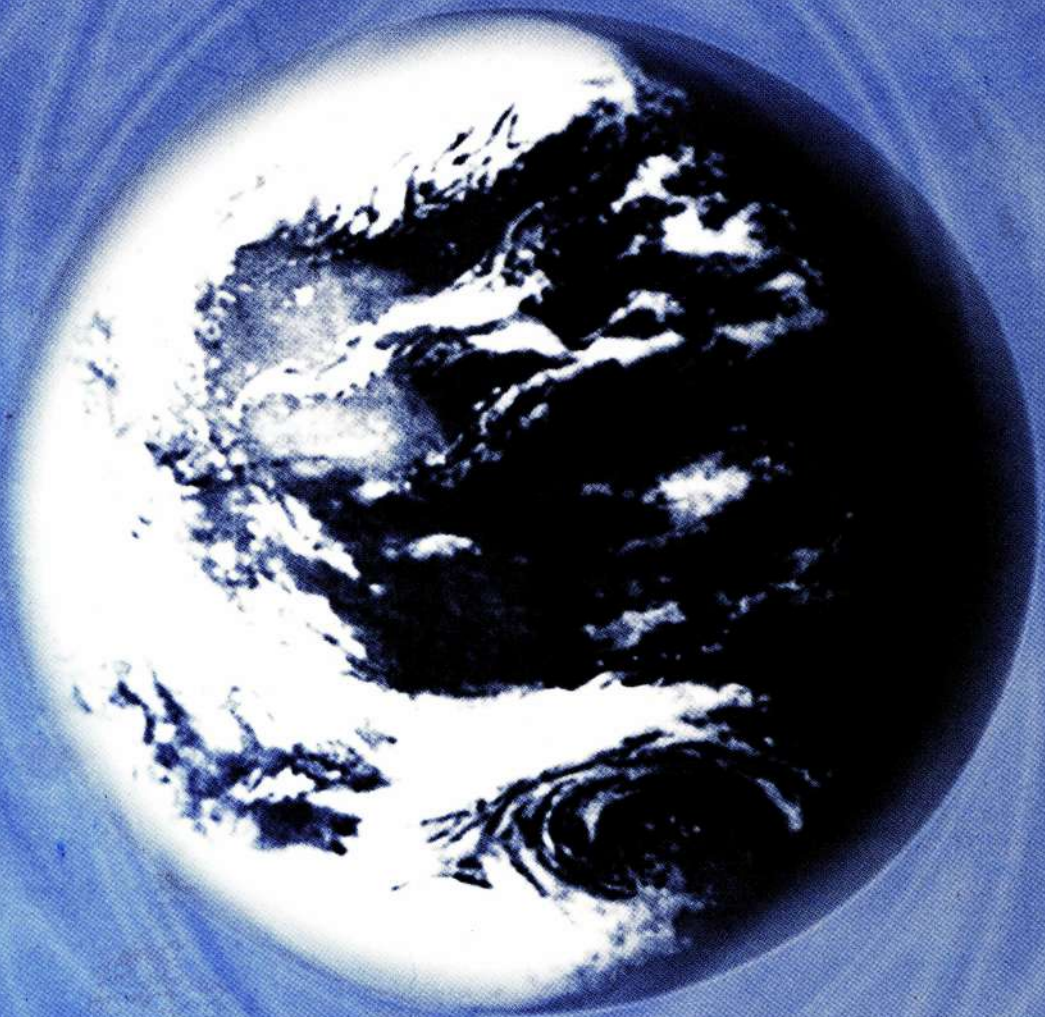


BREAKING SILENCE



VOICES FROM THE MARGINS

An enquiry into Post-Tsunami Relief and Rehabilitation

People's Tribunal Headed by Justice H. Suresh

**Breaking Silence
Voices from the Margins**

**Edited by
Ajit Muricken
Ullash Kumar**



Vikas Adhyayan Kendra for the Voices from the Margins

The People's Tribunal was organised under the banner of "Voices from the Margins", is a coalition of Tsunami survivors, concerned activists, relief workers, union and mass organisations to voice their collective demand for just the equitable distribution of livelihood assets: adequate compensation and entitlements irrespective of caste, religion, gender and age.

Breaking Silence Voices from the Margins

Edited by

**Ajit Muricken
Ullash Kumar**

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Members of the Jury:

1. Justice Mr. H Suresh, Former Justice Mumbai High Court
2. Justice Ms. D. Sri Devi, Former Justice High Court of Kerala
3. Dr. V. Mohini Giri, Former Chairperson National Women Rights Commission
4. Dr. Gopal Guru, Professor Jawaharlal Nehru University, New Delhi

The members of the expert panel included the following*:

1. Mr. Ravi Nair, Convener Asia Pacific Human Rights Network, New Delhi
2. Dr. Anand Teltumbde, Scholar and activist, also associated with Human Rights movements.
3. Dr. Parasuraman, Director, Tata Institute of Social Sciences, Mumbai
4. Mr. G. Shankar, Architect, Expert on Alternative Housing
5. Dr. R. K. Sivanappan, Water technologist, Member-State Planning Commission, Government of Tamilnadu
6. Dr. M. Arunachalam, Marine Ecologist, Professor, Manonmaniam Sundaranar University, Tirunelveli, Tamilnadu
7. Mrs. A. Manohari, Dalit Activist, Programme Director, Institute of Self-Management, Madurai, Tamilnadu
8. Dr. S. P. Udayakumar, Environmental Activists, Director-SACCER Trust, Kanyakumari District, Tamilnadu
9. Mrs. Anita Mathew, Educationist, Child Rights in Goa

10. Dr. Valerian Rodrigues, Jawaharlal Nehru University, New Delhi
11. Dr. Thangaraj, Director, Dr. Ambedkar Centre for Economics Studies, University of Madras
12. Dr. Unnikrishnan P. V., Medical Doctor, Expert in Disaster Management
13. Advocate Henri Tiphagne, Human Rights Activist, Executive Director, People's Watch-Tamilnadu, Madurai

* The Jury was assisted by an expert team consisted of persons drawn from diverse academic and professional backgrounds to study and investigate into key issues and areas of concern related post-Tsunami relief and rehabilitation.

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**dedicated to
the deceased and Survivors of the Tsunami disaster
on 26th December 2004**

Foreword

On December 26, 2004, early morning after Christmas, an earthquake measuring 9 on the Richter scale struck Northern Sumatra. The Tsunami tidal waves, generated by the quake, devastated 2,260 km of the coastline of Andhra Pradesh, Pondicherry, Tamil Nadu, Kerala and the Andaman and Nicobar Islands. Over 15,000 people lost their lives. More than 2.7 million people have been affected, over 160,000 homes destroyed, close to 65,000 boats damaged and several 100,000s livelihoods lost. There have been unbearable scenes of death, destruction and despair among the survivors. The affected people, perhaps up to 90% are the coastal poor; about 80 percent were engaged in fisheries, 15 percent in agriculture and 5 percent in small and micro-enterprises. Poverty breeds vulnerability thus aggravating the consequences of the natural disaster like Tsunami further increasing the levels of deprivation. The extent of economic fallout of this Tsunami catastrophe (according to Joint Assistant Mission of the World Bank, Asian Development Bank and United Nations) has been aptly summed up as – “a significant impact on the state’s livelihood (about 38 percentage of the total damage and losses imposes negative consequences on livelihood) in the coastal environment and local economy.” In particular, it provides a measure of the economic impact of the Tsunami on the fisheries sector and related livelihood of the coastal communities of the affected States.

Almost a year after the disaster, hundreds and thousands of people are still living in desperate circumstances in temporary shelters without any certainty of their future. *Ad hoc* measures and an incoherent approach to the Tsunami rehabilitation have adversely affected the recovery process of the survivors.

The Tsunami sounded the wake up call by revealing the deficiencies in calamity management. *Ad hoc* approaches and an absence of a policy framework for relief rehabilitation and reconstruction is a denial of the legitimate rights of survivors. On the other hand, the right to relief with dignity and development are as their right, in a democratic polity, is the responsibility of the state and the fundamental right of every victim of disaster. When the state neglects its duties/obligations, human right empowers survivors to access the legal and constitutional remedies to make the state responsible in providing unconditional guarantee to proper relief and rehabilitation.

Natural calamities are frequent occurrences and major earthquakes (exceeding 6 on Richter scale) have struck India in the past fifteen years. Though these events are unrelated

yet there are commonalities – we are not prepared for such massive shocks. A common element in all these disasters is our shocking lack of preparedness (in physical, economic, administrative, legal and other aspects), coupled with a lack of long-term vision, especially, to help the poor and the vulnerable groups.

Any disaster of this nature is a challenge and an opportunity as well as new lessons for future preparedness. Lessons are learnt at great cost in India, as the knowledge attained from previous disasters is seldom reflected in the overall policy framework or in planning. The lessons learnt from the Orissa cyclone of 2000, the Latur and Gujarat earthquakes of 1993 and 2001, respectively, and other similar disasters have failed to induce a paradigm shift in our approach to disaster mitigation. Nor have we learnt lessons of how to cope well with the disaster demands - of regulating communities for safety, protecting the vulnerable people especially in areas exposed to disaster, empowering people's organizations for transparency and decision-making, and the right of the affected communities to necessary information.

Both men and women have been affected by the tsunami disaster, but differently due to gender differences and gender roles in society. The implications of these differences must be properly understood and integrated into the recovery measures. Women's involvement and their specific concerns must be enlisted in the assessment and programming stages for recovery.

It is an irony that the Indian state has technological capabilities to explode nuclear bombs and other destructive capabilities but has totally failed in developing life-saving technologies for protecting people from such disasters. We have also the largest scientific workforce in world, yet existing scientific knowledge remains to be blended within the administrative mechanism. For example, flood zones, seismic zone and drought prone areas are identified but no-long term remedial policy is evolved to mitigate their effects. A warning to this Tsunami event was issued from USA, five hours before it actually occurred but the callous government approach led to massive losses.

The Tsunami exposed the groups already suffering from discrimination and other human rights abuses to greater harm. Vulnerable groups like women, children, landless poor, fish workers have all suffered violations of human right abuses of various forms. As most of them were then helpless against nature's wrath, they are now feeling helpless at government's inaction.

Despite the unprecedented generosity of people - within the country and from all over the world - the affected people after several months of the Tsunami are still living in desperate and uncertain circumstances. Frustrations emanating from the inordinate delay, linked with the widespread allegation of inadequate relief and rehabilitation, complaints of discriminations and the lack of coherent disaster policies, both by the Center and the states, a People's Tribunal was organized by a coalition for the victims of disaster, under the banner of "Voices from the Margins". In the absence of any formal grievance redressal

mechanism, the Tribunal provided the needed space for breaking the culture of silence to voice their collective demand for just and equitable distribution of livelihood assets: adequate compensation and entitlements irrespective of caste, religion, gender and age.

This report provides a summary of the proceedings of the Tribunal, the findings of the Jury and the Panelists and highlights the key issues discussed and ideas conceived for future strategies.

We would like to take this opportunity to thank the Jury and the panelists, and a special mention of thanks to Justice Hospet Suresh for all the support, advice and assistance given to us for making the People's Tribunal a great success.

Ajit Muricken
Director
Vikas Adhyayan Kendra