNcompilation](http://www.idsn.org/UNcompilation)

basic amenities until after two years, UNDP provided pipes and hand pumps for the villagers<sup>8</sup>.

The situation of Dalits in Pakistan was reported to be highly deplorable. According to Pakistan Dalit Solidarity Network (PDSN), hundreds of thousands of Dalits were affected by the floods in Pakistan in mid August 2010, and many of them were denied access to relief camps by Muslims while they also experienced other forms of discrimination when seeking assistance. There is only limited disaggregated data available on the affected population. Moreover the federal government's ban on non-governmental organisations and international donors to work in these areas for "security reasons", added to their agony, while the government itself was still to commence their relief operation.

In Bangladesh, 40 per cent of its inhabitants live below poverty line and are frequently susceptible to natural disasters. In terms of accessing relief and rehabilitation at the time of disasters, both Muslim and Hindu Dalits face discrimination to some extent. They are not given due help or co-operation because of their identity. In the villages, the local authority tries to oblige the non-Dalits, even though they might not need any help/co-operation for disaster mitigation. Again, in the selection of items during relief etc, Dalits do not have any voice or choice; whereas the non-Dalits are allowed to select items at their own choice<sup>9</sup>.

In Sri Lanka, caste discrimination is most prevalent among the Tamil speaking part of the population, especially in the tea plantation areas, but also practiced in the Sinhala community and within the realm of Buddhist culture. Tsunami struck Sri Lanka with devastating force and aggravated the tensions among those who already were displaced by ethnic tension and forced to move to low-lying land. They were then denied dry food rations in the refugee shelter, apparently for hailing from a lower caste. International NGOs assistance was reported to have widened the gap between rich and poor by replacing boats that belonged to the rich owners.<sup>10</sup>

Several challenges hinder the implementation of equity monitoring in a disaster response. These include: differences in stakeholder mandates; common perceptions of threat that monitoring creates; the perceived reluctance of Government and civil society to collaborate; general perceptions of relief as charity; people's perceptions of vulnerability; a limited understanding of specific needs of different vulnerable groups; and lack of proper methods to facilitate monitoring in a non-threatening and non-offensive manner<sup>11</sup>.

Hence, a human rights perspective should be in built in any Disaster Response-Disaster Risk Reduction programme of the agency, based on fundamental principles and entitlements of human rights. At the operational level, a human rights framework becomes utmost essential because it helps to<sup>12</sup>:

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<sup>8</sup> Caste Discrimination Affects Disaster Relief Efforts for Dalits in Nepal, May 9, 2011, By Asian Human Rights Commission

<sup>9</sup> Chowdhury, I.U. Caste-based Discrimination in South Asia: A Study of Bangladesh, IIDS

<sup>10</sup> Sri Lanka Discrimination, displacement and determination mark Sri Lanka's tsunami relief effort

<sup>11</sup> Real-time Equity Monitoring in Disaster Response, Lessons Learnt from Indian Experiences, UNICEF India, 2009

<sup>12</sup> Introduction to the IASC Operational Guidelines on Human Rights and Natural Disasters, January 2011

- Identify relevant needs and interests of affected persons;
- Identify rights holders and duty bearers;
- Ensure that humanitarian action meets human rights standards.

**PART 1**

**DRAFT FRAMEWORK FOR ACTION  
FOR  
INTERNATIONAL HUMANITARIAN  
STAKEHOLDERS**

## **The Evolution of the Draft General Framework**

This draft framework is intended to serve as a guide for International Humanitarian Stakeholders (IHS) in taking effective action to eliminate caste-based discrimination (CBD) in the context of Disaster Response and Disaster Risk Reduction (DR-DRR) through a human rights approach.

### **The Background**

1. Despite the continuous impediments in achieving equity monitoring in disaster response, humanitarian standards do not currently require providers of humanitarian assistance to respond to caste discrimination with a grounded understanding of the nature and causes of caste based discrimination. This is reflected in a number of ways such as (i) lack of explicit recognition of caste-based discrimination and related exclusion in their policies and guidelines (ii) emphasis on management of disaster response programmes without an understanding of the societal processes of caste-based exclusion at work in communities at all times (iii) lack of awareness and acknowledgement of the fact that large numbers of people affected by disasters are excluded due to various forms of vulnerabilities created by social stratification and discrimination imposed by caste.
2. The lack of internationally accepted rights-based guidelines or standards for operations, evaluation, monitoring and accountability during the Relief and Rehabilitation phase often leads to what one disaster expert calls “programmes (that) inevitably become paternalistic in nature or end up serving the needs of the donors and the agencies rather than the needs of the victims” (World Disasters Report, 2002).
3. It is in this context that this draft general framework is developed for the IHS. The framework has emerged as a consequence of a series of consultations with the humanitarian stakeholders and civil society organizations working on Community Based/ managed Disaster Risk Reduction models with rights based approach integrated into their DR-DRR programmes.

### **Evolution of the Guidelines**

4. The very foundation for these guidelines has been the eye opening findings of several inclusion monitoring studies<sup>13</sup> commissioned by NDW together with state based network organisations in massive flood events of different states across India, with support from Cordaid<sup>14</sup>, the Netherlands.
5. At the National Consultation was organized by the NDW of NCDHR and co-organised by Sphere India on ‘*Exclusion of Dalits - Disaster Risk Reduction interventions - Effective civil society monitoring*’, on June 18-19, 2010, in New Delhi, India, declarations were collectively drafted by a group of concerned civil society

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<sup>13</sup> *Ibid* 2 (2-7)

<sup>14</sup> Based in the Netherlands, Cordaid works with almost 900 organisations in 28 countries on conflict transformation, health care, economic independence, disaster risk reduction and emergency aid.

organizations and citizens<sup>15</sup>. This event marked participation of representatives from NGOs, International NGOs, Member, National Disaster Management Authority (NDMA) India, academics from Tata Institute of Social Sciences (India), and officers from the UNDP. The declarations received endorsement from these agencies.

6. These declarations were further given a shape of the draft general framework for addressing caste based discrimination in disaster response for the International Humanitarian community. Specific action points for the IHS were laid down ensure inclusion of Dalits in their long term and short term programmes across the three different phases of humanitarian work, i.e. pre-disaster; (ii) during disaster; and (iii) post disaster.
7. The draft framework was later supplemented with the Good Practices discovered from the research on Humanitarian response in India, which is presented as the 'Case study-India', in this report.
8. An International Consultation was organized by IDSN, on Good Practices and Strategies to Eliminate Caste-Based Discrimination, from 29 November-1 December 2011<sup>16</sup>, in Kathmandu, Nepal. The consultation included the theme "Addressing caste discrimination in humanitarian responses" and provided an opportunity to elicit inputs from the humanitarian community agents and civil society members for this draft framework.
9. The International Consultation was followed up with a national level consultation by National Dalit Watch of NCDHR, on *Addressing Caste Based Discrimination in Disaster Response*, held in New Delhi, India<sup>16</sup>, together with Sphere India and IHS, inviting critical suggestions on the draft framework. This consultation was also well represented by civil society organisations working on Community Based/Managed Disaster Risk Reduction models humanitarian stakeholders, represented by the members of ECHO, UNDP-India, INGOs, the National Disaster Management Authority (India), and academics from premiere institutions working and researching in the field.
10. This process of consultations was carried out to ensure that Guidelines reflect the experience of communities affected by caste, address relevant needs and incorporate inclusion perspectives which generally get diluted from the neutral approach of the humanitarian stakeholders.
11. Critical issues concerning Dalits that have been emerging in recent humanitarian crises include the following: non-discrimination; equality; legal protection such as right to identity, security, etc.; access to health services, shelter and housing, clean water and education; compensation and restitution (lost documentation to claim entitlements); rights of Dalits who in generally after major natural disasters get into inter-state migration or/and are also displaced internally; land and property issues<sup>17</sup>.

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<sup>15</sup> [National Consultation on 'Exclusion of Dalits in Disaster Risk Reduction-Effective Civil Society Monitoring', Delhi, June 2010 \(with Statements for Inclusion\)](#)

<sup>16</sup> [National Consultation on 'Addressing Caste Based Discrimination in Disaster Response', 14-15 December 2011, New Delhi, INDIA](#)

<sup>17</sup> [http://pacific.ohchr.org/docs/CD\\_Booklet\\_final.pdf](http://pacific.ohchr.org/docs/CD_Booklet_final.pdf)

12. The purpose of these Guidelines is to assist the IHS in creating a positive, rights-based response to address these issues connected with the Dalits so as to ensure full protection and humanitarian aid to them and help them recuperate faster and rebuild their lives with support consistent with human rights and fundamental freedoms.
  13. It is intended that the principal users of the Guidelines are the International Humanitarian actors working in the situation of natural disasters, including organizations working on preparedness and mitigation of hazards through CBDRR/CMDRR models with the communities affected with caste.
  14. This draft framework is also recommended for the state officials involved in national disaster management programmes and relevant departments and ministries, such as health, justice, interior, employment, welfare and education. Other beneficiaries of the framework are anticipated to be the academic, researchers, anthropologists, students, pro bono legal aid agencies and research institutions to be acquainted with the issue.
  15. The Guidelines would make maximum impact when translated into action by the broadest possible audience.
  16. These Guidelines draw inspiration and legitimacy from a host of UN treaties and specific international humanitarian instruments. These are the Universal Declaration of Human Rights (UDHR), Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Spheres Project's Humanitarian Charter's 'Protection Principles' and the 'Core Standards' and the Hyogo Framework for Action (HFA), defined in section III and IV.
  17. In response to this situation, the consultations observed broad recommendations that:
    - i. All governments and non-state actors involved in humanitarian response should take measures to tackle exclusion and discrimination in all humanitarian programmes, including disaster response and disaster risk reduction efforts.
    - ii. Strategies and tools should be developed in the planning, implementation and monitoring of programmes, including participatory capacity assessment and vulnerability mapping, inclusion monitoring and social equity auditing. All actors should be trained in tackling caste-based discrimination and measures should be adopted to address and challenge 'untouchability' practices in disaster response.
    - iii. The agency of affected communities should be strengthened to ensure their effective participation in all levels of decision-making and in humanitarian operations.
    - iv. These measures must be adopted and sufficiently funded by all governments and non-state actors.
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18. It is reiterated with emphasis that the protection of human rights is essential to safeguard human dignity in the context of disasters and to ensure an effective, rights-based response to exclusion of Dalits. An effective response requires the integration of all human rights, civil and political, economic, social and cultural, and fundamental freedoms of all people into the programme design of humanitarian assistance, in accordance with existing international human rights standards.
19. There are many steps that IHS can take to address the issues of caste based discrimination in humanitarian response. This framework will guide the humanitarian community on the methods and techniques for ensuring inclusive programmes and outreach.

## **I. GUIDELINES FOR ACTION FOR INTERNATIONAL HUMANITARIAN STAKEHOLDERS**

The guidelines are broadly categorized into 3 sections:

1. The first section calls for the humanitarian agencies to acknowledge the problem of Caste-based discrimination and exclusion in Disaster Response and Disaster Risk Reduction and firmly establish their commitment to eliminate such exclusion in all their interventions.
2. The second section recommends the tools and methodologies including possible activities that could enable them to ensure the identification of pre-existing vulnerabilities due to CBD and thereby reach out to them directly through their programmes during DR and DRR interventions. The methodologies include steps and possible interventions which the humanitarian stakeholders should take in order to ensure effective inclusion in all humanitarian interventions, but also generate evidence of CBD in DR and DRR, which is necessary for advocacy towards policy and legislative provisions and oversight.
3. The third section recommends points for collective advocacy post Disaster Response, for legal and institutional arrangements at the national levels with the concerned governments that are essential for countering CBD in DR and DRR. The assumption is that for inclusion of those communities that are excluded due to CBD, enabling protective legislation is absolutely essential.

### **Guideline 1: Recognition of Caste Based Discrimination and Exclusion in Disaster Response**

- (i) IHS should explicitly acknowledge discrimination and exclusion meted on the basis of caste and the fact that effective inclusion of Dalits is possible only through interventions that specifically engage with these communities and groups.
- (ii) IHS should recognize the societal processes of caste-based exclusion at work in communities at all times and that large numbers of people affected by disasters are excluded due to various forms of vulnerabilities created by social stratification and discrimination imposed by caste. Such discrimination and exclusion that exist in society are magnified during disasters.
- (iii) IHS should acknowledge that the principles and means for achieving disaster resilience among the vulnerable and deprived communities laid out in Hyogo Framework of Action by the civil society organizations and Government need to be transformed into social policies for the respective organizations in addressing exclusion.
- (iv) Therefore, IHS should acknowledge that Dalits are more vulnerable to the impact of disasters and less able to recover without support due to this systemic exclusion. Societal processes culminate in the denial to Dalits of equal access to relief and rehabilitation benefits, and in most cases, an almost complete denial of actual relief and rehabilitation.

### **Guideline 2: Tool and Methods to ensure Inclusive programming (Response and Recovery)**

- (i) IHS should facilitate the realization of rights and entitlements and access to available remedies from the government to the Dalit beneficiaries who are asset-less and without documentary evidences after a disaster, instead of phasing out after distributing relief.
- (ii) For the purpose aforementioned, the IHS should collaborate to collectively develop common tools based on participatory methods and principles of social equity audit, for monitoring / auditing the extent of social equity and inclusion of Dalits in their disaster response and risk reduction programmes.
- (iii) The tool has to be designed to be simple and community friendly which can be used in different settings, to track the vulnerabilities, capacities and instances of discrimination and exclusion of the Dalit and other distressed communities across three emergency phases, (i) pre-disaster (ii) during disaster; and (iii) post disaster.
- (iv) The tool has to enable the agencies to understand pre-existing vulnerability of the Dalit community in terms of various indicators such as the extent of untouchability, caste based violence, access to citizenship rights and human development entitlements, structure of economic exploitation and dependence reflected through forced labour for menial tasks, sustainability of asset base and economic conditions etc. The resultant vulnerabilities in terms of location of their settlements, housing conditions, access to basic amenities also should be recorded. The tool also would reveal the deficit in political participation in governance which reinforces the vulnerability manifold.
- (v) Special care needs to be taken to ensure that the relief guidelines on Water, Sanitation and Hygiene (WASH), Medical aid, Drinking Water and Food take cognizance of CBD and specially include the Dalits as a vulnerable group. These are the services where CBD is visibly acute during the DR stage. Such guidelines should encourage the authorities and humanitarian agencies to stress on holistic assessments keeping the socio-economic and political dynamics in view, while undertaking base lines in pre-disaster situations, to map vulnerabilities and capacities, and report in disaggregated fashion.

### **Guideline 3: Legal and Institutional requirements (Post Disaster Response Advocacy)**

The following points are pertinent to advocacy efforts for an effective legal and institutional regime that are strongly recommended post disaster response phase to be carried out at regional levels:

- (i) The national legislation and policies on DR and DRR, while laying down institutional, legal, financial and coordination mechanisms at various levels of governance (national, provincial, local), should simultaneously enunciate minimum standards for relief and rehabilitation based on the explicit recognition of caste based discrimination and exclusion of Dalits.

- (ii) Steps and procedures should be laid down through specific operational guidelines so that complete inclusion of Dalits and other vulnerable groups is ensured as a non-negotiable entitlement. Only this would make it incumbent on the officers of the administration to visit and enumerate the affected people in the affected settlements.
- (iii) The state officers of humanitarian agencies should directly reach out to the Dalits and vulnerable groups, avoiding any mediation of people from the powerful dominant communities in reaching out to them.
- (iv) The national legislation and policies on Disaster Management and Disaster Risk Reduction should make it mandatory for the state authorities facilitate a community-led process of vulnerability mapping and inclusion monitoring including local level assessment covering geographical location, structures, occupations, living pattern, cultural practices based on which local level community based plans are drafted. Such micro level plans should capture the specific vulnerabilities and capacities of Dalits and be articulated in an actionable form at the local government level.
- (v) State agencies should collaborate with CSOs to develop tools based on participatory methods and principles of social equity audit<sup>18</sup>, for monitoring / auditing the extent of social equity and inclusion of Dalits in disaster response and risk reduction programmes.
- (vi) The nodal agencies implementing disaster response and DRR programmes should build up an internal Management Information System (MIS) on the share of Dalits in the response programme. The MIS should provide disaggregated information on all the affected households of vulnerable communities and also give detailed data on women, pregnant / lactating women, infants, children, persons with disabilities, aged people and so on. They should institute mechanisms for mid-term corrective measures based on the information so received.
- (vii) Focal persons should be appointed by National, Provincial and local Governments in order to monitor all aspects of inclusion of Dalits at all levels of the administration—planning, implementation and governance of Disaster management interventions.
- (viii) Ombudspersons should be appointed by the state on a permanent basis, specifically to look at the issue of exclusion in disaster-prone areas, and in any area that has been affected by any disaster. These ombudspersons should be vested with adequate powers to enforce inclusion of Dalits and other vulnerable groups by state agencies and function as per guidelines and procedures laid out to address grievances and cases of exclusion. They should not only be empowered to direct the administration to include and grant entitlements for all those excluded in disaster response and risk reduction interventions of the government; but also to initiate departmental inquiry or / and prosecution of public servants who may have through their acts of omission or commission led to exclusion of Dalits.

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<sup>18</sup> Social equity audit guidebook available at <http://www.socialequitywatch.org/images/Files/social%20equity%20audit.pdf>

- (ix) Accountability tool such as Humanitarian Accountability Partnership (HAP) should be made compulsory within the Humanitarian organizations engaging in post relief programme for rebuilding the communities.
- (x) Specific disaggregated database should be compiled on Dalit households and all other vulnerable groups, the mode of access to those households and the preparedness of the administration to reach out to them in the event of any disaster. This database should be made available in the public domain by all district disaster management authorities / nodal ministries.
- (xi) The entitlements of Dalits and other vulnerable groups should be defined, communicated precisely through all relevant media and made accessible with minimum procedural hitches. The onus should be on the duty-bearer (the state) and not on the affected (the rights-holder) to ensure that all the affected Dalits and vulnerable groups receive their entitlements pertaining to Disaster response and risk reduction programmes.
- (xii) The livelihoods of Dalits are quite often dependent on sharecropping and such exploitative systems. This should be taken into account while designing compensation and rehabilitation packages for Dalits.
- (xiii) In the context of the violence and untouchability against Dalits during the relief and rehabilitation stages, it is important to have specific legal provisions to make the denial of access to relief and rehabilitation entitlements due to CBD a criminal offence under the relevant national legislation dealing with CBD.
- (xiv) The abhorrent practice of forcing or enticing Dalits to remove carcasses and corpses should be ended with immediate effect. This work has to be done by specially trained and well-paid staff of the government and volunteers - equipped with full protective gear. All public health operations to remove the dead should be carefully monitored for any such abusive practice, and strict standards and norms for this function, with punitive provisions for violations should be laid down.
- (xv) Universities and Schools should introduce modules on inclusion of Dalits and vulnerable groups in disaster response, mitigation and DRR, as part of courses on human rights in schools, universities and training programmes for Government staff. Such courses instilling a culture of human rights should start from early years of schooling so that the mindset that promotes caste-based discrimination and exclusion could be transformed early in life.
- (xvi) Accountability systems as mandatory on the aspect of inclusion in the context of CBD. Special committees could be constituted to look into grievances of survivors who are being served by the International Humanitarian Organizations. Adequate guidelines and procedures should be laid down and administrative facilities provided for such committees to fulfil their functions effectively. Their recommendations should be binding for the executives of the CSOs and the Governing Boards should be liable to monitor the implementation of the recommendations for inclusive practices.

## **II. RECOMMENDATIONS IMPLEMENTATION OF THE GUIDELINES ON ADDRESSING CASTE BASED DISCRIMINATION IN DISASTER RESPONSE**

### **1. Recognition of Caste Based Exclusion in Disaster Response**

International Humanitarian stakeholders should explicitly acknowledge discrimination and exclusion meted on the basis of caste and the fact that effective inclusion of Dalits is possible only through interventions that specifically engage with these communities and groups.

Taking cognizance of the (vast body of) evidence of caste-based discrimination in the context of DR and DRR, IHS should take the following steps aligned to recognition of the issue of caste based discrimination in disaster response:

- (i) Explicitly state the recognition of caste based exclusion and strategies for their inclusion in their policy documents and guidelines pertaining to humanitarian assistance.
- (ii) IHS should directly reach out to the Dalits and vulnerable groups and should avoid the mediation of powerful dominant communities who may be politically prominent in the affected areas.
- (iii) IHS should ensure that Dalits and other excluded and particularly vulnerable groups are consciously and deliberately reached out to when needs are assessed during humanitarian crises and that minimum standards and indicators on inclusive support apply throughout.
- (iv) IHS should insist on participation of Dalits in the process of needs assessment, identification of gaps in humanitarian and government relief through representation in village disaster committees.

### **2. Tool and Methods to ensure Inclusive programming (Response and Recovery)**

International Humanitarian stakeholders should assist the Dalit communities to claim their rights and entitlements and access available remedies from the government with the help information generated from the tools which they are encouraged to develop for vulnerability mapping and inclusion monitoring in localities with a sizeable population of Dalits.

It is strongly recommended that the IHS (collaborate to) develop tools based on participatory methods and principles of social equity audit for monitoring and auditing extent of social equity and inclusion of persons affected by caste discrimination in disaster response and risk reduction programmes. IHS could integrate these tools into their official formats, refine them and mainstream them so as to make them mandatory in all humanitarian assistance interventions.

## 2.1 Vulnerability Mapping tool<sup>19</sup>

Tools for vulnerability mapping should enable the identification and documentation of pre-existing vulnerabilities of communities due to caste-based discrimination, and the manner in which it determines exclusion from relief and denial of access to entitlements required for recovery after disasters. It is only through this knowledge that inclusive programmes and strategies to reach out to the Dalits can be devised. Vulnerability mapping tool should be effective more so when administered in ‘piece times’, before disasters strike. The tool should also help the humanitarian agencies assess the gaps in existing outreach programmes and measures to fill in the gaps.

The key steps that the organizations should take while designing Vulnerability mapping tools are listed below:

- (i) IHS should map communities along with the areas that are prone to disasters. Pilot studies on vulnerability mapping should first be undertaken to equip oneself with the local settings and scenario.
- (ii) The Vulnerability Mapping exercise should be effective in identifying the social, vulnerability of Dalits exposed to natural disasters on account of cultural, geographical and political factors; and the difficulties faced by them during the disaster response phase. The IHS should simultaneously review their own disaster response in the given regions and address the procedural and other lacunae which excluded the Dalits out accessing their assistance.
- (iii) IHS should consider constitute task forces in the regions prone to natural disasters, at local levels, comprising volunteers, preferably youth and community members including representatives of local governance with proportionate representation of women, and train them in the Dalit and excluded community perspective, the objective of understanding Dalit vulnerability. This will also be pertinent to ensure community participation in activities devised for their benefit.
- (iv) The task forces should be oriented on vulnerability mapping exercises along the suggestive list of indicators. This voluntary nature of task force members will provide sustainability to the efforts that will be put in for developing this cadre.
- (v) With the help of experts and like minded organisations in the field of disasters, the Humanitarian stakeholders should assist the volunteers in identifying caste issues in their localities which act as impediments in accessing the relief from government and humanitarian agencies. These issues can be those relating to protection and social security; caste based practices; development policies; service delivery; locational vulnerability; political representation and so on.

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<sup>19</sup> List of indicators annexed

- (vi) IHS should be able to make a check list of all those indicators of caste discrimination and exclusion which already exist among Dalits in the intervention regions.
- (vii) The task forces should be hand held throughout the process of vulnerability mapping assessment with assistance from community based organizations possessing required perspective and knowing real issues of Dalits. Such organizational assistance for hand holding the task forces could be solicited through the organizational policy of the Humanitarian agency.
- (viii) IHS should conduct base line surveys in pre-disaster situations, to map vulnerabilities and capacities of Dalits, and report outcomes based on disaggregated data.
- (ix) The findings of the base line should be able to bring out the difficulties the Dalits face due to the pre-existing vulnerabilities in disaster response and rehabilitation, in claiming their entitlements and rights from the government. It is also desirable that the successive exercises result in the refinement of the present tool from inputs from the field and its findings disseminated for larger advocacy.
- (x) Hold meetings with the Dalit communities in areas accessible to them and share the consolidated findings with them. The objective of vulnerability mapping exercise is to make communities aware of their weaknesses to work towards their resilience.

## **2.2 Inclusion Monitoring tool**

With the information gathered from the vulnerability mapping exercise in the disaster prone regions, in pre-disaster scenarios, the next level is to monitor inclusion when disaster have struck. The Inclusion monitoring exercise should be equipped to work at two levels. Firstly, generate knowledge of vulnerabilities of Dalit for Humanitarian stakeholders to target their response aid to the identified Dalit habitats where response does not reach due to various systemic and other identified reasons. Secondly, this exercise should enable the Humanitarian stakeholders to assess the actual receipt of relief services by Dalits, when both government and humanitarian aid has reached the disaster hit areas. This will further improve the responsiveness of the Humanitarian stakeholders and help generate data for assisting the Dalit victims secure their entitlements and do advocacy at country level.

The key steps that the organizations should take while designing Inclusion monitoring tools are listed below:

- (i) The Inclusion Monitoring tool should be designed in view of available information on the likely nature of discrimination and exclusion that occurs in the recovery and reconstruction phase.

- (ii) The Inclusion Monitoring tool survey should be ideally commissioned at the conclusion of response phase. The study should include Dalit stakeholders and /or consortium<sup>20</sup> of like minded civil society organisations as much as possible. Inclusion monitoring exercise should be able to identify the real issues/measures of exclusion (WHAT?); the nature of exclusion (HOW?) and the agents of exclusion. The agents of exclusion can be the government (administration), community groups, political factions, CSOs (NGOs, INGOs, corporates) etc. across different phases of a disaster.
- (iii) The community should be able to recognise its own vulnerabilities and capacities, public schemes and packages on relief and entitlements; services and special groups (children, orphans, single women/widowed, aged, differently-abled, any other); and disaster management related government bodies to articulate how much they received and who were the authorities responsible for granting these to them.
- (iv) The IHS will have to handhold the communities to enable them to assess the above.
- (v) It is recommended that the IHS seek information on the relief and compensation packages of the government directly wherever possible, or through their implementing partners, through available legislations that allow the disclosure of public information to the citizens (as Rights of Information Act in India)<sup>21</sup>.
- (vi) The information received through right to information legislations should help the Humanitarian stakeholders to channel their humanitarian aid to the most vulnerable and excluded groups.
- (vii) On the basis of information generated from inclusion monitoring exercise the humanitarian stakeholders are encouraged to facilitate the Dalit communities to file applications and memoranda for claiming their rights and entitlements from the government. In this exercise, it is very important to ascertain through Inclusion Monitoring, the existence or non-existence of personal documents (such as social security card, voter card, Public Distribution System card, Below Poverty Line card and the like, as may be relevant to the country in question) that would make them eligible for government relief and rehabilitation programmes.

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<sup>20</sup> Inter Agency Groups in India

<sup>21</sup> (i) FREEDOM OF INFORMATION: AN INTERNATIONALLY PROTECTED HUMAN RIGHT, the UN General Assembly Resolution 59(1)

(ii) International Covenant on Civil and Political Rights (ICCPR), Article 19

(iii) In 1993, the UN Commission on Human Rights established the office of the UN Special Rapporteur on Freedom of Opinion and Expression who in his 1998 Annual Report, declared that freedom of information includes the right to access information held by the State

(iv) The importance of freedom of information, including the right to access information held by the State, has been recognised by the Commonwealth since 1980

(v) The Declaration on Human Rights Defenders Article 6

(viii) Facilitate and/or steer the formation of core groups comprising NGOs with the Dalit lens to convincingly advocate, follow up, and review the process of securing entitlements for the Dalit victims. The group should also be supported in partaking in the formation of disaster management plans at provinces' and local levels.

(ix) Effective media advocacy through press meets and media briefings should be aimed at to disseminate the findings of discrimination to the wider public and authorities. This again could be done through partnering organisations if not directly.

### **2.3 Method to inclusive programming of Response**

The below given steps will enable humanitarian stakeholders to make their DR-DRR related programmes ensuring inclusion of Dalits.

1. IHS should endeavour to reach out to the vulnerable Dalit communities in disasters through Dalit representatives and volunteers. For this it is important to formally integrate local, decentralized organizations into preparedness activities and response plans such as community based organisations.
2. IHS should diversify emergency response workforces at the regional and local levels to reflect the diversity in local populations.
  - (i) With the information generated from the pre-disaster vulnerability mapping, the International Humanitarian stakeholders should target make their Disaster Response and rehabilitation processes towards reducing caste discrimination.
  - (ii) Establish such units as Women and Children unit during the intervention period in villages, and/or involve experts or organizations working on excluded and marginalized communities' women and children to identify pre-existing vulnerabilities and current to design accurate need based programmes for disaster response.
  - (iii) IHS should engage existing social service providers to prepare for and respond in case of disasters, rather than depending solely on specialized emergency personnel.
  - (iv) Existing social service providers, community based organisations and like minded agencies, together with the capacitated community members should be able to conduct needs assessments.
  - (v) Encourage active presence of members of the excluded communities in relief programmes as community kitchens.
  - (vi) Provide targeted and prioritised assistance to the marginalized excluded communities in setting up small businesses (entrepreneurship) considering the nature of job of these people. It is be desirable to also run programmes like Cash for Work (CfW) to ensure 'x' no. of working days to atleast one member of the family with minimum wages per day as fixed by the government.

(vii) CfW programmes should also be used to support the reconstruction of infrastructure and housing to raise the plinth level of existing and new houses of the Dalits frequently exposed to water disasters, eventually addressing long term need of safe housing.

(viii) The right to water and sanitation is inextricably related to other human rights, including the right to health, the right to housing and the right to adequate food. As such, it is part of the guarantees essential for human survival. People affected by disasters are generally much more susceptible to illness and death from disease, which to a large extent are related to inadequate sanitation, inadequate water supplies and inability to maintain good hygiene. Therefore, IHS should pay special attention to the needs of Dalits with respect to WASH<sup>22</sup>. Special care needs to be taken to ensure that the relief guidelines on Water, Sanitation and Hygiene (WASH), Medical aid, Drinking Water and Food take cognizance of CBD and specially include the caste discriminated and socially excluded as a vulnerable group.

(ix) **Steps to ensure WASH to the excluded communities could be as below<sup>23</sup>:**

- a. Identify water demand requirement of evacuees and the purification and treatment process to be applied.
- b. Encourage representation and participation of Dalit women and men in planning and managing the areas where they can easily access water and the various physical, cultural, economic and social barriers they may face in accessing these services in an equitable manner also need to be addressed.<sup>24</sup>
- c. Institute water sources in areas easily accessible to the members of Dalit communities where practices of caste discrimination hinder their access to such sources.
- d. Provide support in identifying WASH needs and monitoring status and progress of WASH related issues in the evacuation centres, temporary relocation sites of Dalit communities.
- e. Form WASH clusters at village levels to conduct sanitary vulnerability assessment and hold meetings of the WASH Cluster at a feasible frequency where needs and gaps are discussed and addressed. These clusters should comprise good number of women from the communities itself (task forces should be used for this assessment).
- f. Distribute WASH kits (hygiene, water, household cleaning kits) regularly.
- g. Disseminating situational reports concerning evacuation sites and relocation sites regularly to the concerned authorities and wider civil society organizations (being partnered and otherwise).
- h. Conduct WASH drive in the communities to create awareness on the significance of WASH.

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<sup>22</sup> Social and cultural norms that might facilitate and/or compromise adherence to safe hygiene practices should be identified as part of the initial and ongoing assessment. The assessment should pay special attention to the needs of vulnerable people. (see Sphere Charter, Core Standard 3 on page 61 & pp. 89-90).

<sup>23</sup> [WASH in Emergency Situations and the SPHERE Based Responses](#)

<sup>24</sup> With reference to *Sphere Charter: Vulnerabilities and capacities of disaster-affected populations*, p.86

- i. Provision protection delivery for affected persons, e.g. lighting of water points and sanitation areas in camps and collective centres to prevent or reduce instances of gender-based violence and abuse;
- (x) Facilitate the realization of rights and entitlements of the excluded groups, who may be asset-less and without documentary evidences after a disaster, and avoid phasing out immediately after distributing relief.

**(xi) The key steps for facilitating realisation of rights and entitlements are below:-**

- a. Use information generated from inclusion monitoring exercise which would have helped the humanitarian stakeholders ascertain the existence or non-existence of personal documents for eligibility for government relief and rehabilitation programmes.
- b. IHS should integrate programmes for advocacy and sensitisation the local self governance representatives (depending upon the context of the country) at the local, provincial and national levels, on the issues of exclusion and thereby also educate the excluded communities on government schemes and packages through innovative communication means, such as, village meetings, posters, information centres etc. in vernacular languages.
- c. IHS should carry out research through experts in identify gaps in the government norms laid down for compensating the losses to the victims and identify and reach out to such excluded population who find it difficult to access the compensation packages.
- d. IHS should encourage the practice of Labour registration, Job card, Muster roll, Payment register and the welfare component such as crèche for children and first aid box, etc. while running livelihood support programmes like Cash for Work and Food for Work.
- e. IHS should advocate with relevant stakeholders (confidentially or publicly) and/or support advocacy work by rights based organisations which they may not be able to undertake directly by themselves.

### **3. Legal and Institutional requirements (Post Disaster Response Advocacy)**

International Humanitarian Organizations have an important role to play in contributing collectively to advocate for legislation and policies at the national and international levels, by partnering and involving such organizations that work through rights based approach and lay down procedures to ensure inclusion of persons affected by caste discrimination.

#### **(A) Legal**

The following points are pertinent to advocacy efforts for an effective legal and institutional regime:

1. The national legislation and policies on DR and DRR, while laying down institutional, legal, financial and coordination mechanisms at various levels of governance (national, provincial, local), should simultaneously enunciate minimum standards for relief and rehabilitation based on the explicit recognition of caste based discrimination and exclusion of certain communities.
2. Steps and procedures should be laid down through specific operational guidelines so that complete inclusion of excluded and discriminated communities and other vulnerable groups is ensured as a non-negotiable entitlement. Only this would make it incumbent on the officers of the administration to visit and enumerate the affected people in the affected settlements.
3. The officers of state agencies and humanitarian agencies should recognize the societal processes of caste-based exclusion at work in communities and hence should directly reach out to these affected communities and vulnerable groups, avoiding any mediation of people from the powerful dominant communities in reaching out to them.
4. Humanitarian organisations should support advocacy activities at the grassroots like campaigning and litigation against discrimination through community /state based organizations.

#### **(B) Institutional requirements**

5. Accountability tool such as HAP should be made compulsory within IHS engaging in post relief programme for rebuilding the communities by giving them grievance redress mechanism to be able to participate in a transparent manner in relief distribution and rehabilitation programmes. Activities under HAP and others with high accountability and transparency standards for ensuring inclusion could include:-
  - a. Setting up village level committees with proportionate membership of Dalit men and women.

- b. Establishing effective complaint mechanism through Help Desks<sup>25</sup> or complaint boxes placed in intervention areas to allow beneficiaries to report or complaint of discrimination or any other issues and check corruption to address the issues at the very start.
  - c. Setting up Village Information Centers and similar structures to enable the timely flow of information on Government schemes to vulnerable and excluded populations, and the articulation of the needs of vulnerable groups to the district administrators<sup>26</sup>.
  - d. Provision of legal aid to victims of human rights violations based on caste, ethnicity or gender.
6. IHS should produce and insist on receiving disaggregated information in plans which specify allocations and reporting that provides evidence that assessments / distribution / disbursement of relief and rehabilitation schemes have reached the discriminated communities. Disaggregation should also include factors of caste/ethnicity, age, sex, any disability found, assistance provided and satisfaction of the community.
  7. IHS should appoint committees or ‘Ombudspersons’ to look into grievances related to exclusion of caste affected communities in disaster response and risk reduction programmes. Adequate guidelines and procedures should be laid down and administrative facilities provided for such committees to fulfill their functions effectively. Their recommendations should be binding for the executives and governing boards of organisations should be liable to monitor the implementation of the recommendations for inclusive practices.
  8. IHS should disseminate reports of their good practices on initiative made for inclusion of excluded groups for effective advocacy with the authorities and wider civil society organizations for wider replication.
  9. IHS should provide cultural sensitivity training for emergency response personnel.

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<sup>25</sup> [The Tsunami Legacy, Innovations, Breakthroughs and Change 2009](#) (Help Desks were set up in tsunami affected areas to address human rights-related complaints, many of them from women. Working with the Disaster Relief Monitoring Unit (DRMU) of the Human Rights Commission, the Help Desks investigated complaints and recommended how to address them. The Help Desks raised communities’ awareness on human rights entitlements, as well as liaised with community groups, NGOs and Government officials to promote human right principles. By October 2006, the DRMU had received 17,000 complaints and successfully resolved most.

<sup>26</sup> [NGO Coordination and Resource Centre Nagapattinam, Tamil Nadu, India](#)

### III. INTERNATIONAL HUMANITARIAN INSTRUMENTS FOR DALIT INCLUSION IN DR & DRR—AN OVERVIEW

1. The Spheres Project's Humanitarian Charter's 'Protection Principles' and the 'Core Standards' articulate Sphere's rights-based and people-centred approach to humanitarian response by way of ensuring a balanced representation of vulnerable people in discussions with the disaster-affected population<sup>27</sup>. Founded on the principle of humanity and the humanitarian imperative, these include the right to life with dignity, the right to receive humanitarian assistance and the right to protection and security<sup>28</sup>.
2. Caste based discrimination falls under wider notions of *non-discrimination* and *impartiality*<sup>29</sup>, and is specifically referred to in the *Sphere Standard (revised 2011)*<sup>30</sup>. The right to receive humanitarian assistance is a necessary element of the right to life with dignity. This encompasses the right to adequate standard of living, including adequate food, water, clothing, shelter and the requirements for good health, guaranteed in international laws (mentioned above)<sup>31</sup>. It sets out the responsibility to ensure that humanitarian assistance is available to all those in need, particularly those who are most vulnerable<sup>32</sup> or who face exclusion on political or other grounds<sup>33</sup>.
3. Recognition and inclusion of caste induced vulnerabilities in the Sphere Humanitarian Charter/ Minimum Standards Handbook in its latest 2011 edition provide further imperative for the Humanitarian agencies in this regard.
4. The Sphere Charter also lays down the responsibility over the humanitarian actors to assist people to claim their rights, access available remedies from the government and recover from the effects of abuse<sup>34</sup>. This makes it imperative on the humanitarian community to assist the victims in realization of their rights and entitlements post relief phase, where non enumeration and lack of required documentation results in inadequate or even non compensation of losses<sup>35</sup>. In such situations, the assertion of the rights of the affected people demands rights based approach to facilitate the process with meaningful consultation with the affected vulnerable population.
5. For the purpose of vulnerability assessments, the Sphere Charter calls upon the humanitarian agencies to compose aid workers' teams with a balanced ratio of women and men, ethnicity, age and social background, keeping the local culture and context

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<sup>27</sup> Sphere Humanitarian Charter/Minimum standards, 2011 edition, p. 55 & Core Standard 1: People-centred humanitarian response, Key actions (to be read in conjunction with the guidance note 3), p. 55 & 57

<sup>28</sup> Sphere Humanitarian Charter/Minimum standards, 2011 edition, p.4

<sup>29</sup> Sphere Humanitarian Charter/Minimum standards, 2011 edition, Protection Principle 2 (6)

<sup>30</sup> The Core Standards, *Vulnerability*: "...People are, or become, more vulnerable to disasters due to a combination of physical, social, environmental and political factors. They may be marginalised by their society due to their ethnicity, age, sex, disability, class or **caste**, political affiliations or religion." (p 54) & *Core Standard 3: Assessment*; Guidance notes 6: Assessing vulnerability, p 64

<sup>31</sup> The Humanitarian Charter: 6. The right to receive humanitarian assistance, p 22

<sup>32</sup> The Core Standards, *Vulnerability*., p 54

<sup>33</sup> Introduction: Understanding the Protection Principles, Principle 2, p. 30

<sup>34</sup> Protection Principle 4: Assist people & Guidance notes. p. 41

<sup>35</sup> Sphere Humanitarian Charter/Minimum standards, 2011 edition: Documentation. p. 42

in view<sup>36</sup>. Only when the vulnerabilities are identified, can programme designs be inclusive and responsive to the needs of the most vulnerable. The Sphere Charter clearly set out the need to take additional measures to ensure equitable access to minimum standards (in water supply, sanitation and hygiene promotion) for all groups<sup>37</sup>.

6. After the World Conference on Disaster Risk Reduction, held in early 2006, many organisations adopted DRR policies and there is a common international agenda in the form of the Hyogo Framework for Action (HFA). The World Conference on Disaster Reduction was held from 18 to 22 January 2005 in Kobe, Hyogo, Japan, and adopted the present Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (here after referred to as the “Framework for Action”). The Conference provided a unique opportunity to promote a strategic and systematic approach to reducing vulnerabilities and risks to hazards. It underscored the need for, and identified ways of, building the resilience of nations and communities to disasters.<sup>38</sup>
7. Cultural diversity, age, and vulnerable groups should be taken into account when planning for disaster risk reduction, as per one of the Priorities for action under Hyogo Framework for Action (*Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, International Strategy for Disaster Reduction, A 13 (e) p 4*).
8. The principles of impartiality, participation and informed consent and transparency, therefore, also form the cornerstones of the *Humanitarian Accountability Partnership Standard (HAP Standard, 2010)*<sup>39</sup>. This tool is specifically designed for helping organisations that assist or act on behalf of people affected by or prone to disasters, conflict, poverty or other crises to design, implement, assess, improve and recognise accountable programmes, offering redress mechanism to the beneficiaries of programme.

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<sup>36</sup> Core Standard 6: Aid worker performance, Key actions (to be read in conjunction with the guidance notes), p. 71

<sup>37</sup> Minimum standards in Water Supply, Sanitation and Hygiene Promotion (WASH), p. 99.

<sup>38</sup> Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, International Strategy for Disaster Reduction

<sup>39</sup> [HAP Standard in Accountability and Quality Management](#): The HAP Standard Principles, pp 8 & 9

#### **IV. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND CASTE BASED DISCRIMINATION**

Guidelines and principles for humanitarian relief and disaster aid have a distinct history going as far back as the Convention establishing an International Relief Union in 1927. Article 3 of the Geneva Conventions refers to the need for humanity, impartiality and “absence of adverse distinction” in assisting civilian populations in armed conflicts. Over time, these humanitarian ideals were expanded to apply to agencies providing assistance after natural disasters and wars.

In 1991, while setting up the department for humanitarian affairs, the United Nations laid down certain broad principles to guide humanitarian assistance. This was soon followed by the 1994 Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. The code was later improved upon by the Sphere Project, an initiative of a number of NGOs and the Red Cross and Red Crescent movement in 1997. The aim of the project was to bring out an “operational framework for accountability in disaster assistance efforts”. This was done through the Sphere Handbook first published in 2000, and revised thereafter in 2003 and again in 2009–2010, which adopted Humanitarian Charter and Minimum Standards in Disaster Response sets out for the first time what people affected by disasters have a right to expect from humanitarian assistance<sup>40</sup>.

Humanitarian action is informed by universally accepted human rights that are fundamental in nature obligated to protection by national and international laws from time to time. The principle of the Right to Life with Dignity, liberty and security<sup>41</sup> underpin all humanitarian interventions in disasters.

In humanitarian assistance programming, much of the discourse has centred on the complex relationship between human rights and humanitarian action in situations of violent insecurity. Less well documented are the issues involved in protecting and promoting social, economic and cultural rights in a natural disaster setting.

Humanitarian assistance often centres on the logistics operation to address immediate life-saving needs. This may be true during the first few weeks after a disaster -- the initial rapid response phase -- but humanitarian assistance programming often continues for several years. The rights-based approach (RBA) to programming -- that shifts the focus from charitable fulfilment of needs to duty-driven advancement of rights -- offers a conceptual link that may help the humanitarian community better integrate its relief and development agendas.<sup>42</sup>

The Universal Declaration of Human Rights (UDHR) recognizes and guarantees everyone the right to a standard of living adequate for the health and well-being with access to

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<sup>40</sup> <http://infochangeindia.org/agenda/migration-displacement/beyond-the-sphere-standards.html>

<sup>41</sup> Universal Declaration of Human Rights, Article 3

<sup>42</sup> UN-NGO Impact Initiative Human Rights and Tsunami Recovery. Version: October 15, 2006

minimum amenities in circumstances beyond his control<sup>43</sup>. The same is upheld in the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent<sup>44</sup>. In 1996 CERD made its first reference to caste discrimination, ‘untouchability’ and Scheduled Caste under the rubric of Descent: “The Committee states that the term ‘Descent’ mentioned in Article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the Scheduled Castes and the Scheduled Tribes fall within the scope of this Convention”. The Convention on the Elimination of All Forms of Racial Discrimination (CERD), whilst condemning racial discrimination, calls for the states to “take special and concrete measures, on a temporary basis, to ensure the development and protection of disadvantaged racial groups” (article 2(2)).

Humanitarian and development assistance in the Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent calls for the recognition of exclusion and discrimination to take measures to address the special problem in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters. The development and application of tools like social equity audits and caste analysis frameworks is encouraged by humanitarian agencies, besides, training their staff for enabling them to responsibly monitor and counter untouchability.<sup>45</sup>

Those affected by natural disasters have the right to request and receive such protection and assistance from their governments. Protection is not limited to securing the survival and physical security of those affected by natural disasters. It encompasses all relevant guarantees—civil and political as well as economic, social and cultural rights—attributed to them by international human rights law<sup>46</sup>.

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<sup>43</sup> Universal Declaration of Human Rights, Article 25

<sup>44</sup> UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Principle 7

<sup>45</sup> UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Articles 56 & 57

<sup>46</sup> Introduction to the IASC Operational Guidelines on Human Rights and Natural Disasters, June 2006

**PART 2**

**CASE STUDY- INDIA**

## **About the Case study**

The case study presents the situation of Dalits in India, to draw attention of the humanitarian community to the pre-existing vulnerabilities of Dalits which worsens their situation in disaster times. It is imperative to understand the root causes of multiple forms of marginalisation and discrimination meted out to the Dalits in the social, cultural, political and economic aspects of life, which get further magnified in the backdrop of disasters.

The case study endeavours to present a critical overview of the Indian legislation, guidelines and policy on disaster management, to underscore the existing scope for inclusion of Dalits in disaster response and rehabilitation provisions.

This anthology also contains some good practices of the and civil society organisations, including the Humanitarian agencies and rights based organisations, along with those practices that emanated from the mutli-stakeholder partnership initiatives focused on disaster response and rehabilitation for ensuring inclusion of Dalit communities through conscious planning and programme designing.

## The Indian scenario

India ranks second in the world for natural disasters after China, a top UN official has said underlining that unplanned urbanisation and failure to address the issue of climate change pose a grave threat worldwide. The loss of lives and destruction to property was several times higher in China which witnessed landslides, earthquakes, and floods on an increasing scale<sup>47</sup>.

It is in this context of disasters in India that the situation of Dalits in Disaster Response and Disaster Risk Reduction will be looked at in this report. For the purpose, the situation of Dalits in the backdrop of some of the recent massive disasters in India over the last 15 years is taken into record. The report limits itself to four types of natural disasters, namely, *floods, cyclones, earthquakes and severe drought*.

The instances of caste bias in disaster situations predate the Indian Ocean tsunami of 2004, which triggered the unprecedented response from humanitarian agencies and government in terms of relief assistance to over a million of people who were affected. The news of Dalit discrimination was widely reported by the concerned civil society groups both international and national, and submitted to the UN Committee on the Elimination of Racial Discrimination - India 2007<sup>48</sup>. While the general sense of loss and human sufferings brought all organisations forth for saving lives, claiming to adhere to an agreement on minimum standards, or key principles, there were reports of caste-based discrimination in access to aid, restrictions on movement of people in camps, and forcible resettlement of people who were chased away from the camps, and exploitation and harassment of women at relief camps.

The reports that form the main source of reference for this document<sup>49</sup> reveal that Dalits, with least to lose in terms of material possessions turn out to be the worst and primary victims of any disaster for having lost everything little they possess due to abysmal coping capacity. Poverty compounded with social positioning and insecure livelihoods have always played inhuman role in all eventualities.

A multi-cultured country like India, cannot afford to overlook the issue of caste based discrimination in disaster response and risk reduction and allow violation of human rights of the Dalit population. While looking at disaster management planning and preparedness, it is thus essential to involve these communities in risk assessment and implementation of risk reduction activities.

To this end, the current Disaster Management Act, 2005, Disaster Management Policy, 2009, together with thematic guidelines on different types of disasters are analysed to be carrying considerable scope for inclusion of Dalit in DR-DRR in this anthology. The provisions in the Act and Policy reiterate special care to protect and provide for all affected groups in a non-discriminatory manner and according to their specific needs, but actual accountability will

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<sup>47</sup> <http://ibnlive.in.com/news/india-second-in-world-for-natural-disasters-un/141401-2.html>

<sup>48</sup> CERD alternative report by the National Campaign on Dalit Human Rights - India 2007

<sup>49</sup> <http://www.nationaldalitwatch-ncdhr.blogspot.in/p/links-to-ndw-studies.html>

come only when the issue itself will find recognition in law and policies of Disaster Management and have corresponding Rules for implementation in the field.

A rights-based approach in Disaster Response and Risk Reduction is therefore, recommended and required for translating the principles of the right to life with dignity; the right to protection and security; and the right to receive humanitarian assistance into corresponding action not just in emergency situation.

## **Pre-existing vulnerabilities of Dalits**

## **Not all poor are vulnerable**

"People's vulnerability to disasters depends on the social, cultural, economic and political environment. The economic factor is most apparent as many poor people are forced to live on marginal lands, such as floodplains, coastal towns and unstable hillsides<sup>50</sup>. However, it is important to note that not all poor are vulnerable to disasters and nor are the poor all vulnerable in the same way, as some people who are not poor are also vulnerable<sup>51</sup>. Marginalisation of lower castes gets magnified in disasters, and the socially excluded groups turn out to be at greatest risk. Vulnerabilities that weaken the coping capacities of the people are thus ought to be looked at with clarity, in order to be able to devise real time humanitarian assistance and country response strategies, and not reduce the entire concept of humanitarian aid to mere relief.

## **Outcast position of Dalits**

In India, Dalits continue to live in secluded habitations outside the main village thus limiting their access to the mainstream society which is apt to have better access to information and infrastructure. The main villages also becomes the hub of administrative and political activities being the location of the more influential and powerful communities. By the very location of their habitation, they have lower access to information, public education, disaster resilient infrastructure or communication for immediate action. The glass ceiling of caste makes it look as if Dalit communities are within the system of disaster response, while in reality they are cut off by the caste exclusions and discriminations.

Their precarious dwelling conditions expose them more severely to disasters. Their habitations are usually located in positions where the water and drainage may collect, with poor quality of housing, lack of drinking water sources or drainage facilities. There are very few infrastructure provisions or community facilities in these habitations and protection in times of disaster is a serious problem.

With the poverty situation, the nutrition and health conditions of Dalits are poorer and their resistance to illnesses low. Anaemia, malnutrition and other diseases also make them slow in recovering. Combined with the unhealthy living conditions, they are most prone to suffer the outbreak of diseases in times of disaster.

## **Economic vulnerability**

The livelihood situation of Dalits, dependent on wage labour and on dominant caste groups, are particularly vulnerable to hazards when their ability to access daily employment is affected. Dalits mostly are landless people without any developmental assets in possession, and this makes them work as share croppers and take to cheap manual labour for meeting their immediate survival needs. This pushes them to the option of interstate migration in the country. The fragile socio-economic condition of Dalits often determines their coping capacities. This can be supported with the findings of the United Nations Development Programme (UNDP) report on Kosi floods which reveal that among Dalit households, three in four were landless or near-landless. Landlessness or lack of assets combined with a serious

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<sup>50</sup> Disaster Management in Southeast Asia, an Overview, accessed at <http://www.adpc.net/pdr-sea/publications/11-DMSEA.pdf>

<sup>51</sup> Bankoff, G. et al. Mapping vulnerability: disasters, development, and people. UK: Creative Print and Design (Wales), 2004

disaster situation exposes them to the vicious cycle of bonded labour; further making their offspring vulnerable to and more certain of getting into child labour. Other social evils like child trafficking, sexual violence on women and even violence on children when they access common spaces are reported from disaster response programmes.

The non implementation of minimum wage standards across different states of India and general void of social security measures forces them to earn their livelihood on a day to day basis with no back up mechanism. Thus, any protracted lack of employment exposes them to the danger of starvation and ill health. Conflicts with the interests or norms of those who employ them hurt their opportunities for employment. In such a situation, they cannot recuperate without the much needed assistance from the humanitarian agencies and the government, which doesn't reach them often due to large scale misappropriation in the administration reported at the local levels and 'one size fits all' approach of the primary responders, the state.

### **The fear of violence makes them vulnerable**

The norms of untouchability place many limitations on how Dalits can access safety, security or relief during disasters. Continuing societal norms of pollution in using common water sources, common dining and common place for accommodation are prevalent in the minds of non Dalits. Fear of caste conflicts and internalisation of their own age old caste status hold them back from claiming their rights and seeking redress from the state. Often they have to be content with whatever they receive in the name of relief from the private and public agencies involved in disaster response, due to non consultation with them and ignorance of the socio-political dynamics. Reports of the temporary breaking down of these barriers are found in the immediate aftermath of a large disaster, but soon fall into routine ways by day three or four.

Disasters are not bound by regional or national boundaries, nor are they caste prejudiced. Yet, the bitter fact is that the Dalits and Tribes, with their women, children, disabled and aged were the most vulnerable of the vulnerable. The ailing condition of Dalits has been unveiled with every successive disaster. Their pre-existing vulnerabilities make them easy targets and first ones to be hit by disasters.

Addressing 'discrimination by default'<sup>52</sup> becomes important as the historic caste system plays out during disaster situations and the thousands of years of non-confrontation of the caste norms lead to both civil society and administration operating on existing norms of exclusion and discrimination than equity and inclusion. Hence conscious steps and choices have to be adopted by the humanitarian agencies and the state administration to address exclusion of Dalits and other marginalised communities in times of disaster.

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<sup>52</sup> Making Things Worse, Tim Mc Gill (Study on Tsunami), funded by Cordaid, the Netherlands and commissioned by Dalit Network Netherlands (DNN)

# **I. Caste Discrimination in Disaster Response and Disaster Risk Reduction–India**

*This section illustrates the situation of Dalits in Disaster Relief and Rehabilitation phases in a series of frequent disasters that have hit India. The hidden forms of discrimination and even scattered approach of humanitarian response have further resulted in excluding the Dalits from humanitarian assistance. These different forms of discrimination culminate in harassment of Dalits in demanding their rights and entitlements.*

About 60% of India's landmass is prone to earthquakes, 40 million hectares affected by recurrent floods, 8% of the total area prone to cyclones and 68% affected by droughts, making disasters recurrent and critical in the progress and development of the country. Disasters at the global level have been brought into focus by the UN declaration of 1990 to 2000 as the 'International Decade for Natural Disaster Reduction'. Some of the defining disasters have taken place in India, which include the Orissa Super cyclone, 1999, Gujarat earthquake in 2001, Tsunami 2004, Kosi flood in 2008 and many more of varying intensity and magnitude.

These disasters have formed the premise for the statutory arrangement of Government of India for disaster management. The enactment of Disaster Management (DM) Act, 2005 and development of the national disaster management response framework came in after the tsunami, wherein the physical vulnerabilities were addressed and targeted in the Central legislation. The National Disaster Management Authority is established under the legislation to spearhead the creation of a culture of disaster resilience, with institution in states, called the State Disaster Management Authority. National Institute of Disaster Management with nodal national responsibilities for human resource development, capacity building, training, research, documentation and policy advocacy in the field of disaster management is also instituted under the law.

India, until recently, responded to disasters with distribution of immediate life saving rescue and relief measures to the victims. In the recent times, a paradigm shift is claimed in her approach to disaster management, with exceeding emphasis on disaster prevention, mitigation and preparedness.

On January 26, 2001, a devastating *earthquake* rattled the northwest Indian state of Gujarat. This natural disaster claimed at least 30,000 lives and over one million were rendered homeless. Discrimination surfaced early in relief efforts. Later, because of the lack of information, not all affected people had access to available rehabilitation programmes. The compensation disbursement process was marked by protests from people who complained of getting too little money, ad hoc fixing of compensation packages, and a general lack of understanding about a complex process. In several instances, the money survivors received was not enough to build adequate shelters and ensure a basic standard of living<sup>53</sup>.

Tsunami surfaced the entrenched social divisions in the rural India. Dalits and their losses being small in nature, 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. The undernourishment of the Dalits went almost entirely unnoticed, while everyone including the media was concerned over the plight of obvious victims, the caste fishermen, for their losses and damages also naturally amounted more<sup>54</sup>. The landless Dalits who took the initiative of bettering the lives and took the land on lease to grow crops to profit little, had to die for the inability of paying back the lease money borrowed.

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<sup>53</sup> Price, G, and Bhatt. M., *The role of the affected state in humanitarian action: A case study on Indi, Arpil 2009*

<sup>54</sup> Gill, T., *Making things worse: How Caste-Blindness in an Indian Post Tsunami recovery has exacerbated vulnerability and exclusion*(2007)

The news of systemic bias was also reported by the Dalit rights organisations 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, while the experts stood at a distance.

### Case study 1

#### 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 cleanup 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.’

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.

***\*Making things worse: How Caste-Blindness in an Indian Post Tsunami recovery has exacerbated vulnerability and exclusion (2007)***

In the Rajasthan floods (2006), Dalits were asked to leave relief camps for fear of 'polluting others'<sup>55</sup>. During the relief phase, segregation in relief camps or debarment from entering the camps where dominant castes were located was discovered during the Kosi flood in Bihar (2008) as well. Dalit families were not registered in the relief camps. Incidents of violence against Dalits also came up in the Bihar floods of 2007.

### **Glimpses of violence and discrimination**

In Kusaiya village in Samastipur district, Rekka Devi, a Dalit woman and Panchayat ward member was beaten up with chappals and her son implicated in a false case for theft of 200 kgs of wheat when she asked the Mukhiya for relief.

In East Champaran, Dalits were drinking flood water as they were beaten up by the dominant castes when they went to fetch water to their locality for their hand pump was submerged.

Shiv Kumar in Tamoria village, Madhubani district, lost his eyesight for demanding relief materials for his hungry children.

### **Status Report on Bihar Floods, 2007**

Besides the testimonies of struggle in getting registered in relief camps, the relief materials given to Dalits also were testified of being poorer quality and less in quantity compared to what was given to the dominant castes. In some cases dominant castes refused to eat food because Dalits were served before they were served. The UNDP report on Kosi floods also supports this finding that more villagers shared instances of being discriminated against as well as being cheated by Government relief authorities<sup>56</sup>. They were denied access to drinking water for the hand pumps were installed in the upper caste localities. This compelled Dalits to consume flood water and face health risks, with no or limited access to medical aid.

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<sup>55</sup> *Rethinking disasters*, Oxfam International, 2008

\* 'Making things Worse: How Caste-Blindness in an Indian Post Tsunami recovery has exacerbated vulnerability and exclusion(2007)'

<sup>56</sup> Kosi Flood, 2008, UNDP 2009

## Case study 2

### “Food earned from begging would have had better quality”



Food earned from begging would have had better quality, says Jwala Raut, a 28 years old labourer belonging to the dalit community of Halkhors and a resident of Basantpur block of Supaul. “I had no premonition of the floods or about the possibility of the breach of the embankment. Water entered our village at around 8 in the night on the 18th of August. Panic broke out all over the place. I, along with my wife and children, struggled to get out of the water and somehow managed to take shelter inside the premises of Birpur telephone exchange. This was a three-storied building and nearly 1000 - 1500 people had taken refuge here.”

“I could not save anything. All my utensils, livestock and food-grains were washed away in the flood, and so was my hut. I could not even trace my relatives. I stayed at the telephone exchange building with my family for about 25 days and managed to survive by eating puffed or beaten rice. We used to wait for air droppings. On the 7th of September we were evacuated and taken to Kataiya in the Birpur Subdivision. We stayed there with our relatives for five days, under testing conditions. Deciding not to burden our relatives any more, we moved to a relief camp set up at the middle school of Pipra on the 13th of September.”

“First of all, we had to struggle for registration at the camp site. Also, there was no hygiene and cleanliness in the camp and an unmanageable number of people had been accommodated in the same hall. Initially the quality of food given in the camp was very bad, so much so that we used to think that begging would be a better option! But we had to compromise thinking of our children. Medical facilities here are equally bad and there is no arrangement for children. There is also no sanitation facility. In the name of toilet an isolated place has been cordoned off with plastic.”

**\*For a Morsel of Life, Kosi floods, Bihar, 2008**

Discrimination and exploitation have featured at the very stage of evacuation and rescue. According to villagers from Purnia and Madhepura districts, they perceived that Government boatmen charged higher prices (as much as Rs.500) from people belonging to marginalized groups to ply them to safer places. They also reportedly forced villagers belonging to poorer groups to wait for up to 10 days in flood affected villages before coming to rescue them.

Large scale corruption was perceived by Dalits flood victims of the 2009 Andhra Pradesh and Karnataka flood<sup>57</sup>, when many of them complained that the officials sat in panchayat offices or temples and fixed the compensation arbitrarily. Dalits got compensation as paltry as Rs 500 to Rs 1500 in most cases, whereas, many dominant caste victims were given maximum compensation fixed by the government for house damages. For having lost standing crops in

\* For a Morsel of Life! ...Bihar Relief Camps report, 2008 (By Dalit Watch Bihar and NDW)

<sup>57</sup>(a) [Exclusion of Dalits in Flood Rehabilitation, Bijapur district, Karnataka, 2009](#) (By HRFDL-K and NDW)

(b) [The Excluded in Relief and Rehabilitation, 2009-10 floods, Andhra Pradesh](#) (By Dalit Watch-AP and NDW)

four-fives acres of land, the victims got a pittance and for the deaths reported, there was an equal indifference. The main reasons behind this dissatisfaction was reportedly the lack of proper survey of Dalit colonies, lack of scientific and professional assessment of the damage caused by the floods, and of course, large-scale corruption at the local level.

### Case study 3

#### 'I lost two children'

The floods encircled her village when she was in the last few days of her second pregnancy. Even as her husband was struggling to shift her to a safer place, the couple saw their little daughter being washed away by the floods. A couple of days later, Dyamavva saw the girl's body floating in the stagnant water some miles away from her village. A few days later, she delivered a baby boy only to see the newborn succumb to an undiagnosed illness a few days later.



"The floods washed away my eight-year-old daughter and I lost my second child too. Both my children have left me in pain. I don't know what to live for."

Ask her about how she managed to stay hungry, pat comes a reply: "Don't ask me anything about food. My stomach burns thinking about it even now. I have suffered a lot mentally and physically. I cannot explain in words what it means to lose two children, a house, and everything we had saved for the future. Nobody cared for me. No doctors visited me. I was not given any medicines either."

Dyamavva cannot stop thinking that had she got enough food and proper medical attention in time, her second baby would have probably survived. As if this was not enough, the local officials are yet to heed her repeated pleas to allot compensation for two deaths in her family. "I have requested them many times to give me the compensation. But I have got nothing so far. I doubt if I ever will."

"They gave everything to the upper caste people. We did not get anything. Had this happened to an upper caste woman, things would have been different," she says. According to her, the local officials were reluctant to visit the Dalit colony to assess the damage caused by the floods. When they did visit, they just glanced around casually and scribbled something carelessly on the ledger. "They visited our colony only because we forced them to do so. It was as if they were doing a favour to us. What kind of justice can you expect from all this? We are aware that the entire village has suffered enough for a lifetime. Still, we can clearly see how we have been discriminated."

**Karnataka floods, October 2010**

Yamuna river floods in Delhi in 2010<sup>58</sup> bear testimony to the similar negligence and lack of political will among the authorities to conduct damage assessment to announce compensation to the Dalit victims, who long settled in Delhi for sustained livelihood from the neighbouring states. Despite repeated actions and approach of the survivors to the authorities, their right to any entitlement on the ground of them being ‘illegal residents’ of Delhi have been dismissed. The testimonies of Dalit victims speak of them being mere vote banks for the local politicians in the region. An important question that arises out of such situation is whether the legal tenure within the geographical boundaries of a state alone determines the citizenship rights of the Dalits who migrate under distressed situations back home.

The position of the Dalit gram panchayat president has also been compromised because of his/her inability to act to protect and secure the rights and entitlements of his /her Dalit community owing to pressure of dominant caste groups.

Monitoring studies jointly conducted by National Dalit Watch and state based human rights organisations have exposed that damage assessments in Dalit colonies have generally gone missing by the authorities or some irrelevant persons have visited them for the ‘sake of fulfilling the mandate’. The non enumeration of their names in the compensation lists of the authorities further excludes them from receiving the entitlements. Non-enumeration happens on the common pretext of closed houses when officials visit the colonies.

The issue of employment generation during disaster management is of paramount importance as it alone could restore normalcy to the lives of the affected communities. It is also true that the achievements of the MGNREGA<sup>59</sup> have been uneven. The reports have highlighted that the Dalits were either not given the job cards or were deprived of work despite having the job cards. Those who even managed to get some work under MGNREGA, of clearing the slush, struggled for the wages. Procedural hitches have therefore ruled the roost and the systems have been reported to be unresponsive to the plight of Dalits in and after major disaster situations.

*Floods in the north-east*, particularly Assam, are a recurrent phenomenon, although the nature of floods has changed qualitatively, and for the worse. However, particularly in 2009, Assam was faced with a serious flood situation<sup>60</sup>. An inclusion monitoring study in Lakhimpur district of Assam unveils the shocking ignorance of the state administration on national provisions of Calamity Relief Fund (CRF), which lays down the entitlements of the victims against the damages and losses. The same level of ignorance is reported during the very recent Orissa floods of 2011.

These instances form the premise for targeted intervention by humanitarian stakeholders and the state for Dalits in reaching out with response and long term recovery aid. This doesn’t mean that no work is being done for Dalit inclusion in Disaster response and risk reduction, but even that being done is too nominal and not adequately documented.

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<sup>58</sup> [The uncertainties of life...living through waters of dejection \(Yamuna floods, Delhi, 2010\)](#)

<sup>59</sup> Mahatma Gandhi National Rural Employment Guarantee Act, a central legislation promising 100 days of work to the unemployed family members at a minimum wage fixed by the respective states

<sup>60</sup> [Status of implementation of the Calamity Relief Fund in SC villages of Dhakuakhana block of Lakhimpur district \(Assam\) during flood and Post flood-2008/09 \(By RVC Assam & NDW\)](#)

## **II. Good practices in DR-DRR:**

*This section illustrates some exemplary models of DR-DRR interventions of the civil society organisations, bilateral and multi-lateral partnership that focused on reaching out to the Dalit populace. The cases also highlight methods and techniques adopted by human rights organisations to advocate for inclusive policies on disaster management, thereby moving beyond response. These good practices can be replicated by the humanitarian stakeholders and the up scaled by the government, possibly and preferably in collaboration with NGOs.*

## Making them the catalysts of change

### Unnati, Drought in Rajasthan, 2009

Drought indeed is a recurrent phenomenon in the desert districts of Rajasthan. But, in year 2009 drought was unparalleled because of five lean years in succession. In this context, Unnati's monitoring system focused on developing local capacities to engender a community-driven monitoring and grievance resolution mechanism, through the Community Managed Disaster Risk Reduction (CMDRR) approach in Rajasthan, in which Unnati was aided by Cordaid, the Netherlands.

#### Case study 1

##### **CMDRR approach in Rajasthan: Strengthening community capacity on Disaster Risk Reduction**

###### *Empowering dalit community to monitor and access the basic services, rights and entitlements during the drought in Rajasthan*

Drought Relief Services, initiated by Government of Rajasthan, focused on employment generation (through NREGA), ensuring drinking water, fodder and direct food / cash support to the most vulnerable. However, Unnati realised that the programme was not inclusive in nature and often Dalits in general and women were left out from accessing the services.

The Rajasthan Relief Code only includes drought-time fodder provisions for big animals such as cows, but not for smaller animals such as goats. As a result, Dalits, a majority of who reared goats, were forced to sell them at distressed prices, feed them from their own money, or simply set them free. In this context, Unnati initiated a process to facilitate community based monitoring of drought relief services and enabling the Dalits in access the relief services. A total of 85 villages from 9 blocks in Jodhpur, Barmer and Jaisalmer districts of Rajasthan were selected, where the Dalit houses were targeted and their access to relief monitored. Other most marginalised communities were also assisted, along with Dalit households.



The presence of strong and active Dalit leadership amongst community members, civil society organizations and Government officials largely facilitated the monitoring process. In several villages, the monitoring system operated based on capacities of Dalit task force members, who were able to collect monthly data on government services' reach, quality and regularity. The data collected from wealth mapping exercises were analysed at village and block levels and shared with the government officials, and media, which helped in advocacy to enhance quality and frequency of the services in the affected villages. The task force members facilitated discussions, made home visits, and relayed grievances to Government administrators to ensure that vulnerable groups who could not attend the meetings were getting relief. The monitoring by Dalits ensured that exclusion and discrimination didn't occur in the relief and service distribution and sensitising the government department to ensure Dalits and women were not excluded from any programme.

**Five innovative practices for community based DRR carried out were:**

- (i) Land based fodder plots development for the most vulnerable dalits who kept goats for their survival
- (ii) Water distribution points were set up mainly in the Dalit hamlets (Dhanies).
- (iii) Capacitated masons and artisans on appropriate and disaster safe housing technologies
- (iv) Developed understanding on government health services and systems developed to monitor government health services
- (v) Disaster Risk Transfer through promoting micro Insurance and linkage with government sponsored insurance schemes.

Unnati pursued an integrationist and collaborative approach to real-time equity monitoring. The model produced community monitoring based on the conscientization of various stakeholders towards equity issues in disaster response, and aimed at building the awareness of communities and linking them to Government relief provisions. A noteworthy feature was that Government officials liked the process of data generation and replicated the same in other affected areas where the project was not being implemented.

## Enabling the claims to ‘Right to life with Dignity’

### Dalit Watch, Kosi floods, Bihar 2008

In the wake of the severe flooding of the Kosi river in 2008, the constituents of Dalit Watch in Bihar came together to monitor relief camps set up in the aftermath of the severe floods of 2008<sup>61</sup>. Supported by Cordaid, the Netherlands, Dalit Watch with its interventions in 2007 and 2008 floods inspired the formation of a national entity called National Dalit Watch to sustain the vigil on caste discrimination and advocate for inclusive DR-DRR in India.

#### Case study 2

##### Monitoring Disaster Response and Preparedness for Inclusion and Equity

Based on the findings of the appraisal visits, Dalit Watch embarked on an intensive equity monitoring programme in 204 relief camps in Supaul, Saharsa, Madhepura, Purnea and Araria, with the support of 104 Dalit Watch volunteers, to assess the accessibility of the relief measures by Dalit communities in particular, and administration of relief camps in general, across five worst affected districts.

Outcomes of the monitoring process indicated an alarming level of shortfall in the arrangements towards delivery of critical relief aid across most of the 205 monitored sites. The collective made recommendations to improve the overall quality

of the relief processes to ensure greater accessibility for Dalit communities in particular. While Dalit Watch performed an independent monitoring programme within the relief camps, the Government of Bihar had established monitoring systems throughout the administrative machinery, particularly at the Panchayat, block, and district and sub-division level.

District and Block Level officials of the Government of Bihar also collaborated with Dalit Watch. The then District Magistrate of Madhepura sent the district level officers to work with officials at the block level, to ensure that needs of the vulnerable were met. Inter-Agency collaboration via the Inter-Agency Group (IAG) in Bihar ensured collaboration and coordination between all the civil society organizations working in Bihar and the various levels of the Government.

Moreover, computerized lists of relief items distributed by the army were shared at these meetings that injected transparency into the system. Information was also relayed to the affected communities in the relief camps about the compensation package. This was done effectively by Dalit Watch, who not only distributed pamphlets and posters on the details of the entitlements, but also verbally communicated this information to the flood survivors. This information exchange enabled affected communities to demand their rights. It also brought to light instances of corruption at various levels such as corruption in beneficiary list-making



<sup>61</sup> Dalit Watch report, *For a Morsel of Life*, 2008

## Volunteership of Dalits in Community kitchens

### EFICOR, Kosi Floods, 2008

EFICOR (Evangelical Fellowship of India Commission on Relief) works with the Mahadalits in the northern Indian state of Bihar. Mahadalits (also known as rat-eaters), is a sub caste of Dalits. During the Kosi floods, EFICOR provided food relief to the Dalits through the community kitchens where the Dalit volunteers prepared fresh meals together with non dalit staff and volunteers of the organisation<sup>62</sup>.

#### Case study 3

##### Community Kitchen provided food to Dalits



During the Kosi floods, EFICOR set up community kitchens cum relief camps at Saharsa and Madhepura districts, to provide food relief to Dalits. Most victims had received only a meal a day for over 18 days until EFICOR came in.

The food cooked by a group of identified community volunteers at the community kitchen saved the unreached Dalits of starvation. The volunteers were both Dalits and non-Dalits from the adjoining districts, and staff volunteers of EFICOR. Participation of Dalit volunteers was a deliberate move.

The Collector and the civil surgeon personally visited the relief camps where EFICOR was serving. Doctors provided medicines and treated the people.

Considering the community composition, which had strong presence and dominance of the caste Hindus against the political backdrop, the organisation without revealing the identity of the community volunteers made the programme run successfully for roughly a month and planned and launched disaster risk reduction programmes subsequently.

<sup>62</sup> Briefing Kit for India + Evangelical Fellowship of India Commission on Relief, Compiled on 28 Sep 2011

Integrating disaster preparedness in recovery entails that the marginalised are particularly targeted to receive aid and their capacity enhanced for greater resilience against future disasters. Being mindful of the caste factor in disaster response, Churches Auxiliary for Social Action (CASA) supported by Dan Church Aid (DCA) constructed 515 transit shelters using locally available resources during Kosi floods.

#### Case study 4

##### **Humanitarian Assistance for Early Recovery of flood affected communities**

The project was implemented in Tekuna Panchayat of Supaul district. The meetings held had elected representatives and Block Development Officer while cluster level meetings ensured inclusion and participation of Dalits, minorities and women in the consultative process. In each ward, a complaint box was provided by CASA, backed with a complaints redressal mechanism as per the *Humanitarian Accountability Partnership* (HAP) principles. If any victim was left out or dissatisfied with the process, she or he could register a complaint. The areas of lodging complaints included (i) Beneficiary selection; (ii) Quality of aid received; (iii) bribery/favouritism; and (iv) sexual harassment.

All shelter and livelihood programmes made special efforts to ensure social inclusion. The selection was based on existing vulnerabilities within the communities. The beneficiary selection prioritised Dalits, tribals, physically challenged, single women/widows, persons below poverty line and families with houses completely destroyed or severely damaged in flood. The Village Development Committees (VDCs) were formed in each village, having representation from each section. The list of beneficiaries selected by VDCs was verified by CASA's field officer and necessary corrections were made on the benchmark set for supporting the beneficiary. The selection process ensured inclusion of the invisible people, and people living on the periphery in any community, making best use of the available resources.

These complaints were recorded and addressed adequately. As a result, households that were left out during the selection process were later included in the list of beneficiaries. The complainant's right to confidentiality was adequately addressed through Community Complaints Handling Committee (CCHC). All community level complaints were addressed by the CCHC, while project office level complaints were handled by the Project Coordinator of CASA and Project Coordinator, DCA.

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<sup>63</sup> Transparent Recovery, Churches Auxiliary for Social Action

## Livelihood Restoration Support

AIDMI, Kosi floods, Bihar, 2008

Livelihood restoration assistance was provided to the Kosi flood affected Dalits and other most marginalized sections through the existing Livelihood Relief Fund (LRF) of AIDMI<sup>64</sup>. The main focus of LRF is to secure food, water, habitat, and livelihood options for the vulnerable groups during disasters by protecting and reviving the means to work and earn an income.

### Case study 5

#### **Building Economic Security of the Floods Affected Dalits of Bihar**

The aim of the initiative was to provide consistent income generation to achieve long term community recovery with self-reliance. The livelihood restoration support was provided through a local partner organization. The beneficiaries included Dalits and Mahadalits, with preference given to the single women headed households, widows/widowers, casual labourers, landless labourers, petty businessmen, small vendors, and home-based workers.

The local partner's team members and the village committee members, along with AIDMI team members, carried out the assessment of the communities whose livelihoods were affected. During the assessment, the team kept in mind the livelihood loss incurred, how and when they started earning after regaining normalcy, and how livelihood support would help them regain economic sufficiency. The beneficiaries were involved in the process of selection of supplier of tools and implements, and purchase of the same. An ongoing monitoring and evaluation was carried out by the village committee members to ensure that the items reached in the correct hands.

Considering the nature of jobs of most Dalit beneficiaries, which was mainly fishing, selling groceries and some small time vehicle repair work, their source of sustenance was first analysed and based on their need, provided with items that enabled them to restart their work. With AIDMI's support, some initiated small-scale businesses, while some started getting more credit from the suppliers as they had become more secure than before in their domestic and business levels. The community also opted for savings by opening a savings bank account. Thus, the livelihood support ensured speedy and secured recovery of the communities and assisted in reduction of their economic vulnerability. Involving the community and village panchayat members in the process of relief and rehabilitation activities ensured that the organisation remained transparent in providing support.

Global initiatives and frameworks such as Sphere Minimum Standards, Red Cross Code of Conduct and the key recommendations from the Hyogo Framework for Action, Delhi Declaration on Disaster Risk Reduction, and Bangkok Action Agenda were translated into community for a better impact of the livelihood restoration support activity.

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<sup>64</sup> All India Disaster Management Institute

## Gender and diversity in livelihood restoration/security

### CSO-ECHO Partnership project, Kosi floods, Bihar 2008<sup>65</sup>

Post Kosi floods, ECHO (European Commission for Humanitarian Assistance) initiated a recovery assistance programme that was implemented through six project partners namely, Action Aid, Concern, German Agro Action, ADRA India, CASA and Handicap International for reduction of vulnerability of population living in the areas most affected by flood. The strategy adopted by ECHO was to provide support to the most vulnerable Dalits, tribals, minorities, women, persons with disability, chronically ill persons and marginal farmers were the primary beneficiaries.

#### Case study 6

##### Enhancing employment income through farm/agro related activities



Gender and social inclusion were cross cutting issues across the entire programme. The community was encouraged to nominate women and socially excluded members in various committees formed for programme implementation, including beneficiary selection, to facilitate active participation of women and Dalits in the decision making process. The committees were given suggestions to enable them to make the selection of beneficiaries considering the gender and diversity lens.

Seed support was given mainly to Dalit marginal farmers and small farmers. Women farmers were not direct beneficiaries of the programme but they did get some recognition as farmers with the training for farmers programme conducted by ActionAid. Despite the tilt towards men, the presence and role of women vendors in the rural economy was realised and the programme targeted them to some extent.

With the support of local partners, Cash for Work (CfW) programme was implemented in two blocks of Supaul district. In the road repairing projects, ActionAid also generated 26,095 person days supporting 1873 families. The CfW programme ensured at least one member of the family 30 days employment with minimum wages per day fixed by the government. While the main idea was to create work opportunities in the villages, the future perspective of rehabilitating private and public infrastructure was also kept in mind. The programme was implemented keeping in view the NREGA programme implemented by the government to make the beneficiary aware of the rules, regulations and processes to get the benefit of NREGA.

While much of the CFW programme was around work on community infrastructure, some work also contributed to directly benefiting the most marginalised. For instance, CfW was used to support the reconstruction of housing and also to raise the plinth level of existing and new houses.

<sup>65</sup> *Building Back Better*, A Report on Good Practices and Lessons Learned from ECHO Supported Kosi Flood Response Programme

Women got more opportunity to participate in CFW because of the migration of men and non implementation of NREGA. Women appreciated this particular initiative the most as it gave them immediate cash and food security. Old persons and disabled got employment as water providers and supervisors. Impact of the CfW programme was also seen as awareness generation in women for the right to work with equal wages.

The beneficiaries also followed the same procedures as Labour registration, Job card, Muster roll, Payment register and the welfare component such as crèche for children and first aid box, etc. It was found that the beneficiaries who worked for our CfW programme also started pressurising the local Mukhiyas and Panchayat representatives for jobs. Their awareness regarding minimum wages also helped them bargain with the local landlords for better wages. The landlords of the village were worried that their crop for the workers refused wages lesser than the minimum wages fixed by the government.

Minati Devi of Mahadalit tola in Bhelai village, Block Murliganj district Madhepura, physically and mentally challenged had two small children and her husband had deserted her but even she could work in the CfW programme helping to build the bamboo bridge to link the village to the main road. As there was no work in the fields, cash for work that provided immediate income was an attractive option. CfW programme is modelled along the MGNREGA programme of the government to make people aware of the process of getting enrolled with the scheme and benefitting from the same.

## Rebuilding Lives amidst Social Divisions

### SEEDS India, Barmer, Rajasthan floods, August 2006

Heavy monsoon rains that started on the 16th of August 2006 engulfed several villages of the 12 odd districts of Rajasthan. The usually drought prone Barmer district was hit by flash flood claimed several human lives. SEEDS (Sustainable Environment and Ecological Development Society) took the initiative of building intermediate shelters for the flood victims, offering shelters which were far better than the temporary shelters. The initiative was primarily aimed at marginalized and socially excluded families that had small land holdings and no resources to rebuild.

#### Case study 7

##### **Barmer Aashray Yojna (Post Flood Shelter Restoration Programme): Cutting across Caste and Gender Lines**

In Barmer, distinct social classes are visible. It is a common sight to see houses of the marginalised and lower castes built away from the main cluster in the village. Considering that rebuilding lives and livelihood is crucial for any disaster affected community, SEEDS addressed this issue by engaging local masons at all levels of the recovery process. Beneficiary family members were also involved in the on-site construction activities.

Over the course of Barmer Aashray Yojana, 300 shelters were built for the most socially, economically and physically marginalised individuals and families cutting across these divisions. Special attention was also given to women headed households. This initiative of SEEDS was partnered by Christian Aid and ECHO (European Commission Humanitarian Aid Department), to meet the immediate housing need of the devastated villages.



The project involved constructing culturally and environmentally (earthquake-proof, as Barmer is also a seismic zone) compliant houses for those devastatingly affected by the floods. With the given time span of 6 months, the SEEDS social team devised a Village Development Committee system across 15 villages. Each VDC consisted of 6-10 members from across the stakeholder spectrum including a representative from the gram panchayat, a government school teacher, Anganwadi worker, an auxiliary nurse/ mid wife, village level volunteer, a social worker, a representative from SEEDS and a representative from a local group. The committee ensured that women played a core role in the consultation process and that a variety of views were incorporated for planning and decision making. The VDCs helped identify the most marginalised, vulnerable and needy beneficiaries from among the District Government's list.

##### **New Kotra: A model village**

New Kotra was a 'model' village set up on government allotted land in Kotra for those from Jalela. The 'model' tag emerged as this construction cut across social barriers. The whole process was socially engineered, with the communities agreeing to live together. This also ensured that all those who were most vulnerable – including among the upper castes – received assistance.

The success of the project was highly dependent on the pro-active participation of the beneficiaries and their families and communities at large. Adopting an 'inclusive' approach meant that constant counseling and interaction with the community was required to bring them on to the same page and begin making inroads into a rigid caste system.

Through this active community participation, SEEDS was able to build 85% of the shelters for the most marginalised and vulnerable communities. The project benefitted socially excluded groups, widow headed households and households headed by persons with disabilities – thereby ensuring Inclusion in every aspect. The entire project was carried out in complete adherence to Red Cross code of conduct and the Sphere Humanitarian charter and minimum standards in disaster response.

## Children back to schools

### A UNICEF and Govt. of Tamil Nadu Intervention, Tsunami 2004<sup>66</sup>

Joint initiative of the Government of Tamil Nadu and UNICEF enabled the tsunami hit children resume schooling and even those entered the gates of school who never saw the thresholds of it.

#### Case study 8

##### Children's Schooling, a year on key findings



(Photo-www.unicef.org)

Within the first few months of the tsunami, children were back in school. Governments, UNICEF and other partners cleaned, constructed or made available existing buildings, temporary schools and tents, and provided learning materials, books, uniforms, school bags and school furniture to hundreds of thousands of children.

Tsunami recovery offered an opportunity to work out ways to bring the children of Dalit communities to school, who had never been to school before.

The district administration in Nagapattinam (Tamil Nadu) took proactive steps in ensuring that Dalit children were in school. The administration instructed the schools to exempt tsunami affected students from fees for a year. District education officials, UNICEF and NGO partners began a post-tsunami campaign to identify children not in school and enrol them in a catch-up or bridging programme, with a view to channelling them into the formal school system.

As a result of bilateral initiative, many children had classes in new or renovated buildings, instead of in tents or makeshift shelters. Although many of these new buildings were called ‘temporary’ or ‘semi-permanent’ schools, the majority are solid structures, built to last at least a few years, if not more. All children had enough books and school supplies. The construction of new permanent schools had begun, although at a slow pace but in many locations, schools were being built better.

This initiative exemplifies what a multi stakeholder partnership can do, if the will is there to reach out to the excluded groups. The Government of Tamil Nadu took measures to prioritise restoration of schooling to children and enrolling even those who had never been to school owing to the weak socio-economic conditions.

<sup>66</sup> *Children and the Tsunami, A Year On, A Draft UNICEF Summary of What Worked, November 2005*

The LWF went an extra mile to not just erect shelters for the Dalits and tribals who did not own land, but also secured land for them with a human rights approach.

### Case study 9

#### New Home, New-Found Happiness

Yes, he is happy again, G. Raju said as he put his arms around his eight-year old daughter Mageswari and her ten-year old sister Rajeswari. The memory is still painful, but he has found new happiness. He has a new wife and a new house. He could never have afforded such a beautiful, solid house before, he added. His house is part of a new residential area which comprises 350 individual homes and shared facilities which the Lutheran World Service India (LWSI), a country program of the Lutheran World Federation (LWF) Department for World Service (DWS), with support from the worldwide network of Churches and partner organizations such as Action by Churches Together (ACT)



International built on the outskirts of Thirumullaivasal.

Despite strong opposition at the outset, the families of ocean and inland fishermen and Dalits as well as members of other scheduled castes and scheduled tribes, now live side-by-side. LWSI placed great importance on avoiding any kind of discrimination, including the project's spatial design.

In addition to this project for building concrete and safe shelters for the tsunami ridden communities, in compliance with the Indian government directives, houses had to be built several hundred meters from the coastline; LWSI also built 180 new houses within the village. This was a response to a needs plan drawn up by the Indian government, whose go-ahead was required before any new houses could be built. New houses could only be built for families who already had property rights.

The land rights criteria was particularly great challenge for LWSI, especially with regard to the Dalits and other scheduled tribes who had no land rights to assert. The LWSI housing project nonetheless succeeded in procuring houses for these groups and, consequently, land rights as well.

The architecture of the 880 houses built in 13 villages in the state of Tamil Nadu by the LWSI in collaboration with ACT is based on a core design provided by the United Nations Development Programme (UNDP) together with the regional government of Tamil Nadu. All houses are sturdily built with locally produced bricks. These houses offer better protection against cyclones, earthquakes and floods.

<sup>67</sup> Lutheran World Information, No. 12/2007

## **Alternate means of livelihood and capacity building making them resilient**

### **Kalvi Kendra, Tamil Nadu, Post Tsunami**

After Tsunami, Kalvi Kendra launched rehabilitation activities in six coastal villages affected by tsunami with support from Cordaid, the Netherlands. The programme was implemented along the Community Managed Disaster Risk Reduction (CMDRR) module of Cordaid, for long term preparedness of the Dalit community.

#### **Case study 10**

##### **Inclusion of socially marginalized in CMDRR**

It was indeed a big challenge to convince and change the mindset of the Panchayati Raj Institution (PRI) members and even of some of the Community Based Organisation (CBO) on the issue of Dalit inclusion. The situation was such that these members could not accommodate and accept the very presence of Dalits amidst them. The political pressure was a major stumbling block that almost sabotaged the process and efforts for inclusion by Kalvi Kendra. Political leaders were totally against providing any kind of support to the Dalit community for they did not cast their votes to them. To overcome this, Kalvi Kendra facilitated participation of the panchayat presidents in state level conference on “Dalits Right and Inclusion” to sensitise them towards Dalits.

60% of Dalits were provided housing and livelihood support, based on the vulnerability and risk assessment under the CMDRR module. With the primary aim to empower Dalit women living below poverty line, they were encouraged to form themselves in self help groups (SHGs) to instigate a habit of weekly savings to have access to credit from banks. SHGs’ members were also guided to advocate for their right to public services and seek assistance from the government schemes.

Kalvi Kendra also formed rescue teams with youth volunteers involving Dalit youth. Special evening coaching classes were run in all the Dalit habitations to orient the volunteers on the DRR measures. The organisation has been tapping government sources to strengthen the infrastructure facilities and support the livelihood activities of SHGs’ members.

Dalits have been organised into People’s Collective for concerted actions and federations formed to support and monitor the CBOs, linking them to financial institutions, insurance agencies, government programmes and training institutions for access to financial support, transferring risk, availing benefits from the state run development programmes and capacity building, respectively.

As a result of continuous capacity building and various CMDRR trainings, the community actors were able to conduct Hazard, Vulnerability and Capacity assessment on their own; implement the activities in a participatory manner; monitor the ongoing activities regularly; and review the progress during Disaster Risk Reduction Management Council (DRRMC) meetings for creating a lasting impact and sustainability of the CMDRR process.

## Accountability in the field

### Action Aid India, Orissa flood, 2001<sup>68</sup>

Review and reflection, as a key part of ActionAid's 'accountability, learning and planning' system (ALPS) was instituted during the 2001 Orissa flood. It provides a framework for involving communities and partner organisations in all aspects of ActionAid's programme including planning, budgeting, monitoring and reviewing.

#### Case Study 11

##### Accountability in the field

During the Orissa floods of 2001, Action Aid with its partner organisation and village reconstruction committees began a Food-for-Work programme having identified the most vulnerable groups comprising Dalits. Daily work charts in public places detailed the number of people working, the jobs they were doing, and the quantity of rice available for distribution and the schedule for cash payments. 'People's hearings' acted like vigilance committees. They enabled jobs to be clarified or questioned, and helped curb corruption. ActionAid India lobbied the government of Orissa to make the state Relief Code more responsive to the needs of poor.

They commissioned a social audit to evaluate the Food-for-Work programme. In the short term, the audit process helped claimants to voice their complaints and seek redress, and participation by women in the social audit meetings also increased significantly their participation in food-for-work, as well as suggesting ideas and changes for future programmes.

The 'Downward' accountability and the right to be heard were central to the initiative, and shelters became meeting places where they could articulate their concerns and their voices were heard. The planning meetings with the community helped gain insight into the existing capacities of the villager; what they could do with the help from NGOs and what they could access from government. Subsequently, information about programme scope, coverage, goals and funds would be posted on a notice board. The board also gave the name of the panchayat, the local government district to which the village belonged.

The organisation feels that accountability has strengthened the agency's credibility with officials at local, state and national levels in India while having enhanced transparency in the system by making the community an agent of change.

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<sup>68</sup> Humanitarian Accountability Project (HAP), 20 March 2002

**CSO-UNDP Partnerships, Gujarat earthquake, 2001<sup>69</sup>**

After the Gujarat earthquake, UNDP initiated a shelter reconstruction programme, as an entry point for long-term sustainable development in the affected regions. This programme was the practical application of the UNDP concept of transition recovery designed over the years, and called for a realignment of roles of CSOs according to their core competencies, and not merely in tune with donor priorities. UNDP selected organisations that had a proven track record of working with the most marginalised communities, including women and Dalits. The initiative aimed at social mobilization, capacity building of organizations, with a special focus on women and Dalits, and creating family and community-based assets.

**Case Study 12**

**The earthquake-resistant house**



Outside Kuchch in Gujarat, UNDP supported reconstruction efforts in Surendranagar and Patan districts with Navsarjan Trust, the largest organization in Gujarat addressing the rights of Dalits. Navsarjan took up development projects for the first time after the earthquake. Support from UNDP led to that a mutually rewarding partnership. It was also a unique social experiment, with potentially far-reaching consequences.

Beginning with the premise that Dalit communities in the villages would inevitably suffer the worst discrimination in matters of entitlements and compensation after the

earthquake, Navsarjan mobilized engineers, masons and funds to build 3000 houses in villages in Surendranagar and Patan districts. A total of 175 engineers, some of them leaving government jobs in Rajkot and Baroda, took on the task, each being responsible for about eight villages.

Soon Navsarjan engineers and masons began to be approached by non-Dalits, asking that they build them their houses – and in the process crossed strictly delineated social boundaries. Instead of focusing on entrenched attitudes of discrimination against Dalits, Navsarjan decided to seize the opportunity afforded by the earthquake to work proactively and force social change.

With UNDP support, SEWA (Self-Employed Women’s Association) had undertaken the reconstruction of a village in the Banaskantha region. SEWA trained masons, including women, and propagated seismic safety techniques among village communities. It also integrated livelihood risk mitigation measures, such as rainwater harvesting structures and village ponds, to secure drinking water and mitigate the impact of drought on cattle rearing activities. Women engineers and village-based SEWA members supervised the work.

<sup>69</sup> From Relief to Recovery, the Gujarat Experience, October 2001

To coordinate its efforts, SEWA has started work on an information coordination centre (setu) for 14 villages in Dabhi. The setus worked closely with Sneh Samudaya (Caring Community), a collective of eight organizations set up by ActionAid to address the issues that concern the poorest and most vulnerable survivors: the marginalised communities of kolis, Muslims and Dalits in intervention villages. Active in 128 worst hit villages and 10 urban pockets spread over the four sub-districts of Anjar, Bhachau, Bhuj and Rapar, Sneh Samudaya had the village presence needed to strengthen the information network of the setus. The shelters were first provided to the widows, the elderly, socially disenfranchised and orphans. The Sneh Samudaya network supported these communities to provide access to food and security. A group within the network catered specifically to the needs and rights of women who lost their husbands in the earthquake.

Sneh Samudaya served as community centre and meeting place in which villagers could exchange information on entitlements, compensation packages and other aspects of rehabilitation. As late as in May 2005, a government order allowed large corporations to be given away the so-called waste or unused government land for corporate farming. It may have been more appropriate to put the needs of earthquake widows before those of corporate farmers. Campaigners played a lead litigation to challenge such discrimination, particularly against Dalits. This experience inspired similar interventions in tsunami-hit areas, with appropriate distribution of aid.

## Effective civil society monitoring for ensuring inclusion

### National Dalit Watch-NCDHR, 2010

The National Dalit Watch formed at the recognition of caste discrimination in disasters, started commissioning monitoring studies after major flood interventions across the flood belt of India. Having gathered primary evidence to prove social exclusion during disasters response, it embarked on strategic advocacy engagement with the humanitarian organisation, UN agencies and the National Disaster Management Authority (NDMA). The objective was to make them aware of the ongoing caste discrimination in relief and recovery phases for effective civil society monitoring, enabling policy regime and well defined state entitlements to counter exclusion.

#### Case study 13

##### Influencing the state guidelines for inclusion



Towards this objective, NDW organised a national consultation (NC) on, “Exclusion of Dalits in Disaster Risk Reduction Interventions- effective civil society monitoring”, in collaboration with Sphere India, Cordaid and Oxfam. This marked the evolution of a strategic partnership with Sphere India and wider civil society organisations to vehemently articulate the need for inclusive disaster management policy and guidelines. The event brought aboard the Member of National Disaster Management Authority (NDMA), representatives from NGOs, International NGOs, Humanitarian organisations, academics, and officers from the UNDP.

The declarations mutually formulated by the representatives for CSOs and Government at the end of two day consultation were endorsed widely by humanitarian organisations. The same was submitted by a delegation to the NDMA. These joint declarations have become the premise of further advocacy at the national and international levels.

It is learnt that after this national consultation that the NDMA and Sphere India called for a deliberation with civil society organisations over the NDMA Guidelines on the Role of NGOs in Disaster Management. It was observed that the declarations of the National Consultation were stressed upon by the organisations that were behind the formation of the joint declarations to be reflected in the guidelines.

It is stated that with the continuous advocacy interventions anchored by the NDW together with larger civil society endorsement that the NDMA Guidelines on Role of NGOs in Disaster Management (September 2010), which was in the process of making then, received attention on caste aspects. Such interventions are important to result into policy changes for inclusive disaster management.

## **An analysis of the case studies**

### **Inclusion by *Targeting***

A thread of commonality that runs through all cases on good practices is the conscious approach of these organisations to target Dalits and women (single women, widowed women and women headed households) in their interventions by identifying the most vulnerable from among them and other communities, under the community based and managed DRR models. The case studies illustrate different and promising techniques of engaging the Dalits at each level of programme implementation.

Most cases, however, present success stories and model interventions in the post disaster phase of recovery and rehabilitation, and inclusion models at the response stage are nominal. This unleashes the need to have inclusive and targeted approach during response and documentation of such practices that can be replicated in different context. While less but significant work is commissioned around preparedness and mitigation, it is yet to be seen as to how these processes have resulted in the inclusion of Dalits in disaster response programme.

The system of instituting grievance redressal mechanisms for establishing transparency with involvement of Dalits in decision making processes is imperative and much needed. This has been facilitated through the institution of village level committees, setus and sneh samudaya, where membership of women and Dalits had been made mandatory. Assistance in the form of seed support to the marginalised Dalit farmers, land based fodder plots, providing water access through community based water distribution mechanisms and emphasis on the communities to select the socially excluded members for representation in village level committees exemplify the deliberate move to reach out to the Dalits and other marginalised groups to help them recover from the after effects of disasters.

A model of different caste communities co-residing under the shelter construction programme of SEEDS India exemplifies the effort of cutting across caste and social barriers. However, it is also important to have a sharing of challenges that have been encountered while carrying out the work on Dalit inclusion. Less is documented on this, and only when the challenges are known will regular review will help humanitarian stakeholders in adapting the programmes to the existing situation to reach to the socially excluded through response and long term advocacy with the state.

The model of partnership between the UN agencies and the Government of India are also very encouraging examples of what bi-lateral partnership projects can do. There is a dire need for the government to undertake such initiatives and work towards the long term preparedness and reconstruction. Less documentation is still found on such joint interventions focussing on Dalits' inclusion.

It is also seen that organisations have catered the Dalit communities during the emergency relief phase through community kitchens. Even though this concept is not new, but involving Dalit members into the volunteers' team to cook meals is a challenging task in rural set up with anti Dalit political scenario. While some have explicitly targeted the Dalits in emergencies with immediate life saving relief and long term recovery and rehabilitation programmes, subsequently, some hesitation and fear of conflict in disclosing the Dalit identity of volunteers for community kitchens has also been observed in a case. Organisations

like Navsarjan, Dalit Watch and later on National Dalit Watch have asserted and retained their Dalit identity and made the choice to work despite the hostile interference of the dominant caste people and uncomfortable political setting.

### **Inclusion through *empowerment and Dalit leadership***

The organisations have in the process of DRR, generated awareness on government health services, relief packages and entitlements to the Dalit communities. It is also motivating to see how the Dalit women specifically have been empowered through Cash for Work (CfW) programme that they could question the practice of being paid low wages by the landlords. Besides labour rights, they became aware of women's rights. The CfW programme was designed so well that even differently-abled could find work under it. A similar initiative to augment the economic status of particularly the Dalit women has been the formation of Self Help Groups.

UNDP's initiative to identify and support Dalit organisations to rebuild Gujarat after the earthquake to meet out the specific vulnerabilities and needs of the Dalit caste people was a positive step. The manner in which People's collective is formed by Kalvi Kendra communicates aloud the importance of giving the leadership role to the Dalit community. The use of campaigning and litigation against the perceived discriminatory government order for protection of rights of Dalits exemplifies the need to resort to various different techniques to activate the justice systems, and to make these law institutions answerable to the plight of the marginalised, when other means of negotiations are exhausted with the government. This is where most humanitarian organisations should pitch in and support advocacy of the people, by the people and for the people.

The idea of forming rescue teams with youth volunteers from Dalit communities and providing them special evening coaching classes on the concept of Disaster Risk Reduction, at their doorstep is another promising activity from the community capacitation and sustainability angle which is also a highly recommended practice to other organisations.

### **Inclusion by creating *transparency***

Through the data that has been generated by these organisations, they have engaged in advocacy by way of disseminating the information to the authorities, thereby, sensitizing the government departments to ensure inclusion of Dalits and women in their programmes. What is more appealing is that some of the organisations scrutinised the government schemes, such as the Rajasthan Relief Code and Calamity Relief Fund (Government of India's norms for compensation) in different disasters situations and then intervened in the areas to fill in the gaps.

In most cases, it is found that the organisations have tried to forge linkages with the government schemes for the beneficiaries, for eventually making the government responsible to the people, helping Dalits in claiming their share of relevant development schemes and compensation. No matter how much resources are pumped in by humanitarian organisations during emergencies, it is vital to understand that the primary responders to disaster situations in the state, which should be made accountable to the people. Thus, it important in this context that in view of long term recovery, humanitarian organisations collaborate with government to ensure transparency and equity in providing relief and rehabilitation aid. This

is also crucial from the sustainability aspect, and such models need to be evolved whereby the government is capacitated to take over from the civil society organisations and eventually the affected population is empowered to sustain a vigil on government and private processes for ascertaining inclusion of Dalits. An example of GO-NGO joint ventures have been the established monitoring systems throughout the administrative machinery by the Government of Bihar to collaborate with Dalit Watch while the latter conducted independent monitoring during Kosi floods.

The task of sensitising the government is not just restricted to convincing and sensitising the state and national governments towards the issue, but it also demands continuous engagement with the local level governance bodies (Panchayats). It becomes essential to rope in the local self governance bodies into the community initiative because it is through these panchayat representatives that relief and other services are carried out in the villages. The rights based organisations who generally perceive self governance bodies as hurdles and difficult to engage with, need to concentrate their efforts in this direction also. They also should be invited to the meetings of the Dalit survivors and informed about the procedures and basic legal provisions.

Public hearings are another most powerful medium of direct interface between the community and authorities, acting like vigilance committees. Public hearings in Dalit localities offer a platform where the authorities are directly answerable to them and redress their grievances and are supposed to look into their issues. This also means that the government authorities are also faced with opportunity to meet with their people and restore their lost faith in the system. Here onwards, the organisations should undertake either directly or through facilitation of the community, the follow up of the assurances that are given by officials to the people.

The activities of ALPS and social audit have been successfully used by CSOs but the same is also strongly recommended for all humanitarian organisations to keep reflecting on their internal inclusiveness (through staffing etc.) and inclusion in their work approach. The application of HAP is relatively new and promising in not just making organisations accountable and responsible to the beneficiaries but also in bringing out community participation and leadership qualities of Dalits in the programme. Through this programme the humanitarian stakeholders can establish procedures that mandate representation of Dalit women and men in various committees.

Lastly, sharing of information with the media houses to highlight the issue is yet another important strategy to build consciousness and pressurise the authorities to take note of the problem. Not much media advocacy is being practiced in India in this regard, which could also be because of the less interest of the media in covering social issues, particularly that of caste based discrimination. Nevertheless, it is important in the given globalised and media driven era to sensitise media houses and keep lobbying them to create spaces for Dalits to make even the media liable to the section of population whose issues are generally excluded from the mainstream news.

### **III. Institutional and Legal arrangements for Disaster Management in India: An Overview**

*This section presents an overview of institutional and legal mechanisms that have been instituted in India over the years, primarily after the 2004 tsunami. These mechanisms aim to deal with different emergency situations in an organised and systematic manner, backed up with pecuniary arrangements made at the centre and state levels, shifting from the 'calamity relief' approach to making communities 'resilient' through preparedness and mitigation efforts, streamlined with the ongoing developmental activities.*

*The Disaster Management Act (DM), 2005* lays down institutional, legal, financial and coordination mechanisms at the national, state, district and local levels. These institutions are not parallel structures and expected to work in close harmony. The primary responsibility for disaster management rests with the States. The institutional mechanism placed at the Centre, State and District levels are to help States manage disasters in an effective manner.

The *National Disaster Management Authority (NDMA)* has been instituted under the national Act. The NDMA, as the apex body for disaster management, headed by the Prime Minister and has the responsibility for laying down policies, plans and guidelines for DM (and coordinating their enforcement and implementation for ensuring timely and effective response to disasters). The NDMA is mandated to deal with all types of disasters, natural or man-made. *The National Executive Committee (NEC)* comprising the Union Home Secretary as the Chairperson and the Secretaries to the GOI in the Ministries/Departments are established to assist the NDMA in carrying out its work.

Similarly, the *State Disaster Management Authority (SDMA)* has been established under the law to ensure effective coordination and implementation of national and state guidelines and the legislation at the districts level. The State governments are mandated to prepare their respective *state disaster management plans (SDMP)*, which are formed by the aggregation of the *DDMPs* at the district levels. The accumulation of SDMPs draws up the National Disaster Management Plan. The *State Executive Committee* is also provisioned by the Act to assist the SDMA. The District Administration is responsible for planning, coordination and implementation of guidelines laid down by the NDMA and SDMA, also formulating the DDMPs.

The Act mandates the NDMA and SDMAs to integrate measures for prevention of disasters or mitigation into development plans, allocate funds, establish early warning systems and so on in the Disaster Management Plans. The NDMA approves the National Disaster Management plans of the Central Ministries/Departments and oversee the provision and application of funds for mitigation and preparedness measures recommended by the states. SDMA has to review the developmental plans of the different departments of the respective states to ensure integration of prevention, preparedness and mitigation measures.

Under the DM Act, *National Institute of Disaster Management* has been established, which in partnership with other research institutions will develop capacities of trainers, DM officials and other stakeholders along with training, research, documentation and development of a national level information base.

At the premises of National Institute of Disaster Management, SAARC Disaster Management Centre (SDMC) was set up in October 2006. The Centre has the mandate to serve eight Member Countries of South Asia Association of Regional Cooperation (SAARC) - Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka - by providing policy advice and facilitating capacity building services including strategic learning, research, training, system development and exchange of information for effective disaster risk reduction and management in South Asia. The Centre is also mandated to conduct research and capacity building activities and provide various policy advisory services to the Member Countries.

For the purpose of specialised response to a threatening disaster situation or disasters/emergencies both natural and man-made, such as those of Chemical, Biological,

Radiological and Nuclear origin, the Act has mandated the constitution of a *National Disaster Response Force (NDRF)*. The general superintendence, direction and control of NDRF are vested in and will be exercised by the NDMA. The *National Crisis Management Committee (NCMC)* comprising high level officials of the Government of India (GoI) headed by the Cabinet Secretary is provided in the Act to deal with major crises which have serious or national ramifications. It will be supported by the *Crisis Management Groups (CMG)* of the Central nodal Ministries and assisted by NEC as may be necessary.

The *Armed Forces, Central Para Military, Civil Defence* and Home Guards are called upon to assist the civil administration only when the situation is beyond their coping capability. Besides contributing to the NDRF, they are deployed for community preparedness and public awareness. They are also supposed to include women members for looking after the needs of women and children. Youth based organisations in the NDRF are also aimed to support all community based initiatives and DM training to the community.

The Act has made financial arrangements at the Central level and state levels, in the form of *National / State Disaster Response Fund and Mitigation Funds (NDRFs)* and *National Disaster Mitigation Fund (NDMF)*. However, the NDMA is entrusted with the responsibility of mainstreaming the *disaster risk reduction* in developmental agenda. It also is obligated to ensure that all existing and new developmental programmes and projects incorporate disaster resilient specifications in the design and construction. The Planning Commission is called upon to make allocations in light of these factors.

The dimensions of response at the level of the Central Government are determined in accordance with the existing policy of financing relief expenditure and keeping in view the factors like (i) the gravity of a natural disaster; (ii) the scale of the relief operation necessary; and (iii) the requirements of Central assistance for augmenting financial resources and logistic support at the disposal of the State Government.

Management of natural disasters is essentially a state subject, where the state governments are mandated to carry out functions that are provided in the law and guidelines of the NDMA. The role of the Central Government is supportive in terms of supplementation of physical and financial resources, while the district administration is the focal point for implementation of all governmental plans and activities. The actual day-to-day function of administering relief is the responsibility of the Collector/District Magistrate/Deputy Commissioner who exercises coordinating and supervising powers over all departments at the district level.

The Chief Secretary of the State heads a state level committee which is in overall charge of the relief operations in the State and the Relief Commissioners who are in charge of the relief and rehabilitation measures in the wake of natural disasters in their States function under the overall direction and control of the state level committee. In many states, Secretary, Department of Revenue, is also in-charge of relief. State Governments usually have relief manuals and the districts have their contingency plan that is updated from time to time.

The NDRF is drawn towards meeting the expenses for emergency response, relief and rehabilitation, in accordance with the guidelines laid down by the Central Government in consultation with the NDMA, and NDMF may be created for projects exclusively for the purpose of mitigation, applied by the NDMA and as recommended by the Finance Commission from time to time.

Calamity Relief Fund (CRF) scheme, introduced by the Ninth Commission (Second Report), is designed to enable the States to manage and provide for calamity relief on their own by drawing upon the resources available with a fund constituted for that purpose separately for each State. The prescribed annual contributions to each State CRF are required to be made by the Centre and the concerned State in the proportion of 75:25. The scheme further provides for an accumulating balance with the proportion 25:75. If there is any unutilised amount left at the end of five years, it would be available for augmenting the plan resources of that State. A National Calamity Contingency Fund (NCCF) has been constituted by the Govt. of India for the purpose of dealing with severe calamities like cyclone, drought, earthquake, fire, flood and hailstorm, to cover natural requiring expenditure by the State Government in excess of the balances available in its own Calamity Relief Fund. The assistance from NCCF is available only for immediate relief and rehabilitation.

Considering that the assistance provided by the Government for rescue, relief and rehabilitation and reconstruction needs, the DM Policy vouches for the promotion of new financial tools such as catastrophic risk financing, risk insurance, catastrophe bonds, micro-finance and insurance etc with innovative fiscal incentives to cover such losses of individuals, communities and the corporate sector under the *techno-legal regime*.

Various guidelines<sup>70</sup> have been evolved in the past decade by the Government of India (GoI), focussing on different types of disasters, spirited to put in place the mechanisms for effective disaster management. It is to be acknowledged India has progressively established and developed disaster management system, policy and guidelines, under the overarching National Disaster Management Act, many of which bear existence to mutual consultation between the government and the with civil society organisations.

Human rights form the ground for the emergence of the disaster management law and subsequent policy and guidelines. Article 21 of *Right to Life with Dignity* of the Constitution of India guarantees human life and dignity, together becoming a subject of *rights*. Article 1 of the Universal Declaration of Human Rights<sup>71</sup> (UDHR) to which GoI is a signatory also celebrates human equality, liberty and dignity.

The existing legislation and guidelines on disaster management in India, thus carry possible elements for inclusion of Dalits under the umbrella of broader constitutional Right to life with Dignity and other international agreements that the humanitarian stakeholders need to apply through a human rights approach in their emergency work.

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<sup>70</sup> For the list of guidelines go to <http://ndma.gov.in/ndma/guidelines.html>

<sup>71</sup> Article 1 of the Universal Declaration of Human Rights states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

## **IV. Elements of Inclusion in Disaster Management Law, Policy and Guidelines**

*This section highlights the provisions in the existing Disaster Management Act, Policy and Guidelines (selected ones) that have the capacity to be adopted into the humanitarian aid work through a human rights approach to reach out to the Dalit population under the most vulnerable and disenfranchised people.*

## Identifying the most vulnerable

The Disaster Management Act (DM Act) mandates the authorities to examine the vulnerability of different parts of the State to consequently come up with measures to be taken for prevention or mitigation of disasters. Vulnerability to disasters read with the National Disaster Management Policy 2009 recognise the *economically* and *socially* weaker segments of the population are worst victims of disasters. These provisions strengthen the authorities to take such actions that focus on these socio-economic vulnerabilities which are pre-existing in nature, and get exacerbated when hit with a calamity.

It is clearly established by the legislation that vulnerability is both economical and social in nature, even if it doesn't 'acknowledge' caste induced vulnerabilities and Dalits specifically among other socially vulnerable groups. Nonetheless, caste based discrimination is perceived under the overarching recognition of social vulnerabilities.

It is important to note here that the in *the National Disaster Management Guidelines on Role of NGOs in Disaster Management* tacitly recognise caste discrimination, and have covered caste induced vulnerability under the ambit its inclusive approach (p. 20). The relief guidelines on Water, Sanitation and Hygiene(WASH), Medical aid, Drinking Water and Food have included the vulnerable groups as cross cutting issues, incorporated at relevant places in different sections of the Guidelines. These guidelines should encourage the authorities and humanitarian agencies to stress on holistic assessments keeping the socio-economic and political dynamics in sight, while undertaking base lines in pre-disaster situations, to map vulnerabilities and capacities, and report in disaggregated fashion.

It is this knowledge of vulnerability mapping and capacity mapping, including local level assessment covering geographical location, structures, occupations, living pattern, cultural practices based on which the District Disaster Management Plans (DDMPs) are supposed to be formed (which is underway). In the micro level planning for DDMPs specific vulnerabilities and capacities of Dalits should also find place which the Act empowers the state to do. The provision of DDMP is an important tool to ensure the real concerns and issues of Dalits are taken into account and incorporated in the local disaster management plans, for it to be approved by the relevant authorities. The civil society organisations need to play a pro-active role in this area by ascertaining active involvement of Dalit members in the consultative processes.

It is a welcome step that caste induced vulnerabilities finds significant recognition in the Sphere Humanitarian Charter/ Minimum Standards Handbook in its latest 2011 edition, and this of course, is the fruit of persistent advocacy and lobby of the reputed civil society organisations. It provides for analysing the interplay of personal and contextual factors that heighten risk and designing programmes to address and mitigate those risks and target the needs of vulnerable people. Since the NDMA is a core member of Sphere project, and are expected to work in tandem with Sphere humanitarian principles, the authorities are empowered to consider getting same recognition into the existing legal mechanisms, and orient the bureaucracy and relevant personnel on the same.

The Techno-Legal and Techno- Financial Regimes of the NGO guidelines, provides for assisting the most vulnerable people with weak coping capacities whose access to financial services are also limited due to their inability to provide any collateral for availing the financial services. Currently, there is no provision of compensation for share croppers where

majority of Dalits find a permanent place. This provision of financial support in the form of guidelines, for instance, for easy loans from public financial institutions and other compensatory schemes recognising the category of share croppers and other small entrepreneurs would help Dalits in resuming their livelihood.

Both NGOs and the government authorities are empowered and guided by the virtue of the given Legislation, Policy and Guidelines to pay special attention to the needs of vulnerable groups. This is possible only when these groups have an interface with the representatives and officials where they can share their concerns and issues. Difficulty in consulting any group should be clearly stated in the assessment report and addressed as quickly as possible, as mentioned in the WASH guidelines, so that need based response can be designed which are accessible to Dalits.

### **Principle of Non discrimination**

Equality and non discrimination are overriding principles stressing on inclusive approach to relief and rehabilitation services to the most vulnerable. The provisions in the legislation and Policy reiterate special care to protect and provide for all affected groups in a non-discriminatory manner and according to their specific needs. The 'Inclusive Approach' through humanitarian imperative and principle of impartiality is reinforced by making need based aid available to all the victims of disasters. This can be ensured if pre-disaster hazard, risk, vulnerability and capacity assessment is done as a subject of human rights of the vulnerable masses, in collaboration with Dalits rights and like minded organisations who would have the social exclusion perspective. The rights-based approach is provided for understanding disaster management, upholding the common principles of the right to life with dignity; the right to protection and security; and the right to receive humanitarian assistance.

The SEC is mandated to ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner. This should also be expanded to officials and authorities that do not carry out consultative process with the communities. It is the implied recognition of the caste discrimination that the provisions for non-discrimination are slated in the Act and Policy on disaster management. The SEC is authorized to take a step ahead and ensure the same is carried out by government authorities that invariably make the compensation distribution procedure cumbersome and unfriendly to Dalits and other marginalised sections.

Though placed in the inappropriate section of the legislation, which trivialises the issue, yet the clause of *Prohibition against Discrimination* states that there should be no discrimination on the ground of sex, **caste**, community, descent or religion while providing compensation and relief to the victims of disaster. The placing of this utmost important clause in the context of India under the 'Miscellaneous' section undermines the seriousness of the issue. This general aspirational clause could be best implemented only when there are penal actions set for those violating this clause. Accountability has to be set by corrective actions. This clause empowers the state authorities to set up grievance redress mechanisms at the district levels to facilitate the process of transparency and grievance sharing, so that the communities feel confident about the entire process, while the corrective actions can be devised to look into the matters of discrimination and exclusion in a timely and effective manner.

The principle of *Equitable Access*, emphasised in the minimum relief guidelines for water, reads *water points should be located in areas that are accessible to all regardless of e.g. sex, age or ethnicity*. Through this provision, considering the reality of caste conflicts, the administration should sanction the installation of water facilities like hand pump in areas where majority of Dalits reside, since the Dalits would face problems in fetching water from the source installed in dominant caste locality. Instead of viewing such initiatives as partial or special to the Dalit community, the authorities would help in creating social infrastructure in Dalit locality where they will be able to easily access water without the fear of conflict. Besides, they can hold dialogue together with NGOs with the community to bridge the caste divide.

Since both government and non-profit agencies are humanitarian actors, the NDMA can develop punitive actions against those responsible for perpetrating any act which protects the rights and entitlements of one section and resultantly endanger or infringe upon the rights and entitlements of another. This can be done when there are checks and balances and *Rules* supporting the spirit of the national legislation, seeing through the implementation of the norms and rectifying the lacunae with penal measures.

### **Community Based Disaster Risk Reduction (CBDRR)**

The Act and Policy lay down certain functions of the state authorities which are to be carried out in pre-disaster, during disaster and post disaster period through community based approach. The activities across the three phases cannot be clearly divorced from one another. It is a continuum where disasters are responded to with short term and long term programmes, aiming to prepare communities in the gradual process to become resilient, and prevent or mitigate the hazard. Disaster response paves way for disaster risk reduction measures by way of bilaterally collaborative programmes in regions susceptible to disasters.

The Disaster Management Act has signified a paradigm shift in the way we respond to disaster and manage them. It has taken a holistic view that includes prevention, mitigation, response, capacity building and management. Community participation forms significant theme of community based and managed disaster risk reduction in these guidelines where it provides for making special effort to ensure the participation of women and other vulnerable groups within the assistance programme.

The NDMA guidelines also provides for the participation of disaster-affected people in assessment, planning, decision-making and implementation, which helps to ensure that programmes are equitable, effective and reinforce people's sense of dignity. Special effort are called for ensuring the involvement of women and other vulnerable groups, while also facilitating discussion at local governance bodies, e.g., panchayat or traditional self-governance bodies like tribal/village councils etc. on relevance and exigencies of DRR. Under these clauses, the authorities together with NGOs are empowered to conceptualise and implement programmes in regions where Dalits and other marginalised sections are concentrated, and impart training on the model CBDRR for inclusive DRR in all practical terms.

Since it is generally difficult for them to mix with the dominant caste groups, and are insulated from the main community, focussed interventions to make them resilient will see to it that they are protected. Such collaborative project between the GoI and UNDP-India are already underway for Rural Risk Reduction and Urban Risk Reduction for 2008-2012, whose

one out of many objectives is building resilience of the poor Scheduled castes and Scheduled tribes considering their specific vulnerabilities. United Nations Development Programme (UNDP) is responsible for mitigation and prevention aspects of disaster management in India.

### **Obligations of the authorities at different stages**

During the pre-disaster phase, the Act and Policy provide for the risk assessment and action planning, with the understanding of the context, which can be done after examining the vulnerability of different parts of the State to different forms of disasters for working out measures of prevention and mitigation. The state governments are duty bound to establish adequate warning systems that will reach the vulnerable communities. The authorities through community wealth/resource mapping exercises like *infrastructure audit*<sup>72</sup> find out the need in the Dalit localities and set up mechanisms of direct warning signals or even text messages to reach the members in time. This will help ensure that casualties on account of lack of warning for the coming of a calamity.

Partnerships for Mitigation and Preparedness is also emphasised in the policy wherein the partnership of women and youth is encouraged in decision making committees and action groups for management of disasters. This will take care of the needs of the elderly, women, children and differently-abled persons requiring special attention. In such partnerships, the authorities at the district focal level, the district, should organise regular drives to mobilise the women and youth from the Dalit communities to mandatorily ensure membership of Dalit women, men and youth.

The relief standard<sup>73</sup> provide for the identification of the vulnerable groups like excluded and marginalised groups be identified in the camps for additional supplementary food to meet their special requirements. This provision is assumed to be informed by the fact that acute hunger and malnutrition prevails among the excluded communities due to which there are high cases of diseases like anaemia in women and children, attracting several kinds of serious health problems, which are also fatalistic in nature.

The concept of disaster risk reduction features after the disaster phase where efforts are supposed to be made to focus on resilience building capacities of the communities. Reconstruction and recovery become the areas of intervention. Development and DRR are parallel themes, because the ill conceived developmental projects can augment disaster like situations and cause much havoc to human life. The policy stresses on the role of the state to facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations. The primary responsibility of rehabilitation is fixed at the state governments. The policy lays directs the state governments to pay attention to the restoration of permanent livelihood of those affected by disasters and special attention to the needs of women headed households, artisans, farmers and people belonging to marginalised and vulnerable sections. This provision clearly focuses on the vulnerable and marginalised, where special employment

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<sup>72</sup> National Infrastructure Equity Audit tool, available at:

<http://www.socialequitywatch.org/images/Files/audit%20tool.pdf>

<sup>73</sup> [National Disaster Management Guidelines on Minimum Standards of Relief for Food](#)-3.2 Minimum Norms and Guidelines to ensure food security and safety, *Section 3.2.3*

generation activities can be planned and implemented in areas where majority of Dalits have no access to work after disasters like floods and cyclone.

Under this guideline, if both the government and the NGOs conduct a real scientific assessment of the livelihood patterns of the vulnerable area and people, it is possible that they will come across and discover for themselves the peculiar nature of vulnerabilities among the Dalit households and other marginalised sections, including the single women headed households and minorities for the lack of any developmental asset such as land. Such mapping will definitely help in devising need based employment generation schemes and even alternate means of livelihood for the beneficiaries.

It is provided that the Self-help groups are organised and covered under Swarn Jayanti Swarojgar Yojana for developing livelihoods and the youth groups are trained in preparedness, response, mitigation, etc. The authorities can facilitate the formation of Self Help Groups among poor Dalits and ensure active involvement of Dalit youth who would then spread the word on government schemes and generate awareness, while themselves being educated on the same in the process. This can be done by the government alone by engaging the network of existing rural social service providers like Accredited Social Health Activist (ASHA) workers, government school teacher and so on.

The NGOs are empowered to build capacity of vulnerable communities to integrate DRR in shelter and infrastructure building activities. For this, the guidelines say that the affected people, including the most vulnerable, are aware of their land and housing rights. The guidelines uphold the rights approach by dissemination of public information on entitlements and stimulation to families to prepare household disaster preparedness plans. Now, under these household level disaster preparedness plans, organisations are seen to be promoting the families to prepare and maintain their emergency survival kits, which include some dry ration and articles which can last for a few initial days of disaster. Under this provision, the humanitarian stakeholders should work out on ways of securing land titles for the marginal and landless Dalits so that the reconstruction of damaged houses on their homesteads land could be a possibility in time to come. This in keeping with the fact that landlessness poses serious web of issues for Dalits.

Another very pertinent clause that the guideline contains is that of *quality monitoring* by the community itself. The NGOs are vested with the responsibility of training the community in quality monitoring, at the local self governance level. Here, the NGOs should attempt to promote models of social auditing, vulnerability mapping, inclusion monitoring and capacitate women and youth from the Dalit communities to assist in carrying out these exercises.

So, based on the above furnished legal premise, significant work is done by the civil society organisations (INGOs and NGOs) in India in the direction of providing immediate life saving relief services to the most needy and vulnerable, and making the vulnerable communities resilient to calamities. However, a lot needs to be done in SMART way and the humanitarian stakeholders need to bring in the rights component into the entire discourse of humanitarian aid.

## ANNEXURE

Suggestive list of indicators for Vulnerability Mapping in Dalits areas

### **Indicators of Protection and Social Security**

1. Nature of caste domination
2. Response to rights' assertion
3. Level of faith and confidence of Dalits in law enforcement agencies and statutory bodies

### **Special Groups**

1. Women (widow, single women, women led households, pregnant women)
2. Children
3. Elderly
4. Disabled
5. Destitute
6. Orphans

### **The issues- social, cultural and caste based practices**

1. Free labour and chakari (Dalits are used as messengers only for informing others of meetings etc.)
2. Obligatory caste-linked works
3. Forced subservient behaviours (DEVDAASI)
4. Safai karamachari (sweepers and manual scavengers)
5. Ability to assert their rights

### **The issues in development policies**

1. Lack of special policies
2. Non-implementation of existing policies of compensation and rehabilitation
3. Lack of a policy guidelines to address inclusion of Dalits in DR-DRR
4. Mainstreaming disaster in development projects
5. Lack of proper land documents

### **The Issues in service delivery**

1. Lack of information about the existing government schemes
2. Availability of service centres
3. Service centres influenced by dominant castes
4. Disaster resilient service delivery infrastructure

### **The Issues of geographical positioning- Locational vulnerability**

1. Areas of habitation
2. Non-disaster resilient housing
3. No policy to rehabilitate Dalits that reside in disaster prone areas

### **Indicators to determine community's coping mechanism**

1. Contingency plans( materials, trained human resources )
2. Traditional coping mechanism (houses on raised plinth)
3. Presence of community level institutions

### **Indicator/s for identifying household level readiness**

1. Household level preparedness and plans ( important valuables for rapid recovery)

### **Indicator for identifying housing conditions**

1. Number of homeless families
2. Number of safe/unsafe houses
3. Have their own land for house or not (it's the government land or private land)
4. Over crowded

### **Indicators for assessing availability of physical amenities**

1. location, accessibility and functionality of roads, schools, local social service institutions and providers, community hall, road network , drainage, drinking water facility

### **Indicators for determining economic sustainability among Dalits**

1. Landholding patterns
2. Land under the illegal occupation of dominant caste
3. Productivity and integration of land
4. Credit facilities available to them
5. Level of education and trades carried out
6. History of land in relation with disasters
7. Private/Government employees
8. Migration
9. Child labour
10. Types of crops grown
11. Crop insurance
12. Small and medium enterprises
13. Livestock ( types, products)
14. Storage of food grains and livestock
15. Sources of income
16. Sources of credits

### **Indicators for assessing political representation of Dalits**

1. Political participation
2. Political discrimination
3. Political division within the community

*Note- The tool should generate sufficient and relevant information on the vulnerabilities faced by the Dalits in accessing to equitable disaster relief and rehabilitation with the help of these suggestive indicators.*