

## CSJ's Work on Cyclone Tauktae – Critique of the compensation package, demands and recommendations



*Picture 1: a house completely destroyed due to the cyclone in Jaffrabad*

*This note examines the shortcomings of the Gujarat Government's compensation package for the cyclone victims. The critique and recommendations are directly informed by CSJ's work on disaster management in the districts of Amerli, Rajula, Una, Gir and Somnath.*

## **TIMELINE**

**17.05.2021 - 18.05.2021** – From 17<sup>th</sup>-18<sup>th</sup> May 2021, Cyclone Tauktae hit the coastal belts of Amreli and Gir Somnath district of Gujarat.

**20.05.2021 - 25.05.2021**- Our team visited the coastal villages that were affected due to the cyclone and met the local people, local CBOs and identified the issues faced by them.

**26.05.2021 - 01.06.2021**- The cyclone had completely destroyed the electricity connections. We provided generators, fuel, water motors and solar lamps in the affected villages of Rajula, Jafrabad and Una.

**05-06.2021 - 15.06-2021**- We collaborated with various local leaders, CBOs and NGOs for distributing ration kits. Around 500 ration kits were distributed in the coastal villages of Rajula, Jafrabad and Una.

**05.06.2021 - 25.06.2021**- The compensation scheme announced for the benefits of fisherfolks had many inadequacies. Apart from the exclusion of fisherwomen, migrant fisherfolks, owners of dried fish and stocked fish the benefits provided in the package were much lower than the actual damage that occurred. After interacting with the fisherfolks, boat owner associations and other local groups, we submitted a demand letter through our volunteers and through boat owners in the Prant offices of Rajula and Una.

**25.06.2021 - 02.07.2021**- We organized a 6-day long campaign and even conducted an online webinar for increasing awareness about the 105 Crore relief package that was announced by the government. The campaign was organized in the coastal villages of Jafrabad, Rajula and Una. In this campaign, we have submitted around 2300 individual applications and 30 group applications.

Applications for house damage : 1,524

Applications for boat damage : 217

Applications for getting work under MNREGA : 285

Application for Job Card : 171

Applications for Death/Injury : 2

Applications for the lost documents : 4

## Group Applications

- Application for appointment of Ombudsman
- Application for employment under MNREGA
- Application for the demands of fisherfolks (14 demands)
- Application for organizing service camps for the opening of bank account
- Application for Job Cards
- Application for the inclusion of migrant fisherfolks in the benefits of relief package
- Application for reissuing the lost documents
- Application for inclusion of people who could not get benefits because of not having their name in different Ration Card



*Picture 2 : Our Lawyers filing individual applications during our campaign in Jaffrabad*

**21.07.2021 - 23.07.2021-** We had organized a one-day training for our volunteers from the villages of Jafrabad, Rajula and Una on how and where to file applications regarding their rights and how to follow up.

**26.07.2021 - 28.07.2021-** 25 volunteers from the villages of Rajula, Jafrabad and Una went to the Fisheries Commissioner, Gandhinagar, Revenue Department, Gandhinagar and State Disaster Management Authority, Gandhinagar with the demand of fisherfolks. We also organized a press conference where 25 of our volunteers who had traveled to Ahmedabad expressed the issues faced by them due to the cyclone. The news was covered in more than 5 newspapers and TV channels.

**July - August- 2021:** People living near the coastal belts had lost their documents such as Aadhar Card, Ration Card, Election Card and similar documents. One of our group applications was in the context of organizing a service camp for reissuing the lost documents. Post Cyclone, in June, July August, we were constantly following up with TLSA Rajula, Jafrabad and Una as well as DLSA Amreli and Gir Somnath. In September and October, a service camp was organized for reissuing lost documents in Shiyalbet and Pipadikantha village of Jafrabad and Chanch village of Rajula. Also, another camp for reissuing the job cards was organized in the Dharabandar village of Jafrabad.

**September-October 2021:** We had applied RTIs for follow-up of all the applications which were submitted through our volunteers. After our continuous follow-up, more than 100 people received compensation for the house damage in Amreli and Gir Somnath districts.

## CRITIQUING THE COMPENSATION SCHEME

With respect to the compensation scheme, the demands can be split into 3 categories, *firstly* the inadequacy of the compensation package, *secondly* the unaddressed needs in the compensation package, and *lastly* the ostracisation that happened due to implementational gaps and failures.



*Picture 3 : Meeting with the members of the Boat association in Jaffrabad*

### **Inadequacy of the compensation package**

1) The aid package announced by the government provides that Rs. 2,000/- be provided to the Khalasi fisherfolks.

Due to the damage caused to many fishing boats, many were not able to fish for the rest of the year, and due to this, the fisherfolks of Amreli and Gir Somnath remained unemployed. Therefore, a lump sum of 30,000 should be provided (5,000 for 6 months) instead of a one-time payment of Rs. 2000/- to each fisherman or sailor as assistance.

2) Many small and big fishing boats in Amreli and Gir Somnath districts have been destroyed. The government has announced Rs 2 lakh to Rs 5 lakh as assistance for the damaged boats. However, the fact is that this assistance by the government is very meagre considering that the cost of the boats is around Rs 35-40 lakhs. Hence, the boat owners aren't being provided with the actual financial assistance that they require to restart their fishing business. The government should extend a loan of Rs 35 to 40 lakh to each such boat owner for assisting them in repairing the damaged boats or procuring new ones.

3) The government has announced an assistance of, of Rs. 35,000 and Rs. 75,000 for the loss of boat equipment. But this assistance is not sufficient and we are demanding an increase in the same given the following losses:

- a.) One boat has 4 nets of Rs 1 lakh, which amounts to a net loss of Rs 4,00,000.
- b.) Loss of Rs. 50,000 - GPS and wireless devices.
- c.) Loss of the solar panel, battery, inverter, power supply etc. in the boat cost Rs 50,000.
- d.) Loss of two fish crates worth Rs 50,000.
- e.) Loss of Gas bottles, ration goods, utensils etc. of Rs. 15,000.
- f.) Every boat has diesel of around 300 to 800 liters, wherein due to the hurricane and damage to the boats there is a loss of around Rs. 30,000 to 80,000 due to loss of diesel.

Hence, instead of declaring Rs 35,000 to Rs 75,000 as assistance for lost boat equipment, considering all the losses above, Rs 5,00,000 lakh is demanded as compensation.

4) For the families of the fisherman who died during the cyclone, the government has announced a total of 6,00,000 assistance. However, that should be increased to Rs. 15,00,000.

### Unaddressed needs in the compensation package

1) In Amreli and Gir Somnath districts, fisherwomen work day and night on the coastal jetty just like fishermen work in the sea. In Amreli and Gir Somnath districts, more than 40,000 fisherwomen work to support their families financially. The hurricane has robbed thousands of fisherwomen of their livelihood. Such working women are mostly from the poorest families of our society. Despite 40,000 women becoming unemployed, the government has not announced any relief for the women fisherfolks in the package. It is, therefore, demanded that every working fisherwoman be paid a lumpsum payment of Rs. 30,000/- (Rs.5,000 thousand per month for the past 6 months).



Picture 4 : Meeting with the fisherwomen of Chanch Bandar

- 2) Those who had not used their boats for fishing in the last 2-3 years, have been excluded from the package for compensation of damage for boats. Hence, they must be assisted, despite them not using the boats, therefore these boats must be re-surveyed and boat owners must be compensated.
- 3) The compensation package only provides compensation to those who have registered boats in their name. However, lot of the people who have sold their boats still have the registrations for those boats in their names. It is demanded that whether those reporting damage to boats are registered or not, they should be compensated for the losses incurred.
- 4) Dried fish, fresh fish and stocked fish were destroyed, causing an estimated losses between 3,00,000 to Rs 5,00,000 lakh to the fisherfolks. Unfortunately, no compensation has been given in the package for such loss. They must be compensated.
- 5) At the ports, the boat owners dry the fish, lands near the shores were prepared for drying fish by the fisherfolks at their own cost. Such lands have been eroded and large pits have formed on them due to the cyclone which have made these lands not suitable for drying fish. Hence, a special plan should be prepared so that these lands can be restored and fisherfolks can start drying their fish again.
- 6) That after the cyclone due to the lost power connection, there was a loss of fresh fish stored by fresh fish traders, in the cold storage facilities. The fisherfolks must be provided with compensation for the same.
- 7) Fisherfolks that migrated to ports like Jafraabad, Saiyad Rajpara, for employment had built houses and huts. The hurricane has destroyed many such unfinished houses and huts in the ports. The relief package announced by the government has not provided any assistance to such migrant fisherfolks with relation to their houses, and huts destroyed. Hence, they must be surveyed and be provided immediate assistance.
- 8) The registered fishermen in Amreli and Gir Somnath districts have been demanding compensation of Rs 1,00,000 for their small oars, boats, nets and other equipment destroyed in the cyclone, and that they must be compensated.



*Picture 5 : Our Lawyer Arvind Bhai addressing the fisherfolks of Jaafraabad during a Shibir*

### Implementation gaps and failures

10) Because of the migratory nature of the work of the fisherfolks, many have two houses, one that is their permanent home and one where they reside during their work. Because of this, many have missed the survey of their other houses (where they were not residing at the time of the survey). It is demanded that they be assisted regardless of the fact that they were not surveyed.

11) The compensation package provided cash assistance based on age, 100 rupees per day for an adult and 60 rupees per day for a minor. However, while providing the cash assistance, the age was determined based on the age mentioned in the ration card. As a result, many people who were adults at the time of the cyclone were still provided cash assistance for minors as their ration cards which were made ages ago showed them as minors.



## **RTI responses**

We had asked the following questions from the different departments

- Preliminary report submitted by the task force leader
- Copies of Final Report - Actions and activities undertaken and lessons learnt
- Details of medical camps held
- Details of Psychosocial counselling after the cyclone
- Details of any step taken to ensure the mental health of the affected people

The RTI addressed to District Superintendent of Police (Amreli) was forwarded to the District Collector.

This implies that the DSP office is not aware of their duty as a Task Force Leader as per the 2020 District Disaster Management Plan. According to District Disaster Management Plan, the DSP as a task force leader has to prepare a final report after 2 weeks of the disaster (Question 1 in the RTI). The 2020 District Disaster Management Plan also mentions how each task force has the responsibility of providing a report detailing the activities undertaken by them and the lessons learnt. The disaster reporting and assessment is elaborated in the Gujarat State Disaster Management Plan according to which one of the reports that ought to be made is the Preliminary Report (Question 2). None of these were provided to us by the DSP office as a response to our RTI.

The RTI sent to the District Superintendent of Police was also forwarded to the District Magistrate and the RTI filed to the Chief Medical Officer (Gir Somnath) forwarded the RTI to the Chief District Health Officer.

All this clearly implied that the different task force leaders (identified under the District Disaster Management Plan) are still unaware about their duties or have intentionally withheld information or have forwarded the RTI application to dodge their responsibility.

**From the Disaster Management lens, we had written the following recommendations in our Amreli Flood Report (2015). The same can be reiterated again in 2021 to adequately compensate and provide relief to the victims of the Cyclone.**

#### **Amreli District Administration**

- Keep the grievance redressal mechanism open until a court-appointed system is in place and provide the original assessment forms based on which assistance was decided, available at the Taluka offices, free of cost to enable victims to file grievances.
- Carry out re-assessments in all the affected villages with the proper supervision of either the District Collector or the District Development Officer.
- Dispense with the criterion of asking for Ration Cards to give the relief instead provide relief against actual loss.
- When giving future relief, transfer the amount in the account of an adult female.
- Identify migrant labourers who have not received any assistance due to the documentary requirements and provide them relief against their losses.
- Through the District Programme Coordinator under the Disaster Management Act, ensure implementation of MGNREGA in the District by providing work to persons with job cards and also restart the process of identifying people for job cards prioritising those whose livelihood has been most affected due to the cyclone.
- Identify potential beneficiaries from the victims of the cyclone for housing schemes such as Indira Awaas Yojna and Mukhyamantri Awaas Yojna.

#### **To the Government of Gujarat**

- Implement the Disaster Management Act, 2005 in the states and replace existing structures with the structures given under the 2005 Act.
- Establish reconstruction guidelines, material banks, public-private partnerships and take other measures to ensure reconstruction of houses keeping in mind the 'build back better' principle.

- Increase the quantum of assistance ensuring that people have safer homes and in particular provide assistance that is equivalent to that for loss of pucca house, for the loss of huts.
- Provide higher assistance for people who are unable to rebuild their houses with their own money and provide benefits under other Government housing schemes ensuring that all victims who have lost their houses have safe houses before the next monsoons.

#### **To the Gujarat State Disaster Management Authority/ State Executive Committee**

- Assist in the cyclone impact assessment of the situation in Amreli and recommend the provision of cash dole for a greater period of time till the livelihood has been restored.
- As the planning, monitoring and coordinating body for post-disaster reconstruction, draft the reconstruction and rehabilitation policy and recommend measures to ensure the rebuilding of a more resilient society including material banks, public-private partnerships for the reconstruction of houses and to ensure restoration of livelihood by creating temporary and permanent options.
- Include concrete measures for rehabilitation in the State Plan and ensure the inclusion of concrete measures in the District Plans.

#### **To the Union of India**

- Amend the Disaster Management Act to include a penalty for non-compliance of the Act by the concerned District and State officials.
- Adopt a compensation based system of relief instead of inadequate and arbitrary assistance.
- At the least, increase the quantum of assistance under the Norms of Assistance keeping in mind the objective of securing the fundamental rights of the victims.
- Involve civil society organisations, academics, practitioners in a consultative process for fixing the assistance making it broader than the consultations carried out by the Finance Commission and overall consider gradually moving to a compensation based system.

### **To the National Disaster Management Authority**

- Ensure adherence of the disaster management system to the Sendai Framework keeping in mind the principles of sustainable development, poverty and inequality elimination and bringing it in line with Fundamental Rights under the Constitution.
- Frame the national guidelines on recovery, rehabilitation and reconstruction that has been kept pending for years by adopting strategies mentioned in the Sendai Framework and other international best practices and in the light of constitutional provisions.
- Carry out wider consultative process to frame plans and guidelines including civil society groups with experience in the process and academics from the sciences and the social sciences.
- Ensure the implementation of all NDMA guidelines in every State through their Policies and Plans and monitor particularly the carrying out of mitigation measures.