

Battered Islands

REPORT OF
A FACT-FINDING MISSION
TO TSUNAMI-AFFECTED
AREAS OF THE ANDAMAN AND
NICOBAR ISLANDS

Fact-
finding
Mission
Report

9

South Asia Regional Programme
Housing and Land Rights Network
HABITAT INTERNATIONAL COALITION





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to Tsunami-affected Areas
of the Andaman and Nicobar Islands**



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Housing and Land Rights Network
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June 2006

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Most of all, we would like to thank all the people we met in the intermediate shelters. The visit to every shelter was poignant, and though we assured people that we had no solutions or miracle cures for their suffering, they opened their doors and hearts to us and shared their stories, their pain and their dreams. Writing this report has been difficult and emotional. We are not sure what we will achieve. But we hope that those who read this report will be able to understand the situation in the Islands better. Moreover, we hope that all actors involved in rehabilitation in the Islands pay heed to the stories of pain and suffering of the affected, and make sincere efforts to correct the wrongs and uphold the dignity and human rights of the survivors.

We dedicate this report to the memory of those who lost their lives in the tsunami but moreover to the survivors – for their courage, their resilience, and most of all their faith and capacity to laugh, even in the bleakest of circumstances.

List of Acronyms

A&N	Andaman and Nicobar
ACANI	Association of Catholic Andaman and Nicobar Islands
ADRA	Adventist Development and Relief Agency International
ANIIDCO	Andaman and Nicobar Islands Integrated Development Corporation
CASA	Church's Auxiliary for Social Action
CGI	Corrugated Galvanized Iron
CNI	Church of North India
CRS	Catholic Relief Services
CRZ	Coastal Regulation Zone
CWC	Child Welfare Committee
ha	hectares
HCC	Hindustani Covenant Church
HRAH	Human Right to Adequate Housing
ICDS	Integrated Child Development Services
ISM	Islanders Sangathan Manch
JJB	Juvenile Justice Board
kg	kilogram
mm	millimetres
INGO	International Non-government Organisation
NGO	Non-government Organisation
PCO	Public Call Office
PHC	Public Health Centre
PWD	Public Works Department
RCC	Reinforced Cement Concrete
Rs.	Rupees
STD	Standard Trunk Dial
UNICEF	United Nations Children's Fund
VHAI	Voluntary Health Association of India
WBVHA	West Bengal Voluntary Health Association

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PART ONE

Executive Summary

It is one and a half years since the tsunami, which was one of the world's worst natural disasters. It is sad and tragic that even after such a long time, people are still living in shelters and are yet to be rehabilitated. What is even more ironic is that a large part of this suffering is a result of both the omissions and commissions of those trying to mitigate it.

The situation in the Andaman and Nicobar Islands, off the coast of southern India is no different. Among tsunami survivors there is a pervading sense of neglect and betrayal, and a feeling of fatigue as patience and endurance levels are repeatedly tested and tried. At the same time, are the challenges presented by the location and distance of the Islands and their inaccessibility.

With an overwhelming focus on immediate relief, the long-term impacts on the community are generally not considered. A serious commitment to the people and their needs is also largely absent. Many agencies enter a disaster-affected zone, provide relief and then exit, leaving the communities to tackle multiple problems themselves, including those created by them.

This report presents the findings of a fact-finding mission conducted by the Housing and Land Rights Network's South Asia Regional Programme (HLRN - SARP) to the Andaman and Nicobar Islands from 26 January to 10 February 2006. The team consisted of Shivani Chaudhry from HLRN-SARP and Enakshi Ganguly from HAQ: Centre for Child Rights. Pankaj Sekhsaria from Kalpavriksh accompanied the team to some locations. The aim of the visit was to focus on the shelter and housing component of rehabilitation in the Islands, and to analyse it through the lens of human rights. Compared to other tsunami-affected areas, the Andaman and Nicobar Islands are more isolated, and information about them is even more limited. Our study revealed glaring discrepancies between what was being reported and what was actually happening with regard to relief and rehabilitation in the tsunami-impacted areas.

Main Findings of the Fact-Finding Mission:

- Intermediate shelters do not meet Sphere Guidelines¹ or any international human rights standards of "adequate housing."
- The most severe complaints regarding the intermediate shelters are:

¹ These refer to a voluntary list of guidelines—prepared by a coalition of civil society organisations— for disaster management, in particular during the relief phase. While they do not cover long-term rehabilitation, they advocate certain basic minimum standards that must be adhered to. The updated *Sphere Humanitarian Charter and Minimum Standards in Disaster Response* can be accessed at: <http://www.sphereproject.org/handbook/> See *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation*, Housing and Land Rights Network and PDHRE – People's Movement for Human Rights Learning, 2006. Available online at: <http://www.hic-sarp.org/Post-Disaster%20Compilation.pdf>.

- a. The tin structures are uninhabitable, largely because of the unbearable heat. They also threaten privacy and safety due to the design of line housing and inadequate partitions between shelters.
- b. Drinking water shortages are acute.
- c. Sanitation and solid waste management facilities are largely absent.
- Rehabilitation is slow and consultation with people has been minimal.
- Information regarding rehabilitation and permanent housing is not available.
- Permanent housing plans are rife with controversy and the issue has not been accorded the urgency it deserves. Even a year and a half later the government has not taken the responsibility to ensure the expedient delivery of adequate housing for the survivors. While the Administration has just released housing plans, these have not been developed in consultation with the people.
- Wastage of resources seemed rampant, be it the construction of defunct toilets or the transportation of unusable non-durable pre-fabricated construction sheets from the mainland.
- Livelihoods have still not been restored and people are uncertain of the future.
- Impacts on children are severe and although interventions are being made, there is a lack of a co-ordinated effort. Children are not receiving the systematic attention they deserve.
- NGO coordination is absent in most areas and insufficient where it does exist.
- Local governance is weak and delays in decision-making abound due to the centralised control over the union territory, and dissociation from the geography and culture of the region.
- Assessment of agricultural losses in many areas has been inaccurate and misleading, resulting in confusing outcomes, and in some places, conflict.
- Relocation of displaced communities, especially tribals evacuated to other islands, is a major concern. People have not been consulted and have been forced to settle in areas predetermined by the Administration.
- Most rehabilitation plans do not take into consideration women's concerns and needs and reflect gender insensitivity.

Recommendations made to government and non-government agencies as well as other involved actors such as funders, include the need for participatory and in-depth consultations with the communities, immediate recognition of the inadequacies of intermediate shelters and urgent redressal of persistent housing problems; incorporation of human rights standards of "adequacy" into any plans for permanent housing; provision of special facilities for women and children, including the establishment of *mahila sabhas* (women's councils), *bal sabhas* (children's councils) and Child Welfare Committees.

There is an urgent need for all agencies—be they government, non-government, international, local or faith-based—to adhere to internationally accepted human rights standards and develop a strong rights-based approach to long-term rehabilitation work. The right to humanitarian relief and rehabilitation must also be recognised and upheld as a basic human right.

Post-tsunami rehabilitation efforts must urgently focus on the provision of adequate permanent housing and on comprehensive livelihood restoration. Holistic and long-term solutions must be prioritised in all rehabilitation programmes. Most importantly, tsunami survivors should not be merely viewed as helpless victims but should be actively included in all decision-making processes that concern them. Concerted efforts must be made to ensure that their needs are met, that their human rights are protected and fulfilled, and their dignity is upheld.

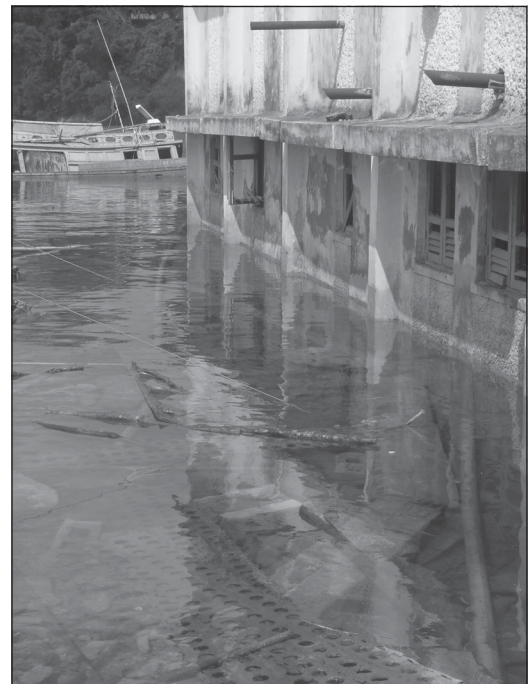
Introduction

Almost a year and a half after one of the world's worst natural disasters, the fact that people are still suffering is tragic. What is unacceptable is that a large part of this suffering has been brought out about by those entrusted with the responsibility to mitigate it. Despite the widespread presence of humanitarian organisations, experts in "disaster management," an administration with sufficient resources, and an overt goodwill, the recurrence of egregious errors, callous relief and rehabilitation measures, and an overarching insensitivity to the needs of the affected is still rampant.

The situation in the Andaman and Nicobar Islands, off the coast of southern India is no different. Tsunami survivors are frustrated, depressed, and angry with the current state of affairs. There is a pervading sense of neglect and betrayal, and a feeling of fatigue as patience and endurance levels are repeatedly tested and tried. As an anthropologist said, "While the disaster was itself traumatic, the post-disaster phase has been no less difficult. I would even go as far as calling it more distressing than the disaster itself because it concerns the living."²

Though the tsunami, like most disasters these days, was accompanied by an increasing number of relief organisations collecting a large amount of money, the channelling of funds has been riddled with inadequacies, including corruption in some cases. Because collected donations need to be spent within a certain time frame, large chunks of money and material get injected into the disaster area in a very short period of time.³ This generally occurs without appropriate consultation with local communities, without adequate needs-based assessments, and without a realistic understanding of the social, political and cultural dynamics of local societies. With an overwhelming focus on immediate relief, the long-term impacts of such measures on the community are generally not considered. Many agencies, in particular the international ones, enter a disaster-affected zone, provide immediate relief and then exit, leaving the communities to deal with problems, including those created by them. For instance, the dysfunctional toilets that had been built in most of the intermediate shelters.

There are serious issues that demand urgent attention, but most agencies involved in relief and rehabilitation tend to suffer from a tendency to sink into, at worst a "self-congratulatory" mode, and at best, a "justificatory" mode – both of which preclude critical self-analysis and evaluation of efforts.



Post-tsunami Rise in Sea Level: Kamorta

² Simronjit Singh and Oliver Lehmann, *The Nicobar Islands: Cultural Choices in the Aftermath of the Tsunami*, 2006. p. 41.

³ Vivek Kumar Porwal, "Socio-economic Impact of Disaster Relief Operations," *The Hindu*, Sunday, March 12, 2006.

Fact-Finding Mission by Housing and Land Rights Network

Numerous reports and studies on the effects of the tsunami, the resurgence of the people, the epic heroes that it gave birth to, and the successes and failures of relief and rehabilitation have been written and published. This report is not merely to add to the plethora of documents that already exist. This report has been written because of an expressed need to focus on the shelter and housing component of rehabilitation in the Andaman and Nicobar Islands, and presents the findings of a fact-finding mission conducted by the Housing and Land Rights Network (HLRN, South Asia Regional Programme) to the Andaman and Nicobar Islands from 26 January to 10 February 2006. It is a follow-up to a similar fact-finding mission by HLRN to the tsunami-affected areas of Tamil Nadu, India and Sri Lanka last year.⁴ The special circumstances of the Andaman and Nicobar Islands and the fact that more than a year has lapsed since the tsunami, merited a separate report.

The authors visited the following islands: South Andaman, Little Andaman, Kamorta, and Great Nicobar Island. This included visits to intermediate shelters on the islands as well as to some of the survivor's original dwelling locations.

This report is an attempt at assessing and bringing to light the current status of rehabilitation, especially the conditions of and in intermediate shelters across the Andaman and Nicobar Islands through the lens of human rights. Our main goal was to assess whether human rights standards were being used and enforced in housing for the survivors and if not, how these could be incorporated in permanent housing plans and future rehabilitation work. As explained later in the report, the benchmark used is that of "adequate housing," which goes well beyond the perception of housing as a mere roof and four walls. The human right to adequate housing has been developed using the indivisibility of rights approach. It incorporates multiple related elements and is integrally linked to the rights to life, livelihood, food, health, sanitation, participation and information, and land and natural resources.

All accounts presented in this report are based on direct consultations and conversations with tsunami survivors, representatives of civil society organisations, international humanitarian organisations, and the government. The descriptions of intermediate shelters reflect direct observations and experiences of the participants of this fact-finding mission. Photographs have been printed where relevant to present a better understanding of the ground reality.

Acknowledging the existence of certain positive initiatives and understanding the complexity of working in the islands, this report must not be seen as a scathing criticism of efforts. But at the same time, we cannot but be alarmed by the prevalent insensitivity to the human rights of the survivors, the lack of consultation with and involvement of the affected in rehabilitation processes, and a certain post-relief phase lethargy that seems to permeate current government and non-government rehabilitation programmes.

The first part of the report presents some of the overarching concerns in post-tsunami rehabilitation in the Islands. It then assesses housing and land conditions at the intermediate shelter sites visited against standards articulated under the human right to adequate housing. A special section on

⁴ *Post-tsunami Relief and Rehabilitation: A Violation of Human Rights*, Housing and Land Rights Network, New Delhi, August 2005.

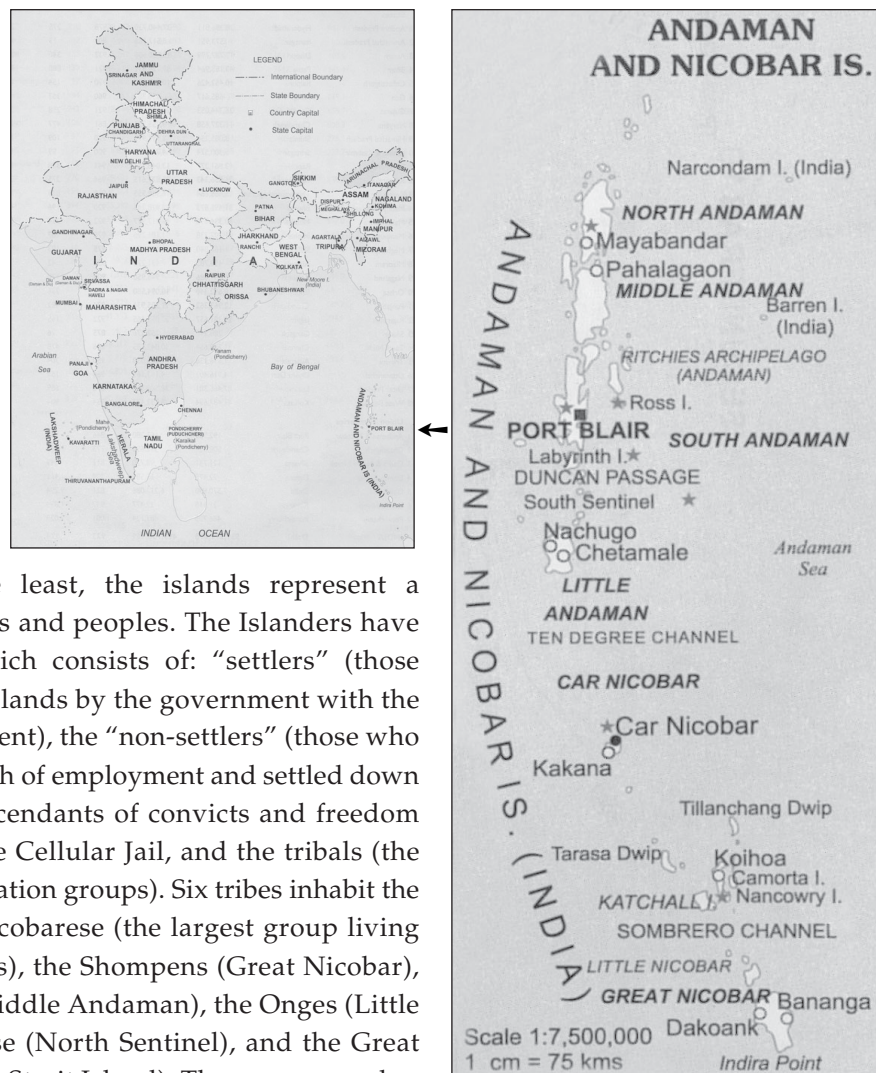
livelihoods and children has also been included. Finally, the report makes specific recommendations to all involved actors toward ensuring that the human rights and dignity of individuals and communities are upheld in all rehabilitation programmes with a view to informing plans relating to permanent housing and livelihood restoration.

Background

The Andaman and Nicobar group of islands are located in the Bay of Bengal, about 1,200 kilometres from the east coast of mainland India and consist of 204 islands (572 if all the islets and rocks are counted), of which 38 are inhabited. With a length of 726 kilometres, the islands cover a total surface area of 8249 square kilometres. These figures are pre-December 26, 2004. Due to tectonic activity there has been a significant change in the landmass in the islands. The Northern Andamans, for instance, have experienced an uplift of four to six feet while there was an average equivalent subsidence seen in the Nicobar group of islands. This is one of the key reasons, in addition to the tsunami itself, that relief and particularly rehabilitation is a much more challenging task in the Nicobar Islands.

Further more, any intervention in the Andaman and Nicobar islands is governed by its peculiar geographical and socio-cultural conditions. One has to visit the islands in order to understand the political identity of 'islander' versus 'main-lander' — something that we as 'mainlanders' were completely oblivious of until we reached there.

Nonetheless, to say the least, the islands represent a fascinating mix of cultures and peoples. The Islanders have their own taxonomy which consists of: "settlers" (those brought officially to the islands by the government with the lure of land and employment), the "non-settlers" (those who came on their own in search of employment and settled down here), the "pre-1942" descendants of convicts and freedom fighters imprisoned in the Cellular Jail, and the tribals (the original indigenous population groups). Six tribes inhabit the islands. These are the: Nicobarese (the largest group living across the Nicobar Islands), the Shompens (Great Nicobar), the Jarawas (South and Middle Andaman), the Onges (Little Andaman), the Sentinelese (North Sentinel), and the Great Andamanese (presently in Strait Island). There are a number



of communities in various parts of the islands that have come from elsewhere – Sri Lankan Tamils, Tamils from Tamil Nadu, fisherfolk communities from Andhra Pradesh, the *Ranchis* from Chotta Nagpur (all tribal groups from this region are commonly called Ranchis across the Islands), the Moplahs and Bhandus (brought to the Cellular Jail), and the Karens from Burma who are settled in Middle Andaman Island.

Port Blair's workforce, about a quarter of the total and one-third of Andaman district's, is concentrated in trade, construction, transport and government service. The profile of the workforce shows it increasingly turning away from agriculture to urbanised and industrial or white-collar occupations.⁵

The only means of travel between the islands is by boat or ship and precludes advance planning as boat schedules are announced only a day before departure. Voyages to distant islands are long and given the indefinite schedules, patience is the most important virtue to survive the uncertainty of island life. The Islands depend entirely on mainland India for everything – from manufactured goods to bottled water to construction material – and these are transported by sea from Chennai or Kolkata. A helicopter service to certain islands also exists but apart from being very expensive, is erratic and not easily accessible for the common people.

Effects of the Earthquake and Tsunami

Of the thirty-eight inhabited islands, the tsunami and the resulting coastal flooding affected fifteen, thirteen of them in Nicobar. The Nicobar Islands, located less than a hundred miles from the epicentre of the earthquake, were among the first victims of the tsunami following the earthquake. Thousands of people were affected and six islands had to be completely evacuated: Chowra, Little Nicobar, Trinket, Bambooka, Kondul and Pulomilo.⁶ According to the latest figures released by the Andaman and Nicobar Administration, 3513 are declared dead and missing, of which 2336 were claimed to be adults and 1177 children; 1729 male and 1784 female; 2955 tribal and 558 non-tribal.⁷

The Islands were affected very differently from mainland India. They suffered the impacts of not just the tsunami but also of the earthquake (measuring 9 on the Richter scale) that triggered it. Different islands were impacted differently, depending on their elevation. Landmass in the Nicobar Islands has sunk (in most places) as in South Andaman where areas like Sippighat and Chouldhari also experienced submergence. Parts of North Andaman on the other hand have seen a rise in the landmass. This differential impact, compounded with the isolation and remoteness of many islands, the difficulty in communication and transportation, and the complete devastation of infrastructure created a nightmarish post-tsunami scenario. In the Nicobar Islands, not only were people untraceable for days, but jetties and communication systems collapsed, leaving no means of reaching hundreds who were left completely stranded and petrified. The greatest loss of life too, was experienced in the Nicobar Islands.

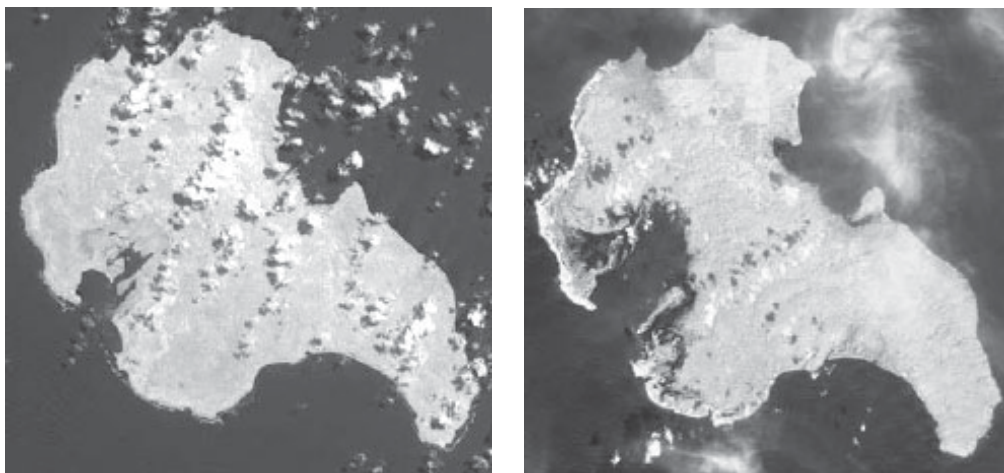
⁵ Kiran Dhirga, *The Andaman and Nicobar Islands in the Twentieth Century: A Gazetteer*, 2006, p. 178.

⁶ *Andamans and Nicobar Islands: Towards a Brighter Tomorrow*, A&N Administration, January 2006, p. 5.

⁷ *Ibid*, p. 4.

Island	Number of Dead and Missing ⁸
South Andaman	7
Little Andaman	57
Car Nicobar	854
Katchal	1551
Teressa/Chowra	117
Nancowry/Kamorta/Trinket	378
Great Nicobar	549
Total	3513

Post-earthquake and Post-tsunami Changes in Landmass in the Nicobar Islands



The western bay of Katchal island before (left) and after (right) the morning of 26 December 2004.⁹

Impacts on Tribals

Of the six tribes living in the Islands, the Nicobarese suffered the greatest loss of life and property. Estimates for the Nicobar Islands vary: official counts put the loss of human lives at somewhere around 3,500 people, while other research sources estimate that almost a third of the Nicobarese tribe was killed. That would put the death toll at 10,000. It is also claimed that nearly the entire material culture of the Nicobarese was lost. The waves destroyed most villages, especially those situated along the coastline, beyond recognition and repair. One island, Trinket, has been torn apart. Fresh water supplies as well as food sources have been lost.

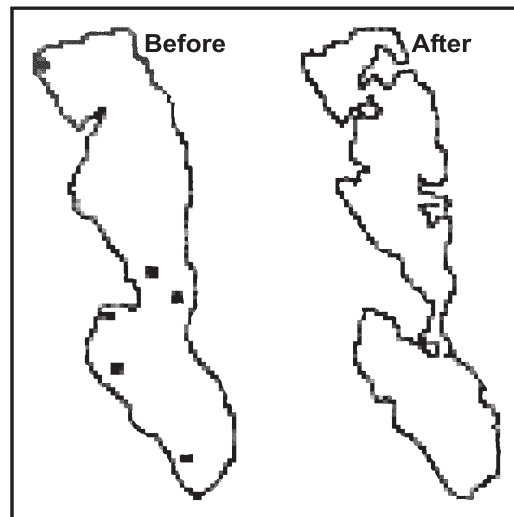
It is believed that the aftermath was at least as traumatizing as the shock of the tsunami itself. A people who had, until then, been fiercely independent, found themselves face-to-face with the outside world and now dependent on it. "Confronted for the first time with the idea of aid and development, the Nicobarese have found it difficult to grasp the dynamics."¹⁰ The Great Andamanese and Onges were

⁸ *Andaman and Nicobar Islands... Through Tsunami: A Saga of Courage*, Puneet K. Goel, Relief Commissioner, Andaman and Nicobar Administration, p.104.

⁹ Map available at: <http://www.andaman.org/maptsunami/4local.htm#anda> (last accessed 21 April 2006).

¹⁰ Simronjit Singh and Oliver Lehmann, *The Nicobar Islands: Cultural Choices in the Aftermath of the Tsunami*, 2006. p. 41.

also badly affected. The Andamanese had to be evacuated from strait Island to Port Blair while the Onges had to be shifted temporarily from their earlier settlements of Dugong Creek and South Bay that were on the coast. Since there is no contact with the Sentinelese, the effects of the tsunami on them cannot be ascertained. The Jarawas who live in South and Middle Andaman are also reportedly safe as they live in densely forested areas in the interiors. According to Shabnam Singh from the *Andaman Adim Janjati Vikas Samiti* in Campbell Bay, nine Shompens (who live in the Great Nicobar Islands) are missing since the tsunami.



Trinket Island in the Nicobars: the low-lying and sandy island's outline before and after the tsunami map drawn from satellite pictures. All of Trinket's inhabitants have been evacuated mostly to Nancowry.¹¹

Overview of Sites Visited

The geography of the Islands and the distances between them impact lifestyle, culture, and in the post-tsunami context, relief and rehabilitation. A brief description of the intermediate shelters and islands visited during this fact-finding mission is presented to give readers a better understanding of the context within which this study is based.

1. South Andaman Island

South Andaman Island is the southernmost island of the Great Andaman and is home to the majority of the Andaman Islands' population. Port Blair, the capital of the islands, is located on this island. Apart from Port Blair where all the Administration and NGO offices are located, we visited intermediate shelters of Chouldhari, Namunaghar, and Bamboo Flat.

Chouldhari

Chouldhari shelter, located around 15 kilometres from Port Blair is situated at the top of a hill and houses 475 people. Looking up from the bottom of the hill one sees golden sheets glittering in the after-

¹¹ Map available at: <http://www.andaman.org/mapstsunami/4local/4local.htm#anda> (last accessed 21 April 2006).

noon sun. As one walks up the hill and passes the innumerable signs welcoming you to “Chouldhari Inter-mediate Shelter” — blue signs of the A&N Administration and Hindustani Covenant Church, and white and orange signs of World Vision, one realizes that the glitter is nothing but tin sheets reflecting the afternoon sun.

Namunaghar

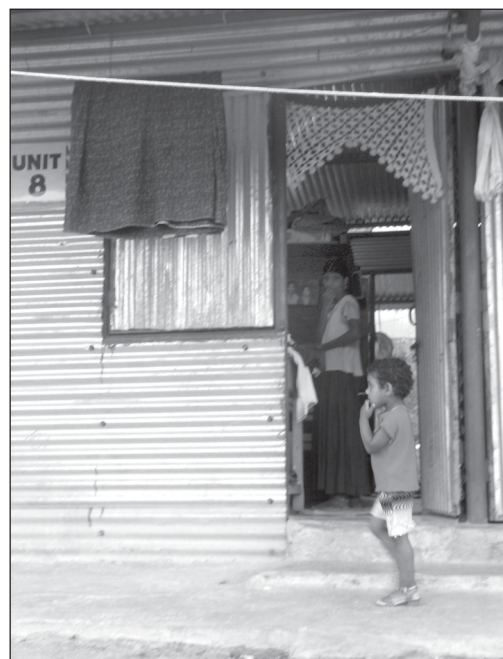
Thirty kilometres from Port Blair, Namunaghar is situated at the bottom of a hill, and includes families from the following sites: Hati Tapu, Chidya Tapu, Dandu Point, Mitha Khadi, Ogra Branch, Gupta Para, and about a 100 non-tribal families from Car Nicobar and Katchal. These were families originally from Tamil Nadu, Andhra Pradesh as well as the “Ranchis” from Jharkhand and Bihar. The original tin shelters (181 units) were built by Islanders Sangathan Manch (ISM) and Disaster Coordination Committee while the upgradation work was being done by Salvation Army.



Chouldhari Intermediate Shelter

Bamboo Flat

Located at a distance of 56 kilometres (by road), **Bamboo Flat** can also be reached by boat (10 kilometres) from Port Blair. The area suffered severe damages in the tsunami, which has resulted in a permanent rise in the sea level. All houses and shops located near the jetty were completely washed away. The intermediate shelter has been constructed on top of Choudhury Hill where the affected have been relocated. Apart from local island inhabitants, 50 non-tribal families from Kamorta and 150 from Car Nicobar have also been relocated to the Bamboo Flat shelter. Built by World Vision, the shelters have undergone several stages of upgradation to make them more “inhabitable.” Communities have been grouped together and the site is spread over several degrees of elevation.



Bamboo Flat

2. Little Andaman Island

Little Andaman is the fourth largest of the Andaman Islands with an area of 739 km², lying at the southern end of the Andaman group. The island was badly affected by the earthquake and tsunami, and the main town, Hut Bay was completely destroyed as all shops and houses were located along the coast.

Padauk Tikree Intermediate Shelter

The 401 families living in the Padauk Tikree shelter consist of fishing families from Machhidera, located one kilometre away from the site, as well as families from other communities, many of whom had shops or worked in small enterprises and lived along the coast. The fisher folk community consists of migrants from Andhra Pradesh. Those living in Paduk Tikree were first placed in the Chakkargaon relief camp, then in a school, and finally moved to Padauk Tikree in May 2005. The site houses 401 shelters built as line housing with common partitions, and in close proximity to one another. Originally built by the A&N Administration, the shelters were upgraded by World Vision. CARE India had built the children's playground.



Panchu Tikree Intermediate Shelter

The 500 shelters have been built on former forestland by the Disaster Coordination Committee and Hindustani Covenant Church while the upgradation work was being done by World Vision who had contracted the job to Sophia Constructions (Port Blair). The completed shelters had been allotted to families by the Public Works Department (PWD) on a lottery basis. Most of the families living here were from Kichad Nala, a coastal area that was completely destroyed by the tsunami. The children's playground at Panchu Tikree had been built by World Vision.

Nanjappa Nagar

Located on a hill, the 600 shelters at Nanjappa Nagar have been built by Rotary Club of Pune and SEEDS. All shelters were built of tin, but the Rotary ones were painted green. Most of the families living here are originally from Tamil Nadu and Andhra Pradesh. At the time of our visit, upgradation of the shelters was underway.



Nanjappa Nagar

Netaji Nagar I and II

Situated at 8 kilometres and 11 kilometres respectively from Hut Bay are two intermediate shelters with the names Netaji Nagar I and II. Both have been built by the A&N Administration. While Netaji Nagar I consists of 114 shelters, Netaji Nagar II has 50 shelters. Most of the inhabitants were small farmers and daily wage labourers from Andhra Pradesh and West Bengal.

Harminder Bay (Nicobarese shelter)

165 Nicobarese families from 15 villages in Car Nicobar came to Harminder Bay in 1973 at the request of a Nicobarese bishop – John Richardson. The government gave them money and land as an incentive to settle in Harminder Bay. At the time of our visit, the intermediate shelter site housed 293 shelters (159 units built by PWD under contract to Surya Rao (from Port Blair) and 134 units built by Rotary) with 1300 people. The intermediate shelter site at Harminder Bay was open, spacious and



close to the original living site of the Nicobarese. It had a church and a community centre and people had used the open areas to construct their own traditional *machans* in addition to the tin shelters provided by the government.

A&N Administration Records: Little Andaman

Name of Intermediate Shelter	Families	Number of people
Hut Bay	336	1457
Panchu Tikree	500	1876
Padauk Tikree	400	1486
Nanjappa Nagar	600	2322
Netaji Nagar	157	573

3. Kamorta, Nancowry group of islands

While Nancowry is also an island, the name refers to the group of islands located south of Car Nicobar (the northernmost island of the Nicobars). The Nancowry group were among the worst-hit by the earthquake and tsunami. The entire Nicobar Group of islands, excluding a small part of land on Great Nicobar has been declared a Tribal Reserve under the Andaman and Nicobar Protection of Aboriginal Tribes Regulation (ANPATR) – 1956. A tribal pass is needed to visit these islands. Though we had applied for a tribal pass in order to visit certain Tribal Reserve areas, the Administration denied this to us. En route to Great Nicobar Island, however, we were able to stop at the island of Kamorta and visited **Chota Inaka** intermediate shelter built by CARE India (18 units, 36 shelters,



Nicobarese shelter, Chota Inaka, Kamorta

41 families), and also met with the Tribal Captain of Bada Inaka intermediate shelter and a resident of Kakana. We also had a meeting with members of the Nicobari Youth Association and the Chairperson of the Nancowry Tribal Council – Ayesha Majid.

4. Great Nicobar Island (GNI)

The largest and most southern of the Nicobar Islands is Great Nicobar Island (GNI), at the southern tip of which is Indira Point, the southernmost point of India.

Normally, the journey from Port Blair by ship (MV Chowra or MV Sentinel) takes 60 - 70 hours while the new ship (Kalighat) makes it in around 36 hours. Travel, though highly subsidised, is still difficult as ships ply only once or twice a week and schedules are announced just a day before. They may be cancelled or postponed at the last minute, thereby stranding passengers. At the time of our visit, a new jetty was being built at Campbell Bay as the old one had been completely destroyed, as is the case in most islands.

According to Captain VRN Shetty, a settler and long-time inhabitant of Great Nicobar, the population of Campbell Bay has increased by around 2000 since the tsunami. This is because inhabitants of several nearby devastated islands have been relocated here. There are six intermediate shelters in and around Campbell Bay, of which we visited PHC, Govind Nagar, and Rajiv Nagar II.

The **PHC shelter** is the largest in Great Nicobar and consists mainly of families of ex-servicemen who were brought to “occupy” the island in the early nineteen seventies. It consists of families from Joginder Nagar (from Punjab), Vijay Nagar (from Kerala, Tamil Nadu and Uttar Pradesh), Shastri Nagar (from Maharashtra and Punjab), and Laxmi Nagar (from Maharashtra). The **Rajiv Nagar II shelter** consists of Nicobarese from the islands of Pulomilo, Pulobhabhi, Kondul, Pulopanja, Pulloucca, and Pulobha. They were brought to GNI after 29 December 2004. Compared to the PHC shelter, Rajiv Nagar was more spread out, cleaner and had toilets and kitchen facilities adjacent to each shelter. Most people had built *machan* style wooden floors, but were still not happy living in the shelter. Situated on the top of a steep hill, **Govind Nagar** intermediate shelter consisted of 56 families from Jharkhand, Bihar and Chhatisgarh, commonly referred to as “Ranchis” in the islands. The community formerly lived in Magar Nala, which was completely under water after the tsunami.

We also visited **Joginder Nagar** – the now devastated (and deserted) site of a settlement of Sikh settlers located 14 kilometres from Campbell Bay along the North South Road in the island. The road has been broken in a number of places and the only way to get to the earlier settlements is by foot, through the forest, or by boat.

The families who lived in Joginder Nagar farmed coconut, betel nut (*supari*), nutmeg, cinnamon and black pepper. Most of them dried coconut kernel and made *kopra*, which fetched a good price in the market. Their years of hard work had resulted in good earnings and savings, and most of them lived in large houses equipped with modern kitchens and amenities like washing machines, ovens, and mixers. Due to its immediate proximity to the coast, Joginder Nagar was completely washed out by the tsunami and till today stands as a haunting reminder of the devastation of 26 December 2004. Upturned stones, debris, fragments of clothes, pages of photo albums, rusted parts of a scooter, a destroyed truck, sheets of tin, children’s broken toys, unbroken alcohol bottles, half a washing

machine, lie strewn among the fallen coconut palms, untouched and uncleared. Pools of salt water still remain, testimony to the waves that brought in the devastation. Visiting Joginder Nagar, apart from being moving, served as an important reference point in understanding what people had lost, what they had experienced and what they were currently going through.



▲
◀ Joginder Nagar:
a site of haunting devastation

Overview of Major Concerns

Given the logistical nightmares of working in the Islands, the government and other agencies involved are to be commended for their initial efforts during the relief phase. This urgency of operations has not, however, been carried into the rehabilitation phase. Neither does the excuse that the Islands are a difficult habitat to work in, condone the fact that human rights of survivors, such as their rights to water, adequate housing, sanitation, health, education, and safety and security of the person, are being violated in several areas.

The focus of this report is on the inadequacies of intermediate shelters and the multiple ways in which the provision of tin sheds violates the survivors' human right to adequate housing. A separate chapter has been devoted to analysing the criteria of adequate housing in the intermediate shelters across the Islands. Here we briefly mention some of the other glaring concerns related to rehabilitation efforts that need to be highlighted as well.

Lack of Coordinated Relief and Rehabilitation, and Absence of Needs-Based Assessments

While every NGO we spoke to admitted that greater coordination between the organisations working in the area was important, concerted and consistent efforts towards this end were not apparent. NGO coordination meetings had been held a few times, but not with the frequency that was required to ensure that the interests and needs of the affected people were being upheld, that there was no duplication of work, that real consultation was taking place, that competition between groups and communities was eliminated, and that people were being given the relief items that they most needed.

In Little Andaman, groups felt that coordination between them was better than on other islands as they had recently initiated monthly meetings. In the past year, however, they admitted to having met only 3 times. Another problem that arises is when some NGOs are working in an area, but do not have offices or permanent staff living and working there. This makes it difficult to know the extent of their operations and also to regularly communicate with them. For instance, World Vision was responsible for shelter upgradation in Little Andaman but had no office there. The operations were largely being carried out by their contractor, while a representative visited from time to time to oversee the project.

Even a year later, people speak of the tsunami with such vivid recollection as if it had just struck, and recount stories of how they were saved but also of how relief though most welcome and urgently required, did not always meet their needs. For instance, women were given saris but no blouses. And no clothes were provided for children and young girls.

In Hari and Chandra's shelter in Bamboo Flat (South Andaman), an odd sight was a child's chair and pram hanging from a wall hook. An NGO had provided them with the chair but they said that their son kept knocking it over so it wasn't practical, which is why they had hung it up to keep it out of the way. A similar sight was that of an entire folding bed hung against a wall in the PHC shelter (Campbell Bay, Great Nicobar). When we asked the women why the bed wasn't being used, they said it was too flimsy, and if all of them sat on it, it collapsed. Also, it was too small for them. Which is why they had built larger sturdier beds themselves out of wood. When discussing the items they had received as part of their ration supplies, the old couple whose shelter we visited in PHC, produced a cake of detergent soap — hard as rock and one that produced no lather. They joked that they had stored this as a souvenir of the Administration's "goodwill towards the tsunami victims."



Unused bed hanging against wall, PHC shelter

While gas cylinders were welcomed in non-tribal communities, amongst the tribals, there was not that much enthusiasm for using them.

Oxfam had provided wheelbarrows in several shelters to transport household garbage, even though there was no adequate dumping site to take the garbage to. Furthermore, the concept of ferrying garbage in wheelbarrows was alien to most people, which is why the wheelbarrows were not being used. Upturned green wheelbarrows or little children carting one another or sitting in wheelbarrows was an odd and ironic site at the PHC shelter and Govind Nagar (Great Nicobar), as well as the Padauk Tikree shelter (Little Andaman). Similarly, each household had received garbage bins but they were being used for other purposes such as for storing water inside the houses.

This could be considered an example of relief being provided without adequate consultation or needs-based assessments. The community might have benefited from some other provisions that they needed. This also indicates a case of misspent funds.

Lack of Agency Responsibility and Absence of Grievance Redressal Mechanisms

Because the shelters were built by NGOs on behalf of the government, a clear demarcation of responsibility for their upkeep seemed to be missing. In many cases, the initial shelter was built by one NGO while the upgradation was undertaken by another one. This further diffuses responsibility. In most sites, neither NGO was present any more. The Public Works Department (PWD) was supposed to be in charge of civic amenities at the sites, but not all sites had permanent or regular PWD supervision. In Bamboo Flat (South Andaman), the PWD representative was on site from 7 am – 4 pm daily and weekly meetings were held with concerned agencies and one representative from each family. But at other shelters like PHC in Campbell Bay and Padauk Tikree and Netaji Nagar in Little Andaman, no similar provisions existed. Even where people had complained about the lack of adequate sanitation and drainage facilities, as in Panchu Tikree in Little Andaman, no action had been taken.

Furthermore, because the Andaman and Nicobar Islands are a union territory, decision-making is largely centralised and approval is always contingent on New Delhi. Not only does this lead to complication in terms of who is responsible for what, but it also lead to delays in implementation and covert abdication of responsibility. The distance of the central government from the locale also often results in decisions that do not always go in favour of the people due to a lack of understanding of the specific geographical and cultural environment.

Captain VRN Shetty from Campbell Bay (Great Nicobar) while commenting on the work of NGOs in the area said, “The intentions are excellent, implementation is pathetic.” He also added that NGOs must divulge their programmes and schemes as otherwise people had no idea who the responsible agency was.

While a positive relationship between NGOs and the government often ensures efficacy in distribution of services, it also reflects an unstated concern of collusion and the lack of critique for government policies and decisions. This is evident in the way that NGOs have gone ahead and constructed tin shelters based on the design provided by the government without questioning the adequacy of the design, material or size, and without insisting on possible improvements.

Several people have been left out of aid packages and have not received intermediate shelters or compensation. Mechanisms for complaint or grievance redressal are absent and the only recourse people have is the one provided by legal organisations working on their behalf.¹²

¹² Human Rights Law Network has filed 3 writ petitions on behalf of the survivors in the Islands. *Papparao vs. Union of India*: a writ petition filed in public interest on behalf of the fishing community living in A&N Islands; *Mohinder Singh vs. Union of India*: a writ petition addressing the concerns of over 300 families of ex-servicemen; and *Kranti vs. Union of India*, which among other things, raised crucial issues such as:

- Non-payment of monetary compensation and denial of access to temporary/intermediate shelter
- Inclusion of those left out of the enumeration process
- Depositing all sums received for relief into a separate account
- Ensuring that all sums received for relief are utilized only for the purposes allocated
- Auditing all the sums received for relief by Comptroller and Auditor General of India
- Appointment of a committee headed by retired High Court Judges and retired District Judges to settle the grievances of the affected community for non payment of relief/ex-gratia in all the islands of Andaman and Nicobar
- No stated policy on permanent shelter that would clarify beneficiaries, time frame, construction material, model, etc.

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Alcoholism and Violence against Women

"We could also drink to drown our sorrows, if we wanted to. But then who would work and earn and cook the food and feed the children and look after them? If we started drinking too, the family would collapse. But men don't always think of the family. They tend to think more of themselves." (Woman in PHC Shelter, Campbell Bay, Great Nicobar Island)

The prevalence of domestic violence in the shelters and the dominant culture of silence regarding it, was alarming. In places like Bamboo Flat (South Andaman), a few children and women admitted that it was a serious problem, largely because of alcoholism. But in places like Panchu Tikree (Little Andaman) women refused to comment on it, saying it was a family problem and even if a woman was being beaten by her husband, she did not disclose it to anyone else for fear of being disgraced. They confessed that even though it was a serious issue they could not interfere as it was a matter to be resolved between husband and wife. The attitude of ascribing a "normalcy" to this trend was also startling. In Bamboo Flat, many women seemed enthusiastic with our proposition of establishing a *mahila sabha* where the women could meet regularly and develop common strategies for addressing these problems and for providing support to one another. At the time of our visit, they did not even have a public phone in the shelter, so calling anyone for help or reporting to the police was not possible.

The women at the PHC shelter (Campbell Bay, Great Nicobar) were most vocal in their complaint of the rise in alcoholism after the tsunami. In fact they were adamant that the Andaman and Nicobar Islands Integrated Development Corporation (ANIIDCO) run alcohol store in Campbell Bay be shut down immediately as it was the source of their woes. Unemployed men had resorted to drinking more, and we heard that people queued up outside the liquor store even before it opened. We were told that ANIIDCO was raking in profits from alcohol sales in Campbell Bay as in Hut Bay. There too, women were demanding permanent closure of the store.

In Padauk Tikree (Little Andaman) some women reported a rise in alcoholism, stating that even those men who were earlier not in the habit of consuming alcohol had started drinking in the post-tsunami scenario, due to grief, frustration and unemployment. A few women admitted the incidence of domestic violence, while others though not denying it, stated that it was the same as before and had not increased after the tsunami.

It was not clear whether violence against women had gone up in the post-tsunami context. While some women said it was more now due to the tense situations both in the home and in the shelters, others felt that it had always been a problem and that their husbands had always used violence against them under the influence of alcohol. Alcoholism though, seemed to have increased in the post-tsunami scenario.

In the Nicobarese tribal shelters of Chota Inaka (Kamorta), Rajiv Nagar II (Great Nicobar) and Harminder Bay (Little Andaman), we did not get the opportunity to hear many women voices. Some of the men however, including some tribal captains, admitted that alcoholism amongst tribal youth and men had risen after the tsunami. This was largely due to liquid cash in hand that was received as compensation coupled with a lack of employment options. Even though alcohol was expensive, that did not deter men from buying and consuming it. Some people though strongly denied that alcoholism was a problem. Violence against women in tribal areas was something that we did not hear about. Either because it

does not exist, or because the women did not speak to us about it. As Ayesha Majid (Chairperson, Nancowry Tribal Council) told us, though alcohol was being sold in the Islands and shops had come up enticing people to buy alcohol, violence had not increased.

Socio-Cultural Changes

*"Pehle zindagi mein mithas hothi thi...ab sab badal gaya hai... paisa shaitaan hai."
(Earlier on, life had a certain sweetness to it... now it's all changed... money is the devil.)*

CK Somnath, Champin Island, Nancowry

Effects on Nicobarese Tribals

CK Somnath, a man probably in his late fifties, is half Malayali and half Nicobarese. Currently he works in Champin Island with Butterflies, an NGO that runs evening classes for children. He laments on the changes in society and relationships after the tsunami. He seems distressed with the influence that the influx of cash is having on the youth and felt that people were misspending their money. There were many more motorcycles and cell phones on the island now, and he felt this was affecting interpersonal relations. "Some people don't even say hello to you any more when you walk by."

Post-tsunami household level inequalities have become sharper due to differential compensation. Forced monetary transformation of the economy brings more value to productive assets. Till now, neither the Administration nor the community has any written land (the only productive asset) records. Maybe they were not needed as land was not valued beyond a point. But with the increasing asset possessiveness, land disputes have started rising and are getting more difficult to sort out on the basis of mere mutual understanding.¹³ This observation by Vivek Porwal was also made by several others. The traditional *tuhet* or the Nicobarese joint family was showing signs of strain, although this may not be articulated overtly.

The practice of providing one unit to two tribal families had in many cases split joint families and, some felt, was making their society turn more individualistic. In some cases people had built partitions if there were too many individuals in one shelter. In other cases, those who had not received shelters as a result of an omission of their names from the list of the affected, had been absorbed into houses of those who had received shelters, although they were not happy with this arrangement. They would have liked to have their own shelters. Apart from leading to excessive crowding in small spaces, this had also separated families. In Harminster Bay, we met one family who had broken the partition between the shelters in order to generate more space and light.

Each tribal community has an elected Captain who is a member of the Tribal Council. Mathew Johnny, the Captain in Chota Inaka Intermediate Shelter has been in the Council for four years. Mathew told us that he used to live with his seven brothers and their families under one roof. Now their family has been split up into nuclear families and he lives in a unit with his mother. Communal cooking has also been replaced by individual family cooking.

When asked whether people wanted to live as nuclear or joint families, Ayesha Majid (Chairperson, Tribal Council, Nancowry) said that individualism and independence had definitely increased in the post-tsunami scenario, but families were still "close and united." We also heard a general observation

¹³ Vivek Kumar Porwal, "Socio-economic Impact of Disaster Relief Operations," *The Hindu*, Sunday, March 12, 2006.

among many that people had become more lazy (*"sust ho gaye hain"*). As a young man from Nicobar attending a course on sustainable development being organised by the Tata Institute for Social Sciences in Port Blair said, "These days we just sleep and eat and watch TV in our shelter. When we go back to our *basti* (settlement) we will get back into agriculture...We do not have TV on our island. But it will not matter if we cannot watch TV because we will have our lives back."

For tribal communities from Nicobar who have been relocated to other islands, including non-tribal areas in Port Blair, the confrontation with a completely alien, and to some extent, hostile environment is extremely challenging. Apart from eroding age-old practices, customary ways of living, and dietary habits, it is also leading to tensions with outsiders unaccustomed to tribal sensitivities.

Changing lifestyle preferences have started casting their shadow on the traditional political structure of society as well.

Effects on Non-Tribal Communities

The visible tragedy amongst the settler families in Campbell Bay was the drastic change in lifestyle and the harsh confrontation with a poverty and struggle for existence that the older generation had long forgotten and the younger generation, never known. This coupled with the dire living conditions, the small cramped hot tin quarters and the lack of sanitation, toilets and water, had given rise to a growing discontent and mistrust amongst families. Means are few, people many, and competition for resources seems to be rising. Some of the older people lamented that interpersonal relationships had suffered the most after the tsunami. For them, this was the most tragic, as material goods could be accumulated with time but relationships soured would probably never be revived.

Another source of stress, which is often not articulated but tacitly mentioned, is the obvious difference in the nature of tribal and non-tribal shelters. This stress is greater where tribal and non-tribal shelters exist close by, as in Campbell Bay. While tribal shelters had attached toilets and separate kitchens, the non-tribal shelters did not, creating an unnecessary atmosphere of complaint and insecurity amongst communities.

Among other concerns vocalised was the strong dependency syndrome setting in amongst communities. Some elders mentioned that while there was a lot of work to do and that this was a good time to make money by engaging in daily labour work, most people were averse to the idea. The prevalent daily wage in the islands was Rs. 108. Several construction tasks such as building roads, houses, and other infrastructure had to be completed. But since most Islanders were not used to such work, many were not willing to engage in it. This meant an influx of labourers from the mainland, mainly from West Bengal.

Inadequate Compensation, Confusion regarding Eligibility, and Denial of Compensation

Compensation or the lack of it is posing another gamut of complications across the islands. In Campbell Bay, we heard that the government is only considering "original" settlers as eligible. Over the years though, families have multiplied and the children of settlers have their own families and should be considered as separate families. Those considered "original settlers" are those who came to the island after 1969. Initially, they were 300 families, but now the number has grown to roughly 1500. This situation is creating social discord amongst joint families. In one case, a woman complained that her mother-in-law had taken all the compensation money and not distributed it equally among her children.

Though extensive lists of animals lost in the tsunami had been provided to the government, compensation for the loss of livestock had still not been received in some areas, including in Chota Inaka.

In Campbell Bay we were told that compensation for perennial crop loss was initially fixed by the government at Rs. 4000 per hectare. This was revised to Rs. 94,000 per hectare by Mr. Manoranjan Bhakta, a Member of Parliament from the Islands. While the initial compensation of Rs. 4000 was not paid uniformly to most people, discrepancies further increased after the second rate was announced, leading to quarrels and complexities. Because most of the farmland is still inundated with water, the assessment regarding area of crop loss is not necessarily accurate in all cases. Dissatisfaction with the Department's findings led to a second assessment being conducted. The process has been quite haphazard and clear guidelines for assessment or training for surveyors have not been provided. Huge discrepancies have been found in the first and second assessment. People whose property had been evaluated in lakhs of rupees found that results of the second survey had dropped the value to a few hundred rupees. This led to an even greater uproar, and now finally, a third assessment was underway in Campbell Bay.

Amongst the tribals, the compensation amount was collected by the captain and distributed equally to all members. In non-tribal areas, with individual families receiving compensation based on personal loss, there tended to be greater disagreement and conflict.

In Little Andaman, we learnt that each family received a bicycle after the tsunami. The quality of the bicycles provided however was very poor, and people had named them "tsunami bicycles." Some had no pedals, some had no seat. Even the ones that were complete, were of such bad quality that several accidents had occurred, with brakes failing and cycle parts falling off while riding. In the tribal settlement at Harminder Bay we were told that the bicycles lasted only three months. Some had come



Tsunami bicycles: Padauk Tikree

with no seats and pedals. We saw some bicycles lying rusted and unused. Similarly, many sewing machines received as part of the rehabilitation package had broken inside the boxes even before they had been opened. Timothy, the third captain, while recounting the situation said that "*aadha paisa raaste mein khatam ho jata hai* (half the money is wasted on the way)" implying that they received only half the intended benefits.

Several peoples' names were missing from the list of affected, which had resulted in many not receiving compensation for loss of household goods (Rs. 13,000) or loss of livelihood (Rs. 10,000). Some people, especially bachelors, had not received an intermediate shelter.¹⁴

Differential compensation was another cause of concern. While the relief package given to those in shelters in Port Blair included both essential items as well as mixers, steel cupboard and pressure

¹⁴ See Human Rights Law Network Report on Campbell Bay, August 2005.

cooker, the package in some of the other islands included only a gas stove and essential utensils for cooking. The decision of what items were to be included in the relief package clearly depended on the agencies undertaking the distribution. While some agencies also distributed sewing machines, others did not. While many families never made it to the list of affected persons, others got “relief” materials in double—including two sewing machines from more than one source, as was the case with Laxmi’s family in Bamboo Flat (South Andaman). What also seemed apparent is that the further from Port Blair the affected were, the further they seemed from both NGO and government attention.

A petition filed by the Human Rights Law Network resulted in the extension of free ration across the Islands until March 31, 2006. The government had suspended free rations from October 2005, but as a result of an order of the Circuit Bench, High Court of Calcutta at Port Blair in response to the petition, resumed the supply from January 2006. A recent request for further extension of free ration was also accepted and the government will provide free ration until 30 June, 2006.

Perhaps the worst impact of delayed and inadequate rehabilitation is violation of the dignity of the affected persons. Several of them complained about the humiliation of having to stand in queues for hours for rations that finished before they could get them, or the indignity of being treated as a “beggar” by those in charge of distributing benefits due to them. Loss of dignity is not a quantifiable loss that can be calculated and compensated, but the right to live with dignity is an inalienable human right that must be upheld.

Inadequate Housing Conditions and Lack of Priority to Permanent Housing

The next section of this report is devoted to assessing the intermediate shelters through the criteria of “adequate housing” which forms an integral part of the human rights framework. It is however, important to mention here that the inadequacy of housing and the difficult living conditions that people were being subjected to across all intermediate shelters visited, is a serious cause of complaint and concern.

The small box-like tin sheds that people have been cramped into, violate their right to adequate housing as well as their rights to privacy, essential services, and the right to live with dignity.

The issue of permanent housing in the islands has not been given the priority it deserves and seems to be mired in confusion, controversy and uncertainty. While people were clueless as to where, when and what type of housing, if any, they might receive, government and non-government agencies were still trying to figure out who was responsible for what, and to what extent. Furthermore, the distance of the central government from the locale results in delays and often, inappropriate decisions regarding housing given the lack of understanding of the specific geographic, social and cultural conditions of the Islands.

A glaring lacuna in this process has been the complete lack of consultation with the survivors.



Row of tin shelters: Netaji Nagar II, Little Andaman

This was evident in the case of intermediate shelters, which were designed, built and completed without any inputs from the people who were made to move in only when they were ready.

At the time of finalising this report, the government released its final design for permanent housing. The houses for non-tribal areas are estimated to cost over Rs. 7 lakhs each, while for tribal houses, the estimated cost is over Rs. 6 lakhs (most of which accounts for transportation of construction material from the mainland and external labour costs).¹⁵

Concerns of Special Groups

1. “Illegal” Settlers and Non-settlers

Entry to and residence in tribal areas is strictly regulated and contingent on a “tribal pass” issued by the A&N Administration. The entire Nicobars, except for a small patch in Great Nicobar (extending 35 kilometres from Campbell Bay) is a tribal reserve. The island of Car Nicobar is one such tribal area. It, however, had a large non-tribal population residing there at the time of the tsunami. Most of the non-tribal families living there were those who had initially gone for a short while and then stayed on. Thus they were all considered “illegal” residents and managed small shops, restaurants and services, such as garages. After the tsunami, many island inhabitants were evacuated and the non-tribals were relocated to South Andaman. Their situation is difficult because they lived in houses owned by tribals and therefore have no records or housing titles. Similarly, they ran their services and shops on properties registered under the names of tribals. This precluded most of them from receiving any compensation for lost housing or livelihood. Reactions were mixed among the communities. While many were angry that they had not been considered eligible for compensation, many were grateful to the government for airlifting them and providing them shelters even though they had been living and working in Car Nicobar illegally. How they are treated with regard to permanent housing, is an issue that is not clear but one that needs to be resolved.

Even in non-tribal areas, rumours were rampant regarding eligibility of those who were not officially considered “settlers” by the Administration. Pushpa, like all the others in the Netaji Nagar II shelter (Little Andaman), was originally from West Bengal. Since they had moved to the islands post-1978, they were not officially considered “settlers.” This worried them as they had heard that only “settlers” would be eligible for permanent housing.

2. Families of Ex-servicemen

An issue specific to the “settler” families of ex-service people from Campbell Bay was that of returning to the mainland. The settlers are those who were brought by the government as part of a comprehensive strategy of “occupation” of Great Nicobar Island (GNI). Most of them were relocated to the Island after 1969. After having lost their land, houses, savings, and years of hard labour to the tsunami, many of them are desperate to leave GNI, as they feel there is nothing left for them here. The uncertainty of the future, including housing and livelihoods, is daunting. On the other hand there are those who believe that this is their home and going back and restarting life is not an easy option either. The community apparently is not united in its desire to be relocated with compensation in their states of origin. Another reason provided for wanting to return to the mainland was the poor education system on the island. It had never been too good, but after the

¹⁵ See Annex III for design and details of permanent housing plans.

tsunami, it had worsened drastically. Recently, a writ petition on their behalf was dismissed but will be appealed again in June.¹⁶

The Maharashtra government recently announced its decision to relocate 14 ex-service Maharashtrian families and has agreed to provide them with a flat of 225 square feet in Mumbai and Rs. 1.5 lakh as cash compensation.

3. Displaced People

People from six islands in the Nicobars had to be evacuated as a result of the earthquake and tsunami. Most of these were tribals, but also included non-tribals living in tribal reserves, such as those from Car Nicobar. Serious concerns regarding their return and resettlement are looming. Their lives are marked by uncertainty as they are unable to rebuild their livelihoods since they are in intermediate shelters and don't know how long they will be there and whether they will be able to move back to their original islands or be resettled elsewhere.

Non-Tribal Communities

Mariam told us that she had a goatery and piggery in Car Nicobar and managed to earn quite well. Now, while living in the Namunaghar shelter as a single mother without a secure job, she was unsure of, and feared the future. "I don't know what I will do here. And I can't go back to Car Nicobar. I lost my husband too. What will I go there and do alone? There is nothing left there. I also can't go back to Jharkhand as I left it 16 years ago. We had made this place our home. Now we seem to have no home anywhere."

Nicobarese Tribal Community

Many Nicobarese lost their lives on the small Nicobar Islands. Alfred lost his mother, father and two children. Magdalena lost her 130-year old father (Captain D. Yeora) and two brothers and a sister. Their children were living with her in the Rajiv Nagar II shelter in Campbell Bay. Apart from dealing with the grief, families were coming to terms with living in a completely alien environment and adjusting to social changes such as the break up of joint families in intermediate shelters or the addition of other people in the same shelter as well as the loss of livelihood and natural environment.

A young captain from Pulomilo said that everything had changed after the tsunami. He felt very sad. Some people had gone to Port Blair as they were frustrated living in the intermediate shelter in Chota Inaka. "We want to go back home," he said.

4. Persons with Disabilities

Dhaneshwar, a *Ranchi* man from Car Nicobar, suffered severe injuries on his leg during the tsunami but had not received any compensation for his injury or loss of livelihood due to his disability. He worked as a daily wage labourer. With his leg injury, he can no longer do physical labour and has no other skills to be employed elsewhere. Special provisions for those suffering from disabilities before

¹⁶The writ petition, *Mohinder Singh Vs. Union of India*, (filed by Human Rights Law Network) was dismissed by the Circuit Bench at Port Blair, and will be appealed in June. The writ addresses over three hundred families of ex-servicemen, who were encouraged to take up domicile in the Island of Great Nicobar. Post-tsunami, the ex-servicemen, mostly in their late sixties and early seventies, maintain that the onus lies with the state to resettle them in the mainland, with adequate compensation for the losses endured and compensation for services rendered in managing India's furthestmost island. The writ also attempts to set a precedent with fixing criminal liability for corrupt officials who mismanaged relief funds and materials. It also seeks the re-enumeration of losses sustained and the compensation due to those affected.

the tsunami were also not evident. Access to intermediate shelters like Namunaghar (South Andaman), Govind Nagar and PHC (Campbell Bay, Great Nicobar), Padauk Tikree and Panchu Tikree (Little Andaman), was difficult for those with physical disabilities in the absence of level paths and roads. Children with mental health problems in Harminder Bay did not seem to be receiving the medical attention they needed. A man at the Chouldhari shelter was partially disabled with polio. The site of the new shelter is problematic as it is located on a slope far from the sea, which precludes him from fishing, as he cannot walk the increased distance.

We met a Bengali family now living in Machhi Dera (Little Andaman). The man, 55 years old, lives in the shelter with his wife, son and daughter. When we visited him both his feet were swollen and bandaged. He could barely walk. Conversations with him and his family revealed that he was diabetic, and had sores on his feet. His condition had worsened after the tsunami as he had to stand for several hours in saline waters that the waves brought in, while trying to salvage what he could from his destroyed house. He had to go to the “mainland” for treatment and was hospitalised for many months. His toes had to be amputated to stall the spread of infection. In effect, he is now disabled. With the toilet located at a distance from his shelter, he has to await assistance every time he needs to use it.

We saw some mentally disabled children, but did not see any special facilities for them in the Islands, nor were we able to get exact data on the number of disabled on the Islands and the nature of disability.

5. Tenants and those with Partially Damaged Houses

Compensation is only provided to those whose name the house was registered in. This negatively impacts all those living in rented accommodation, including the non-tribals living in houses of Nicobarese in Car Nicobar. Of the 65 families who lived in Hathi Tapu (South Andaman), 50 of them were still living in their original houses as they were damaged but not destroyed, while the others had been moved to Namunaghar. As compensation, they had received only Rs. 2000. The Rs. 13,000 allocated as compensation for loss of household goods was only given to those who completely lost their homes, not to those who suffered partial losses or damage. Ajit Vaidya, a fisherman, told us that he had repaired his house himself with wooden planks since he was not given any government assistance.

6. Women and Children

Disasters always tend to more severely impact women and children. Relief and rehabilitation are generally carried out in gender-insensitive ways, while children’s concerns do not receive the attention they deserve. This includes the failure to consult with women or to provide them with adequate clothing and sanitation facilities, and the failure to ensure that post-disaster policies uphold their rights and concerns. Even during the relief phase, women complained that their needs were not met. For instance in South Andaman women were given saris but no blouses to wear them with. Similarly clothing was not provided for adolescent girls and infants.



No space to cook or wash: PHC shelter

While the government has set up bank accounts to transfer compensation money to the affected people, the accounts are in the names of men, not women. This means that women cannot access the money and have to depend on their husbands to do so. The shelters too have been allotted to men, if both the man and his wife are alive. It is only in the case of a woman-headed household that the allotment is in her name. This clearly reflects a discrimination against women, and a denial of their equal rights to housing and land.

The situation is particularly difficult for widows and single women. Mariam, an Oraon tribal woman, lost her husband to the tsunami. Along with her children, she was airlifted from Car Nicobar and brought to Port Blair where she first stayed in a convent school, then was moved to a temporary shelter, and finally shifted to the Namunaghar intermediate shelter, where she now lives with her children. Initially she worked as a daily wage labour. Since water was available in the shelter just for an hour every morning, she had requested her neighbours to fill water for her, as she was away at work. But, since no one was willing to take responsibility for either her children or for filling water for her on an ongoing basis, she had to give up working and was currently living off the compensation she had received (she received an additional Rs. 3 lakhs for the death of her husband).

Be it the inadequacy of toilets, the absence of proper lighting in a shelter, the lack of space for cooking, or the failure to factor women's livelihood needs in rehabilitation packages, the impacts of such post-disaster measures are much more severe on women.

Children's special needs such as the need for long-term medical counselling also tend to be ignored. We have devoted a separate chapter on children, while women's issues have been woven through the report.

Violation of International Human Rights Standards

India as a signatory to the major UN human rights conventions — International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of all forms of Discrimination against Women, International Convention on the Elimination of all forms of Racial Discrimination, and Convention on the Rights of the Child — is legally bound to respect, protect and fulfil the rights emulated in these conventions to all its citizens. There also exists a wide range of international declarations, guiding principles and resolutions that are applicable in post-disaster situations (www.ohchr.org). These include: Commission on Human Rights resolution 2005/25 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing; Guiding Principles on Internal Displacement, 1998; Principles on Housing and Property Restitution for Refugees and Displaced Persons, 2005; Basic Principles and Guidelines on Development-based Evictions and Displacement, 2006; and Declaration on Rights of Indigenous Peoples, 2006. They also lay down standards of operation such as information, participation, assessment, monitoring and supervision, accountability and international cooperation, which must be incorporated in all post-disaster work.

Apart from states, international and national agencies involved in post-disaster relief and rehabilitation must also abide by international human rights law, irrespective of the country they operate in. Yet, in the post-tsunami rehabilitation scenario, including in the Andaman and Nicobar Islands, the disregard for human rights law has been glaring, but surprisingly not adequately questioned or condemned.

PART TWO

Human Right to Adequate Housing

Adequate housing has been recognised as a distinct human right since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948.

Further articulation of the human right to adequate housing (HRAH) can be found in the International Covenant on Economic Social and Cultural Rights (ICESCR). Its Article 11 (1) provides that:

State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate...housing and to the continuous improvement of living conditions.¹⁷

The UN Committee on Economic Social and Cultural Rights legally defined the normative and legal content, as well as state obligations to this right in its General Comment 4, entitled “The right to adequate housing.” Consistent with the Covenant’s Article 2, the Committee detailed how progressive realisation of this right is required under international public law, but also recognised that deliberate or negligent retrogression of housing conditions is a violation of the Covenant. General Comment 4 specifies the state’s minimum core obligations to ensure progressive realization of the right. These minimum core obligations are categorized as follows:

1. *Legal Security of Tenure*: There should be protection against forced eviction and harassment.
2. *Availability of services, materials, facilities and infrastructure*: Facilities essential to health, security, comfort and nutrition must be made available. These facilities include but are not limited to, safe drinking water, sanitation and washing facilities and energy for cooking, heating and lighting.
3. *Affordability*: Expenditures for housing should be commensurate with income levels, as basic needs should not be compromised.
4. *Habitability*: There should be adequate space and protection from the elements. Conditions conducive to disease and structural hazards should be eliminated.
5. *Accessibility*: All should have access to adequate housing.
6. *Location*: Adequate housing must allow for access to employment options, healthcare, schools and other social services. There must not be excessive financial demands on the household with respect to transportation.
7. *Cultural Adequacy*: The housing configuration must not compromise cultural expression.

¹⁷It is now clearly established that the male-specific language of international human rights instruments is inclusive of women.

Law, legal opinion and international jurisprudence have widely recognised that the human right to adequate housing (HRAH), as briefly articulated above, is inextricably linked to several other human rights, including the rights to life, health, adequate food, decent work, information, gender equality, security of person and a safe and healthy environment. It is also true that the violation of any of these rights often has an adverse impact on the HRAH, and vice versa.

Recognising the indivisibility of all human rights and the experience of various social movements working on housing rights, Habitat International Coalition — Housing and Land Rights Network (HIC-HLRN) has clustered the core components of the HRAH mentioned in General Comment 4 and other sources of law into the following entitlements and provisions:

1. Security of tenure, freedom from dispossession
2. Public goods and services
3. Environmental natural resources (including land and water)
4. Affordability
5. Accessibility (physical)
6. Habitability
7. Location
8. Cultural appropriateness
9. Participation and self-expression
10. Education, information, capability and capacity-building
11. Movement, resettlement, restitution, rehabilitation, return and compensation
12. Security (physical) and privacy

Overview of Intermediate Shelters in the Andaman and Nicobar (A&N) Islands

The A&N Administration estimates that about 10,000 families lost their homes in the tsunami. The specifications and design of the intermediate shelter was finalised by a team sent by the Ministry of Home Affairs to the Islands. The team proposed that the units be located away from the shore and on high ground, be able to withstand earthquakes, cyclonic winds, and monsoons, and have a lifespan of at least 24 months. The covered area of a dwelling unit was specified as 21 – 25 square metres (including kitchen and toilet), and for Car Nicobar as 23 square metres for a single family and 89.2 square metres for a joint family consisting of four families, while for Nancowry, one unit of 35.8 square metres. Roofing and walling was of CGI sheets, while the frame was of wooden posts.

According to official statistics, 9565 intermediate shelters have been built with the help of NGOs in 58 sites on eight islands. Of these, the number of units built by NGOs with materials provided by the Administration count for 3279. For all the intermediate shelters, the Ministry of Home Affairs provided the construction material. NGOs such as Caritas, Oxfam, World Vision, SEEDS, Rotary Club, Disaster Coordination Committee, together with the logistic support of Islanders Sangathan Manch, Adventist Development and Relief Agency International, and Hindustani Covenant Church provided the wage component.¹⁸

¹⁸ *Andamans and Nicobar Islands: Towards a Better Tomorrow*, A&N Administration, January 2006, p. 80.

All shelters, irrespective of location and size of family living in them, have been built of tin sheets and are 3 by 5 metres in size. The standard design is one single room with a door and window. The tribal shelters are slightly different from the non-tribal ones as they have a separate attached kitchen and bathroom, and consist of two units per shelter, unlike the line housing design of non-tribal shelters.

At every intermediate shelter, signs were abundant, almost excessive, and all relief material provided by NGOs had been stamped and labelled to ensure that people knew who had given what, even though most of them could not read the signs as they were in English. Some shelters even had the benefactor's name nailed on the door.

Construction of Intermediate Shelters¹⁹

	Island	Units
1.	Car Nicobar	3866
2.	Little Andaman	1945
3.	Kamorta	467
4.	Nancowry	268
5.	Katchal	315
6.	Teressa	821
7.	Campbell Bay	1154
8.	South Andaman	729



Marked door of an intermediate shelter: Nanjappa Nagar

Assessment of Intermediate Shelters according to International Human Rights Standards of “Adequacy”

1. Security of Tenure

International Legal Basis:

Universal Declaration of Human Rights, Article 17;
International Covenant on Economic, Social and Cultural Rights, Article 11;
International Covenant on Civil and Political Rights, Article 1.

Legal security of tenure is the most obvious and widely understood component of the HRAH. It provides protection from forced eviction, harassment and other threats. It also effectively guarantees access to, use of, and control over, land, property and housing. Security of tenure in the post-tsunami resettlement scenario raises various levels of concern, ranging from prior tenure being threatened to uncertainty of legal tenure over new housing. Perhaps the biggest problem lies in the lack of information and clarity regarding this issue, leading to this uncertainty. In the absence of information, what people depended upon was hearsay.

The issue of *pattas* (titles) vs. non-*pattas* was of great concern to communities across Little Andaman. People who had been brought to the islands as settlers held formal *pattas*. But the families had since grown and become several units. In Padauk Tikree (Little Andaman), people were of the belief that only those who formerly had *pattas* over land would be eligible for permanent housing. This is what had been conveyed to them by the District Collector (DC). *Pattas* were in the names of only 360 people,

¹⁹ Ibid, p. 15.

some of whom did not even live in the shelter. The others were worried about the more than 1000 people living in the shelter, and had clearly told the DC that either housing be provided to everyone or else to no one. Similarly in Panchu Tikree (Little Andaman), even for those families who had *pattas*, the *patta* was often in the name of the oldest male member. For a joint family, this meant that they would be eligible for just one permanent house, irrespective of the number of members in the family. This was not acceptable to the people. S.T. Nair came to Little Andaman from Kerala in 1972, and lived in a rented house in Kichad Nala for 10 years. In 1978 he received an Islander's Card, which was his only remaining proof of living on the island. However, he was unsure of whether he would qualify for a permanent house since he was a tenant. Lokanayaki, also in the Panchu Tikree shelter, said she spent half her time in the shelter and half her time in her old house, which had been partially damaged. Her family has a *patta* over their house, but since their house had not been completely destroyed, they were not sure whether they were eligible for a new house or for money for repair. She was not aware of the Coastal Regulation Zone (CRZ) or any restrictions on constructing along the coast and was keen to live in her old house, though she was still afraid of earthquakes.

Over the years, some joint families had broken up and were living as independent units. No formal division of properties, however, had taken place. Anita from Netaji Nagar II (Little Andaman) told us that though her family had a title over their land, it was registered in the name of her husband's oldest brother. Thus, if a house were allotted under the present system, it would only be given to the oldest brother, leaving out the other two families, even though they lived separately. When asked if they preferred cash compensation to a house, she said yes. She also asserted that if the government did not provide them with a permanent house, they would go ahead and build their own "jhopdi" (hutment).

Whether families would gain formal titles over permanent housing that would provide them with legal security of tenure was still not clear. No government policy regarding this has been announced. Even where there was hope that a title would be issued, there was no guarantee that it would be a joint title, i.e. in the names of both women and men. Indeed, this was not even a demand being made amongst both tribal and non-tribal communities. The few Nicobarese we met said that property, including land and housing was equally accessible to both women and men.

This, however, was an opportunity to ensure the recognition and guarantee of property rights for women. The A&N Administration should issue a Government Order (as in Tamil Nadu) that specifically calls for the allocation of joint titles over all permanent housing allocated, and single titles for women where appropriate.

2. Access to Public Goods and Services

International Legal Basis:

Universal Declaration of Human Rights, Article 8;
International Covenant on Economic, Social and Cultural Rights, Article 12;
Convention on Rights of the Child, Article 39.

Housing as understood from a human rights perspective goes well beyond four walls and a roof. Experience has shown that the mere provision of a structure, no matter how secure, does not result in the fulfilment of HRAH. Without access to water, electricity, sanitation facilities, waste disposal,

health care and education, housing is meaningless. The services provided must be adequate and must be based on the needs of the community. The government must regulate service distribution to ensure non-discrimination and to prevent corruption. Where private agencies are contracted to provide services, the government must monitor their functioning to ensure that the rights of the people are not compromised in any way. Despite the existence of international and national legal commitments, across the Islands we found that access to basic services was not uniform and severely lacking.

a. Electricity

The Administration has been efficient in setting up electrical connections in each shelter, though supply was erratic in Campbell Bay and parts of Little Andaman. All roads and common areas did not have lighting, making it difficult to move around at night without a torch. In Bamboo Flat (South Andaman) the road was dark at night, especially towards the top of the hill where the Nicobarese and *Ranchi* shelters were located. Shanti, an adolescent girl, confessed that she felt afraid to walk around the site at night by herself. The path leading to the Govind Nagar shelter (Great Nicobar) was also poorly lit. There was just one light along the entire 500-metre path. Visibility was low and since the path is very rocky, it made the climb at night even more challenging. Young girls and their families were also concerned about their safety at night. One girl said she was afraid of snakes and scorpions while walking at night.

In most of the toilets, electrical connections were missing. This was especially difficult and posed a health hazard where paths were not paved. In particular, access ways to toilets in most shelters including at Namunaghar (South Andaman), PHC (Campbell Bay, Great Nicobar), Padauk Tikree, Panchu Tikree, Netaji Nagar I and II (Little Andaman), were not lit. In Bamboo Flat (South Andaman), toilets had been provided to each family behind their shelter and while electrical connections had been provided, most of the toilets were in darkness. People informed us that bulbs fused very quickly, and constantly replacing them worked out too expensive, which is why they preferred carrying a torch to the bathrooms at night.

Cooking Energy: NGOs (including World Vision, Salvation Army, CARE India) had provided gas stoves to each family in the intermediate shelters. The first gas cylinder had been provided free of cost but subsequently families had to buy their own cylinders, which cost Rs. 306 for one in South and Little Andaman, and Rs. 310 in Great Nicobar. Supply of gas cylinders in the Islands was not regular, and families could only purchase one cylinder at a time. When the cylinder finished, people had to resort to burning wood for cooking till the new cylinder was available, as they were not entitled to any alternate fuel supply since they now had a gas connection. This affected non-tribal families more as they seemed to be using the gas cylinders to a much greater extent than tribal families.

b. Water

The greatest problem across intermediate shelters was the lack of sufficient drinking water and erratic water supply. While fresh water sources in the Islands are limited, and water shortage has been a historical problem, issues such as corruption and inefficiency cannot be ruled out. While acknowledging the environmental challenges of providing running water in the Islands, we still believe that the Administration must make efforts to ensure that the most essential of services is provided on a more regular and efficient basis. The human right to drinking water has been

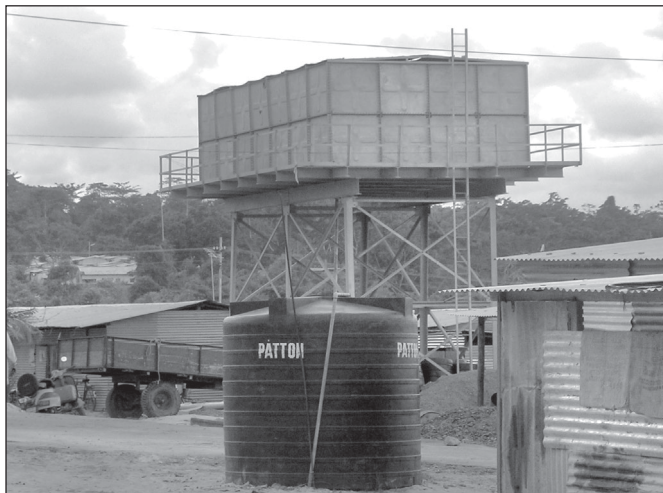
internationally recognised thereby making it a legal obligation of the government to provide potable water to all.²⁰

It should be noted that 24 hour water supply was never available in the Islands, not even before the tsunami. The issue of water scarcity needs to be assessed within this context. From reports received, the current situation with regard to water, however, definitely seems to have worsened after the tsunami.

While drinking water in Bamboo Flat (South Andaman) was available once in two days for just one or two hours, water for bathing and other purposes was available daily, but only for around two hours.

At Chota Inaka (Kamorta), there was no provision for piped water; therefore all water had to be brought by tankers to the site. During the rains, people said they managed to collect some water and were also able to use water from a nearby stream. But now with no rain and consequently less water in the stream, it was very difficult to manage.

Drinking water at the PHC shelter (Campbell Bay, Great Nicobar) was scarce and people were frustrated with the desperate situation. One tap was supposed to provide water to six families, but



Defective water tank: PHC shelter



Unused water storage drums: PHC shelter

taps were insufficient. Worse still, though water was supposed to be provided every alternate day, on the day that we visited people were on the brink of anger as they hadn't received water for three days in a row. This was often the case, they complained. Caritas had built a large overhead water storage tank at the site, but the PWD refused to supply water to it with the claim that it had not been appropriately built. Constructed at a tilt and apparently without proper support, it posed a great threat of collapsing. While water storage facilities were inadequate, we saw a large pile of unused upturned Sintex water storage drums. Families were storing water in plastic garbage bins that had been given to them.

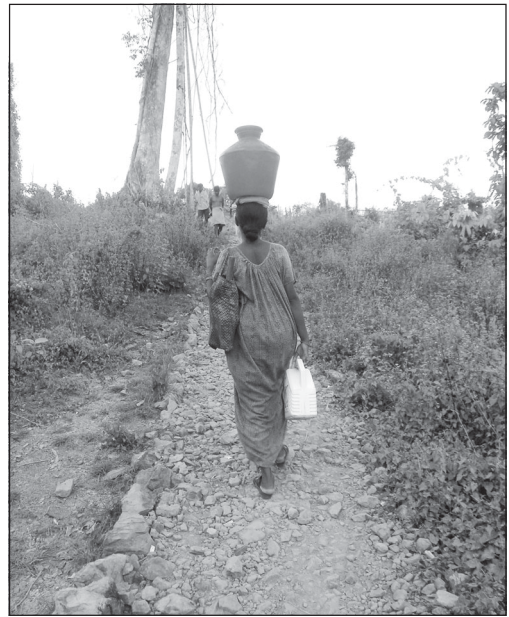
The most serious and shocking concern is that Govind Nagar (Great Nicobar) had absolutely no water, not even a facility for piped water. People had to collect water from a hand pump at the bottom of the hill and then climb up the steep incline with as much as they could manage. We saw young children, young women and old women, struggling up the half-kilometre long steep

²⁰ See General Comment 15 of the Committee on Economic, Social and Cultural Rights (CESCR).

slope with pots of water balanced on their heads and buckets in their hands. Despite repeated demands, no water facilities had been provided. Since there was no road to the shelter, it was impossible for a water tanker to reach there. Therefore, it is urgent that the PWD initiates the construction of water pipes to provide water to the community. Everyone we spoke to complained of the hardships that the lack of water posed. Apart from the discomfort of dealing with inadequate water as people could not carry or store much, was the physical duress of lugging water up the steep slope.

Lokanayaki from Panchu Tikree (Little Andaman) told us that drinking water was a serious problem. Only recently had water become available in the taps daily, but only for half an hour to an hour, which was insufficient. One tap served twelve houses, and with the limited supply, every household only got around two buckets of water daily. There was no well in the area, so they had to depend entirely on piped water supply. One pipe outlet we saw, however, was located in an awkward place, between two shelters and did not even have a proper tap at the end. People had to hold up the pipe in order to fill buckets. Apart from being inconvenient, the lack of a tap at the end of the pipe also resulted in wastage of water.

In Netaji Nagar II (Little Andaman), drinking water a tanker provided but the main problem was the lack of adequate storage provisions. There were only two water tanks and four drums and they were not enough to hold water for the entire community. The shortage of water was a problem everyone raised. The drums were located at the entrance to the shelter, so each family had to bring their own buckets, fill water and carry it up to their respective shelters. Women complained that this was not easy.



A woman carrying water up the steep slope to Govind Nagar shelter, Great Nicobar



Inadequate outlet for piped water in Panchu Tikree



Shortage of water storage drums in Netaji Nagar II

c. Sanitation

Sanitation facilities are integral to maintaining an adequate standard of living; yet this was an area of severe neglect across all the non-tribal shelters visited. In the shelters in and around Port Blair, the toilets had problems, but at least they were close to the living quarters, which was not the case in other islands. The toilet and kitchen facilities for non-tribals were different from those that had been provided to the tribals. While they were right behind the shelters in all the tribal shelters, they were located far away in the non-tribal ones. No one was able to explain the rationale behind this. These discrepancies in the provision of essential services had given rise to unnecessary tension between communities.

The situation at the PHC shelter (Campbell Bay, Great Nicobar) was particularly bad. Basic tin-walled toilets had been built by Oxfam, but because they were so far from the shelters and had been so poorly constructed, they were not used. Some women complained that they could barely fit inside. There was no provision for water close to the toilets so if people wanted to use them they would have to carry buckets from far. After repeated demands and complaints from the shelter inhabitants, new toilets were in the process of being constructed closer to the shelters. But since the original plan of the shelter had been so haphazard, there was not enough space to build toilets adjacent to the houses, so even though the new toilets were closer than the former ones, people were not happy with the distance. Even though the toilet design had been rejected, the new toilets being constructed were identical to the original ones and consisted solely of a dry pit with a tin door that did not even close properly. This particularly created problems for women.



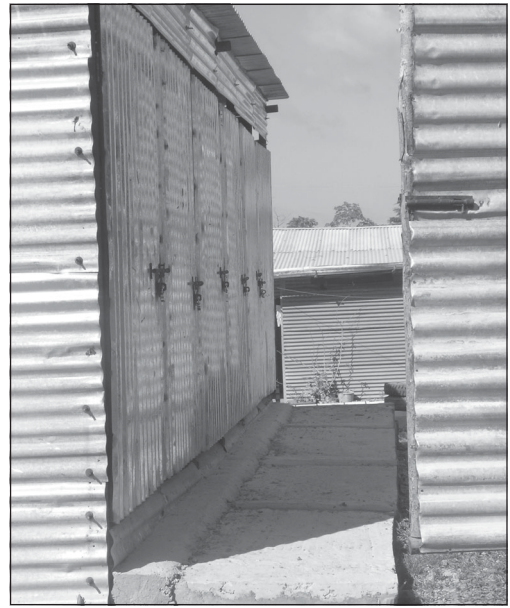
Makeshift bathing area behind shelters in PHC shelter



Uncleared drains and garbage, Padauk Tikree

Some women were using the forested area behind the shelters and complained that they had to go there early every morning while it was dark or late at night to ensure some privacy. Many of them had never used open spaces as toilets in their lives before and were extremely uncomfortable. Some had sent their young daughters to Port Blair or to relatives in the mainland so that they were not exposed to this “indignity.” As for bathing facilities, they were non-existent. Each family had put up plastic sheeting behind their shelters and created an ad hoc bathing space. Drains were only being laid out in the shelter at the time of our visit. This meant that people had been suffering for months from water accumulation and slush in the shelters. The situation during the monsoons was particularly dire as the entire area had been badly flooded.

The people of Kakana (Kamorta) had been given latrines by UNICEF and asked to dig pits and construct their own toilets with the given specifications and materials. Though people were not accustomed to using such toilets, 60 of the 80 families living in Kakana did build them. In Chota Inaka (Kamorta), however, the experiment was not too successful. At the time of our visit, the toilets were lying unused. Apart from being situated very far from the shelters at the bottom of a steep hill, which made them inaccessible, there were no walls between the line of latrines. They were completely exposed and therefore entirely unusable. Whether the toilets were initially constructed and then abandoned because of their remote location or whether the construction was never adequately completed is still not clear. Once again, this reflects wastage of resources and a lack of adequate consultation with the people to understand their needs.



Toilets lying unused due to their inadequacy

S. Narayanamma, a woman in her sixties at the Padauk Tikree shelter (Little Andaman) told us that, "The toilets are very far. It is extremely difficult for us women to access and use them. It's a long walk away. The path is rocky and steep. There is no water. At night, especially, it is very difficult." Another woman at the same shelter was very concerned about her 90-year old mother, Adamma. It was impossible for her, at her age, to access the distant toilets, so the family had made a temporary provision for her outside their shelter. These makeshift toilets outside shelters were also contributing to the problem of



Poorly constructed toilets, unfit for use in Padauk Tikree



Poor sanitation and lack of storage space in Padauk Tikree

hygiene, but people had no other feasible option. They had put up plastic sheets and were also bathing outside their shelters. Drainage had been a severe problem in the shelters, with clogging common. During the monsoons, the area had got flooded, and it was only after the cessation of the rain that drains were constructed around the shelters. Roof extensions had also been built very recently as a means to provide some protection from rain water.

In Panchu Tikree (Little Andaman) too, the location of toilets was completely inappropriate. Situated at a distance from the shelters, they were built on a rocky terrain and had no proper path leading to them. Two tall trees swung precariously above and residents were afraid they might fall on them any time. There were no electrical connections inside the toilet, which made them difficult to use at night. Each shelter was supposed to have a corresponding toilet. However, while the shelters were numbered from 1 – 20, the toilets built at the back had been numbered 20 – 1, which meant that people had to walk across the entire row of toilets to reach their allocated one. This error in numbering only reflects negligence and was something that could easily be rectified, but apparently the will to do so seemed to be missing. G. Gowmati, a woman in her late fifties, complained that the doors to the toilets were so narrow that only thin people could use them. There was no space to fit, let alone move inside. She said she had fallen many times on her way to the toilet as access was so difficult.



Unlit and incomplete toilets, Panchu Tikree



Dangerous access to toilets, Panchu Tikree

Most people in Netaji Nagar I and II (Little Andaman) had also created their own bathing spaces with tin and wood behind their shelters and were using the space as toilets too. Pushpa (from Netaji Nagar II) told us that she had bought tin sheets worth Rs. 2000 and constructed a bathroom and toilet outside her shelter as there was no space inside the house. She was able to do this as hers was the last shelter in the line, but not every family had the space to do this.

In all the shelters visited, drains were uncovered and posed serious hygiene and health risks as they were breeding grounds for mosquitoes and other vectors.



Uncovered drains and absence of solid waste management facilities at PHC shelter

An old man in Nanjappa Nagar (Little Andaman) pointed out the faulty construction of drains. They were misaligned and failed to collect rain water, which defeated their purpose.

Garbage disposal and collection facilities were missing in all shelters. While other factors such as lack of concern and tendency of inhabitants to litter cannot be ruled out, the absence of garbage disposal facilities was a contributing factor to the unsanitary conditions in shelters. The conditions were particularly bad at Padauk Tikree (Little Andaman) and the PHC shelter (Campbell Bay, Great Nicobar) with dirt and uncollected trash lying around. While Oxfam had provided wheelbarrows to transport household garbage in many shelters, there was no adequate dumping site to take the garbage to. Furthermore, the concept of ferrying garbage in wheelbarrows was completely alien to the people, which is why the wheelbarrows were not being used. Upturned green wheelbarrows or little children carting one another or sitting in wheelbarrows was an odd and ironic sight at the PHC shelter and Govind Nagar (Great Nicobar), and Padauk Tikree and Netaji Nagar I (Little Andaman). Besides, unpaved pathways covered in slush hardly make for ideal terrain to use wheel barrows. In Panchu Tikree (Little Andaman) too women complained of the lack of garbage disposal facilities and told us that they had to burn their own garbage. Stagnant water around the Panchu Tikree shelter had increased the incidence of mosquitoes. At the time of our visit, drains were being dug behind the shelters in Panchu Tikree. While a general complaint from other residents of the shelter was that the fishing community is callous about hygiene and cleanliness, the level of filth was appalling. Worse, there were children who were playing around the garbage. In the absence of adequate health care facilities, this was extremely hazardous to their health.



▲
◀ *Abandoned wheelbarrows: aid gone awry*

d. Health Services

The provision of health services seemed to be more of a priority in the relief phase. The current situation in the intermediate shelters, however, revealed that people had to largely fend for themselves now. Regular visits from doctors were not common. In Bamboo Flat (South Andaman), we were told that a doctor from the Salvation Army came to the shelter every Friday. But for serious health problems, people had to visit the hospital, which was quite far and cost them Rs. 20 one-

way in an autorickshaw. Chouldhari also had a dispensary but doctor's visits were apparently not regular. Padauk Tikree (Little Andaman) had a newly built Public Health Centre (PHC) on the premises, but it was lying unused.

The remote location of shelters like Bamboo Flat (South Andaman), Govind Nagar (Great Nicobar), Nanjappa Nagar, Netaji Nagar and Harminster Bay (Little Andaman) aggravated by the lack of phone lines and appropriate communication facilities, posed a serious concern in the event of medical emergencies. At Harminster Bay (Little Andaman), a health centre at the site took care of people's basic health needs but for serious medical complaints they had to visit the hospital in Hut Bay, which was always the case.

e. Adequate Food

With agricultural lands being submerged, livestock lost, no jobs and no regular income, and with relocation of fishing families to areas away from the coast and to environments with no space for subsistence farming, food security of the tsunami survivors has been threatened.

The government suspended the provision of free rations from October – December 2005, a move that was criticised in all shelters. It is only the sustained efforts of the Human Rights Law Network and a petition filed by them (Kranti vs. Union of India) that led to a decision by the Circuit Bench, High Court of Calcutta at Port Blair, to extend provision of free rations until 31 March 2006. On 27 March 2006, the Court accepted the petitioner's request and further extended the date of free rations to 30 June 2006.

Impacts on Non-Tribal Communities

At the entrance to the Chouldhari shelter was a large sign with details of the free ration provisions, all of which we were informed, were not always provided. Shortages of various sorts seemed to abound in the intermediate shelters, but signs were definitely in abundance!

Aarti living in the Namunaghar shelter was from a fishing family, but before the tsunami they also used to own a buffalo and hens. Now they had no milk to drink and had to buy all their food, which was difficult, especially because vegetables were expensive. Aarti felt bad because she was unable to provide fish and milk to her children, something they were used to on a daily basis. One kilogram of potatoes, we learnt, cost Rs. 14. The ration store was located half a kilometre away. During the months of October, November and December, when the government suspended free rations, the Salvation Army took care of rations for families in Namunaghar, which they were grateful for.

At the PHC shelter (Campbell Bay, Great Nicobar) also, people reported forced changes in dietary patterns. The settlers from Joginder Nagar, who are from Punjab, are used to eating wheat, which was more expensive now. They were not used to eating rice but that was all they got as part of the free ration quota. With all their cows dead, milk was scarce and a source of aggravation. Lalita Sharma poignantly refused to drink tea with powder milk in it. She said she would wait until the day she

TOTAL: _____

**RELIEF RATION PROVIDED PER DAY
PER PERSON BY A&N ADMINISTRATION**

ITEMS	DAILY REQ.PERSON
1. RICE	500gm
2. DAL	100gm
3. SALT	20gm
4. SUGAR	30gm
5. VEG./POTATO/ONION	300gm
6. EDIBLE OIL	40gm
7. MILK POWDER	50gm
8. TEA	10gm
9. MASALA (HALDI & MIRCH)	12gm
10. KEROSENE OIL/LPG	200ml/AS PER REQUIREMENT

could drink tea with cow's milk. The lack of milk was particularly affecting children's nutritional requirements across the Islands. Several families had poultry farms too, the loss of which was affecting their monetary and dietary conditions. For one egg they now had to pay Rs. 4 in the market. Most vegetables cost Rs. 50 per kilogram (kg.) while fish was exorbitant at Rs. 60. The provision of free rations by the government was not devoid of problems. Old people complained that it was very difficult for them to stand in line as there was constant pushing and shoving in order to get the limited quota per family. Sometimes the officials, frustrated with the throngs of crowds, would throw food packets at them. An elderly woman said it was so humiliating to go through the experience that she would rather not go through the ordeal just for a packet of salt and some rice.

In Panchu Tikree (Little Andaman) we learnt that rations were available once a fortnight. Fish and vegetable prices had escalated after the tsunami. The last batch of powder milk they had received was old and some children developed dysentery after consuming the expired milk.

Impacts on the Nicobarese Tribal Community

Mathew Johnny (a Nicobarese tribal captain living in Chota Inaka, Kamorta) mentioned that before the tsunami, people used to eat a lot of fish and rice and grew their own vegetables. They also had their own chickens and pigs. Having lost all that, their dietary patterns had changed. They were now eating dal and rice. Fishing was restricted due to the increased distance of their homes from the coast. Chota Inaka is situated around 500 metres from the coast. Also, earlier on they had a *takta dungi* (wooden boat made of planks) and used to fish themselves. However, since most of them did not have licenses for their boats, they were not eligible for compensation/new boats. Only two fishermen who had licenses received *takta dungs* as compensation. Vegetables were very expensive; one kilogram of cauliflower cost Rs. 150 as everything now had to come from the mainland. They lost most of their animals and livestock in the tsunami, and only few families had bought new chickens.

Tonk Kumar, the First Captain from Bada Inaka (Kamorta), informed us that 125 people from Safed Balu in Trinket Island had been relocated to the intermediate shelter of Bada Inaka. They lost everything in the tsunami, including their coconut trees, livestock and boats. They have not received adequate compensation. While the agriculture department was planting some coconut trees, it would take 7 – 8 years before they gave any fruit. Each family had been given six hens by the government, but most had died while the remaining were constantly sick and not laying eggs. Previously they could easily fish, now they were buying fish at Rs. 40 per kilogram. Vegetables were expensive and not always available, neither were bananas.

Ayesha Majid, Chairperson of the Nancowry Tribal Council, told us, "There has been a change in dietary habits. Some people have started fishing again. Earlier women used to also fish in the evenings, but now they are unable to."

The Nicobarese living in Rajiv Nagar II shelter (Great Nicobar) also complained that food patterns had drastically changed. They had lost all their *keveri* trees (from which they made a special type of cake) as well as their hens, ducks and pigs, and had to now buy fish at Rs. 50 – 60 per kilogram. Pork, one of their staple foods, was now difficult to find.²¹

²¹ According to government stipulations, the ration allocation per day per family was as follows: Rice – 500 grams (g.), Dal – 100g, Salt – 20 g, Sugar – 30 g, Vegetables – 300 g, Milk powder – 50 g, Tea – 10 g, Masala (spices) – 12 g, and Kerosene – 200 ml.

f. Access to Education

Children's education has greatly suffered with many schools being destroyed in the tsunami.

While temporary schools had been set up in relief camps, repair of old buildings and construction of new schools was still underway in many places. Apart from the lack of physical infrastructure was the problem associated with the increased distance of original schools from new intermediate shelters. The school is situated at a distance of seven kilometres from the Padauk Tikree shelter (Little Andaman) and takes children around half an hour to get there. Similarly, for those living in Harminder Bay (Nicobarese settlement in Little Andaman), the higher secondary school was in Hut Bay and the erratic bus schedule made it difficult for children to regularly attend school and often served as a deterrent. The original primary school building had been destroyed. A temporary school had been set up but it was not evident that all children had resumed classes. Two NGOs — CARE India and Aparajita-VHAI — had set up temporary *anganwadis* (Integrated Child Development Services – ICDS centres for infants) in the same shelter. Nelly, the Fifth Captain who ran the centre, told us that they alternated between the two buildings. Given the large number of infants in the shelter, it was feasible to use both facilities with more trained workers, instead of alternatively using different facilities for the same set of children.

[For more details on Education, please refer to Part Four: Tsunami's Children]

3. Access to Natural Resources (including land)

International Legal Basis:

Natural Resources:

International Covenant on Economic, Social and Cultural Rights, Articles 1 (2) and 12.

Land:

Universal Declaration of Human Rights, Article 1;

International Covenant on Economic, Social and Cultural Rights, Article 2;

International Convention for the Elimination of All Forms of Racial Discrimination, Article 1;

Committee on Economic, Social and Cultural Rights, General Comments 4 and 12;

Habitat II Agenda.

Land and other natural resources are vital to life, livelihood, access to food and adequate housing. The right to land is a fundamental human right, but was not being treated with the priority it deserved. The state must ensure equitable access to, and distribution of land, and where necessary implement land reforms to ensure that marginalised and vulnerable groups are not left out. Similarly, every community must have access to natural resources necessary for its survival and livelihood, including *inter alia*, fuel, fodder, water and building materials. Access to natural resources must be sufficient to meet community needs and the state and other actors must effectively regulate distribution and ensure the efficient delivery of the same.

The greatest problem facing tsunami survivors is that resettlement in intermediate shelters denies them the right to access their original lands – both coastal and agricultural. This was a source of even graver concern for those who had been relocated to other islands and had absolutely no access to their original habitats. Tribal communities, especially, depended entirely on their natural resources for their lives and livelihoods. Restricted access to the coast implied loss of ability to fish and affected nutritional needs. A young Nicobarese woman in Rajiv Nagar II (Great Nicobar) bemoaned, “We miss our lands

and our forests and our food. Everything is different here. There are no trees. We are far from the sea. It is very difficult living like this.” Farming families from Joginder Nagar (Great Nicobar) who had been moved to the PHC shelter (Campbell Bay) could not easily access their farmland. While most of their coconut and betel nut palms had been wiped out, it was difficult for them to go to the area to restore what was left as the North-South Road had been destroyed in several places. It took around 3 hours by foot through the forest to reach Joginder Nagar from Campbell Bay. Formerly used to living in spacious and open areas with acres of forest around, they found living in the hot, treeless, overcrowded PHC shelter very difficult.

Issues regarding Coastal Regulation Zone (CRZ) and elevation of houses are still not clear and people do not know whether they will be allowed to rebuild their houses along the coast. The Andaman and Nicobar Islands come under what is identified as a CRZ IV area. This implies certain different regulations for the Islands, which most people are still unsure of.²²

Land for permanent housing had not been clearly demarcated and remains a pressing issue. Most intermediate shelters have been built on former forestland, which involved clearing large forested areas. While some of the intermediate shelters could be converted into permanent housing sites, most of them are not adequate in terms of location and space. The overcrowded conditions cannot support permanent housing within the same restricted surface area. Similarly, the problem of lack of access to natural resources would not be resolved if permanent housing were constructed at the same sites.

How the Administration plans to address the issue of identifying and acquiring land is not being discussed. Though permanent housing designs have been finalised, there must be adequate consultation with the communities. Construction of permanent housing should not be done through closed door negotiation between interested NGOs and the government.

The different socio-political dynamics and historical needs of communities have to be factored into permanent housing and land allocation. The different tribal communities must be dealt with differently, given their specific cultural needs and priorities, while non-tribal communities too must be dealt with in accordance with where they lived, as each island has a different history and different specificities, including geographical and topographical, which have to be taken into consideration. While assigning land rights, especially, communities must not be placed in competition with one another, especially where tribal lands are being encroached.

4. Habitability

International Legal Basis:

Universal Declaration of Human Rights, Article 12;
International Covenant on Economic, Social and Cultural Rights, Article 12;
Committee on Economic, Social and Cultural Rights General Comment 4.

Adequate housing must provide the space required to live in dignity and peace. It must also provide protection from natural elements, structural hazards and disease vectors that are threats to health and well-being. The fact that housing has to, at least, be habitable is commonly understood. However, more

²² See Annex IV for Coastal Regulation Zone applicable in the Islands.

often than not, housing provided as part of a resettlement and rehabilitation package is found to be grossly lacking in standards of habitability.

Habitability is conditioned by a variety of factors including the material used, the nature of the area, space and design. It also has to provide protection from the elements and ensure a healthy living environment.

Housing Materials

"We want wood, but wood is not available. Even cement would have been better, but tin is very hot. Even with the fan given by PWD, we feel hot inside."

(Nicobarese man in Chota Inaka, Kamorta)

All intermediate shelters, tribal and non-tribal, have been built using tin sheets as walls and roofs. Given the tropical climate of the islands and the intense heat and humidity, tin is probably the most impractical material possible as it traps heat and does not provide any ventilation. Neither are the shelters aesthetic to look at. Amarjeet Kaur from the PHC shelter (Campbell Bay, Great Nicobar) said the 3x5 metre tin sheds were like toasters. The heat was oppressive and even fans did not help mitigate it. In Namunaghar, a family of five told us that the heat from the tin made the shelters unbearable during the day. *"Mazboori se hum yahan reh rahein hain* (we are living here out of compulsion)."

Heat inside the tin structures was the most vocal complaint, while some residents, including Kanchan from the Chouldhari shelter mentioned that dew condensed on the inside of the tin roof and dripped on them in the mornings.

In Padauk Tikree (Little Andaman) residents complained that rain water still leaked into the shelters from the sides as the tin walls had gaps in them.

The wooden framework of shelters in many sites had corroded due to termite infestation. In Netaji Nagar II (Little Andaman), many families had recently invested their own money in replacing the wooden poles.

What is almost comic is that in almost every site in the midst of this excess of tin, stands a community hall built of bamboo. Apart from being an odd juxtaposition, the failed attempt to create an "ethnic" or "rural" looking structure is strange. The community centre (*chaupal*) in Nanjappa Nagar (Little Andaman) and Bamboo Flat (South Andaman) had no walls and the one time that a community meeting was held in Bamboo Flat, people got drenched because it rained heavily. Once again, this reflects misplaced money and good intentions going wrong

Consultation with the communities would have clearly resulted in a very different looking shelter and settlement.



Heat trap: Intermediate tin shelter



Impractical “chaupal” in Nanjappa Nagar



Interior of a Nicobarese shelter, Kamorta

Layout and Design

The inadequate design of the structure and layout of the sites added to the uninhabitable character of the intermediate shelters, thereby constituting a violation of the human right to adequate housing.

As per government specifications, the covered area of each dwelling unit was supposed to be 21-25 sq. metres (including kitchen and toilet), but in all non-tribal intermediate shelters that we visited, there was no separate kitchen provided, and in all shelters except for those in Port Blair, the toilets were located very far, were minuscule, and could not be considered within the purview of the shelters. The average size of each intermediate shelter in the non-tribal sites was merely 3 x 5 metres.

The non-tribal shelters had been built as line houses with common partitions and in geometric grids. Some shelters were better designed than others. The tribal shelters were definitely designed with more space, and consisted of structures of two units built adjacent to one another, as opposed to line style housing in the non-tribal shelters of South Andaman, Little Andaman, and Great Nicobar. In particular, the non-tribal shelters of PHC (Campbell Bay, Great Nicobar) and Padauk Tikree (Little Andaman), had very little space between the rows of houses that created a feeling of congestion.

Charles, a Nicobarese in Chota Inaka (Kamorta) said his family had combined the two units into one by breaking the partition between them in an attempt to reduce heat and increase ventilation. This resulted in two families living together as one household.

In every shelter that we visited, we understood that what we were seeing was much better than what had been provided to the people in April-May 2005, when they first moved in to the intermediate shelters. The original government design was most rudimentary – just four walls made of tin sheets, one window (in some places, even this was not provided), one or two doors, and no flooring (shelters had been built directly on natural soil). Gradually, with



Line housing, Nanjappa Nagar

time and with problems that crept up over the monsoons and an intense summer, efforts had been made to improve the condition of the shelters. In Panchu Tikree (Little Andaman) we were informed that the timeline for this “upgradation” was as follows:

April 2005 : Original shelter provided
 August 2005 : Window built
 November 2005 : Flooring laid for some shelters
 January 2006 : Verandah, flooring and drains built

When we visited the Panchu Tikree shelter in early February 2006, flooring was still being constructed in many houses. People had no option but to move all their belongings and stay outside till the work was completed. This took around two days. A woman with her two-month old baby was forced to be present in close proximity to the dust and construction machines, exposing herself and her baby to health hazards. People informed us that construction of flooring picked up pace just before the Prime Minister’s visit in January 2006 but lost priority after he left. Even at the time of printing this report we heard that many shelters still did not have flooring.



A family with a baby camp outside while flooring is built in their shelter in Panchu Tikree

Even the new floors that had been built were developing cracks in many shelters, implying the use of inadequate materials. In Netaji Nagar II (Little Andaman), for instance, though the flooring had been laid out in December 2005, it had developed cracks in January 2006. People complained of corruption with contractors and the lack of monitoring and quality control of building materials. We also recently received reports from the Islands of cracked flooring in all intermediate shelter sites.



Upgradation work, Padauk Tikree

The lack of planning in the construction of the shelters was evident from the inadequate space between them, the incomplete partitions, the poor location of toilets, and the inappropriate position of the drains. The drains in both Nanjappa Nagar and Panchu Tikree (Little Andaman) were not constructed under the roofs, so in essence, the rain water had no avenue to drain out, and would still collect in front of people’s houses.

Since partitions between shelters did not go up to the ceiling, privacy was threatened and women were afraid that men from the next shelter could climb up and look in. One could also hear everything in the adjacent shelter and sound travelled easily across shelters. Many people in Namunaghar (South

Andaman) complained of noise at the site. We could hear radios blaring and given the close proximity of shelters, the sound from a radio in one shelter travelled to all the others in the vicinity. “*Khub koshto hoi. Aamra boltein pari na,*” complained Aarti in Bengali, which translates as, “we can’t speak because it is so loud.”

In Netaji Nagar II (Little Andaman), Pushpa complained that the incomplete walls and partitions violated their right to privacy and also resulted in a lot of noise, which made it difficult for children to study. The small one room shelter was not sufficient for an entire family, especially those with older children. Shoba and JN Mandal from Chouldhari told us that they had to send their four children to Port Blair because it was impossible for six of them to live in the one small room, especially since all four children were adolescents. There was no space for girls and women to change in privacy, neither was there space for all of them to sleep there.



Overcrowded cooking area



Incomplete partitions between shelters threaten the right to privacy

Since non-tribal shelters did not have a separate kitchen, many families had built a partition within their one room shelters to create a separate space for cooking. Storage space within the shelter was limited. Some NGOs had provided cupboards (for instance World Vision in Chouldhari) but in some shelters people had built their own shelves. Yet living quarters appeared cramped.

The situation in the monsoons was apparently unbearable in all shelters that we visited. The failure to provide roof extensions and verandahs resulted in rain water entering the shelters. Thus the water and slush made individual shelters entirely uninhabitable, further leading to damage of household goods. The absence of drainage facilities caused flooding in the sites. In the PHC shelter during the monsoons, water was thigh high, while in Nanjappa Nagar (Little Andaman) people told us it was waist deep. Verandahs had only been recently built in the PHC and Govind Nagar shelter (Great Nicobar Island).

Interestingly in the Nicobarese settlements, no NGO had come forward to build flooring for the houses. This was because most families had constructed wooden floors (*machan* style) themselves, as that is what they were used to. Some of these *machans* were built at a height to allow for storage of goods below them, while others were lower. In a few tribal shelters, as in Chota Inaka (Kamorta), people had opted for vinyl sheeting on the floors instead of the traditional wooden *machans*. Tin sheds with

machan floors presented an interesting juxtaposition of the alien and the familiar, the desired and the imposed.

Though a children's park had been built at one end of the Padauk Tikree (Little Andaman) shelter, parents felt that space for children was inadequate. The acute shortage of storage space had resulted in overcrowding along common walkways making it difficult to walk around the shelter. The paths were rocky and uneven and made navigation for children and the elderly particularly challenging.



Incomplete and rocky pathways impede access to shelters

Another striking feature at some of the sites like Bamboo Flat (South Andaman), Padauk Tikree (Little Andaman), and PHC (Campbell Bay), was the absence of trees and shade. The shelters had been built on previously forested land. The fact that all trees had been chopped without leaving any for shade and protection, reflects a lack of considerate foresight and planning. When we asked people what they felt about the layout of the shelter, they said that they would have liked some trees. The people from Car Nicobar especially said they missed the forest as they were used to living in forested areas. The issue of relocation and of people being made to live in completely different geographical surroundings is a serious one, with long-term consequences that are not obviously being addressed.

5. Location (and Access to Livelihoods)

International Legal Basis:

International Covenant on Economic, Social and Cultural Rights, Article 12;
Committee on Economic, Social and Cultural Rights General Comment 4.

Adequate housing must be in a suitable location that enables access to employment, primary health-care, food, education and other social services and civic amenities. In addition, the location must be safe, particularly from environmental hazards and pollutants. Location of most intermediate shelters was a concern among affected communities, especially in terms of access to essential services.

"Yeh jagah ghar nahin lagta. Magar mazburi hai. Kya karein? Kahan jaayein? (This place doesn't feel like home. But we have no other choice. What do we do? Where do we go?),"

Jyoti, Panchu Tikree (Little Andaman)

Bamboo Flat (South Andaman), apart from suffering severe damages in the tsunami, has also experienced a permanent rise in the sea level around it. All houses and shops located near the jetty were completely washed away. The intermediate shelter located on top of a hill is far from the main town, and is isolated in terms of access to services, including schools, healthcare and food. Residents have repeatedly requested a bus service to and from the shelter, but first the road had to be completed. At the time of this fact-finding visit, the road was half built. Apparently Prime Minister Manmohan Singh was scheduled to visit Bamboo Flat in January during his visit to the Islands, which is why construction of the road was carried out non-stop for three days. However, the minute his plan changed, construction stalled and the road was left uncompleted. Most people walked or took autorickshaws (autos) when they had to. But the auto too, could not come up all the way as the road was incomplete. In the event of an emergency, people had no communication recourse. There was no public phone booth at the site. None of the people we spoke to had a cell phone, neither did they know anyone who had one. This made communication difficult and the shelter even more remote. Because of the distance from the township, residents faced several problems such as the lack of transport, higher vegetable prices, and difficulty in accessing help during an emergency.

Transportation to and from the Padauk Tikree (Little Andaman) shelter was also difficult. No bus came all the way to the shelter. People had to use autorickshaws to reach the site. Even after reaching the shelter, they still had to walk quite a distance to get to their respective houses, and this was especially difficult when they were carrying heavy goods. Sushanti, a 26-year old woman was seven months pregnant with her second child. The clinic was a half-hour walk away; by autorickshaw it cost her Rs. 30 to get there.

The road to the Panchu Tikree shelter (Little Andaman) was still being built in February. When we visited, it was uneven and difficult to navigate. The nearest bus stop was 500 metres away. Autorickshaws could not come all the way up to the shelter due to the absence of a road. The nearest school was three kilometres away. The Public Health Centre was around 500 metres away, while

the ration shop was at distance of 1.5 kilometres. Jyoti, an adolescent girl, said the incline to her house was steep and she found it difficult to climb up. The PHC Shelter in Campbell Bay also had no paved road leading to the site.



Uneven pathways: Netaji Nagar II



Incomplete road: Panchu Tikree

Apart from the absence of proper roads, paths between shelters were not level. In Bamboo Flat (South Andaman), rocks, stones and undulating hill slopes made it difficult to walk around the site, especially at night, and especially for young children and old people. Jayalaxmi complained that the incline to the shelter was difficult to climb. John from Govind Nagar (Great Nicobar) expressed a preference for living elsewhere, as he said he got very tired climbing up the steep slope. And with goods in hand, it was even more difficult to walk up.

Frazer, a Nicobarese from Kakana, told us that the greatest problem for them was the difficulty in accessing the place. The footbridge connecting Kakana had been destroyed in the tsunami and had still not been rebuilt. This meant that people had to wade through waist deep and sometimes neck deep (at high tide) water to reach Kamorta. By boat, it took two hours but the boat service was not frequent. This was greatly affecting children's education as they could not reach school. Frazer had therefore moved his children to Kamorta.

The Harminster Bay shelter (Little Andaman) is located far from the town (Hut Bay). There was one daily bus that plied between the shelter and town; it left Harminster Bay at 8:30 am and left from Hut Bay at 2 pm. Travel by autorickshaw was expensive, and there were no autos at Harminster Bay. Some men had motorcycles. The nearest hospital was in Hut Bay, which was an issue of concern in the event of a medical emergency.

Since all intermediate shelters were located away from the coast, purportedly for safety reasons, this had however, affected livelihoods of fishing families.

6. Accessibility

International Legal Basis:

Convention on Elimination of all forms of Discrimination against
Women, Article 14.2;
Convention on Rights of the Child, Article 16.1.

As a component of the human right to adequate housing (HRAH), accessibility requires that everyone have access to housing and its related components. Historically disadvantaged groups, in particular, must be allowed full and sustained access to adequate housing and resources, including land. The state and other actors involved must take all elements of the HRAH into account and ensure equality of the entitlement to reasonable physical access.

In the context of the Andaman and Nicobar Islands, apart from people whose names had been omitted from lists and had not received intermediate shelters as a consequence, there did not seem to be systematic discrimination against any particular community.

All those who had not received intermediate shelters must be urgently given adequate shelters in the islands where they live. In the context of permanent housing, communities must not be discriminated against. Permanent housing must be equitably allocated to all those who lost their homes in the earthquake or the tsunami. Those whose homes were partially destroyed should also receive compensation without discrimination, as should all those living in rented accommodation.

The principle of non-discrimination must be applied across the Islands in order to ensure accessibility to adequate housing for all.

7. Physical Security and Privacy

International Legal Basis:

Universal Declaration of Human Rights, Article 12;
International Covenant on Civil and Political Rights, Article 11;
Committee on Economic, Social and Cultural Rights, General Comment 4;
Convention on Elimination of All Forms of Racial Discrimination, Article 5 (e).

Every man, woman, youth and child has the right to live in a secure place and be protected from threats or acts that compromise their mental and/or physical well-being or integrity. The state and other involved actors must address the security needs of the community, in particular, the needs of women, the elderly, the disabled, children and other vulnerable individuals and groups. Housing must instil a sense of security in the community if it is to be evaluated from a human rights perspective.

Across intermediate shelters, there prevailed a feeling that safety and security of women had been compromised. The small size and close proximity of shelters, often built as line housing, meant that women lacked privacy, especially for changing their clothes and meeting other basic needs. As mentioned before, the incomplete partitions between shelters also posed a threat to privacy. In several sites, a common complaint among teenage girls and young women was that men from the next shelter could easily look in if they wanted to. Kanchan from the Chouldhari shelter (South Andaman) said they did not open the windows in the shelter as privacy was a concern. The lack of privacy was one of the major factors that impelled Shoba and JN Mandal, also from the Chouldhari shelter, to send their four adolescent children to Port Blair. Gurcharan Kaur's 13-member family — including her sons, daughters-in-law and grandchildren — was living in the one room PHC Shelter (Campbell Bay, Great Nicobar). Lack of privacy and adequate space were key complaints.

Jyoti, a class 12 student at Panchu Tikree (Little Andaman) complained that the doors to the bathrooms in the shelter did not close properly and boys would come to watch the girls bathe. In Padauk Tikree, Netaji Nagar (Little Andaman), PHC (Campbell Bay, Great Nicobar) and Bamboo Flat (South Andaman) also, the complaint was that toilets had been poorly constructed with doors that did not close, leaving large gaps through which outsiders could easily look in.



Glaring gap in bathroom door, Panchu Tikree



Poorly constructed toilets with low doors and incomplete walls, PHC shelter

The lack of adequate lighting and lack of electricity along roads and public spaces in shelters threatened women's security. Shanti, an adolescent girl, from the Bamboo Flat shelter (South Andaman), confessed that she felt afraid to walk around the site at night by herself. In Nanjappa Nagar (Little Andaman) too, women told us that they feared walking alone at night. Parents worried about the safety of their children in Padauk Tikree (Little Andaman).

Physical security of women is seriously compromised in the intermediate shelters and is a concern that needs to be addressed immediately.

8. Information, Participation and Capacity-building

International Legal Basis:

Information

International Covenant on Civil and Political Rights, Article 18;
International Covenant on Economic, Social and Cultural Rights, Article 15;
Committee on Economic, Social and Cultural Rights, General Comment 4.

Participation

International Covenant on Civil and Political Rights, Articles 21, 22, 25;
Convention on the Elimination of All Forms of Racial Discrimination, Article 1;
Committee on Economic, Social and Cultural Rights, General Comment 4.

Individuals and communities must have equal and timely access to appropriate data, documents and intellectual resources that impact their human right to adequate housing. Access to appropriate information means being informed about related infrastructure, planning design, availability of services and natural resources as well as potential hazards and other factors that affect this right.

Similarly at all levels of the decision-making process in respect to the provision of and right to adequate housing, individuals and communities must be able to express their views and opinions, and must be consulted and allowed to contribute substantively to such processes. The state must ensure equal access to decision-making processes through supporting legislation and efficient implementation. While the rights to participation and information are pre-conditions for the realisation of the human right to adequate housing, in all sites that we visited, we witnessed a complete violation of both rights. Local communities had not been consulted even once about the intermediate shelters. The design, material, layout and location had been finalised by the government working in isolation. NGOs who built the shelters also did not have a say in their design. The choice of tin for intermediate shelters was highly criticised, and if a thorough needs-based assessment and consultation with the survivors had been done, it would probably have been rejected.

Captain VRN Shetty, a retired naval officer who lives in the PHC shelter (Campbell Bay, Great Nicobar) informed us about the complete lack of consultation with the people regarding the design, layout, material or location of the intermediate shelter. This was the reality across the Islands. Most people were still in the dark about permanent housing and were clueless as to how long they might have to live in the intermediate shelters. Very few people had seen the Administration-proposed plans for permanent housing. Captain VRN Shetty's main reservation with the proposed government design was that the house was too small, and provided no place for children. He suggested increasing the area to 450 square feet per house and providing two bedrooms instead of one. He felt that the best option

would be for the government to provide each family with cash instalments with certain restrictions to ensure that the money was used specifically for housing construction. The government refused this suggestion saying it would have adverse effects across the other tsunami-affected areas.

In most shelters, people were concerned about the waste of resources in building and rebuilding inappropriate structures. For instance, if the shelters and toilets had been thoughtfully planned in consultation with the community, the incremental costs and hassle of constant repair and upgradation could have been avoided, and in the case of toilets, would have ensured that they were actually being used. Given the current state of disrepair and inaccessibility of the present toilets, most of them were lying defunct.

Most people did not know about the timeline, location or design for permanent housing. Their input in the development of these plans had been completely absent. Neither had communities been consulted about what they would like or needed in a permanent house. To deny people the right to express their opinions and to deny them the right to participate in the design of houses that they would be living in, greatly violates their human right to adequate housing. Without people's participation, it is unlikely that the housing they receive will be truly adequate in meeting their needs.

9. Cultural Appropriateness

International Legal Basis:

International Covenant on Economic, Social and Cultural Rights, Article 11;
Committee on Economic, Social and Cultural Rights, General Comment 4;
Convention on Elimination of Racial Discrimination, Article 1.

Housing design and site location should be determined in harmony with communities' cultural preferences and attributes. The state and other involved actors must enable cultural expression and diversity, and should ensure the participation of all cultural/religious groups in planning. An often forgotten component, cultural adequacy is very critical to the promotion, protection and fulfilment of the human right to adequate housing.

The glaring lack of regard for cultural preferences is obvious in the case of the tribal shelters. Formerly accustomed to living in *machans* – wooden houses built on stilts, the tin shed structures were even more difficult for the Nicobarese to adapt to. Though they had been given the option to build their own flooring based on their cultural norms, this was extremely difficult when the rest of the structure was built of tin sheets. Most families had managed to develop some type of wooden flooring but it was not practical and not always comfortable. In particular, because there was not enough space for storage below.



Self-constructed machan in the Nicobarese shelter at Harminder Bay

Machans were normally built at a height in order to accommodate cattle and poultry underneath. But within a tin sheet framework, this was not possible.

Even for non-tribal families, the use of tin sheeting was inappropriate as were the close layout of the shelters, the absence of kitchens, and the lack of space for bathing. The absence of complete walls between shelters and the lack of space for families are reflective of the lack of concern for communities' culture and traditional norms of living.



Thatch verandah, Govind Nagar

In Govind Nagar (Great Nicobar), the *Ranchi* community had built thatch along verandahs as that was an important material element in their houses. But this was an initiative they had taken on their own. In most shelters, people did not have the options to build or adapt the one-room close set structures to meet their cultural requirements.

While agreeing that the challenge of providing housing instantly for so many people across a widespread and remote terrain, must have been formidable for the government, we still believe that better

options could have been devised. What the alternative to tin sheeting could have been is not for us to advocate, but should have been decided by the communities given the feasibility options. In retrospect, the criticism of the inadequacy of housing within the intermediate shelters for both tribals and non-tribal communities in the Andaman and Nicobar Islands holds.

Permanent Housing

The issue of permanent housing in the Islands has not been given the priority it deserves and seems to be mired in confusion, controversy and uncertainty.

A glaring lacuna in this process has been the complete lack of consultation with the survivors. At the time of publishing this report, the government released two designs for permanent housing – one for tribals and the other for non-tribals. But it is not, however, apparent that these plans have been developed in conjunction with the people. The houses for non-tribal areas are estimated to cost over Rs. 7 lakhs each, while for non-tribal areas, the estimated cost is over Rs. 6 lakhs (most of which accounts for transportation of construction material from the mainland and external labour costs).²³

The government, while claiming to be consultative is not in reality taking into account the suggestions from local communities. In some areas, for instance, Campbell Bay, Kamorta and Hut Bay, prototype houses had been set up for people to see. The structure consisted of CGI sheet roofing and walls made of 50 mm thick prefabricated panels of concrete core with 4 mm thick fibre reinforced cement sheet. Many such sheets were lying outdoors in Hut Bay and Campbell Bay, and already showed signs of wear and tear. Everyone we spoke to had outright rejected this model based on the inappropriate material

²³ See Annex III for the Administration's housing plans.

and the lack of replacement capacity in the Islands. They also strongly felt that the government needed to consult them regarding the material, design and layout.

Another problem with the government design is that one size is being advocated for all families, irrespective of the size of the family. For joint families, this was a serious concern. People wanted to be given flexibility of options in deciding location of kitchens, bathrooms and size of rooms. Apart from design, they also felt that the material had to be suited to the climatic conditions and were worried about the durability of the house and its resistance to rain and fire. Almost everyone we spoke to wanted a “pucca ghar” (cement house).



Government prototype house, Hut Bay



NGO prototype house, Hut Bay

Some NGOs had also come up with permanent housing designs. SEEDS had built one such prototype house of reinforced bamboo sheets in Hut Bay, but people dismissed this on the grounds that the material was not durable or practical, and was impossible to repair or replace due to lack of its availability on the Islands.

All the various designs and players had left people utterly confused and disillusioned.

Even across the Nicobarese community, there was an apparent lack of consensus on the type of permanent housing. While they

were used to and formally lived in *machans* (wooden houses on stilts), many were in favour of cement and brick houses. Some, however, were not sure of the resistance of *pucca* houses to earthquakes, while others said they wanted cement houses but with raised wooden flooring so they could store things below.

In all cases of decision-making regarding tribal areas, the Tribal Council communicates the final decision of the community to the government officials and other responsible agencies. While the process within the community is supposedly a democratic one, consensus is impossible to achieve. In Chota Inaka (Kamorta), the captain expressed a desire for cement houses as wood was difficult to get in the area and cement seemed more durable in case of another natural disaster. When asked whether they wanted to live together or separately, some of the youth said they preferred the nuclear family system and would be happy with individual family houses. Again, there seemed to be a lack of a uniform view, with some other members lamenting the breakdown of the joint family fabric. The captain from Bada Inaka (Kamorta), on the other hand, confessed that some people wanted cement houses while others wanted

machans. Similarly some people wanted to live close to the coast, while others were afraid of living close to the sea. They were also not clear on the details of the CRZ and how it would impact them, but were aware of its existence.

Regarding permanent housing, Ayesha Majid (Chairperson, Tribal Council, Nancowry) said that people from Car Nicobar wanted *machans* as they lived along the coast. In Kamorta, they lived on hills where it was windy, which is why they had suggested a permanent housing design of cement flooring, wooden walls and tin roofs.

In Puloulo, we learned that the RCC structures had been destroyed in the earthquake and resulting tsunami; it was only the Nicobarese huts that were standing, implying a greater resistance to earthquakes.

Unity amongst the tribal community, however, is strong, and whatever decision is taken by the Tribal Council is respected and upheld by all members.

Recent Developments

As per the new plans of the A&N Administration²⁴ the government, depending on the island, will take between a year to a year and a half to complete construction of permanent housing. This means that people are expected to live in the intermediate shelters for at least that much time.

The new housing designs consist of two specifications: (1) stilt type construction, and (2) single-storied houses.²⁵ The basic structure for both house types will consist of steel columns, hard wood timber walls, processed bamboo plywood internal partition walls, CGI sheet roofing, and concrete blocks for toilet walls and cement concrete tiles for toilet flooring. For the tribal houses, flooring will be built of engineered processed bamboo plywood while the approach to stilt floor will be by an independent steel staircase. For the non-tribal houses, the flooring will be of cement tiles.

The A&N Administration has invited NGOs interested in building housing as per the prescribed models to come forward. Church's Auxiliary for Social Action (CASA) has offered to take up construction of 572 permanent shelters in Car Nicobar. Out of these, 240 units would be constructed in Malacca village while the remaining 332 would be constructed in Tamaloo village. A Memorandum of Understanding to this effect has been signed between CASA and the A&N Administration. CASA had initially committed to take up construction of 1000 permanent shelters in Car Nicobar as per the design and the material approved by the Tribal Council, and 200 permanent shelters at Bamboo Flat in South Andaman. However, following the Government's decision about the uniformity in design and materials to be adopted by NGOs for construction of permanent shelters and the relative cost implications, CASA has now decided to take up construction of only 572 permanent shelters. CASA and others were lobbying with the Government to bring about changes in the Housing Policy.²⁶

Hindustani Covenant Church (HCC) has also announced its decision to construct 54 permanent shelters at Bamboo Flat (South Andaman). On April 12, Member of Parliament, Shri Manoranjan Bhakta inaugurated 80 permanent houses built in different places of South Andaman. These houses, built by

²⁴For more details, see: http://cpwd.nic.in/TsunamiNew/tsunami_PROGRAM160106.htm.

²⁵See Annex III for details on housing designs.

²⁶No. 3 (8)/EE/ACD/05-06/275, dt 23/02/06.

the Salvation Army in association with Islanders Sangathan Manch, both NGOs working for reconstruction and rehabilitation of tsunami-affected families, are located at places like Namunaghar, Mithakhadi, Danduspoint Lambapahad, Kanyapuram and Garacharma.²⁷

In its Tender Notice,²⁸ the Administration has proposed to construct the following number of houses:

No.	Name of Island	Type	No. of Units	Approximate Cost (Rupees)	Period of Completion
1.	Car Nicobar (Phase I)	Stilt	1933	130 crores	18 months
2.	Car Nicobar (Phase II)	Stilt	1933	130 crores	18 months
3.	Kamorta, Katchal & Nancowry	Single storied (non-stilt)	1050	80 crores	15 months
4.	Teressa	Single storied (non-stilt)	821	82 crores	12 months
5.	Great Nicobar	Single storied (non-stilt)	806	60 crores	12 months

At the time of printing this report, we received information from the Islands that many Nicobarese communities are returning to their original islands and taking up construction of permanent housing on their own, for instance, many of those in the Rajiv Nagar II shelter (Great Nicobar) have left.

Since constant developments regarding permanent housing and NGO participation in plans are taking place, please refer to the Andaman and Nicobar Islands Administration website for the latest updates.

Whatever housing design is finalised, it must meet the criteria of adequacy as described in this report. More importantly, it must be one that is developed with close consultation with the people and must provide flexibility of choice and options for modification. As mentioned before, titles over permanent houses must be given jointly, in the names of both women and men.

It is only when all these conditions are met, that the human right to adequate housing is realised.

²⁷The Daily Telegrams, April 19, 2006.

²⁸The Daily Telegrams, Port Blair, April 13, 2006.

PART THREE

Impacts on Livelihoods

The failure to restore livelihoods is as egregious an issue across the Islands as the failure to provide adequate housing. Loss of livelihoods has given rise to a host of other related problems such as reduced earning capacity, a fall in standard of living, frustration, economic insecurity, and in some extreme cases, depression. The psycho-social dimensions of livelihood loss are as serious as the economic ones, but are not being recognized, neither being addressed.

The indivisibility of rights implies that human rights cannot be viewed in isolation from one another and the simultaneous realisation of all rights is essential to ensure that human beings are able to live with dignity.

According to the Administration, the NGOs involved in livelihood support are: Caritas-CRS, Oxfam, ActionAid, Voluntary Health Association of India (VHAI), SEEDS, West Bengal Voluntary Health Association (WBVHA), CARE, Hindustani Covenant Church (HCC), Butterflies, Islanders Sangathan Manch (ISM), Salvation Army and World Vision.

Of these, we met with Caritas-CRS, ActionAid, VHAI, Butterflies and World Vision. We tried to meet with Oxfam and Prayas in Port Blair but were not successful.

Though some measures have been implemented towards long-term livelihood restoration, in nearly all families that we met, one of the major complaints was that there was not enough work or no work. Most men and women were at home as alternate livelihood options were inadequate.

Property	Loss of Private Property ²⁹
Paddy land affected	1730 ha.
Plantation land affected	9107 ha.
Boats fully damaged	938
Boats partially damaged	765
Loss of livestock	157,577
Loss of cattle	3786
Loss of pigs	38446
Loss of goats	16623
Houses fully damaged	10,000

²⁹ *Andaman and Nicobar Islands...Through Tsunami: A Saga of Courage*, Puneet K. Goel, Relief Commissioner, Andaman & Nicobar Administration.

Farmers and Agriculturalists

“Nariyal hamari zinadagi hai, nahin rahnein se mar jayenge...” (Coconuts are our life... without them, we will die.)

Young Nicobarese farmer in Harminster Bay, Little Andaman

According to the A&N Administration, around 6000 farmers have been affected while approximately one-fifth of the total agricultural land, including paddy land and coconut plantations, has been destroyed.³⁰

According to figures released by the A&N Administration, compensation for loss of agricultural land is to be given as follows:³¹

- a. Loss of paddy/vegetable/root crop @ Rs. 2000 per hectare
- b. Loss of plantation crops (coconut/arecanut) @ Rs. 5000 per hectare
- c. Reclamation of land (Rs. 5000 per hectare)
- d. Agriculture/permanently submerged land (Rs. 10,000 per hectare)

The Administration report also mentions a *Special Package of Ministry for Home Affairs* for crop loss to tribal farmers which specifies:

- a. Loss of paddy/vegetable/root crop @ Rs. 22,231 per hectare
- b. Loss of plantation crops (coconut/arecanut) @ Rs. 90,4654 per hectare

In the Andamans, this was later enhanced to Rs. 24,000 per hectare for paddy and Rs. 94,000 per hectare for plantation crops.

Compensation for agricultural land lost, however, still seemed to be an issue of contention and dissatisfaction in most areas. As mentioned earlier in the report, surveys by the agricultural department had been completed in some areas but were still being finalized or being redone in others due to differences in assessment and complaints of inaccurate evaluation. Due to changes in compensation amounts and multiple surveys being conducted, discrepancies in evaluation abound, which has led to conflict and complexities. Nowhere has alternate farmland been provided and people are worried about the future of their agricultural livelihood.

Impacts on Non-Tribal Communities

Most of the inhabitants in the Chouldhari intermediate shelter (South Andaman) are farmers who are now unemployed as their fields have been submerged. Even in some areas where the water level is not high, the land has turned saline and is not conducive for cropping. While a few families had used the space behind their shelters to grow vegetables for personal consumption, most shelters did not have adequate space for such activity.

At Bamboo Flat (South Andaman) too most people had no jobs. Farmers' fields were still inundated and they had no alternate land for farming.

The conditions for the settler families in Great Nicobar, in particular the aged and widows, were trying. Hawaldar Babu Singh, seemed bitter. An old man, apparently in his 80s, he had served the army for

³⁰ *Andaman and Nicobar Islands: Towards a Brighter Tomorrow*, A&N Administration, January 2006.

³¹ *Ibid*, p. 32.

35 years. He had lost everything and though he still received a monthly pension, it was not enough for him to resume his former standard of living. He was too old to work, had no family, and was worried about his day to day existence. Arjan Singh, another retired serviceman and his wife Surinder Kaur were also afraid of the future. They had moved to Great Nicobar in 1969 with the first settlers and had spent many years toiling on their land. Recently, they had invested all their savings in a car that they lost in the tsunami. Without their house and plantations, they were helpless and dependent on the government for their survival.

Most families from the PHC Shelter (Campbell Bay) had not been able to resume farming activity as Joginder Nagar, their original site, was difficult to access since the road connecting it to Campbell Bay had been destroyed. Through the forest, it took three hours to get there. Some enterprising families like Jagjit Singh and Gurcharan Kaur, however, had started salvaging coconuts and were attempting to restart agricultural work. It would however, take a long time before they could restore their lives. Fallen coconut trees and standing water in their fields and the fact that the land was still under survey, excluded any attempts at resumption to normalcy. Arjan Singh could not even think of beginning to try and restart agricultural work as his land was totally inaccessible since the bridge to his part of the settlement was completely destroyed.

Impacts on the Nicobarese Tribal Community

Charles, a Nicobarese living in the Chota Inaka intermediate shelter at Kamorta owned 7000 coconut trees, all of which had got washed away by the tsunami. All families in the shelter complained that with their main source of livelihood lost — coconut and *supari* (betel nut) plantations and livestock — people had nothing to do and were largely idle.

Tribals living in the Rajiv Nagar II shelter admitted that their greatest problem was the lack of work. Some of them had left for Port Blair as they were frustrated living in Great Nicobar. Twenty-five of the Nicobarese in the shelter had government jobs. But most of them were farmers and had no land or means to farm in Rajiv Nagar. Timothy told us that he was one of the eight young men who had been selected for a carpentry training course for three months and was hopeful of getting some employment with his newly acquired skills.

Captain Gibsen from Pouloulo, now in the Rajiv Nagar II shelter, told us: “Nine people died from our community. We lost everything. We ran up a hill to save our lives and were there for three days until a speedboat brought us here. We have still not received compensation for four of our people who died. For loss of farmland, each family received Rs. 30,700. A lump sum was given to the captain who divided it among the affected families. We used to live on the seashore and had farmland of around two acres on which we had coconut and *supari* palms. We used to sell our produce in Campbell Bay and earned around Rs. 3000 a month. Now we have no earnings and nothing to eat ourselves.”



Joginder Nagar's destroyed coconut plantations

The Nicobarese community in Harminder Bay consists of farmers who owned coconut and *supari* plantations as well as other fruit trees such as papaya and banana. Most of their agricultural land was now under water. With the loss of coconut trees, they also lost earnings from *kopra* (dried coconut kernel) sales, which fetched them a good price in the market. *Kopra* that was sold at Rs. 35 per kilogram (kg) now fetched only Rs. 22 a kg. Frustration regarding lost employment opportunities and uncertainty regarding the future was high.

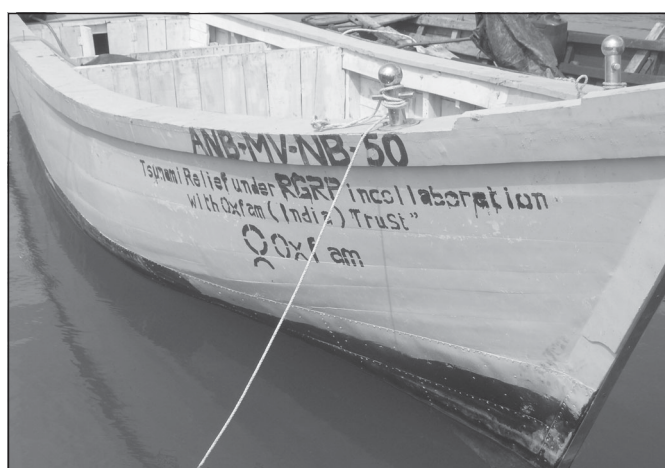
Fishing Community

"Samudra hamara jeevan hai, samudra kinara hamara hak hai." (The sea is our life, the sea shore is our right.) C.H. Mukund Rao, secretary of Kanak Durga – Fishermen's Multipurpose Cooperative Society, Little Andaman.

69 fishermen have been declared either dead or missing while 1703 boats and local dinghies were destroyed or damaged. The livelihoods of over 1200 fishers have been jeopardised. Freshwater ponds have become saline and overall a decline in fish catch has been reported.³²

In Padauk Tikree (Little Andaman), people told us that not everyone had received boats as compensation, while in other areas we heard that there were more boats than people. While there seemed to be some discrepancy in information, what was evident is that the fishing community had still not received the necessary support to resume its livelihood with normalcy. There definitely seemed to be a lot of discontent brewing in the community regarding the boat issue. The government, through the Fisheries Department had apparently only given boats to those who had licenses. There was also confusion regarding the type of boats given. While some people were pleased with fibre boats as they could travel further out to sea in them, others were not happy and said they would have preferred wooden *dungis* as the fibre boats got very hot in the sun and bounced much more on the waves. Aparajita-VHAI had provided two boats while Prayas and CARE India had jointly given two boats to the community in Padauk Tikree. During our visit to the site, we heard that a few more boats had arrived and people were going to collect them. One boat was normally allocated for seven people.

While some fishermen said that fish catch was good, they complained that sales were not. Before the tsunami, they collectively owned a large freezer which enabled them to store fish and sell it later. They even sent some to Nicobar. Now they had no means for storage, which meant that they had to sell whatever they caught instantly. We saw only one freezer in Panchu Tikree, which was being shared by several families. Some of them took their catch to sell in Port Blair but that was an expensive and time-consuming operation as they had to take the



Boat given as compensation

³² *Andaman and Nicobar Islands: Towards a Brighter Tomorrow*, A&N Administration, January 2006.

boat to Port Blair, stay there for a day, and then take the boat back. 50 fishermen had met with the Fisheries Department in Port Blair and requested cold storage facilities. The Department said it would cost Rs. 3 crores for a freezer and would probably take three years before they could provide it. Most of the fishing families had still not received nets, despite repeated requests for them. They said they would rather receive cash compensation so they could buy appropriate boats and nets that they wanted, instead of being given something they were not happy using.

In Chouldhari (South Andaman) too, the fishers were suffering from a loss of livelihood due to the increased distance of the intermediate shelter from the coast. We met one fisherman who lamented that it was impossible for him to continue his livelihood. Though he had been given a shared boat as compensation, he could not go fishing because a polio infliction in his leg made it difficult for him to walk the increased distance to the coast and back from the shelter, which was a kilometre and a half. He had not received any livelihood compensation from the government yet.

In Namunaghar (South Andaman) also we learnt that the Fisheries Department had provided compensatory boats to only those fishermen who had licenses. A choice had been given between fibre or wooden (*takta*) boats depending on what they preferred. Most people said that they chose the wooden boats as they were used to them. Those without licenses, including those who had co-holding (Rs. 5 licenses), allegedly had not received compensatory boats by the Fisheries Department. We learnt that 15 people had received boats, while five had been left out. In February, no agency had yet provided fishing nets. Besides, now that they were living away from the sea, going fishing meant that people had to spend anything between Rs. 5-10 to go to the coast, which made it difficult to do so everyday, especially if they were not able to catch enough fish to make a profit.

While the men catch fish, it is generally the women of the community who sell the catch. The women from Padauk Tikree (Little Andaman) said they went to different markets in the area, while a few went to Harminder Bay (the tribal settlement). They manage to sell fish at Rs. 40 per kg while the smaller fish sold for Rs. 20 – 30 per kg. C.H. Mukund Rao, secretary of Kanak Durga – Fishermen's Multipurpose Cooperative Society, poignantly told us that as fishermen, it was imperative for them to live along the coast. Several children and women in the community, however, were afraid of living near the sea now. He missed the sea and the sea breeze in the shelter. Living here did not feel normal, he said. He explained that there were two groups of fishermen: Andaman Nicobar Board (ANB) and Andaman Nicobar Fishermen (ANF). Members of ANB had licences so they had received compensatory boats, but he said that the Fisheries Department had not given any boats to members of the ANF.

In Harminder Bay, the Nicobarese settlement in Little Andaman, many had resumed fishing activity and were selling fish but their earnings had drastically fallen after the tsunami. One wooden or fibre boat had been allotted to seven fishermen. The community had received



Women selling fish in Hut Bay

a total of 60 boats. Of them, only 30 had licences. Some preferred fibre boats while others were happier with the wooden dungis.

The World Vision office in Port Blair informed us that they had provided 83 fibre reinforced wooden boats in South Andaman. One boat had been allocated for three families. Since co-holders had been left out, World Vision had apparently appealed to the Fisheries Department on their behalf.

Some fibre boats given as compensation had already developed cracks and burst open in South Andaman, while problems with engines were reported in Nancowry.

Human Rights Law Network has filed a writ petition (*Papparao Vs. Union of India*) in the public interest on behalf of the fishing community living in A&N Islands. The main issues that this ongoing petition addresses are:

- Implementation of the various packages for the fishing community.
- Providing only subsidy against a complete compensation package for other losses of livelihood.
- An erratic and arbitrary implementation of the rehabilitation package – boats have arrived in some areas for a few families but they have not been provided with the necessary equipment to fish.
- The waiving of loans issued against house-building for 20 fisher settler families in the years 1972 and 1974 – a loan that put fishing families into servitude for the last 30 years for a measly Rs. 2300.
- The lack of provisions needed to restore fishing livelihoods, such as cold storage facilities, markets, fishing harbours, fishing markets, and drying sheds to dry nets in all islands of Andaman and Nicobar.

Petty Traders and Small Businesses

"Sab kuchh kho gaya. Nayee dukaan ke paise kahan se laaye?" (Everything has been lost. Where do we get money to set up a new shop?)
Woman in Bamboo Flat who formerly ran a restaurant.

Apart from the fishing and farming communities, the tsunami also destroyed the livelihoods of those who ran services, small businesses, shops and restaurants. The damage was particularly severe where these were located right along the coast, as in Hut Bay. Most of those who had lost their shops had nowhere else to set them up. There was still confusion regarding the CRZ. And financial constraints prevented most people from buying new land or renting new space.

Despite the lack of adequate support, people in many places were trying their best to restore their livelihoods themselves. Several shopkeepers in Hut Bay had either taken loans or used their own money to rebuild their shops along the main road adjacent to the seashore. A. Pandi, said that he had taken a Rs. 4 lakh loan from the State Bank of India and set up his shop (Sri Vinayaga Store) as he could not keep waiting for the government to help him. Sales were not as good as before, and he was afraid to stock up much as there was always this impending fear at the back of everyone's mind of another tsunami. There were others like him. Most of them were operating out of temporary shelters rather than constructing permanent structures.

The tsunami hit Hut Bay on the very day that Verghese Lodge was to be inaugurated. A year after the tsunami, the owner had managed to restore the place with extremely basic facilities and opened it to visitors.

In Bamboo Flat (South Andaman), a few women had set up petty shops outside their shelters. One was selling vegetables that she bought from the main town, while another was selling sweets, biscuits and other small items, but both of them said they barely made any profit.

We met a five-member Tamil family consisting of a couple and their three children who were brought to Bamboo Flat (South Andaman) from Car Nicobar. Laxmi, the mother, was the principal earning member as her husband was an alcoholic. She had her own bakery in Car Nicobar, which got completely destroyed. She had however, not received any compensation for it, yet she had started making sweets in her improvised kitchen and was selling them in church on Sundays and to people in the community. She had also managed to trace some retail dealers to whom she was supplying sweets, but could not start a bakery in the absence of an oven. Laxmi also sews, but admitted that she was unable to earn much from sewing. The only people who gave her clothes to stitch were from the shelter and they didn't have much money. So while normally she would charge Rs. 30 to sew a blouse, she was now charging Rs. 10 for the same. She had received not one but two sewing machines from two different organisations. Instead of a second sewing machine, Laxmi would have preferred receiving an oven or some other baking implements which could help her restart her bakery business. The absence, however, of a needs assessment or consultation with the affected people had resulted in inadequate livelihood support, not just in Laxmi's case, but with most families across the Islands.

Hari Krishnan, his wife and two children are one of the 10 "Andhra" families in Bamboo Flat (South Andaman). Hari had his own garage in Car Nicobar and made good money. He said he earned Rs. 500 just for repairing one autorickshaw. With no other employment options available, he had to work as a daily wage labourer at the site, and earned just around Rs. 125 a day. He said he had tried applying for a loan but had been rejected. He did not know anyone who could help him rent a space to restart his mechanic work. Since Car Nicobar is a regulated tribal area and non-tribals are not legally permitted to live and work there, the garage was registered in the name of a tribal. Thus, Hari was not eligible for the Rs. 10,000 compensation for livelihood loss. His wife Chandra, an *anganwadi* worker working in Junglighat (South Andaman) before the tsunami, informed us that because she was not with her husband at the time of the tsunami, her name and her son's name were missing from the list of the affected. It took her 10 months to get their names on the list in order to be eligible for free ration and other relief support.

Jayalaxmi, also at the Bamboo Flat shelter ran a restaurant in Pani Ghat that got completely washed out. She had received Rs. 10,000 as livelihood compensation but it was not sufficient to set up another restaurant. Now she was selling vegetables to the community in the shelter, but was not making money.

The non-tribal women from Car Nicobar living in Bamboo Flat told us that they never used to work outside the home. But the current dire pecuniary circumstances had forced them to engage in all kinds of work ranging from construction work to street cleaning.

World Vision had given each family a sewing machine in Chota Inaka and Bada Inaka (Kamorta), but since people did not know how to sew and since they had not been given any training, most

machines were lying idle. One family admitted to having learnt to use the machine on their own, but sewing was not a source of income for them. In Padauk Tikree (Little Andaman) too, World Vision had given sewing machines to 10 families, but we heard that others wanted machines too since many of them knew how to sew. Some women had begun sewing clothes for members of the community, but still, were not making much money. One woman told us that she used to work as a daily wage labourer but now she could not go to work as there was no one to look after her



Self-employed woman, PHC shelter

children as her relatives who she formerly left her children with, were too far away from the new site. In Panchu Tikree (Little Andaman), sewing machines had been given to households with young women, but we heard that the quality of the machines was poor and not everyone knew how to sew. Chandru who ran a computer training centre in the market had lost Rs. 70,000 but had only been paid Rs. 10,000 as compensation. J. Mahendran who ran a typesetting business in a rented shop, had not received any compensation for his loss. Neither had he been allocated a temporary shelter, and was therefore living elsewhere with a friend.

Voluntary Health Association of India's (VHAI) livelihood support programme, Aparajita, had helped several petty traders set up shops in Little Andaman. These were marked by a distinctive red colour; several structures, however were lying unused. According to a staff member, this was because some people had accepted the compensation but were not using the given space to restart their work.

Divakar Rai, from Netaji Nagar (Little Andaman), had lost his rice mill, a small shop, and his house in the tsunami. He was living in the Netaji Nagar II shelter and had set up a tea stall with some help from VHAI's Aparajita programme. However, the compensation (Rs. 10,000) was nowhere close to what he had lost, and there was no way he could restart his rice mill. The current tea stall, he told us, was much smaller than his former shop. Apart from not having the finances to set up a larger shop, he too was afraid, like other shopkeepers on the island, of losing his wares in a calamity again.

A young girl in Panchu Tikree (Little Andaman) had used the support provided to set up a STD phone booth facility, and after spending the day in school sat at the booth in the evenings in an attempt to earn some money.



Divakar Rai's new shop, Netaji Nagar

Daily Wage Labourers

"Roz kahan kaam milta hain? Ab kya kare? (Where do we find work everyday? What do we do now?)" Sita, Govind Nagar, Great Nicobar

Most of the people from Bihar, Jharkhand and Chhatisgarh ("Ranchis") in the Islands are daily wage labourers. While they lost all their belongings and their houses in the tsunami, their livelihoods did not directly suffer as much as other communities since they were still engaged in daily wage work. However, because the living conditions of their employers had changed post-tsunami, many complained that their former employers did not have enough money or work to hire them. Sita from Govind Nagar (Great Nicobar) said she used to formerly work as a gardener. But now since her employers had lost their houses and gardens and were living in intermediate shelters themselves, she had no one left to work for. Having lost her husband in the tsunami, the single mother was struggling to provide for her 5 children. She also lost her three hens but had not been compensated for the loss. She had managed to buy one hen with her savings, but said it was always sick and was not laying any eggs.

Cash for Work Programmes (CFW)

NGOs like ActionAid had initiated livelihood support programmes in the Islands called Cash for Work. They were paying people the daily wage – Rs. 108 and generating employment for those who had lost their traditional sources of livelihoods. For instance, the programme covered women working on a community vegetable garden, making brooms, and drying *kopra*. According to the ActionAid office in Port Blair, 60% of the beneficiaries of the CFW programme were women. Most women we spoke to in Little Andaman were pleased with the programme and grateful for the money they were able to earn from it. They were, however, concerned as to what would happen after the programme ended. In Govind Nagar (Great Nicobar Island), women told us that they had benefited from the CFW, but since it had ended they were unemployed again. Such programmes have to ensure long-term sustainability based on community ownership and capacity to carry it forward long after the income from the external agency stopped.

Most of the people engaged in the CFW programme, interestingly, were those who were daily wage earners before the tsunami as well. Others were not participating in the scheme, even though work was available, as they were not used to such a system of working.

Without adequate livelihood support, it is impossible for people to regain their sense of economic security and well-being. The issue of submerged



Women working on a community garden, Little Andaman

farmland is a critical one that is difficult to resolve given that land is scarce and alternate agricultural land may not be available for all. However, it is imperative that assessment surveys are carried out expeditiously and accurately, and adequate compensation provided to the affected in a just and timely manner. It is also critical that permanent housing be provided near sources of livelihood. This is especially important for fishing communities who cannot resume normal fishing activity if they are displaced far from the coast.



Women making brooms as part of the CFW programme, Little Andaman

PART FOUR

Tsunami's Children



Bhushan

Bhushan is now a healthy one-year old. Three days after the tsunami, he was a few days old baby, found floating on a piece of thermocol. A Nicobarese family decided to adopt him and he now lives with them in Campbell Bay. Selvi was not so lucky. She lost both her parents to the tsunami in Car Nicobar. She now lives with her uncle and aunt in the Bamboo Flat shelter (South Andaman). Apparently, she broke down one day in church and admitted that her aunt and uncle beat and torture her, which is why she does not want to live with them. But where can she go? In a community of tsunami-affected persons who are trying to rebuild their lives in Port Blair after having been airlifted from Car Nicobar, who has the capacity to take on more? In the absence of a functional Child Welfare Committee (CWC), which should have been established under the Juvenile Justice Act, 2000, there is no government machinery to deal with children like Selvi. Her neighbours say she behaves strangely since her parents died.

“In the days following the tsunami when we were all living on the hill slopes, after losing our homes and belongings to the sea, our young boys and girls engaged in a lot of sexual activity. We too did not say anything. Let them have a good time and be happy. Who knows if we will be alive tomorrow?” said a woman from Joginder Nagar with an air of fatalism, as she showed us what once used to be her home and where now lay a pool of murky water. Her daughter-in-law had delivered a baby just before the tsunami and ran up a slope with her baby, praying the waters would not pry him away from her.

Clearly, children have suffered as a result of the tsunami. Parents, teachers, NGO workers recounted how in the immediate aftermath, children were unable to sleep and had nightmares. They were afraid to go anywhere near the sea. One year after, however, the initial fears have dimmed. What they now have to cope with are problems related to post-emergency rehabilitation.

Both international as well as national organisations are working on children's issues in the Islands. The international agencies include UNICEF, World Vision, Caritas-Catholic Relief Services-ACANI-Ursuline Sisters and Society of Pilar; ActionAid, Railways Children, and Save the Children-UK. The national agencies focusing on children are: Butterflies, Prayas, Ashadeep, and Human Rights Law Network, among others.

Aparna, an 18-year old from the Namunaghar shelter (South Andaman) used to work as a teacher in the Butterflies centre for children. She told us that in the initial post-tsunami phase, children were very quiet and would not laugh or talk. But activities in the centre helped them to gradually overcome their stress and fear. While Aparna taught the children and played with them, her brother, a 16-year old, conducted art classes for them. As a consequence of new centres set up by other organisations, the number of children coming to the Butterflies centre had gone down, which is why Aparna felt it was not worth continuing at the centre.

A worker with one of the child rights organisations in Great Nicobar felt that the A&N Administration was not aware about child rights. Some of the child rights organisations had decided to organise a children's programme on Republic Day but apparently it had required a lot of effort on their part to convince the Administration.

Education

Education has always been a problem in the Islands. This is because, compared to the mainland, opportunities are very limited. The quality of teaching is poor, teachers irregular, and facilities inadequate. Despite the educational lacunae, children attended school as they had no other option.

After the tsunami, school buildings were either broken or used as emergency shelters. As with any disaster, teachers and their families were victims too and needed rehabilitation. Naturally, children's education was badly disrupted. Soon after the tsunami, UNICEF set up tents so that education could continue uninterrupted. VHAI informed us that they had set up seven play schools housed in large tents in Little Andaman, which they supplied with reading, art and play materials as well as biscuits for the children. Later they had established semi-permanent structures in five camp sites to run play schools during the monsoons.



Temporary tent set up by UNICEF to conduct classes for children in Kamorta

For those students who had to appear for Board exams after the tsunami, arrangements had been made to bring them to Port Blair from the islands to ensure that they did not lose a year.

Post-tsunami too, the effort has been to ensure that children are sent back to school and retained there. The repair and reconstruction of schools has been undertaken by aid agencies such as Church of North India (CNI), Oxfam, and Bharatiya Jain Sangathan, among others. Teaching as well as learning materials have been provided by aid agencies, NGOs, and the district administration. According to UNICEF, the government was yet to engage in school repair and reconstruction. At the time of our visit, UNICEF had just entered a partnership with the PWD to this effect.

The relocation of large population groups from badly affected islands to other islands has meant an additional burden on the existing or often diminished resources of those islands. It has led to

overcrowding in the existing schools and strain on limited resources as new facilities to absorb the increase in number of students had not been provided. In any school in Great Nicobar or Little Andaman, there were up to 70 children per class as new settlers also had to be accommodated and many of the existing schools had been washed away. In Great Nicobar, after the tsunami, only three of the former eight schools were left.

The situation was particularly challenging for Nicobarese children who had been evacuated from their islands to Port Blair or to Campbell Bay. At home, before the tsunami, these children went to primarily tribal schools with tribal teachers where the students belonged to their own language group (There are several language groups among the Nicobarese tribals.). Now they not only had to live in makeshift tin sheds away from their familiar environments, but had to attend schools with a heterogeneous group of children, and that too in very large classes. Added to this was the problem of shortage of teachers.

In Krishna Nala in Little Andaman, the government school had only four teachers for eight classes.

In the post-tsunami scenario, government teachers are sent to the islands for a period of only six months, after which they return to Port Blair, where most of them are from. This creates a discontinuity in education and negatively affects children who have to adjust to new teachers and new teaching styles every six months. Even during the six months while they were there, we received complaints that most teachers did not regularly take classes. The quality of teaching was therefore extremely irregular and poor. Some parents admitted that their children could pass only by cheating. It seemed to be an accepted practice among some. As one parent said, "With such bad schools, no teachers, not enough educational materials, and a lack of interest in teaching, how and when will our children learn enough to pass exams themselves? It was not the best situation before the tsunami, but now it's many times worse."

In Campbell Bay, parents in the PHC shelter also complained that teachers were few and came on a rotational basis to the island for a period of six months. Most of them were disinterested in teaching and the teacher-student ratio was low. One parent lamented that even after passing out from Class XII, students could not write correctly. Math and English in particular were weak subjects. They strongly felt that the quality of education in the Islands was severely compromised and children lost out by living there. It also made it very difficult for children from the island to work outside as they suffered a great disadvantage compared to those who had studied on the mainland or even in Port Blair.

There were two *anganwadis* with 28 and 31 children respectively in the PHC shelter (Campbell Bay, Great Nicobar). There was no separate building for the children. The centres were conducted in the verandah outside the worker's shelters. Both *anganwadi* workers said that the absence of milk was a major concern and they also desperately needed Horlicks and vitamin biscuits.

Education has been badly affected in the smaller islands as most schools were destroyed in the tsunami. Many people have thus had to shift their children to other islands to enable their education to continue.



Anganwadi, PHC shelter

Since the school in Kakana was completely destroyed, Frazer's wife and children have moved to Kamorta so that the children can attend school there.

To address the shortcomings in the educational system, some NGOs and religious organisations had arranged for children from the islands of Katchal and Kamorta to study in boarding schools in Tamil Nadu and Sikkim. C.K. Somnath, a teacher with the Butterflies Centre in Champin Island, had sent his 16-year old daughter to a missionary school in Tirunellavalli (Tamil Nadu) but was sad that he was not allowed to visit her or even write letters to her for three years. This was very hard for both the parents and the child. When we asked why he'd sent her away under such difficult restraints, he said that he wanted his children to be well educated. Also, if children stayed with their parents, they became too emotional and found it more difficult to leave home later. It was better for them to get used to staying away from a younger age if they wanted to have a better life and avail of opportunities beyond their small world on the island. He also added that he wanted his daughter to become a good citizen of India and had sent her with a blind faith in the Catholic organisation responsible for her education. "It's for the future of my child. We have to have faith in somebody. What is left here?"

Fifteen children from Katchal and 15 from Car Nicobar have been placed in the Bahai school of Thadang – a boarding school in Sikkim. The principal of the school in Sikkim visited student's families to understand the socio-cultural environment of the children while the children's parents were also taken to the school in Sikkim to ensure that they were satisfied with the facilities being provided to their children and approved of the environment in which they were living. Interestingly, the Tribal Council Chairperson was unaware of this.

The Butterflies team informed us that NGOs and the Administration have jointly prepared an "Education for All" document to address the educational needs of children in the Islands.

Safety

Physical and emotional security is an integral part of any rehabilitation effort. While psycho-social initiatives undertaken by NGOs and INGOs have addressed the emotional security of children to some extent, though questions raised earlier in this report about their efficacy and long-term impacts hold true, issues of children's basic physical security also need to be addressed.

The toilets in the islands are located far from most intermediate shelters; in some places, it was a 5-8 minutes walk. Children were unable to go to these toilets alone, either because they were too small, or because they were afraid to walk alone, especially in the dark. In Bamboo Flat (South Andaman), though the toilet was close to the shelter, the large gap between the frame and the door made girls feel insecure inside. Every time they used the toilets or bathed, they asked someone to wait outside. Their fears were not unfounded, because in Panchu Tikree (Little Andaman), a young girl told us that she had found a neighbour peeping through the gap while she was bathing.



Because construction and upgradation work in intermediate shelters continues, and that too at a slow pace, many shelters were overcrowded with construction materials, and we saw several dug up pits and uncovered drains. Spaces for children to play and even move around was limited, thereby putting them in danger of hurting themselves. In several shelters in South Andaman, World Vision had set up spaces marked by signs as “child friendly spaces” or “children’s playground.” CARE India too had built some children’s parks in Little Andaman. Such spaces were not visible in all the shelters in Great Nicobar.



No space to play safely: rocky paths and overcrowded conditions in Padauk Tikree

Tsunami’s Orphans

Several children were orphaned as a result of the tsunami. In the Nancowry group of islands alone (The Nancowry group of islands consists of 8 islands: Kamorta, Nancowry, Teressa, Katchal, Bambooka, Chowra, Trinket and Telanchong.), there were 40 orphans. Amongst the Nicobarese, orphans are absorbed into the extended family and taken care of. In fact, as we were repeatedly informed, there is no word for ‘orphan’ in any of the Nicobarese dialects because children without parents are automatically taken care of by the community. A tribal captain in Kamorta told us that captains as well as *tuhet* leaders were responsible for the well-being of all children in the *tuhet*. In the event that the surrogate parents were not taking good care of the orphaned children, they could shift them to another family. In Rajiv Nagar II (Great Nicobar) we met three young Nicobarese orphans who were living with their aunt Magdalena’s family since their parents had died in the tsunami.

There are three “children’s homes” in the Islands that can accommodate orphan or destitute children. One is in Ferrargunj (this has yet to receive formal permission and license from the Director of Social Welfare), the second is run by the Ramakrishna Mission in Port Blair, and the third run by the Church in Badmash Pahad, South Andaman. Children can be placed in institutions only through the Juvenile Justice Board. We were, however, informed that the Chief Judicial Magistrate – the Chairperson of the Juvenile Justice Board at Port Blair was unaware of its jurisdiction to address issues pertaining to adoption.

A number of NGOs, along with Save the Children-UK, ActionAid, Butterflies and Prayas have jointly undertaken a study on orphans and children with single parents on the Islands. The report was still being finalised at the time of our visit.

Initiatives for Children

Almost all organisations working on rehabilitation in the Islands have psycho-social therapy as part of their mandate. UNICEF had trained 1350 teachers in psycho-social therapy. The Hut Bay field unit of ACANI/CRS/ Caritas-India/ Ursuline Sisters/ Society of Pilar (who work together), informed us that they had provided psycho-social counselling to 893 families and organised six psycho-social medical camps in Little Andaman.

Child-related initiatives are being undertaken by both government and non-government organisations, many of them as joint initiatives. The major international NGOs such as Save the Children-UK, Action Aid, Railways Children, Caritas, CRS, CARE, Save the Children-UK and World Vision are undertaking projects for children on their own or in partnership with national level organisations such as Butterflies, Prayas, VHAI-Aparajita, and West Bengal Voluntary Health Association.



Children's playground, Panchu Tikree



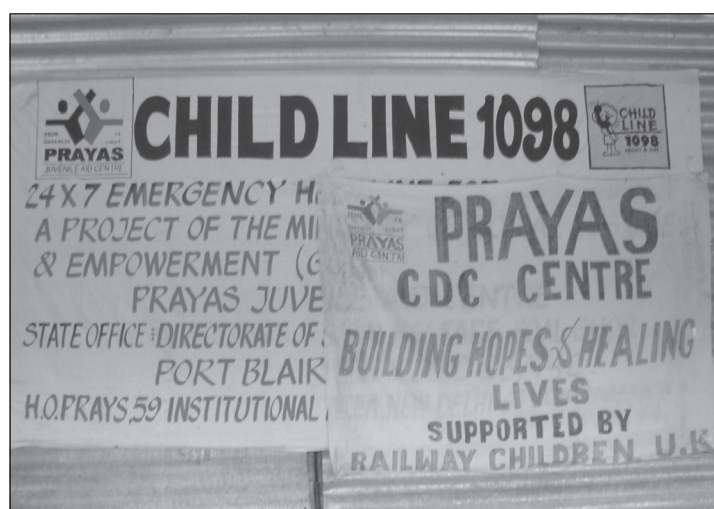
Anganwadi, Nanjappa Nagar

Agencies such as VHAI-Aparajita and CARE India have contributed towards setting up *anganwadis* (centres for infants) in intermediate shelters. In Harminder Bay (Little Andaman), Nelli, the *anganwadi* teacher and fifth captain of the tribal council informed us that two *anganwadis* had been built at two ends of the site; one by CARE India and the other by VHAI-Aparajita. At the time of our visit, the teacher had recently shifted the *anganwadi* from the CARE structure to the one built by Aparajita. This was also the only site where we saw a functioning health care centre.

Save the Children-UK had partnered with Prayas to run the Child Line initiative. It was supporting Butterflies to undertake child protection initiatives through running centres and creating awareness on child rights. It had also partnered with Nehru Yuva Kendra for livelihood generation programmes, was exploring initiatives to address child labour, and was supporting the A&N Administration to build Integrated Child Development Services (ICDS) centres.

In almost all the shelter sites that we visited, children's centres were being run by Butterflies and Prayas. In some sites centres had also been set up by Catholic Relief Services (CRS). The Butterflies staff informed us that they had come to an understanding with CRS not to duplicate their services. For example, in Govind Nagar (Great Nicobar) while the Butterflies centre was catering to the needs

of young children, CRS was looking after the needs of older children. However, at most sites that the team visited in Great Nicobar and Little Andaman, both Prayas and Butterflies were running parallel centres, in some places (as in PHC shelter, Campbell Bay, Great Nicobar) just a few sheds away from each other. This seemed to create confusion among the children and their parents. The services provided were the same – remedial or educational support to children to ensure that they were retained in



school, games, sports, and tuition classes. Some parents laughed and commented that, “there is often competition among the teachers to bring children into their centres.” Further confusion was witnessed in Little Andaman where Prayas had decided to shut down their centres which resulted in all their children joining the Butterflies centre. At the time of our visit, Prayas in partnership with Ashadeep, was planning to reopen its centres. While creating child clubs was already part of Butterflies’ agenda, Prayas too was planning to do the same in order to enhance children’s participation. This will, in effect, mean different child clubs and *bal sabhas* (children’s councils) being promoted by different agencies at the same sites, and might lead to unnecessary competition, confusion, and duplication of efforts.

Butterflies was also in the process of approaching about 60 schools across the Islands as well as local youth groups to create awareness on child rights and child-centred disaster preparedness.

While activities to promote child participation are absolutely critical to ensure that children have an opportunity to voice their needs and concerns and participate in rehabilitation activities, it would be more prudent to organise one large forum in each resettlement site that precludes competition and provides a common platform for children to come together and raise a collective voice.

Juvenile Justice System

As per the latest information provided by the Ministry of Social Justice and Empowerment³³ the following is the status of the implementation of the Juvenile Justice (Care and Protection Act) 2000.

- a. Draft Rules have been prepared and under consideration of the Union Territory (UT) Administration.
- b. Observation Home/Special Home/Children Home are being maintained by the UT Administration.
- c. Inspection Committee for Children Home will be appointed.
- d. Proposal of constitution of Advisory Board at State level under active consideration.
- e. Creation of Special Juvenile Police Unit being undertaken.

³³ <http://socialjustice.nic.in/social/impleJJ.htm>

This in effect means that the older Juvenile Justice Act, 1986, continues to be applied to the Islands even though the new Juvenile Justice Act 2000 has been in force for some time now. The Child Welfare Committee (CWC) is neither visible nor accessible, although Prayas with support from the Ministry of Social Justice and Empowerment and Save the Children-UK has started a Child Line service (toll free 1098 number) in the Islands after the tsunami. The calls from all other islands, are however, diverted to Port Blair. This means that immediate relief is not available in the other islands. In the absence of functioning Child Welfare Committees,³⁴ even when children make distress calls using the Child Line service and even if they are rescued, there is no CWC to refer them to.

³⁴ The Child Welfare Committees set up under the Juvenile Justice (Care and Protection) Act, 2000 are responsible for taking decisions regarding children in need of care and protection, which includes children who are victims of armed conflicts, natural calamities, civil commotion etc., as also those who are neglected, orphaned, victims of violence. In other words, children affected by emergency situations are included in the category of children, which the Child Welfare Committee should look after.

PART FIVE

Recommendations

This report has tried to highlight some of the gaps in the current operative mechanisms of government and non-government agencies involved in rehabilitation in the tsunami-affected areas of the Andaman and Nicobar Islands. The aim of this report, however, is not merely to identify shortcomings, but also to pose concrete suggestions that promote solutions through the application of the human rights framework in all rehabilitation work.

The HLRN team appreciates the intentions of most of the actors involved in relief and rehabilitation, and commends the efforts of some. Nevertheless, despite an apparent display of goodwill, on the whole, there is much to be desired and improved. Below is a general list of recommendations to all actors involved in rehabilitation in the Andaman and Nicobar Islands, including local and international NGOs and relief agencies, governments, and others such as donors and multi-lateral development banks. We hope that the key involved players pay heed to the following recommendations in order to remedy some past mistakes and to ensure that they are not repeated when plans for permanent housing are made and implemented.

In order to address many of the concerns raised by this fact-finding mission, it is first necessary that all the actors accept that rehabilitation efforts, particularly those involving intermediate shelters have largely violated human dignity. It is this admission that will enable the agencies to learn and seek appropriate solutions. Needs and human rights-based efforts would require changes in their own thinking and practice.

General Recommendations

1. All relief and rehabilitation plans must meet national and international human rights standards, in particular the rights to life, livelihood, health, food, information, dignity, equality, freedom of association and movement, and adequate housing.³⁵
2. Based on these standards, every person irrespective of race, class, caste, linguistic group, ethnicity, sex, sexual orientation, marital status, disability and age, at every intermediate shelter site/ permanent housing site for tsunami survivors must have:
 - Adequate housing;
 - Adequate food and resources to access food;
 - Adequate health care facilities, including psychological counselling;
 - Access to education;
 - Access to livelihood options;

³⁵See *International Human Rights Standards on Post-disaster Resettlement and Rehabilitation*, Housing and Land Rights Network and PDHRE – People’s Movement for Human Rights Learning, 2006. Available online at: <http://www.hic-sarp.org/Post-Disaster%20Compilation.pdf>

- Opportunity for participation and representation;
 - Access to protection against violence;
 - Access to judicial remedy;
 - All other rights normally available to citizens of the country.
3. Men and women should be equally eligible for the collection of compensation money.
 4. The government must provide people with adequate and timely information on:
 - Reconstruction plans and processes;
 - Funds received and amount disbursed;
 - Details of allotment of alternative houses or land;
 - Responsible authorities/agencies in the relief and rehabilitation work.
 5. Information must be made available in local languages and through appropriate media with a view of reaching the maximum number of people in every community. Special steps must be taken so that all information reaches marginalized sections, including women, children, minorities, the elderly and the disabled.
 6. Grievance redressal mechanisms should be set up at the lowest administrative levels with adequate powers to address problems that may arise in the course of the rehabilitation process. Special mechanisms to assess relief and rehabilitation work of government and non-government agencies vis-à-vis human rights standards should be set up.
 7. Agencies must follow internationally accepted human rights standards and principles in their work. A human rights-based approach must underlie all relief and rehabilitation work and the principles of non-discrimination, equality, and gender-sensitivity must be upheld.³⁶ Rehabilitation should look into the long-term needs and rights of individuals and communities.
 8. Rehabilitation policies must be culturally sensitive and well suited to meet local conditions.
 9. All agencies involved in reconstruction and rehabilitation must develop a code of operation for all their staff and workers. This must include accountability to the people they are working for.
 10. All agencies — government and non-government — must operate on the principle of cooperation. This should involve regular meetings and information sharing as well as coordination to ensure that their policies are not conflicting, duplicative or negating of one another.

Recommendations related to Housing:

1. There is a clear and urgent need to come up with guidelines based on the international human rights framework that go beyond the “SPHERE Guidelines,” and articulate certain minimum standards on space, facilities and infrastructure for post-disaster rehabilitation and housing.³⁷
2. Concepts such as “temporary,” “intermediate” and “permanent” housing need to be defined, not only in terms of their attributes but also in terms of a timeline for their provision. An acceptable

³⁶See www.ohchr.org for text of human rights instruments, and particularly: Guiding Principles for Internally Displaced Persons; Principles on Housing and Property Restitution for Refugees and Displaced Persons; General Assembly Resolution 59/279, Strengthening emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster; Basic Principles and Guidelines on Development-based Evictions and Displacement; joint statement by UN Special Rapporteur on adequate housing and Representative of the UN Secretary-General on the human rights of internally displaced persons, one year after the tsunami at: <http://www.un.org/News/Press/docs/2005/hr4880.doc.htm>

³⁷For a holistic understanding of the human right to adequate housing using the indivisibility of human rights approach, see reports of the UN Special Rapporteur on adequate housing, Miloon Kothari, at: http://ap.ohchr.org/documents/dpage_e.aspx?m=98

maximum time period for living in intermediate shelters therefore must be specified, and people must not be made to live in them for 2 – 3 years, as is the current case.

3. If it is expected that people will have to live in temporary or intermediate shelters for more than six months, systems for repair and reconstruction must be in place. Shelters that are already being subject to wear and tear, leakages, breakages and cracks, should be immediately repaired and the quality of materials used should be improved. Mechanisms for oversight and quality control need to be established to ensure that corruption and fraud with respect to construction materials are avoided.
4. Every shelter should have a partition to provide some space and privacy for women. The walls of the partitions between two units must go all the way to the top to ensure privacy and security.
5. All intermediate shelters must have improved access to drinking water, sanitation (including covered drains), solid waste management and electricity facilities. The PWD needs to take responsibility for regular garbage collection and disposal.
6. Toilets must be built close to the shelters, as is the case in many of the Nicobarese shelters.
7. All intermediate shelter sites must be connected with roads, and paths within the site must be smooth and even.
8. All intermediate shelters must have a public telephone booth.
9. All sites should be connected by subsidised public transport to local schools, colleges, market places, jetties, clinics and hospitals.
10. Government agencies and NGOs that construct temporary shelters must visit them regularly and perform site inspections while following a comprehensive checklist to ensure that people are living in habitable conditions, and also to hear their complaints and redress them.
11. Permanent housing designs must only be finalised after vetting them with the affected communities and after incorporating their suggestions and preferences.
12. Construction and design of the permanent house should allow for extensions if the family so desires at a later stage.
13. Number of family members in a house must be considered when building and allocating new houses. Extended families that lived in one large house cannot be given the same space meant for a single family. Instead, it should be adequate for their needs.
14. The confusion and contention regarding the implementation of the Coastal Regulation Zone needs to be resolved through a process of close and intensive consultation with the affected communities.
15. Efforts must be made to ensure that members of fishing communities are able to live close enough to the coast to be able to continue their livelihood and to have access to their boats and nets.
16. Women must be granted joint ownership over permanent housing and land that is allocated. Even if housing and land titles were in a man's name before the tsunami, new property rights must be given in joint ownership or single ownership where required.
17. Those who were living in rented accommodation must also be provided alternative housing.
18. Houses must be constructed using socially and culturally appropriate processes and designs, and should be disaster-resistant and eco-friendly. Local materials favoured by the people should be used as far as possible.
19. All new housing should be accessible to people with disabilities and to senior citizens.

Recommendations related to Livelihoods

1. Opportunities should be provided not just to help people regain their pre-tsunami standards of living, but also to improve their lives where possible.
2. Women's income generating options should be incorporated into livelihood rebuilding plans. For instance, provision for self-employed/home-based women workers must be integrated in rehabilitation plans.
3. Access to grants and loans to re-build lost livelihoods and to replace damaged or destroyed tools, workspace, equipment, supplies, credit, capital, markets and other economic resources must be made available, to both women and men.
4. Compensatory items aimed at restoring livelihoods, such as bicycles, sewing machines and boats should be of good quality so that they endure.
5. All surveys regarding assessment of agricultural land should be completed as expeditiously and accurately as possible and comprehensive rates of compensation should be provided.
6. For displaced populations, especially tribals and those from evacuated islands, measures to provide alternate farmland and sites for breeding livestock should be urgently provided.
7. All those who have still not been paid livelihood compensation should be given the money instantly and incomplete lists should be updated to make sure that no names are missing.

Recommendations related to Children

1. Special measures to address children's needs, especially of those who have lost one or both parents in the tsunami, should be incorporated in all relief and rehabilitation plans. It is imperative that these measures are primarily based on the perspective of children's rights.
2. Systems for monitoring the rehabilitation of orphaned children, even when they are within the community, must be in place and there must be regular monitoring of their situation. In the case of tribals, even though monitoring is already being undertaken by Captains, this should be made part of the government's responsibility so that Captains can also be asked to report to the Administration on the situation of children.
3. Special guarantees must be given to orphaned boys and girls to be recognised as separate and independent units and to enable them to receive entitlements to land and compensation so that they are not merely absorbed into the family units that have temporary guardianship.
4. Child Welfare Committees should be set up immediately and the Juvenile Justice (Care and Protection) Act, 2000, should be implemented across the Islands and systems under it should be instituted.
5. Child Line services should be improved to enable calls to local islands in order to provide tangible solutions, rather than diverting all calls to Port Blair, which does not serve the purpose of assisting local children, especially as there is no Juvenile Justice System in place.
6. Adequate psycho-social support services and long-term counselling programmes for children should be integrated into school and play activities.
7. All agencies working on children's issues in a particular shelter should coordinate their activities and work closely together to prevent competition and duplication of efforts.
8. Special efforts should be made to ensure that schools are quickly reconstructed, that teachers come regularly, that educational materials are provided to children, and that exams are held as scheduled.

PART SIX

Annexures

ANNEX I

Tsunami Damages at a Glance

1. Dead and Missing	3513
Adults	2336
Children	1177
Male	1729
Female	1784
Tribal	2955
Non-tribal	558
2. Loss of Private Property	
Paddy land affected	1730 ha.
Plantation land affected	5879 ha.
Boats fully damaged	938
Boats partially damaged	765
Loss of livestock	157,577
Houses fully damaged (Approx.)	10,000
3. Loss of Public Property	
Schools Destroyed	85
Health Centres Destroyed	34
Power Capacity Destroyed/Shut Down	37 MW
Power Houses Inundated/Washed Away	20
4. Jetties Damaged	24
Fully/Partially Damaged	15
Minor Damages	9
5. Roads Damaged (Fully/Partially)	354.25 km (approx.)
6. Water Supply-Villages affected	257

(Source: *Andaman and Nicobar Islands: Towards a Better Tomorrow*, A&N Administration, January 2006)

ANNEX II

Agriculture-Reclamation of Damaged Area & Distribution of Seeds etc.

ISLAND	Damaged Area	Submerged Area	Area Reclaimed	Distribution of Seeds/ Seeding Vegetable/Paddy/ Coconut seeds
NORTH ANDAMAN				
DIGLIPUR	27.2 ha	Nil	40 ha (due to receding of sea)	30 kilogrammes (kgs) (veg)
MIDDLE ANDAMAN				
RANGAT	84.00 ha	11 ha	66.09 ha	85 kgs (veg)
MAYABUNDER	44.00 ha	Nil	6.8 ha	15 kgs (veg)
SOUTH ANDAMAN	1667 ha	1279 ha	175.15 ha	101 kgs (veg) 2389 kgs (paddy)
LITTLE ANDAMAN	117 ha	Nil	83 ha	66 kgs (veg) 2240 kgs (Paddy) 4221 Nos. Coconut
CAR NICOBAR	2749 ha	213.12 ha	540.87 ha	262 kgs (veg) 51,055 Nos. (Coconut)
TERESSA	1184 ha	401.44 ha	316.15 ha	192 kgs (veg) 52,577 Nos. (coconut)
NANCOWRY	668 ha	244.02 ha	–	–
KAMORTA	2023 ha	527.27 ha	324.7 ha	322.24 kgs (veg) 39,717 Nos.
GREAT NICOBAR	768 ha	668.86 ha	49.90 ha	38 kgs (veg) 120 kgs (paddy) 2655 Nos. (coconut)

(Source: Andaman and Nicobar Islands: Towards a Better Tomorrow, A&N Administration, January 2006)

ANNEX III

Permanent Housing Plans Released by the Andaman and Nicobar Administration in March 2006

The first plan (stilt type construction is for the tribal shelters), while the second one (single storied construction) is for non-tribals. Both designs are merely reproduced here as government documents; we have not analysed or commented on them. The communities in consultation with the local government representatives need to approve or reject these plans as they deem fit.

Specifications for the Permanent Shelter for Tsunami Affected Victims³⁵

Stilt Type Construction

Foundation:

- Isolated RCC footings designed for the bearing capacity of the soil. The depth of footing shall be 0.90 to 1.20 meter below ground level. RCC columns up to the formation level suitably tied with steel tie members at just below formation level.

Main Structure:

- Near square shaped building has been planned for economy. This shape will provide better strength for resisting earthquake and wind forces.
- Steel box type columns formed by joining 2-Rolled steel sections (ISMC-125) suitably designed and fixed to the RCC columns with base plates and holding down bolts. The steel columns shall be tied in both directions using structural steel members at stilt floor level and roof level.
- Necessary arrangements shall be made for fixing wall panels with horizontal and vertical members with steel. The stiffener frames shall be connected to the main steel structural frame either by welding or by bolting. Horizontal members shall be provided at Sill, Lintel and Roof level. The vertical members shall be provided at the end of door and window frames.
- The beams shall be of rolled steel joists ISMC 125 connected to the steel columns with base plates properly welded.
- All steel members internal/external/fully covered and partly covered shall be protected with necessary protective coating as per the recommendations of CECRI, Karaikudi, Tamilnadu.
- Approach to stilt floor shall be by an independent external steel staircase.
- Welding shall be done for the joints for better rigidity.

Walls:

- External wall panels shall be of 20mm thick seasoned hard wood timber planks 100 to 200 mm wide with standard overlapping connected to the mainframe and stiffeners with bolts & nuts/screws.
- Internal partition walls shall be engineered processed bamboo plywood conforming to IS 13598 – 1994 -12 mm thick properly fixed with bolts & nuts and screws. Proper hard wood/Bamboo board shall be provided at the junction of floor and walls to prevent the entry of water/insects.

³⁵ Available at: http://cpwd.nic.in/TsunamiNew/tsunami_SPECI050206.pdf

- External wall in kitchen is of aerated cement sandwich panel 50 mm thick.
- Wall cladding with 3 to 4 mm thick Processed Engineered bamboo sheet confirming to IS 13598 – 1994 for inside room on wooden planks portion.
- Toilets room shall have masonry walls with aerated concrete blocks (600 x 200 x 200) in cement mortar for external walls and 600 x 100 x 200 for partition walls.

Flooring & Dado:

- Engineered processed Bamboo based ply wood conforming to IS 13598 -1994-16/12 mm thick shall be provided as flooring properly supported by steel joist of ISA 50 mm x 50 mm x 6 mm forming a suitable grid as per design.
- Bathroom and toilets shall be provided with Cement Concrete Tile Flooring over a lean concrete of (C.C 1:5:10).
- Toilets shall be provided with Ceramic tile dado for height of 0.90 meter in WC and 1.5 Meter in toilets.
- Portion below the stilt shall be leveled and compacted with locally available earth.
- The kitchen platform shall be with aerated Cement concrete sand witted panels supported on angle iron brackets welded to the main frame.

Doors & Windows:

Engineered processed bamboo/Bamboo – Jute composite doors and windows frames and shutters.

Roofing:

C.G.I. Sheet roofing supported with MS channels connected to main steel frames. Engineered processed Bamboo based ply wood conforming to IS 13598 – 1994 –3 to 4 mm thick used as panels for false ceiling suspended from the main steel framework.

Wall Finishes & Painting:

- Glazed tiles up to 0.60 meter height above kitchen platform.
- Water proofing paint on internal and external surfaces of toilet walls.
- Enamel paint on wood.

Water Closet:

Orissa pattern WC with cistern.

Water Supply:

PVC pipes shall be provided for water-supply and sewerage arrangement in kitchen and bath & WC will be provided.

Electrical Installation:

All rooms are provided with internal electrification with standard fitting including fan as per standard.

EXTERNAL SEWERAGE AND WATER SUPPLY LINES TO THE HOUSES TO BE PROVIDED BY APWD.

Specifications for the Permanent Shelter for Tsunami Affected Victims

Single Storied Construction

Foundation:

Isolated RCC footings designed for the bearing capacity of the soil. The depth of footing shall be 0.90/ 1.20 meter below ground level. RCC columns up to the Plinth level suitably tied with steel tie members at just below formation level.

Main Structure:

- Near square shaped building has been planned for economy. This shape will provide better strength for resisting earthquake and wind forces.
- Steel box type columns formed by joining 2-Rolled steel sections (ISMC-125) suitably designed and fixed to the RCC columns with base plates and holding down bolts. The steel columns shall be tied in both directions using structural steel members at stilt floor level and roof level.
- Necessary arrangements shall be made for fixing wall panels with horizontal and vertical members with steel. The stiffener frames shall be connected to the main steel structural frame either by welding or by bolting. Horizontal members shall be provided at Sill, Lintel and Roof level. The vertical members shall be provided at the end of door and window frames.
- The beams shall be of rolled steel joists ISMC 125 connected to the steel columns with base plates properly welded.
- All steel members internal/external/fully covered and partly covered shall be protected with necessary protective coating as per the recommendations of CECRI, Karaikudi, Tamilnadu.

Walls:

- External wall panels shall be of 20 mm thick seasoned hard wood timber planks 150 mm wide with standard overlapping connected to the mainframe and stiffeners with bolts & nuts/ screws.
- Internal partition walls shall be engineered processed bamboo plywood conforming to IS 13598-1994 –12/9 mm thick fixed with bolts & nuts and screws. Proper hard wood / bamboo board shall be provided at the junction of floor and walls to prevent the entry of water/insects.
- Toilets room shall have masonry walls with aerated concrete blocks (600 x 200 x 200) in cement mortar for external walls and 600 x 100 x 200 for partition walls.
- External wall in kitchen is of aerated cement sandwich panel 50 mm thick.

Flooring & Dado:

- All the room shall be provided Cement tile flooring on lean concrete (CC 1:5:10).
- Bath room and toilets shall be provided with Cement Concrete tile Flooring over a lean concrete of (C.C 1:5:10).
- Toilets shall be provided with Ceramic tile dado for height of 0.90 meter in W.C. and 1.5 Meter in toilets.
- The kitchen platform shall be with aerated Cement sand-witched panels supported on aerated cement concrete block masonry work.

Doors & Windows:

- Engineered processed bamboo/Bamboo jute composite doors and windows frames and shutters.

Roofing:

- C.G.I. Sheet roofing supported with MS channels connected to main steel frames. Engineered processed Bamboo based ply wood conforming to IS 4990-3 mm thick used as panels for false ceiling suspended from the main steel framework.

Wall Finishes & Painting:

- Glazed tiles up to 0.60 meter height above kitchen platform.
- Water proofing paint on internal and external surfaces of toilet walls.
- Enamel paint on wood.

Water closet:

Orissa pattern WC with cistern.

Sanitary and Water Supply:

PVC pipes shall be provided for water-supply and sewerage arrangement in kitchen and bath & WC will be provided.

Electrical Installation:

All rooms are provided with internal electrification with standard fitting including fan as per standard.

EXTERNAL SEWERAGE AND WATER SUPPLY LINES TO THE HOUSES TO BE PROVIDED BY APWD.

ANNEX IV

Ministry of Environment and Forests (Department of Environment, Forests and Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991 (As amended up to 25.01.2005)

CRZ-IV

Andaman & Nicobar Islands:

- (i) No new construction of buildings shall be permitted within 200 metres of the HTL [except facilities for generating power by non conventional energy sources, desalination plants and construction of airstrips and associated facilities]⁵¹.
 - (ia) - (No provision made under the clause in the Regulation.)
 - (ib) - (No provision made under the clause in the Regulation.)
 - (ic) - (No provision made under the clause in the Regulation.)
 - (id) [The No Construction Zone may be reduced to a minimum of 50 mts in the identified stretches of the Islands in the Union Territory of the Andaman and Nicobar Islands selected and declared by the Central Government for promotion of tourism, based on an integrated coastal zone management study conducted by the Ministry of Environment & Forests by itself or through any agency authorised by it in this behalf].⁵²
- (ii) The buildings between 50⁵³ and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceeds 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style,
- (iv) (a) [Corals from the beaches and coastal waters shall not be used for construction and other purposes;
- (b) Sand may be used from the beaches and coastal waters, only for construction purpose upto the [31st day of December, 2005]⁵⁴ and thereafter it shall not be used for construction and other purposes]⁵⁵;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given from respective Categories shall apply.

Source: <http://www.and.nic.in/crZNotification-amendment.pdf>

⁵¹ Inserted vide Notification S.O.1100(E) dated 19.10.2002.

⁵² Inserted vide Notification S.O.838(E) dated 24.7.2003.

⁵³ Substituted vide Notification S.O.838(E) dated 24.7.2003.

⁵⁴ Substituted vide Notification S.O. Nil (E) dated 25.01.2005. 14

⁵⁵ Amended by Notification S.O. 73(E) dated 31 Jan 1997.



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

HIC-HLRN Publications

Fact-finding Reports

Impact of War and Forced Evictions on Urbanization in Turkey: Violations of Housing Rights

Fact-finding Report No. 1 (Istanbul: Habitat International Coalition—HIC, 1996);

In Quest of Bhabrekar Nagar

Fact-finding Report No. 2 [a report to enquire into demolitions in Mumbai, India] (Mumbai: HIC, 1997);

Fact-finding Mission to Kenya on the Right to Adequate Housing: A report on slum conditions, evictions and landlessness

Fact-finding Report No. 3 (Nairobi: HIC-HLRN, Sub Saharan Regional Programme,¹ 2001);

Resettlement on Land of Bhutanese Refugees: A report on new threats to repatriation

Fact-finding Report No. 4 (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2002);

Restructuring New Delhi's Urban Habitat: Building an Apartheid City?

Fact-finding Report No. 5 [on the resettlement process of Delhi, India] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2001)²;

Rebuilding from the Ruins: Listening to the Voices from Gujarat and Restoring People's Rights to Housing, Livelihood and Life

Fact-finding Report No. 6 [on ethnic conflict in Gujarat, India] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP and Youth for Unity and Voluntary Action—YUVA, 2002)³;

The Impact of the 2002 Submergence on Housing and Land Rights in the Narmada Valley: Report of a Fact-finding Mission to Sardar Sarovar and Man Dam Projects

Fact-finding Report No. 7 [on housing and land rights violations and inadequate rehabilitation] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2003);

Post-Tsunami Relief and Rehabilitation: A Violation of Human Rights

Fact-finding Report No. 8 [mission to tsunami-affected areas of Tamil Nadu, India, and Sri Lanka] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2005).

¹ In collaboration with Human Rights Monitoring Group (HURIMOG)

² In cooperation with Sajha Manch, New Delhi

³ Mission conducted at the request of Citizen's Initiative, Ahmedabad

Thematic Publications

Trade, Investment, Finance and Human Rights

Essential Documents (Geneva: International NGO Committee on Human Rights in Trade and Investment—INCHRITI, 2001);

Children and Right to Adequate Housing: A Guide to International Legal Resources (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP and HAQ: Centre for Child Rights, 2002);

الأطفال والحق في السكن: دليل المصادر القانونية الدولية
(القاهرة: شبكة حقوق الأرض والسكن – شرق الأوسط وشمال افريقية، 2004)؛

Anatomies of a Social Movement: Social Production of Habitat in the Middle East/ North Africa (Cairo: HLRN, 2005);

ملاح حركة اجتماعية: انتلج اجتماعي للموئل في شرق الأوسط وشمال افريقيا
(القاهرة: شبكة حقوق الأرض والسكن – شرق الأوسط وشمال افريقية، 2005)؛

International Human Rights Standards on Post-disaster Resettlement and Rehabilitation [also available in CD format] (Bangalore: HIC-HLRN/SARP and PDHRE – People's Movement for Human Rights Learning, 2005);

حق المرأة في السكن الملائم والأرض : الشرق الأوسط وشمال إفريقيا [وقائع المشاورة الإقليمية في مدينة الاسكندرية] (القاهرة: شبكة حقوق الأرض والسكن – شرق الأوسط وشمال افريقية، 2005)؛

Women's Right to Adequate Housing and Land: Middle East/North Africa [Proceedings of the Alexandria Consultation)] (Cairo: HIC-HLRN, 2005);

Our Homes, Our Land, Our Culture, Our Human Rights [Proceedings of the Pacific Regional Consultation on "Women's Rights to Adequate Housing and Land"] (New Delhi: HIC-HLRN/SARP, 2006);

Tsunami Response: A Human Rights Assessment (PDHRE – People's Movement for Human Rights Learning, HIC-HLRN/SARP, and ActionAid International, 2006).

Country Assessments

Dispossessed: Land and Housing Rights in Tibet

(New Delhi: Tibetan Centre for Human Rights and Democracy—TCHRD, in collaboration with HIC-HLRN, 2003);

Standing up against the Empire: A Palestine Guide: From Understanding to Action, [report of a seminar organized at the World Social Forum III, Porto Alegre, Brazil] (Cairo: HIC-HLRN, Middle East/North Africa (MENA) Regional Program, 2003);

التصدي للإمبراطورية : دليل التضامن مع فلسطين : من الفهم الى التحرك [تقرير عن الورشة في صميم المنتدى الاجتماعي العالمي الثالث، بورتو اليعري، برازيل، 2003] (القاهرة: شبكة حقوق الأرض والسكن – شرق الأوسط وشمال افريقية، 2005)؛

Confronting Discrimination: Nomadic Communities in Rajasthan and their Rights to Land and Adequate Housing

[working paper] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, 2004);

Restoring Values: Institutional Challenges to Providing Restitution and Compensation for Iraqi Housing and Land Rights Victims [analysis of the Iraq Property Compensation Commission]

(Cairo: HLRN Middle East/North Africa. 2005);

(القاهرة: شبكة حقوق الأرض والسكن – شرق الاوسط وشمال افريقية، 2005)؛

Home in Iraq

[a compilation of issues in the continuous housing and land rights crisis] (Cairo: HLRN Middle East/North Africa, forthcoming 2006).

Tools and Techniques Series

Community Action Planning: Processes – Ideas – Experiences

[Manual for human rights based slum upgrading] (New Delhi: HIC-HLRN, South Asia Regional Programme—SARP, YUVA and PDHRE, 2002);

Urgent Action: HLRN Guide to Practical Solidarity for Defending the Human Right to Adequate Housing

Tools and Techniques Series No. 1 [methodology and training manual for the HLRN Urgent Action system] (Cairo: HIC-HLRN, Middle East/North Africa (MENA) Regional Programme, 2003);

Action Urgente! Guide pour la Défense du Droit à un logement Suffisant par l'Action Solidaire, Série Outils et Techniques No. 1 [méthodologie et manuel pour formation dans le système HLRN d'Action Urgente] (le Caire: HIC-HLRN, Programme Régional du Moyen Orient/Nord de l'Afrique [MENA], 2003);

[منهجية ودليل لتدريب لنظام التحرك العاجل لدي شبكة حقوق الأرض والسكن] (القاهرة: شبكة حقوق الأرض والسكن - شرق الاوسط وشمال افريقية، 2004)؛

Acción Urgente! Guía de Solidaridad Práctica para la Defensa del Derecho Humano a la Vivienda Adecuada, Seria Herramientas y Técnicas No. 1 [metodología y manual de entrenamiento para el sistema de Acción Urgente de la HLRN] (El Cairo: HIC-HLRN, Programa Regional del Medio Oriente/Norte de África [MENA], 2003);

Housing and Land Rights "Toolkit"

Tools and Techniques Series No. 2 [methodology in CD form] (Cairo: HIC-HLRN, Global Program, 2003);

"Juego de Herramientas" para los Derechos por la Vivienda y la Tierra

[Seria Herramientas y Técnicas No. 2 [manual de orientación metodológica en forma de CD] (El Cairo: HIC-HLRN, Programa Regional del Medio Oriente/Norte de África [MENA], 2004);

"طاقم الادوات" لحقوق الأرض والسكن

[CD] (القاهرة: شبكة حقوق الأرض والسكن – شرق الاوسط وشمال افريقية، 2004)؛ (القاهرة: شبكة حقوق الأرض والسكن – شرق الاوسط وشمال افريقية، 2004).

Reports to UN Bodies

Child in Search of the State

[report parallel to the India country report on the implementation of the right to housing as enshrined in the Convention on the Rights of the Child] (New Delhi: HIC-HLRN, Laya, Human Rights Foundation (HRF) and YUVA, 1998);

“Composite of Economic, Social and Cultural Rights Conditions of the Indigenous Palestinian People under Israel’s Jurisdiction and Control”

[Joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (HIC-HLRN, Middle East/North Africa (MENA) Regional Programme with seven other Palestinian, Israeli and international NGOs⁴, 2001);

“Implementation of the International Convention on the Rights of the Child: Israel Issues affecting the Indigenous Palestinian People under the State of Israel’s Jurisdiction and Control”

[joint parallel report to the UN Committee on the Rights of the Child] (Cairo: HIC-HLRN, Middle East/North Africa (MENA) Regional Programme with three other Palestinian NGOs,⁵ 2002);

Human Right to Adequate Housing in India

[joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme (SARP) with Indian NGOs,⁶ 2002);

Acts of Commission, Acts of Omission: Housing and Land Rights and the Indian State

[joint parallel report to the UN Committee on Economic, Social and Cultural Rights] (New Delhi: HIC-HLRN, South Asia Regional Programme (SARP) with Indian NGOs] (New Delhi: HIC-HLRN, 2004);

Joint Parallel Report on Government of China’s Implementation of the Human Right to Adequate Housing (Article 11 of the Covenant) [joint HIC-HLRN and Center on Housing Rights and Evictions parallel report to the UN Committee on Economic, Social and Cultural Rights, endorsed by the Tibetan Centre for Human Rights and Democracy] (Cairo: HIC-HLRN, 2005).

⁴ Adalah, the Legal Center for Arab Minority Rights in Israel; Association of Forty (Israel); Badil Resource Center for Palestinian Residence and Refugee Rights (Bethlehem); Boston University Civil Litigation Program (USA); LAW Society for the Protection of Human Rights and the Environment (Jerusalem); Palestinian Center for Human Rights (Gaza); World Organization against Torture (Geneva, Switzerland)

⁵ Defence for Children International (Palestine); LAW Society for the Protection of Human Rights (Jerusalem), Al Mezan Center for Human Rights.

⁶ National Forum for Forest People and Forest Workers, Muktidhara, Youth for Unity and Voluntary Action, Kalpavriksh, Sajha Manch, Citizens Initiative, Narmada Bachao Andolan, and National Campaign for Dalit Human Rights.

Habitat International Coalition (HIC) is an independent, international, non-profit movement of over 450 members specialized in various aspects of human settlements. Members include NGOs, social movements, academic and research institutions, professional associations and like-minded individuals from 80 countries in both the North and South, all dedicated to the realization of the human right to adequate housing for all.

Many of HIC's programmatic activities are managed through Thematic Structures:

- Housing and Land Rights Network (HLRN)
- Habitat and Environment Committee (HEC)
- Women and Shelter Network (HIC-WAS)
- Working Group on Housing Finance and Resource Mobilization
- Social Production Working Group

What are HLRN's Objectives?

HLRN shares with general HIC, a set of objectives that bind and shape HLRN's commitment to communities struggling to secure housing and improve their habitat conditions. HLRN seeks to advocate the recognition, defence and full implementation of every human's right everywhere to a secure place to live in peace and dignity by:

- Promoting public awareness about human-settlement problems and needs globally
- Cooperating with UN human rights bodies to develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfill the right
- Defending the human rights of the homeless, poor and inadequately housed
- Upholding legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including social production
- Providing a common platform for them to formulate strategies through social movements and progressive NGOs in the field of human settlements, and
- Advocating on their behalf in international forums

To attain these objectives, HLRN member services include:

- Building local, regional and international member cooperation to form effective housing rights campaigns
- Human resource development, human rights education and training
- Enhancing self-representation skills and opportunities
- Action research and publication
- Exchanging and disseminating member experiences, best practices and strategies
- Advocacy and lobbying on behalf of victims
- Developing tools and techniques for professional monitoring of housing rights
- Urgent action against forced eviction and other violations

To become a member of HIC-HLRN log on to www.hlrn.org



South Asia Regional Programme
Housing and Land Rights Network
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