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Disaster relief and the Indian state: Lessons for just citizenship

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ABSTRACT

What does the giving and receiving of disaster relief say about a democratic state's engagement with justice and its responsibilities towards its citizens? This is the question that motivates the following paper, where an attempt is made to characterise the "relief state" through the example of the Indian state's response to the super-cyclone in 1999 in Odisha on the eastern coast of India, and more recently, the devastating floods of 2008. The paper interrogates the norms that guide the state in its relief role, as well as the strategies deployed by disaster victims to access such relief. It enquires into whether the framing of disaster relief as a moral obligation of the state and not a formal justiciable right has any bearing on the dispensation of justice by the state towards its citizens.

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1. Introduction

A disaster following from a natural hazard reveals a very particular dimension of the relationship that a state espouses with its population. State action in the face of a disaster is especially grave as populations are construed as innocent in the wake of a 'natural calamity' that they have no control over and cannot be blamed for causing. Democratic states in particular are obliged to provide relief to their citizens to ameliorate the severity of the effects of a disaster and to help victims cope. As the American President Herbert Hoover remarked in 1935, 'there is no disagreement upon the public obligation to relieve distress which flows from the national calamity' (cited in Landis Dauber, 2013: 11).

Disasters are key political moments in the life of a society (Albala-Bertrand, 1993; Pelling and Dill, 2009). The rich literature on disaster politics has shown that in dealing with disasters, including those that are imminent, states 'marshal their material and discursive powers' in order to gain or improve popular legitimacy (Pelling and Dill, 2009). Only recently, in October 2013, the state government of Odisha, on the eastern coast of India, carried out a massive evacuation exercise of around one million persons living in coastal areas in the line of Cyclone Phailin to places of safety. These were mainly the cyclone shelters that had been meticulously constructed by the state since 1999, the year of the super-cyclone which had caught the government by surprise and wreaked immeasurable damage to life and property (Chhotray and Few, 2012; Samal et al., 2005). The state government, generally accustomed to brickbats for poor governance and development performance, acquired a new halo overnight for its heroic

efficiency in one of the poorest and most disaster prone states of India.¹

Even as state obligation to come to the aid of those affected by disaster is generally regarded as incontrovertible, this paper contends that disaster relief as an arena for state action presents a fertile ground for reconsidering older questions around justice as well as citizenship. These are not, as is usually the case, concerns of distributive justice that dominate critical scholarship around vulnerability, risk and disasters (Enarson and Morrow, 1998; Cutter and Finch, 2008; Hilhorst and Bankoff, 2007; Oliver-Smith, 1996; Pelling, 2001; Wisner et al., 2004). Instead, these are to do with the posited qualities of the state as the giver and the individual as the recipient of disaster relief. These attributes are characterised in this paper upon a critical examination of Indian famine codes from colonial times as well as the contemporary relief code, besides empirical research into the Indian state's response to the super-cyclone of 1999 in Odisha and more recently, the devastating floods of 2008.

The state appears as a sympathetic and concerned entity with a clear moral obligation to provide relief to those faced with disaster, but it is careful to circumscribe the terms on which it does so. The recipients of disaster relief are deemed to be deserving of assistance because of their 'innocence' in being subject to a 'natural' calamity; and indeed, even in other contexts like the US, a narrative of 'blameless loss' has been critical to the success of claims for federal money into disaster relief (Landis Dauber, 2013). The relief is provided on gratuitous terms, but care is taken so as to neither subsidise able bodied persons nor interfere with the local

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¹ <<http://www.indianexpress.com/news/coming-home-after-phailin/1185220/>>, October 21, 2013.

moral economy (Dreze, 1994). There is a clear sense of the moral duties of the able recipients of relief to contribute through public works. Accordingly, disaster relief is not a constitutionally prescribed right that is justiciable in a court of law, and has not received legal recognition in India through the six decades since independence. In making claims to accessing relief, recipients have recourse to a moral stance of victimhood, but not to justiciable rights. These aspects of the state and individuals while locked into what I will describe as a 'relief relationship' provoke a discussion about justice and citizenship in India on three grounds.

One, the transition from colonial subject to Indian citizen was based on a premise of equality of civil and political rights, which came simultaneously with independence. However, civil and political rights are 'poor guarantors of substantive equality' in the absence of meaningful social and economic rights within a deeply inegalitarian society divided on the basis of caste, class, gender, religion and ethnicity (Jayal, 2013: 15). This disjunction between equal civil/political citizenship, at least in formal terms, on the one hand, and substantively unequal social citizenship on the other is what marks the experience of citizenship in India as unjust. It also seriously implicates the role of the state in improving the conditions of just social citizenship, whether through the public provision of welfare or the pursuit of redistributive policies. While disasters triggered off by natural calamities may represent a state of exception, they do reflect failures of the state in its responsibilities towards its citizens.

Two, debates around justiciable rights are particularly relevant in India. Equal civil and political rights for all Indian citizens were won at independence and enshrined as justiciable 'fundamental rights' in the Constitution, but the journey to making social and economic rights (SERs) justiciable in law has been precocious and controversial (Jayal, 2013). The state has historically refrained from giving legal recognition to rights involving 'positive state action' in the arena of social policy (Jayal, 2013). While this has changed dramatically in the last decade, with legal recognition being accorded to the rights of work, education and now food, this comes in an era of general curtailment of public provision in a neoliberal economic climate. The value of justiciable social and economic rights is questionable in the face of staggering obstacles to their realisation. The response of the state in the framing of disaster relief as a moral obligation but not as a legal entitlement must therefore be regarded with reference to how justiciable rights have evolved in India.

Three, the balance between duties or responsibilities and rights is germane to the evolution of citizenship theory and politics in countries like the USA, UK and western European states as well (Lister, 1997). India is no exception. Here, an era of 'social citizenship in neoliberal times' is marked by a 'duties' discourse of citizens as consumers and clients (Jayal, 2013, 176). The inculcation of duties was an integral part of the colonial project of 'citizenship education' as much as it was of primary concern to Indian nationalists, albeit in different ways (Jayal, 2013). Duties and rights were 'relegated' to the moral domain within colonial discourse, and contrasted with the political obligation of obedience as a colonial subject, until nationalist writers used the moral as a radical political strategy, transposing the duty of obedience into the right to interrogate the colonial state (Jayal, 2013).

The moral imperative is equally important for the constitution of rights as is legal obligation, and often (if not always), moral claims and mobilisations precede the enshrining of rights in law.² Moral claims are a key part of how rights are negotiated. Chatterjee's (2004) case study of how an association of slum dwellers-effectively urban squatters in Calcutta-successfully negotiates

welfare benefits from the state is well known in Indian scholarship. Their forging personal, informal connections with influential actors as well as exercising moral pressure to elicit a response to their collective endeavours illustrates the point that citizens do not require formal entitlements to obtain the 'goods of citizenship'.³ Devaluing moral claims in how citizens experience the state is not explanatorily useful in the Indian context. In this sense, disaster relief provides a novel arena, of aid to victims suffering 'blameless losses' perpetuated by a 'natural calamity', in which to critically consider individual-state relationships. The moral obligation of the state to provide relief is matched by a moral stance of victimhood, and offers an interesting new dimension to the experience of citizenship. Besides, as this paper shows, true to the inegalitarian social context, access to disaster relief does not unfold within a level playing field, and inequalities and social differences within the local political economy are expressed within a particular sort of unjust citizenship.

In essence, this paper is a critical re-reading of Indian citizenship and justice debates from within the perspective of disaster relief. Section 2 characterises the 'relief state' drawing on a discussion of the norms of relief and the duties of citizenship, as well as the politics of natural calamity, Section 3 situates the key propositions from this relief relationship within a discussion of 'just citizenship' in India, and Section 4 examines the case of disaster relief in Odisha for a rich empirical investigation into how exactly these relationships of giver and recipient are enacted, and with what implications for just citizenship. The conclusion comments on the advantages of viewing disaster relief as an issue of justice.

2. The relief state

In its characterisation of the 'relief state' in contemporary India, the paper will build on a rich literature concerning the relief functions of the colonial state (Dreze, 1994). The contribution that it seeks to make may be situated within a larger body of research described as 'disaster politics' (Albala-Bertrand, 1993; Pelling and Dill, 2009) especially as the subject of state disaster relief has received rather little attention here (Cuny's, 1983 classic titled *Disasters and Development* remains an exception). Greater emphasis has been placed on the role of international actors in providing humanitarian aid and relief after a severe disaster (Clark, 2005; Korf, 2005; Pelling, 2003). In recent years however, scholars have focused on state relief following major disasters in India (Simpson and Corbridge, 2006; Simpson, 2008 for the Gujarat earthquake of 2001 and Ray-Bennett, 2009; Samal et al., 2005 for the Odisha super-cyclone of 1999).

2.1. Rationale for disaster relief and the ethics of assistance

India has a coherent administrative structure for determining and delivering disaster relief. Successive Finance Commissions (constituted every 5 years) have consistently included guidelines on disaster relief, given its salience for centre-state fiscal relations. In 2005, the Parliament passed the National Disaster Management Act that envisaged the creation of the National Disaster Management Authority (NDMA) as the apex body for disaster management in the country (GOI, 2005). The Act sets out the various aspects of state response to a disaster in subsequent phases (such as pre-

³ Chatterjee extends this point to distinguish between citizens in India into two types: the first that are 'proper' rights bearing citizens inhabiting the domain of civil society, and the second that wield such rights only 'tenuously' and occupy not the civil but a 'political society' (2004). I do not use this typology in this paper, instead choosing to refer to the formal and substantive meanings of citizenship (Holston, 2008; Jayal, 2013), as these are more helpful in drawing attention to the key point being made.

² I am grateful to an anonymous reviewer for this point.

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