

# INDIA

V. Chandrasekara Naidu\*<sup>1</sup>

## I. INTRODUCTION

Based on field research, this report examines the pressing challenges faced by survivors of the 2004 Indian Ocean tsunami in the Indian state of Tamil Nadu. Most of the tsunami deaths and destruction in the country occurred in this area. Those living near the coast depend on the sea directly or indirectly for their livelihood and the destruction of their communities presents several important challenges for rebuilding. This research suggests that the prior human rights situation in Tamil Nadu directly affects the manner in which relief and reconstruction are conducted and, critically, who is served and who is excluded in this process. Our study indicates that the social structure of these communities—highly hierarchical based on caste status—excludes subordinated castes and tribes from access to emergency relief. In addition, distribution of assistance from the state is politicized, lacks transparency, and results in discrimination against or exclusion of eligible survivors. Finally, reconstruction after the tsunami offers a unique opportunity to rebuild communities to address underlying social inequities and to strengthen human rights protections for vulnerable groups.

### Effects of the Tsunami

The 9.0 earthquake off the coast of northern Sumatra, Indonesia displaced a substantial amount of the sea bed, triggering a tsunami that struck the southeastern coast of India, as well as the Andaman and Nicobar islands, at about 8:00 a.m. on Sunday, December 26.<sup>2</sup> Reaching up to ten meters high, the waves traveled as far as three kilometers inland.<sup>3</sup> In India the water killed at least 12,405 people,<sup>4</sup> and approximately 5,640 are missing.<sup>5</sup> About 8,000 deaths occurred in the state of Tamil Nadu;<sup>6</sup> five districts bore the brunt of these losses—Chennai (250 deaths), Kancheepuram (250 deaths), Cuddalore (500 deaths), Kanyakumari (1,000 deaths), and Nagapattinam (6,000 deaths). At least one-third of those who died in Nagapattinam were killed during services at Velankanni Church—an important international pilgrim center for Christians—located within 200 meters of the shore. Most of those killed—75 percent—were women and children.<sup>7</sup> Many fishermen also lost their lives. For example, in the Nagapattinam district of Tamil Nadu, the tsunami increased the number of widows by 63.1 percent.<sup>8</sup>

More than 90 percent of the deaths and property damage occurred in coastal fishing villages that were located within 100 to 200 meters of the sea. The tsunami destroyed more than 200,000 homes in the country (190,000 of these in Tamil Nadu) and 83,788 boats (52,638 of these in Tamil Nadu), wiping out these coastal fisher communities. Inland areas were severely affected by the salt water; thousands of acres of agricultural land were damaged, most in Tamil Nadu.<sup>9</sup> Throughout affected areas more than nine hundred camps housed the approximately 600,000 displaced by disaster, more than 300,000 of them in Tamil Nadu.<sup>10</sup> The damage is estimated at Rs. 11,544.1 crore (US\$265 billion); losses in Tamil Nadu totaled an estimated Rs. 4,528.66 crore (US\$104 billion).<sup>11</sup>

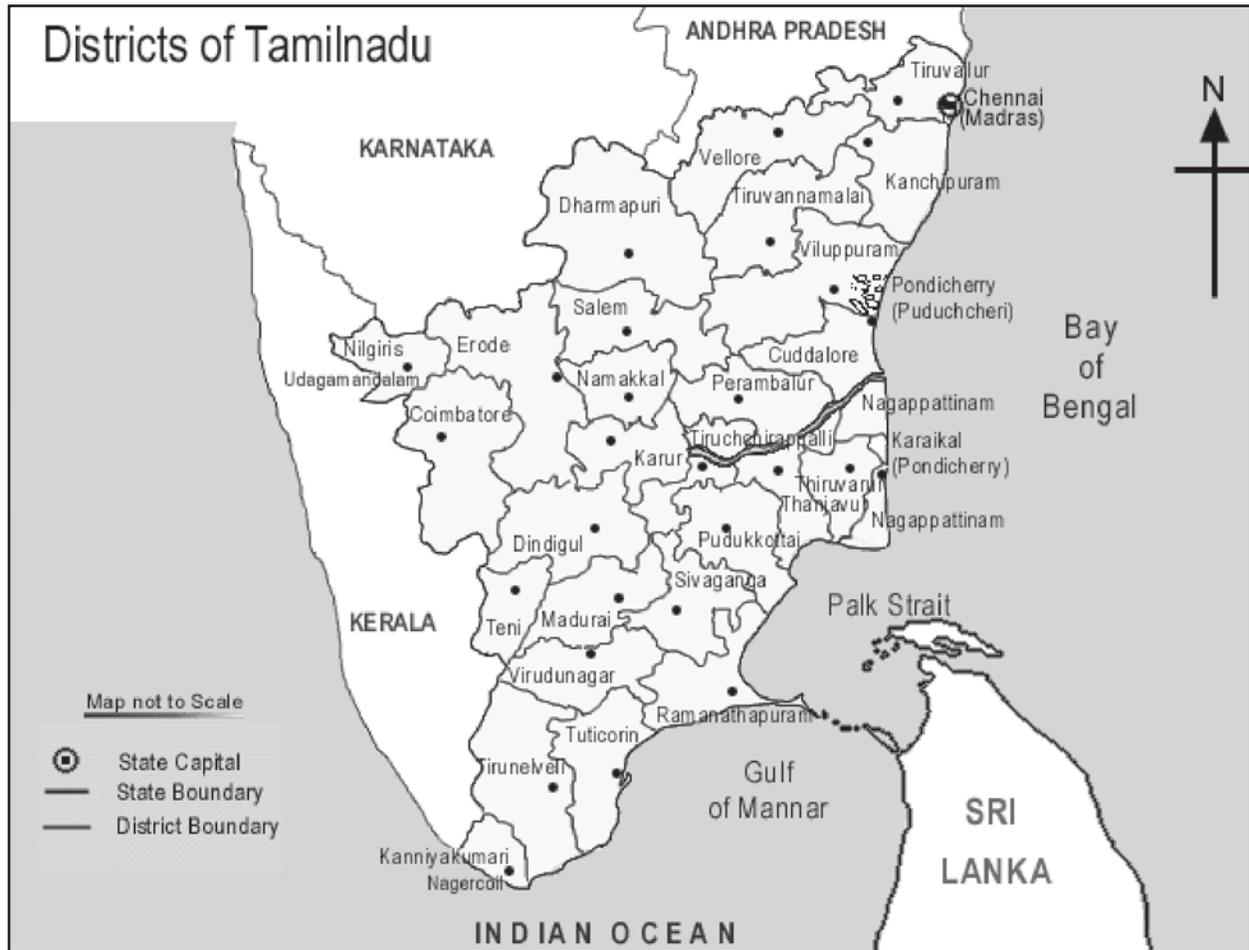
### Methodology

From April 10 to May 20, 2005, researchers interviewed NGO representatives of sixteen organizations working directly in relief and reconstruction as well as fifty-eight tsunami survivors. The

---

\* Associate Professor, Madras Institute of Development Studies, Chennai, India

aid organizations operated in the three worst-hit districts of Tamil Nadu—Cuddalore, Nagapattinam, and Kanyakumari—which together accounted for about 7,500 of the more than 8,000 deaths in the state. The individual survivors researchers interviewed came from nine villages in three districts and each had lost family members and property. These villages accounted for more than 2,129 deaths. We also interviewed survivors in Kancheepuram district about the general human rights situation. In addition to the interviews, researchers analyzed human rights reports and studies of the impact of the tsunami in Tamil Nadu. Secondary sources, including newspaper articles, were also consulted.



## Background

Poverty and high income inequalities prevailing in Indian society, illiteracy, a rigid caste system, religious tensions, and concentration of political power within elite groups have all prevented many poor people from obtaining equal opportunities and social benefits. These problems are also present in Tamil Nadu. A brief sketch of the social and political dynamics of the primary groups comprising the affected coastal communities is necessary to understand the human rights impacts of the relief and reconstruction efforts.

According to official data in the state from 2000, the size of the fisher population is 679,711, or less than 1 percent of the state’s population. Fishers (in Tamil *Meenavars*) collectively are referred to as a “backward caste” by the government and contain several distinct sub-castes. More than half are

Hindu and slightly more than one-third are Christian. Followers of different faiths live for the most part in separate villages. Hindu fishers are concentrated primarily in Nagapattinam, Ramanathapuram, Chennai, and Cuddalore districts, while Christian fishermen largely live in the two neighboring districts of Kanyakumari and Thoothukudi at the southernmost tip of Tamil Nadu. The Muslim fisher community accounts for most of the remaining. Fishers are classified as belonging to either “backward castes” or “most backward castes” depending on their position on the socioeconomic ladder in Tamil Nadu; almost four-fifths of them belong to the “most backward castes.” Literacy rates among this group are lower than those of the general population of Tamil Nadu.

The fishers in Tamil Nadu in 2002-2003, the latest year for which data are available, produced about 15 percent of the state’s fish exports, which accounted for 36.5 percent of the value of all fishing products exported from India. Most adult males (87 percent in 2002-2003) are employed exclusively in fishing activities, while women are primarily responsible for marketing of fresh and dried fish. Data on the annual per capita earnings of fishers in the year 2000 reveal that 20 percent live in poverty, earning less than Rs. 3,000, while 60 percent are middle-income earners.

Fisher communities are tightly knit social units in which families depend on and support each other.<sup>12</sup> The occupational hazards of sea fishing result in a higher percentage of widows in coastal communities than in inland areas. It is common in fishing villages for neighbors and extended families to support children and widows who have lost fathers and husbands to the sea.<sup>13</sup> In general, NGO informants observed that fisher communities tend to be self-reliant and do not expect the state to protect or provide for them.

Fishers and their families sustained the bulk of the death and damage from the tsunami as most lived and worked within 200 meters of the sea. However, the tsunami killed others who worked on the beaches and damaged the livelihoods of inland communities that depended on the fishing industry. Subordinate to all castes, the Dalits (untouchables) serve as manual labor on the beach to the fishers; they move, sort, and clean the catch, and pack the fish for fish traders. In addition, Dalits and Irulas (a tribal group) are inland fishers, catching prawns, oysters, clams, and lagoon crabs. This source of food and livelihood was severely compromised by the tsunami flooding as well.

In addition to castes subordinate to the fishers, NGO representatives reported another distinct group—bonded laborers (fishermen coolies) who work for other fishermen in their own villages despite their being of the same caste. These laborers, mostly in the southern parts of Tamil Nadu, receive advances from boat owners in exchange for an agreement to work on the employers’ boats. Crews are comprised of four to five bonded laborers, who usually receive one-third of the harvest at the end of the day to divide amongst themselves or receive a daily wage of Rs. 80-100 (US\$1.83-2.29) per day. From their earnings, the bonded laborers must repay their initial advance. Given the meager earnings, the laborers in practice find it difficult if not impossible to satisfy their debt and leave their employer.

Fishers, Irulas, Dalits, and bonded fishers comprise the lower social strata in Indian society and as such are vulnerable to exploitation. Their needs for assistance are the focus of this study.

## **II. FINDINGS**

The Indian government mounted an impressive relief effort. The national government determined that it had sufficient resources to address the disaster and refused offers of international assistance. India also provided assistance to its affected neighbors, Sri Lanka, the Maldives, and Indonesia. Nevertheless, given the unprecedented scale of the disaster, it is not surprising that problems surfaced in the relief and reconstruction efforts. In particular, we found there are concerns with (1) inequity and discrimination

in aid distribution; (2) provision of basic needs in camps for the internally displaced (IDPs); (3) re-establishment of livelihoods; (4) relief efforts for women and children; and (5) the role of NGOs. These issues deserve attention to ensure that the response to the tsunami supports survivors to rebuild their lives and reduce vulnerabilities to exploitation and human rights violations.

### **Inequity and Discrimination in Aid Distribution**

Immediately after the tsunami, the Tamil Nadu state government, local authorities, and NGOs established temporary shelters for those displaced by the destruction. The central government established a one-time relief package for all the tsunami-affected families that consisted of a cash grant of Rs. 4,000 (US\$91.95), along with rice, fuel, and basic household supplies (cooking stoves, vessels for fetching water, etc.). For the next three months (February, March, and April), the government issued an individual relief package of Rs. 1,000 (approximately US\$23) and material relief worth Rs. 526 (US\$12) to tsunami-affected families. The government established a special relief fund from which the next of kin for each deceased family member received a one-time payment of Rs. 100,000 (approximately US\$2,300). In addition, the prime minister's relief fund also paid Rs. 100,000 each to next of kin for a family member tsunami casualty.<sup>14</sup> In addition to death payments, the government announced it would compensate owners of machine boats between Rs. 300,000 and Rs. 500,000 depending on the extent of damage. Compensation for fiberglass boats and catamarans was less (Rs. 25,000, 32,000, or 75,000, depending on the extent of damage).

Although the national government designed the initial relief package for all residents in tsunami-affected villages, the rehabilitation measures largely concentrated on those who actually had lost their family members and sustained property damage. However, the assistance provided by the state government in Tamil Nadu is not limited to families who have lost loved ones. The state government is constructing new houses for tsunami survivors in general. It also has provided a few boats to the elderly fishermen in the tsunami-affected villages and has extended its social security health and educational schemes to cover all the elderly people and student survivors.

Our data indicate that authorities have succeeded in informing most survivors about the assistance available to them. A multimedia outreach effort involved announcements on television and radio and in newspapers. In addition, government agencies displayed notices and wall posters to reach those without access to other forms of communication. And civil society groups spread the word to their members.

Widespread awareness of benefits has not meant that survivors have received the benefits to which they were entitled. Human rights advocates working in Tamil Nadu to whom we spoke pointed out that the government assistance to those who have lost immediate family members excludes most Dalits and Irulas who, because they live in inland areas, did not suffer casualties but whose livelihoods have been destroyed. Unable to fish in backwaters that have been contaminated or to cultivate crops because the salt water has damaged the soil, these subordinated castes are in dire need of assistance—but most are ineligible for central government relief and are also not receiving state government assistance. Thus, these marginalized groups must rely on NGOs for assistance. Some aid groups have targeted Dalit and Irula communities. One such group, the Society for Rural Education and Development, reported that relief needs in these communities have barely begun to be met. Cleanup efforts have concentrated on fisher villages; water, roads, health centers, and communication links to Dalit settlements are damaged or destroyed and repairs have not been undertaken. Aid to these communities has been slow to arrive, if it has arrived at all.

Among those families eligible for government relief, NGO representatives and individual survivors complain about corruption and political favoritism that results in inequity in aid distribution. Government

officials rely on lists of tsunami victims prepared by local fishermen's associations or local leaders to distribute aid. Since fishers do not permit Dalits to join their associations, those Dalits who made their living as fishers, and who otherwise would be eligible for government aid, are excluded from benefits.<sup>15</sup> Further, NGO informants report that leaders of fishermen's associations, in collusion with politicians, have included non-affected individuals in the lists and have allowed beneficiaries to collect more than their share of benefits. The result is that the lists used by government officials to distribute assistance are underinclusive of those affected by the tsunami or eligible for relief, include those who suffered no losses from the disaster, and in some cases allow individuals to collect on multiple claims for the same loss.

In addition to concerns with alleged malfeasance by local authorities in drawing up lists of those eligible for benefits, researchers also found problems in disbursement of funds. Further investigation is needed to determine the cause for the following instances of maldistribution of benefits.

- In Keechankuppam village in Nagapattinam district, which suffered the highest number of deaths of any village in the state, one hundred families had not received compensation from the central government for deceased family members (the state government had distributed its payments). Bonded fisherman in the village had not received any compensation from the government or NGOs; aid providers had distributed only a small amount of food and relief items.
- Fishers in Kaller village in Nagapattinam district had not yet received full compensation for their boats. The three hundred families in this village have united around aid distribution and have refused to accept relief supplies for less than all families.
- Residents report in Devanampattinam, a village in Cuddalore district that received substantial media attention because a Hindi movie celebrity "adopted" the area, the government has paid out less than half of the compensation to fishers for damage to their boats. Fishers are refusing to cash their checks until the government provides full payment.

Survivors also disclosed complaints about aid distributed by private groups. In Kottilpadu, a fisher village in Kanyakumari district, residents reported that aid distributed by the local church and NGOs has been inadequate. Some accused the local priest of locking up relief supplies and refusing to distribute them to the villagers. In Sonangkuppam village in Cuddalore district, some fishermen accused NGOs operating in the area of embezzling funds they had collected for tsunami survivors. Other NGO representatives remark that the sudden influx of private relief groups into the state, many with no history of relief work, has led to concerns about the professional capacity of some groups to provide competent assistance.

Our field researchers focused on the impact of the tsunami on fisher communities and did not visit inland hamlets of Dalit or Irula communities. Human rights organizations operating in Tamil Nadu have reported discrimination against these subordinated groups.<sup>16</sup> For instance, in the immediate aftermath of the tsunami, authorities brought in Dalits from other areas to remove dead bodies. However, they were not provided with gloves, masks, or other basic measures to prevent infection or the spread of disease. Discrimination against the lowest castes existed in fisher communities prior to the tsunami and continues in its wake. Thus we include here some information regarding the discrimination against these groups in relief and reconstruction efforts to complement our data on inequity in aid to fisher communities.

An NGO engaged in relief efforts reported that at some camps housing tsunami survivors, fisher folk insulted or harassed Irulas and Dalits or prevented them from receiving supplies. Many camps are organized by caste and at some, residents have turned away Dalits or Irulas seeking assistance. For example, at a camp in Muttukaddu, Ekanthammal, fisher folk beat up an Irula for requesting milk.

Many Dalits do not seek help for fear of discrimination or retaliation and seek shelter with relatives in neighboring villages rather than at camps for tsunami-affected people.

The preliminary results of a survey conducted by the NGO People's Watch—Tamil Nadu in nine coastal villages in four tsunami-affected districts in early February documented a pattern of caste-based discrimination in tsunami relief.<sup>17</sup> The survey found that 7,796 individuals had been discriminatorily denied or excluded from government relief to which they were eligible. The most common reason reported for the denial was caste discrimination, followed by occupation, and religion.<sup>18</sup> People's Watch estimates that within each district the percentage of all those excluded from aid constitute from 1 to 8 percent of the total number of tsunami-affected families.<sup>19</sup> Three of the nine districts in the People's Watch survey were the same districts in which researchers for this study interviewed survivors: Cuddalore, Nagapattinam, and Kanyakumari. The People's Watch data indicated that 690 families in Cuddalore reported they had not received assistance due to discrimination or exclusion.<sup>20</sup> Sixteen percent of the villages surveyed in Nagapattinam district reported discrimination or exclusion.<sup>21</sup> People's Watch researchers found that in the district of Thoothukudi, public officials who themselves were Dalit were afraid to register Dalit tsunami survivors if their superiors belonged to another caste. At the same time, non-Dalit officials refused to register Dalits for benefits.<sup>22</sup> These figures raise serious concerns about the scope of discrimination in general and exclusion against Dalits in particular in Tamil Nadu that require further investigation.

There was widespread agreement among fishermen surveyed that the rich received better attention and treatment than the poor. Many complained that within their communities, wealthy fishermen who own expensive, sophisticated fishing boats receive more public and private assistance than bonded laborers who could not secure any benefits despite the fact that they had also lost all their assets. One poor fisher commented: "The tsunami did not discriminate against people in its devastation and fury but the rich and powerful have discriminated against us in securing aid." This remark may be even more apt with regard to Dalits and those occupying the lower social status than with regard to fishers in coastal communities.

### **Housing and Access to Basic Services**

The state government of Tamil Nadu and NGOs rushed to provide temporary shelter and serve the basic needs of the hundreds of thousands displaced by the tsunami in Tamil Nadu. The government has constructed more than 11,000 temporary shelters and NGOs more than 14,000 in the tsunami-affected districts of the state. Aid organizations distributed food and household supplies and provided medical care to tsunami survivors. Impassable roads complicated relief efforts and the complete devastation of infrastructure required bringing in clean water and all relief supplies. These efforts, while impressive, at times led to inadvertent neglect of some important needs of survivors. For example, the military moved into the area to collect the thousands of corpses along the coast. Officials rushed to bury the dead so quickly that many survivors that we interviewed complained bitterly that they had not been informed of the disposal of corpses in mass graves, depriving them of the opportunity to engage in burial rituals. Our research also found substantial deficiencies in the provision of goods and services to those displaced by the tsunami as measured by the standards of the Sphere Project and the UN Guiding Principles on Internal Displacement.<sup>23</sup>

NGOs constructed more shelters than the government, and survivors surveyed felt that the housing built by NGOs was generally of better quality than that constructed by government agencies. Nevertheless, residents in both kinds of camps complained about the quality of the temporary shelters. In some of the camps, there are no attached toilet and bathing facilities for the people living in these shelters. For example, in Akkaraipettai village in the Nagapattinam district, the temporary housing constructed by NGOs and the government is inadequate. The shelters, built with tin, asbestos, and cardboard roofs, had

sunk two feet into the ground. The clearance inside was reduced to six feet, making them stifling hot in summer. Many units leaked in the rains of March and April.

Moreover, our survey found problems with the quality of food provided to survivors. The rice that the state government supplied to tsunami survivors from its surplus stores turned out to be unfit for human consumption. In addition, many fisherwomen who spoke to researchers complained about the poor quality and lack of variety in food. In some camps, residents were provided meals that are not a part of their usual diet, which increased their sense of displacement and lack of control over their lives.

Another serious problem for tsunami survivors highlighted by our participants was the lack of safe, clean water. At some camps, the authorities had arranged for hand pumps. However, due to the infiltration of salt water into the surface and underground aquifers, these measures are unlikely to solve the problem. A few NGOs in the initial stages of tsunami relief trucked in potable water. However, by the time of our study some of these organizations had withdrawn from the area, leaving camps without access to clean water.<sup>24</sup> The lack of adequate housing and clean water at the camp in Akkaraipettai contributed to health problems among residents. Children in particular were suffering from sores in the mouth, jaundice, fever, and chicken pox.

Security appears to be good within fisher communities. Researchers found few reports of violence. However, some survivors reported a few human rights violations in their villages.

- Several fishers in Kanyakumari district mentioned an incident in which members of fishermen's associations were roughed up after they sought to obtain benefits from both the government and NGOs.
- In Keechankuppam village, Nagapattinam district, researchers learned that in the immediate aftermath of the tsunami, local residents had removed the gold ornaments from the bodies of the dead and that police reportedly did not intervene.
- Residents of the village of Melmanakudi in Kanyakumari district caught a policeman who tried to take away the gold ornaments from the tsunami-damaged hut of a fisherman and turned him over to higher police officials. The policeman was subsequently dismissed from service.
- In Kanyakumari district, a Roman Catholic fisherwoman was punished for converting to the Pentecostal faith both by the priest of the local Roman Catholic Church and by the villagers who ostracized her so that ultimately she left the village.

NGO informants and survivors expressed concern and frustration at the slow pace of reconstruction. In April, the government had made no progress in construction of permanent homes for tsunami-affected residents. The government had planned to complete these before the start of the northeast monsoon season in September-October. Rebuilding is complicated by coastal zoning regulations issued by the state government of Tamil Nadu. According to regulations issued in March 2005,<sup>25</sup> residents who lived within 200 meters of the sea will receive a free, newly constructed house worth Rs. 150,000 (US\$3,400) located more than 200 meters inland. Those who wish to rebuild on existing sites will not receive any state support. Residents who lived between 200-500 meters from the sea are given the choice of moving to a new location, farther back from the sea, or reconstructing homes at existing sites. Owners of partially damaged homes beyond 200 meters will receive a grant payment based on the extent of the damage.

However, villagers and officials have yet to identify, at least in the majority of the tsunami-affected villages, sites for the construction of new permanent houses for the fisher folk. There is widespread opposition among fishermen to relocation from their original homes. They will not be able to fish if they

move away from the sea, but they fear for their safety if they remain on the beach. We found that most of the tsunami-affected fishermen want houses in their native villages as well as in inland areas, possibly near towns where there are facilities for education and health, so that their families would be protected from another tsunami.<sup>26</sup> In the village of Akkaraipettai, Nagapattinam district, residents were united in their determination to remain in their homes, stating their fear that if they agreed to move, the government would sell their land to developers to build resorts along the coast. They believe that if they move inland, they will not be able to continue to earn a living from the sea.

A survey conducted by a coalition of NGOs in early 2005 in sixty-one villages throughout eight tsunami-affected districts in Tamil Nadu found similar results to our research. That survey found that 95 percent of families interviewed did not want to move from their existing property.<sup>27</sup> And 98 percent believed that their livelihoods would suffer should they relocate. Although 62 percent of those surveyed stated they felt that relocation would not create religious or caste-based conflict, respondents based their views on the assumption that new settlements would maintain the previous segregation by caste and religious belief. Ominously, this suggests that coastal residents believe that integration may lead to social conflict.

### **Restoration of Livelihoods**

According to tsunami survivors, NGOs are taking a leading role in helping fishers re-establish their livelihoods. According to some survivors, NGOs have been more responsive to and engaged with fisher communities than government agencies. NGO representatives extensively discussed the needs of community members with fishermen's groups and delivered services with the cooperation and support of the beneficiaries of aid. This is in sharp contrast to the top-down approach employed by government agencies. For example, there are few allegations of maldistribution of benefits by NGOs (in sharp contrast to government relief). NGOs operating in the area tend to be more transparent and accessible to the beneficiaries by working and living alongside villagers and discussing the details of relief and rehabilitation packages with the stakeholders themselves.

After housing, new fishing craft and nets are the top priorities of fishers. Many of them also want long-term loans from the government at subsidized rates of interest so that they can invest in permanent assets that are urgently needed to revive their fishing capacity. Fishers also want fishing harbors reconstructed with better fish landing facilities. At the time of our study, government and NGO rehabilitation efforts focused on individual needs—primarily boats—at the expense of improving the fishing capacity and infrastructure—frozen storage for fish catches, marketing yards, transport facilities for fish trade, and other community assets. For example, the government provides compensation for damaged or destroyed boats, while some NGOs focus on providing new fiberglass boats costing Rs. 150,000 to 180,000 to groups of four or five fishermen. However, fewer NGOs provide fishermen with the nets essential to catch the different varieties of fish. Nets, without which fishers cannot resume their productive activity, cost between Rs. 5,000 and 100,000. Another shortcoming of recovery efforts is the lack of planning to encourage fishers to acquire comprehensive insurance coverage. Few fishers insure their property and health, and offering incentives to purchase comprehensive insurance would cushion them from any future disasters.

The focus on quickly replacing fiberglass boats has led to a drop in quality of the new craft. Manufacturers stated that simultaneous bulk orders from numerous NGOs for fiberglass boats created a shortage of raw materials and resulted in the supply of low-quality new fishing vessels. Researchers learned that many fiberglass boats distributed by NGOs were found not to be seaworthy and in fact, a few of the fishermen already had begun to sell these watercraft at about three-fourths of their original price, dividing the money among themselves.

Fishers face difficulties in obtaining loans to re-establish their fishing assets. Some banks and the Fisheries Department of the government of Tamil Nadu have promised low-interest loans. The central government has announced a loan package for fishers, but at the time of the study this program had not been implemented in the areas visited.<sup>28</sup> Some fishermen were still borrowing from private moneylenders at higher interest rates by pledging jewels or other valuables. Researchers learned that two fisherwomen in Kanyakumari committed suicide recently; they became overwhelmed after borrowing money at usurious interest rates to re-establish their trade. Some women's microfinance groups told researchers that nationalized commercial banks had promised to provide them capital, but they had not yet received any such financial assistance. However, one or two NGOs have provided loans to these groups in one or two villages. This assistance in turn angered fishermen whose own associations did not offer similar loans. The sluggish pace of reconstruction has led to great frustration among fishers. In two villages surveyed—Melmankudi, Kanyakumari district, and Akkaraaipettai, Nagapattinam district—fishers have refused to resume commercial fishing until they receive full compensation and new boats, nets, and homes from the government or NGOs. The basis for their demands is unclear but their anger at the government's response to the disaster suggests that the failure of authorities to meet survivors' expectations to distribute aid equitably and quickly is damaging community confidence in authorities that will complicate reconstruction efforts.

The publicly financed programs to rebuild infrastructure and revive the coastal economy focus on fishing communities in the state without much attention to the many other forms of economic activity that have been wiped out by the disaster.<sup>29</sup> In addition to the subordinated castes working in the area, inland farmers, small-business owners, and poultry and dairy operators also have seen their livelihoods destroyed. Although the government has approved compensation for these groups too, the benefits have yet to reach them. For example, 19,000 hectares of agricultural land were damaged in Tamil Nadu. Reclaiming this land is a laborious process. Farmers use hoes to scrape off the salt and sand crust, up to three feet deep, and cart it away in wheelbarrows. One NGO estimates that it takes nine men about three days to clear one acre, often under a brutal sun, with temperatures reaching 110 degrees Fahrenheit. Experts estimate that it will take from twelve months to two years to clear the croplands, and that fields may not reach their former levels of productivity for several seasons.<sup>30</sup>

## **Women**

Women as a group are vulnerable to human rights violations and exploitation. The response to the tsunami in Tamil Nadu affected women differently from men, and in some instances exacerbated rather than addressed their vulnerabilities. We found that in general, public and private relief agencies failed to meet women's essential needs for food, shelter, health, and security. In addition, women face exclusion from relief and reconstruction assistance.

Most of the fisherwomen surveyed complained about the lack of privacy in camps sheltering those displaced by the tsunami. Many do not have separate toilets or bathing facilities for women; in others, women must walk as far as one kilometer to reach the bathroom at night. Unable to work, men are idle in camps. Women and NGO representatives are concerned about the increase in alcohol consumption among men. Groups frequently drink and play cards near the bathrooms, harassing or intimidating women. Fortunately, to date there have been few reported incidents of violence against women tsunami survivors, although it is potentially an area of concern. One tsunami survivor, a young woman tourist from northern India, was gang-raped while sleeping in a temporary tent shelter. She reported the incident, but has been unable to identify her attackers.

Women also complained that in many shelters they were provided with the same cooked food three times a day. In fact, in the initial stages, some of the north Indian NGOs provided them with only rotis and chappathis, which they rejected as their staple diet is rice and fish curry.

An NGO representative active in relief efforts in Tamil Nadu reported that, in the weeks after the tsunami, women's health needs were unaddressed. Doctors in temporary shelters provided basic medical assistance but our informant saw no gynecologists at the sites.<sup>31</sup> Further, she reported several cases of lactating mothers whose infant children had drowned in the tsunami but who had not received any medical treatment in camps housing the tsunami homeless to ease their physical pain from being unable to nurse. They needed to seek medical care in hospitals. At one hospital, a woman was told that she could receive an injection to stop lactation, but that the treatment would prevent her from lactating ever again, affecting any future pregnancy. In addition, sanitary supplies are inadequate or nonexistent in many camps, causing women discomfort and embarrassment.

Aid distribution to women is often ineffective or promotes dependency. An NGO representative reported women complaining that compensation and aid are delivered directly to the male head of household, bypassing women and increasing their reliance on husbands for access to relief. Also, officials turned away some widows seeking compensation for their lost husbands because they could not produce the body.<sup>32</sup> Further, most fisherwomen have been unable to receive government compensation for their losses since women are not members of the fishermen's associations that draw up the lists of their members eligible for relief. However, the tightly knit fishing villages have support mechanisms in place to care for widows and orphans, due to the occupational hazards of the industry. This mitigates the vulnerability for widows to be exploited; however, given the unprecedented destruction of communities, this is an area that requires monitoring.

Researchers did not find any confirmed cases of human trafficking of tsunami survivors.

## **Children**

Many of the children and the aged were wounded or injured when they ran for safety when the waves struck. Children comprised 24 percent of the deaths reported in our study. In some villages, the number of children killed by the tsunami was higher than the number of men killed. At the same time, over 350 children in Tamil Nadu were orphaned by the tsunami.<sup>33</sup> In response, the state government of Tamil Nadu has created a fund for tsunami orphans and has created bank accounts in the name of each orphan. Each account has Rs. 500,000 (US\$11,700), which the beneficiary may cash only upon reaching eighteen years of age. In addition, the government has built orphanages for tsunami orphans in affected districts. However, some of the children have refused to enter these orphanages because they do not wish to move away from their own villages. In these cases, relatives and neighbors have taken them in. A few NGOs have begun to support orphans living with relatives with monthly cash payments; other groups plan to open orphanages for the children in their villages so that they may remain in the community. Some NGOs are operating programs to house and educate orphans and have accepted tsunami orphans into their programs.

We found few incidents of abuse against children reported, likely due to the social cohesion and support structures in fishing villages. Similarly, we found no reports of attempted trafficking of children in the villages surveyed. The government ban on adoptions and the absorption of orphaned children by the communities likely helped to reduce this vulnerability. However, in the village of Kottipadu, Kanyakumari district, two boys disappeared from the temporary shelter and had not been found as of the time of our visit.

It is difficult to assess the level of trauma among children; some appeared to the investigators to be exhibiting signs of trauma such as being extremely fearful and withdrawn. Only a few NGOs have provided psychological counseling to survivors, and more culturally appropriate programs are needed to serve all those traumatized—men, women, and children. While on the whole children show great

resilience to traumatic events, their health and welfare should be monitored in the months and years ahead to ensure that they receive the support and assistance they need to develop full and productive lives.

### **The Role of NGOs**

NGOs began operating in tsunami-affected areas of Tamil Nadu immediately after the disaster, while in many areas, the state government did not start relief activities for two or three weeks. The state government and police did not initiate collection of corpses until the military arrived a few days after the tsunami hit. Thus, NGOs led relief efforts on the ground throughout much of the relief stage. However, some problems surfaced with the delivery of NGO services. Lack of coordination and financial transparency caused tensions within fishing communities. Moreover, there were some allegations of religious-based groups using aid coercively to gain converts; this should be investigated.

While some of the NGOs are headquartered in the state of Tamil Nadu, most came from neighboring states. Their size varies from 50 to 500 staff members and almost all are funded by foreign donors. In the aftermath of the tsunami most NGOs worked to provide the basic needs of fishing communities, distributing rice and other provisional items—cash, clothes, and household articles—and constructing temporary shelters. Some groups replaced or repaired fishermen’s fiberglass boats. A few other NGOs helped repair houses, for example helping villagers to replace thatched huts in their own original dwelling places. More recently, a few NGOs started constructing permanent houses for fishermen at a cost of Rs. 150,000 to 175,000 per unit.

A few NGOs are offering employment opportunities to the adult fishermen as well as training adolescent girls to become seamstresses and offering computer training for both boys and girls in tsunami-affected fishing villages. Whether these are sustainable activities or vocations that are desirable to the survivors is unclear, nor is it apparent that the communities have been involved in selecting these options. In addition, some NGOs are caring for orphans and widows. A very few have reactivated the women’s micro-finance groups by offering them low-cost financing. Currently, most NGOs are concentrating on the provision of permanent rehabilitation measures such as the construction of new housing and the distribution of fiberglass boats. Similar to the government rehabilitation strategy, in general, NGOs focus relief and reconstruction efforts at the level of the individual rather than adopting a community focus. Few groups are working to rebuild community-based assets and infrastructural facilities for the fishermen’s groups—such as fish storage facilities and resource centers to train fishers about early warning signs of cyclones.

Coordination of NGO and government activities is problematic. Although there are NGO information and coordination centers in the district headquarters, we found there is little coordination of or among NGOs in the field. The fishing villages were inundated with NGOs—more than 450 registered to operate in Nagapattinam district (the worst affected)—leading to saturation of relief in fishing villages but a lack of assistance to inland and other affected communities. Some of the NGO representatives argued that the lack of cooperation even between well established NGOs resulted in the duplication of benefits provided to fisher survivors. For instance, multiple NGOs distributed food and relief supplies to the same camps housing fishers. This resulted in a surplus of such items; survivors in turn sold the items in the market or gave them to relatives and friends.

The high concentration of NGOs, many from outside the state, in fisher communities has raised suspicion among fishers that some of these groups are misusing the funds they raised in the name of tsunami survivors. And in Sonankupam village in Cuddalore district, after fiberglass boats arrived with cracks, some of the educated fishermen confronted an NGO with their concerns that the group was paying inflated prices for boats through commissions paid to the middlemen. In addition, some fishermen

complained that some of the field representatives of NGOs are failing to provide accurate lists of expenditures in the distribution of benefits to tsunami survivors.

In general, religious-based NGOs are working in villages in which the majority of fishers share the same religious practice. Christian-supported NGOs are largely working with fishers in Kanyakumari district, where most of the population are Christians; Hindu-affiliated NGOs are largely working in Nagapattinam and Cuddalore districts because most of the fishermen in these districts are Hindu. However, during our surveys in selected villages in Kanyakumari, Nagapattinam, and Cuddalore districts, we found tensions between religious-sponsored NGOs. The groups accused each other of proselytizing in fisher communities under the guise of distributing benefits to tsunami survivors. Pondicherry Diocese was working in Devanampattinam village of Cuddalore district, where a Hindu NGO accused it of performing conversions. NGO informants reported that in Nagapattinam district, supporters of a Hindu religious organization implementing relief and rehabilitation programs for fishers have threatened the church-based NGOs there. Similarly, we found concerns over perceived intentions of Hindu religious-based NGOs to operate in Christian-dominated Kanyakumari district. Perhaps it is too early to assess the impact of such antagonism, but attention should be paid to ensure that the right of tsunami survivors to practice freedom of religion is not compromised.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

This study indicates that for all the funds pledged and aid distributed and despite massive efforts on the part of central and state governments, serious gaps exist in meeting the short- and long-term needs of tsunami survivors in Tamil Nadu. While some fisher communities are saturated with assistance, other communities have been neglected. Maldistribution of aid has strong overtones of corruption and this has led the unaffected and/or well connected in some communities to siphon off compensation funds. Exclusion and discrimination by fisher organizations and government officials have prevented many, including women fishers and widows, Dalits, and Irulas, from receiving the government relief and compensation packages to which they are entitled. Rights to health, security, nondiscrimination, freedom of religion, and freedom of movement have all been threatened. Finally, there has been little active involvement of tsunami survivors in articulating needs and in prioritizing relief and rehabilitation efforts. To address these problem areas we recommend the following.

1. In addition to the assistance offered to the coastal fisher communities, government and NGO relief efforts should also be directed toward inland areas in which Dalits, Irulas, and poor farmers struggle to rebuild their lives. Non-fishers living in tsunami-impacted areas have seen their livelihoods destroyed but government rehabilitation programs have yet to target these populations.
2. Discrimination and exclusion in the distribution of disaster benefits violates the human rights of survivors and undermines the ability of vulnerable groups to re-establish their livelihoods. A comprehensive survey of the affected area should be conducted to measure the scope of the problem as well as to identify patterns. Allegations and incidents of discrimination in disaster benefits need to be investigated by an impartial body which would recommend any needed compensation measures. A new accountability mechanism may be necessary to administer and redress violations.
3. In the coming months, reconstruction planning and implementation should include active participation by community members so that the problems with inadequate temporary housing are not repeated. Despite the multilateral lending agencies and other international support, the state and central governments have been moving too slowly in framing appropriate policies.

Policy makers and NGOs must—with meaningful participation by the community—address the needs of the *entire* coastal population affected by the tsunami. The coastal economy and social structure is an integrated system of many communities. The tsunami rendered groups that were already marginalized and vulnerable even more so. Efforts to rebuild must attend to the needs of women, children, and subordinated castes, and ensure that reconstruction restores full enjoyment of their human rights and that the commitment of the United Nations to “build back better” translates from words into deeds.

---

<sup>1</sup> Laurel E. Fletcher, clinical professor of law and director of the Globalization Project, Human Rights Center, University of California, Berkeley, and Harvey M. Weinstein, clinical professor at UC Berkeley’s School of Public Health and senior research fellow at the Human Rights Center, University of California, Berkeley, contributed to the research and writing of this report.

<sup>2</sup> United States Geological Survey, “Magnitude 9.0—Sumatra-Andaman Islands Earthquake off the West Coast of Northern Sumatra,” Available at <http://earthquake.usgs.gov/eqinthenews/2004/usslav/>.

<sup>3</sup> R. K. Pal, “India: Tsunami Situation Report,” World Health Organization, Jan. 23, 2005, p.1, available at [http://w3.whosea.org/LinkFiles/India\\_IND23JAN05SITREP.pdf](http://w3.whosea.org/LinkFiles/India_IND23JAN05SITREP.pdf).

<sup>4</sup> Government of India, *Tsunami—A Report to the Nation, June 3, 2005*, sec. I, available at [http://www.undp.org.in/dmweb/Tsunami/Tsunami\\_report%20to%20the%20nation.pdf](http://www.undp.org.in/dmweb/Tsunami/Tsunami_report%20to%20the%20nation.pdf)

<sup>5</sup> Indian Ocean: Earthquake and Tsunamis Fact Sheet #39 (FY 2005), US Agency for International Development, July 7, 2005. Available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6E3Q4Z?OpenDocument>.

<sup>6</sup> Government of India, *Tsunami—A Report to the Nation*, sec. I.

<sup>7</sup> Government of India, *Tsunami—A Report to the Nation*, sec I. The total number of orphans is reported to be 480.

<sup>8</sup> Gal Frenkel and Dana Dasch, *Widows and Orphans Report*, People’s Watch—Tamil Nadu, March 21, 2005, “Summary and Discussion.” Other affected areas in the country include Andhra Pradesh (107 deaths), Andaman and Nicobar islands (3,513 deaths), Pondicherry (599 deaths), and Kerala (177 deaths). Government of India, *Tsunami—A Report to the Nation*, sec. I.

<sup>9</sup> Government of India, *Tsunami—A Report to the Nation*, sec. V

<sup>10</sup> Government of India, *Tsunami—A Report to the Nation*, sec. II.

<sup>11</sup> Government of India, *Tsunami—A Report to the Nation*, sec. I.

<sup>12</sup> Frenkel and Dasch, *Widows and Orphans Report*, “Summary and Discussion.”

<sup>13</sup> Frenkel and Dasch, *Widows and Orphans Report*, “Summary and Discussion.”

<sup>14</sup> Government of India, *Tsunami—A Report to the Nation*, sec. III.

<sup>15</sup> Fatima N. Burnad (Society for Rural Education and Development), interview by Laurel E. Fletcher and Harvey M. Weinstein, June 4, 2005, Bangkok.

<sup>16</sup> Ibid. See also Human Rights Watch, *After the Deluge: India’s Reconstruction Following the 2004 Tsunami*, May 2005 Vol. 17, No. 3.

<sup>17</sup> People’s Watch—Tamil Nadu, *Study on Discrimination & Exclusion in State Relief* (draft report) available through [info@pwtm.org](mailto:info@pwtm.org).

<sup>18</sup> People’s Watch—Tamil Nadu, *Study on Discrimination & Exclusion in State Relief*, p.13. Our researchers learned of one case of religious/political discrimination. A fisherwomen was denied tsunami aid provided by a well known NGO after she opposed the Catholic Church to contest village *panchayat* (local counsel) elections on behalf of the Communist Party of India.

<sup>19</sup> People’s Watch, *Study on Discrimination & Exclusion*, p. 12.

<sup>20</sup> People's Watch, *Study on Discrimination & Exclusion*, p. 7.

<sup>21</sup> People's Watch, *Study on Discrimination & Exclusion*, p. 8.

<sup>22</sup> People's Watch, *Study on Discrimination & Exclusion*, p. 9.

<sup>23</sup> See the Background section of this report for discussion of these two documents.

<sup>24</sup> Not only does the lack of clean water contravene the Sphere standards, the National Human Rights Commission of India recently has included the right to good-quality food and water as part of its human rights mandate. Thus, there is increasing recognition of access to clean water as a human right with concomitant obligations on the state.

<sup>25</sup> Government of Tamil Nadu, Order, G.O. Ms. No. 172, March 30, 2005.

<sup>26</sup> Some fishers have requested the government and NGOs to provide two new houses for each family. To date, this request has not been acted upon. Government and NGOs have been noncommittal about such requests.

<sup>27</sup> Tsunami Relief & Rehabilitation Coordination, Tamil Nadu & Pondicherry, Report of the Study on "People's Perceptions on G.O. 172," July 1-8, 2005.

<sup>28</sup> Government of India, *Tsunami—A Report to the Nation*, sec. III.

<sup>29</sup> The total reconstruction package, valued at US\$27 billion, is allocated as follows: 34 percent to housing and internal infrastructure (water, sewage, roads, etc.); 15 percent to livelihoods; 38 percent to ports, jetties, roads and bridges, communication, and tourism; and 9 percent to coastal protection. Government of India, *Tsunami—A Report to the Nation*, sec. IV (note: the report does not attribute the remaining 4 percent).

<sup>30</sup> Roger O. Burks, Jr., "Bright Shades of Green," Mercy Corps, July 22, 2005, available at [http://www.mercycorps.org/index.php?sections\\_id=4&subsections\\_id=113&items\\_types\\_id=7&items\\_id=771](http://www.mercycorps.org/index.php?sections_id=4&subsections_id=113&items_types_id=7&items_id=771).

<sup>31</sup> Burnad, interview.

<sup>32</sup> Burnad, interview.

<sup>33</sup> Louis Prakash, "Displacement and Rehabilitation in Post-Tsunami South Asia," *Social Action*, v.55 (July-Sept. 2005).