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Invitation to the 13th PUCL National Convention!

The **13th PUCL National Convention** will take place in Raipur, Chhattisgarh will be held between **16th to 18th December, 2016**. This is open to all PUCL Members. Details of Venue will be informed later. Those desirous of attending the Convention are requested to confirm to the General Secretary of the State units. – **Dr. V. Suresh**

Press Statement: 13th October 2016

PUCL National Council Resolution on Kashmir Release Khurram Parvez! Permit UNHRC to visit Kashmir!

People's Union for Civil Liberties (PUCL) condemns the ongoing attack on civilians by Indian security forces in Kashmir which has resulted in the killings of more than 80 young people, causing injuries to nearly 9000 people and the loss of vision of more than 500 people. PUCL condemns the impunity exercised by Indian Security Forces in perpetrating large-scale human rights violations which have caused a deep crisis, including a humanitarian crisis of the Kashmiri people.

It is in this context that the PUCL would like to highlight the recent illegal detention of human rights defender Khurram Parvez, and the denial of permission to the UNHRC to visit the valley of Jammu and Kashmir.

Khurram Parvez is a human rights defender who is a member of Jammu and Kashmir Coalition of Civil Society (JKCCS), an organisation comprising civil liberties groups, traders, families of disappeared persons, and students. Khurram Parvez and his team were scheduled to address the 33rd session of the United Nations Human Rights Council at Geneva during the hearings in September, 2016 in order to present the case of Kashmiri people reeling under violence from the Indian state subsequent to the extra-judicial killing of Burhan Wani. On the 14th of September 2016, he was prevented from boarding the flight to Geneva

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Attention All State General Secretaries!

We request you to inform by **20th November, 2016** the total number of delegates who will be participating from their respective states to **Sudha Bharadwaj**, General Secretary, PUCL Chhattisgarh at advocatesudhabharadwaj@gmail.com. Please mark copy to the National Office at puclnat@gmail.com and to National General Secretary at pucl.natgensec@gmail.com. – **Dr. V. Suresh**, General Secretary, PUCL National

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by immigration authorities at Delhi airport, on orders from the Intelligence Bureau and detained by security agencies.

Subsequently, Khurram Pervez was taken back to Srinagar. On September 16, he was illegally detained at Kothi Bagh Police Station in Srinagar by the police, on the allegation that he incited a mob to throw stones at the Tourist Reception Centre, Srinagar on September 15. Significantly, he was not notified of the reason for his detention, nor allowed access to a lawyer.

Mr. Khurram Parvez was subsequently transferred to Kupwara sub-jail, isolating him from his family and legal counsel. Khurram Parvez's legal counsel challenged the detention order passed by Executive Magistrate Mohammad Amin Najar before the Sessions Court. On September 20, the Principal District & Sessions Judge, Srinagar, Rashid Ali Dar set aside the detention orders and directed the J&K Police to release him, but the police flouted this order and took him back to Kothi Bagh Police station, from where he was subsequently taken to Kot Balwal jail in Jammu, 300 kilometres away from Srinagar. His legal counsel were subsequently informed that he was being detained under the Public Safety Act, a legislation which has notoriously been invoked repeatedly for the preventive detention of ordinary civilians in Kashmir. Under the Public Safety Act, Khurram Parvez can be detained for a period between six months and two years. It is important to note that the Public Safety Act is a colonial law under which Bhagat Singh and others were detained during the freedom struggle. While being shunted from one detention centre to another, Mr. Parvez has been repeatedly denied

access to essential medical facilities, and has also been isolated from his family, friends and legal counsel.

The Denial of Access to United Nations Human Rights Council

The Indian government has repeatedly blocked all attempts by the UNHRC to intervene and enquire into allegations of human rights abuses by Indian security forces in Kashmir. These abuses not only include the use of pellet guns and other weapons, but also the denial of medical and humanitarian aid to Kashmiris. This has led to a medico-legal crisis, where Kashmiris suffering from pellet-gun injuries do not have access to critical health services and equipment for their treatment, because of the de facto blockade set up by the Indian state in Kashmir. India has disallowed the request by the United Nations High Commissioner of Human Rights, Mr. Zeid Ra'ad al-Husseini, for conducting an enquiry by independent observers in Kashmir, stating that it is an internal matter. It is clear that the Indian state does not want to be held accountable for its human rights abuses in Kashmir, on the specious plea that it is an internal issue, despite the fact that India is a signatory to various conventions on human rights.

Despite being a signatory to 1998 UN Declaration on Human Rights Defenders, there have been no measures taken by the Indian state to facilitate the work of human rights defenders, or to prevent their harassment, and the Indian State has in fact been complicit in the targeting of human rights defenders.

We note with serious concern that India's policy in Kashmir has been marked by a culture of impunity, preventing scrutiny by national judicial mechanisms as well as independent international bodies

into the actions of various security agencies of the state and central governments. This is part of a larger design by the Indian state to crush dissent, stifle democratic debate, and silence demands for accountability, thereby suppressing Kashmiri voices articulating their political aspirations and their experiences of human rights violations.

In this context, People's Union of Civil Liberties in its National Council Meeting held in Delhi on 17th and 18th September, 2016 **unanimously** passes the following resolutions:

1. Khurram Parvez should be released immediately from preventive detention under the Public Safety Act. All proceedings against him under the Public Safety Act should be dropped immediately.
2. The Indian Government should immediately grant permission to the United Nations Human Rights Council (UNHRC) to visit Kashmir valley and enable it to conduct an independent enquiry into human rights abuses in Kashmir, including the suppression of their democratic rights.
3. PUCL will conduct a fact-finding investigation to enquire into the human rights situation currently prevailing in Kashmir and especially into the recent spate of killings of Kashmiri people protesting the denial of democratic rights, including the right to participate in any political dialogue with regard to Kashmir. The team will also inquire into the humanitarian and human rights crisis caused by prolonged curfew of over 70 days disrupting normal life in the valley.

Prof. Prabhakar Sinha, President;
Dr. V. Suresh, General Secretary,
People's Union for Civil Liberties
(PUCL) National. □

Rising Kashmir

Transfer of court cases outside J&K a serious breach of Article 370

Rajindar Sachar

The Supreme Court of India, notwithstanding some controversial decisions in the matter of constitutional interpretation, has by far and large contributed to upholding the rights and privileges of the States and individuals.

But with a decision '*Ajay Kumar Pandey Vs. State of J&K*', decided by constitution bench on July 19th, 2016, there has arisen the apprehension of interfering with the autonomy of J&K, guaranteed under Article 370 of the Constitution of India.

The Constitution Bench has decided that the Supreme Court has the power to transfer a civil or criminal case pending in any Court in the State of Jammu and Kashmir to a Court outside that State and vice versa. It was common case that the provisions of Section 25 of the Code of Civil Procedure and Section 406 of the Code of Criminal Procedure, which empower the Supreme Court to direct transfer of civil and criminal cases respectively from one State to the other, do not extend to the State of Jammu and Kashmir and cannot, therefore, be invoked to direct any such transfer. It was also common ground that Jammu and Kashmir Code of Civil Procedure, 1977 and the Jammu and Kashmir Code of Criminal Procedure, 1989 do not contain any provision empowering the Supreme Court to direct transfer of any case from that State to a Court outside the State or vice versa.

It was common ground that the provisions of Article 139-A of the Constitution which empowers Supreme Court to transfer a case pending before one High Court to itself or to another High Court also has no application to the cases at hand as the Constitution 42nd Amendment Act, 1977 which inserted the said provision itself has

no application to the State of Jammu and Kashmir.

Thus while accepting that a litigant has no right to seek transfer of a civil or a criminal case pending in the State of Jammu and Kashmir to a Court outside the State or vice versa., still the Court notwithstanding these formulations went on to answer the question whether independent of all these provisions contained in the Codes of Civil and Criminal Procedure there is still a source of power which the Supreme Court can invoke for directing transfer of a case from the State of Jammu and Kashmir or vice versa. The Court has held that it has such a power invoking the principle of "access to justice" being fundamental right and secondly the powers given under Article 142 of the Constitution. The court relied on principle of our law that every citizen has a right of unimpeded access to a court and referred to *Raymond v. Honey* 1983 AC 1 (1982 [1] All ER 756) where Lord Wilberforce described it as a 'basic right'. But with respect, the attention of the Supreme Court was not brought to the specific observations of Lord Wilberforce and its affirmation in this very case; emphasizing the exception that; "a citizen's right to unimpeded access can only be taken away by express enactment... and we accept that such rights can as a matter of legal principle be taken away by necessary implication." Here in the present case the provisions mentioned above specifically negative the right of a litigant to have a case transferred out of J&K, but still the court has held otherwise.

The Supreme Court then dealt with the question namely whether Article 142 of our Constitution empowers the Supreme Court to direct transfer in a situation where neither the Central Code of Civil Procedure nor the Central Code of

Criminal Procedure empowers such transfer to/from the State of Jammu and Kashmir. The Court thereafter concluded that the powers under Article 142 are wide enough to empower the Supreme Court to direct such a transfer in appropriate situations, no matter whether Central Code of Civil and Criminal Procedures do not extend to the State nor do the J&K State Codes of Civil and Criminal Procedure contain any provision that empowers this court to transfer cases. It is unfortunate that the attention of the court was not drawn to a 7 judge's bench case *A.R. Antulay Vs. R.S. Nayak* 1998 (2) SCC 602 where court held; "Thirdly, however wide and plenary the language of the article, the directions given by the court should not be inconsistent with, repugnant to or in violation of the specific provisions of any statute. If the provisions of the 1952 Act read with Article 139-A and Section 406-407 of the CrPC do not permit the transfer of the case from a Special Judge to the High Court, that effect cannot be achieved

It is also unfortunate that the attention of Supreme Court was also not drawn to an earlier 5 judges judgment of Supreme Court (1998) wherein the court said, "Article 142, even with the width of its amplitude, cannot be used to build a new edifice where none existed earlier, by ignoring express statutory provisions dealing with a subject and thereby to achieve something indirectly which cannot be achieved directly,... that the Court will take note of the express provisions of any substantive statutory law and regulate the exercise of its power and discretion accordingly. It must be remembered that wider the amplitude of its power under Article 142, the greater is the need of care for this Court to see that the power is used with restraint without

pushing back the limits of the Constitution so as to function within the bounds of its own jurisdiction.”

More serious than the concern mentioned above, this judgment has in an indirect manner nullified the mandatory provision of Article 370 of the Constitution. J&K Legislature has specifically

provided that court will have no such power to transfer cases from J & K Courts outside the State. In such a situation to invoke the powers of Article 142 to pass orders contrary to J & K legislation is a serious breach of Article 370 having grave consequences. I hope the Union of India and State of J & K will

seek review of this judgment to avoid serious Constitutional and Political consequences, so as to ensure people of J&K that there will be no weakening of their autonomy.

Author is Chief Justice (Retd.), Delhi HC and the former President, PUCL.

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Impact of Present Conflict Situation on Food Security and Livelihoods of People (of Kashmir) An Assessment Report by Action Aid Association September, 2016

Note: At the time of finalizing this issue, we received the following Report of Action Aid Association, Kashmir which studied the impact of the ongoing conflict on food availability and food security on local people. The PUCL Fact Finding Team had also just completed the visit to the valley and had noticed firsthand the debilitating impact on food security caused by the prolonged conflict in the valley. We are carrying the Report as it constitutes valuable documentation of the humanitarian side of conflict which is rarely covered in the ordinary media or is part of public discussion. We acknowledge with thanks Action Aid sharing the Report publicly.

Editor

1. Introduction

The valley of Kashmir has been witnessing mass protests since July 2016. With the state continuing to rely on lethal means (especially pellets and bullets) to disperse protests, huge numbers of casualties have occurred. 88 people have died and more than 10,000 people have been injured. On an average, 166 people have been injured every day since the protests started in Kashmir (GK¹, Sept 8). Almost 890 people have suffered pellet injuries in their eyes, and almost 300 among them may suffer visual disability (GK, Sept 25); a situation which The New York Times narrated as an ‘*epidemic of dead eyes in Kashmir*’ (August 29). In addition, more than 6000 people have been arrested so far (GK, Sept 26). The militarization of the

region has increased with more than additional 100 companies of para-military forces being moved to Kashmir (GK, Sept 26). This has created a very fearful and insecure environment, and as a result, normal life has come to a complete halt. The shut-down and curfews have led to the closure of schools, businesses, markets and almost all employment opportunities. Many government services related to nutrition and employment have also collapsed including Integrated Child Development services (ICDS), Mid-Day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and other public works.

Such circumstances which have continued for more than two and half months are likely to continue further given no serious progress is reported in dialogue and negotiations. This would have serious implications for people especially for those who are poor and vulnerable and those who suffer from chronic health issues. Some of the issues related to shortages of essentials in the valley have also been coming up in the media. Our own interactions with the community in our project areas have informed us of the difficulties people are facing. **Lack of access to food and livelihoods in both rural and urban areas of the valley have surfaced as critical issues.** It is in this context that Action Aid undertook a rapid assessment to understand the situation regarding access to food

and livelihoods, currently.

2. Methodology

The survey was conducted in South Kashmir's two districts of Anantnag and Kulgam. South Kashmir has been relatively more affected by the situation which is evident from the number of people who have died, injured and arrested here. In Anantnag district, the survey was majorly conducted in four hamlets/mohallas (settlements) of Bijbehara town but also covered few households from other hamlets, thereby, covering a total of 102 households. The survey also covered 15 households from different mohallas in Anantnag town. A total of 117 households were covered in the Anantnag district as a whole. In addition, the study was also conducted in one village of Kulgam district and covered 50 households.

The households were selected randomly in Bijbehara hamlets and Kulgam village. The investigators randomly started interview at any place in the hamlet/village and covered every other household in their way as they moved through the village/hamlet. However, in Anantnag town and a few hamlets of Bijbehara, the households were selected based on feasibility and safety of investigators (a total of 26 households were covered by this process).

In all, the sample covered was 167 households, including 117 from urban areas of Anantnag district and 50 households from rural areas of Kulgam. The focus was on urban areas because of their heavy

dependence on the market for food and where a majority of households don't own agricultural land. In addition to the household survey, secondary information was also collected from the village/community heads about the problems people are facing, services that are operating and immediate needs of the people in their areas. Such discussions were undertaken in 16 villages/hamlets across Anantnag, Kulgam and Pulwama.

The information from the households was collected using an interview schedule, which was designed to be as simple, short and precise as possible, given the present circumstances in which people may not be willing to give long interviews and even the investigators were not able to move and work for hours at a stretch because of the long hours of curfew. The interview schedule also included a section for secondary information about the entire hamlets/village from the village/community heads.

The survey was done by seven investigators who are at least graduates and have had some prior experience of surveys. They were given orientation about the interview schedule. All these investigators were deputed to the areas nearest to their homes for their safety. The survey was completed in 5 days between 3rd and 7th of September, 2016 followed by data analysis and report preparation.

The focus of the survey was on the vulnerable and poor population, and the hamlets/villages chosen for the survey were relatively poor areas which are inhabited by lower socio-economic groups largely. This was done to gain insights mainly for access issues of poor and vulnerable population, who are likely to be affected much more than those who have resources at their disposal. *Therefore, the results of the survey may not be generalized to the entire population in Kashmir, but it may represent conditions of those who are poor and vulnerable in Kashmir.*

3. Socio-economic Characteristics of Sample Households:

The total household members among these 167 households were 950, with an average household size 5.69, almost similar to census 2011 findings which revealed 5.9 as the average family size in the state. A majority of the households (more than half) covered under the survey belonged to backward socio-economic groups, engaged in low earning occupations. A majority of households (68.26%) lived in kutchra or semi-pucca houses, while only 20.36% had pucca houses and a smaller percentage of 5.39% had concrete houses. The NFHS-3 data in 2005-06 had shown that 50.2% of the households live in pucca houses in J&K (IIPS and Macro International, 2009).

Only about a third of the households (34.13%) owned some agricultural land (irrigated, un-irrigated or orchards) and a majority of 64% households didn't own any land. This proportion is much lesser than the state's overall scenario. The NFHS-3 data in 2005-06 had shown that 66.1% of the households in J&K owned some agricultural land (IIPS and Macro International, 2009). The reason that why this survey has shown a smaller proportion of households which owned land is because of its focus on urban areas where the ownership of agricultural land is very limited (only 28.4% households possess land in J&K's urban areas as per NFHS-3 data). However, the landholdings were very small. The average land holdings among 164 households who reported ownership were 1.53 Kanals (8 Kanals make 1 acre); irrigated land was even lesser with only an average of 0.74 Kanals. But among those who had any land (57 in total), the average landholdings were 4.4 Kanals and the landholdings varied from 1 to 11 Kanals; all can be classified as small and marginal farmers. This is in line with the overall state picture that most of the farmers (94 per cent) in the state have small and marginal landholdings

(Government of J&K, 2012-13).

The occupations of highest earning members reveal that a majority of the households were vulnerable and dependent primarily on low paying and insecure occupations. In almost 49% households the main earning member was a casual labour; 4.8% relied on cultivation/farming for their livelihood; and only 7.2% had assured salaries/pensions. Others were engaged in a variety of occupations mostly in the unorganized sector.

The survey also looked at specific vulnerabilities within these households and found that 70.5 percent households either had a widow, single women, orphan, pregnant/lactating mother, old, a person with disability or illness or a combination of these vulnerabilities. Together with dependence on casual labour earning (which is also a vulnerability), the households with any vulnerability were 88.6% in total.

In addition, as Kashmir was hit by a major flood in 2014 leading to a huge damage to houses, land and crop, the survey showed that almost 56 percent of these households had seen mild to severe damage to their houses in the 2014 floods of Kashmir.

These findings of the socio-economic characteristics of the households covered under the survey indicate that a majority of these were poor and vulnerable. This is also corroborated by the findings of the survey which has shown that **82% of these households had BPL (below the poverty line) or AAY (Antyodaya) ration cards², so are officially recognized as poor.** Therefore, the impact of the present unrest in the valley on these families would have been worse especially on their access to food and incomes, which is looked at into the following sections.

4. Access to Food:

In order to understand whether the present unrest has made any impact on the access of people to adequate food, it was important to understand experiences of people

in both pre- and post- unrest situation. Respondents were asked how many times they would normally eat in a day before the present cycle of unrest (8th July 2016) and presently. Almost all the respondents reported they used to take meals twice a day before the present cycle of unrest, and most of them have been able to continue with the same frequency but with reductions in quantity, quality and diversity of food.

Table 1: Reductions in Quantity/ Quality of Food as a result of the present situation as compared to the situation before

Reduction	Yes	Percent
Quantity	163	97.6
Quality	162	97
Quality or Quantity	164	98.2
Total	167	100

97.6% of the households reported that quantity of their meals has reduced after the unrest started in the valley, with no significant differences among men and women, old and children. Almost all of them have been affected. Similarly, 97% respondents reported that the quality of their meals has been highly affected after the unrest started in the valley. There were only three families who reported experiencing no change in their quality or quantity of meals post unrest in the valley. Even most of the families with assured salary/pension/other incomes also reported their quality or quantity of meals was affected, which is primarily due to the fact that markets have been shut down/open intermittently. *This indicates that access to incomes (or cash) during such emergency may not necessarily translate into access to food or other services.* Many argued that due to the reduction of incomes, closure of markets, restrictions in movement and unavailability of foods in the local market/shop are the main reasons why the quality and/or quantity of their meals has reduced. Some even said that they are only able to purchase sub-standard/low

quality foods. The quality of food has reduced in terms of lesser or no intake of non-vegetarian food, vegetables, milk, eggs, etc. One of the primary reasons for such higher levels of impact on the surveyed households has been because the study covered a major section in urban areas, where most households don't possess agricultural land and there is a high dependence on the market for rations and vegetables.

Table 2: Access to PDS

Ration Received	Yes	No	Total
July	159	6	165
August	149	8	157

This reduction in quality and quantity of meals has happened irrespective of the fact that PDS has been functional in the valley during the unrest, probably the only service which people have access to. Respondents were asked if they received their quota of ration during the months of July and August, and most of the households who responded reported that they have received their rations during these two months preceding the survey. The quota of ration received varied, which is allocated as per the family members now after the National Food Security Act has been passed in J&K in 2015 (implemented in 2016). The entitlements under NFSA provide for only 5 kgs of ration per household member, which is much short of actual requirements. The Department of Agricultural of Govt of J&K has calculated that on an average there is a requirement of 14.2 kgs of cereals per head per month. Therefore, there has been a shortfall of 9.2 kgs per head per month during the last two months after unrest started in the valley. This shortage becomes crucial at this point of time even for those who may have landholdings, because the paddy is harvested in October. So, those who have smaller or marginal landholdings will be short of any grain that they harvested last year in October (new crop is yet to be harvested). Kashmir, as a whole, is also a food deficit region

with almost 30 percent deficit in local production (Dar, 2015), that also increases the vulnerability of people. The people were yet to recover from the debilitating economic effects of the 2014 floods, which had damaged more than two lakh structures and thousands of hectares of standing crop. It had also affected access to thousands of households to food, livelihood, safe drinking water, health and hygiene, sanitation, etc. The impact of the present unrest on people can only accentuate in such context.

Table 3: Access to Community Support

Received Ration	Frequency	Percent
Yes	85	50.90
No	78	46.71
No Response	4	2.40
Total	167	100.00

Kashmir has been relatively an egalitarian society with a lot of solidarity and support being extended to each other during distress. This was demonstrated during 2014 when floods hit Kashmir, and ActionAid's assessment in 295 flood hit villages had shown that in most cases, it was the community support that had reached people immediately. Under the present circumstances, the respondents were also asked if they received any help in terms of ration from anyone post unrest to meet their food needs. The table-3 shows that a significantly large section of more than fifty percent of households reported they have received some help. The quantity of ration received varied from 5 to 35 kgs, with an average of almost 16 kgs received by each of the family who reported receiving any help. In majority of cases (39 families), the help was provided by Auqaf committees (local Wakf institutions), followed by local informal groups (29 families) who mobilized relief, neighbors (11 families), Baitulmal (local community institutions for helping poor) in 4 cases, and a local NGO has helped two families. This may

explain how people especially those who are poor and vulnerable have been able to keep up in the last two and half months. However, as experience both local (in Kashmir during floods) and in other areas has shown that such community support is usually one time and doesn't last long. In most cases the help was provided by community either in the last week of July or first week of August (a month before the survey) and after then no help was again extended. It may be difficult for communities to mobilize relief for poor in situations when everyone is affected and insecurity has heightened.

This community-help together with PDS rations has not been sufficient for families to meet their food needs. The respondents were therefore asked whether they borrowed any ration post unrest in the valley and it was reported by 42.5% of them that they did, and all of them have borrowed ration (on debt) from local shopkeepers who may be opening up shops in the late evenings. The quantity of ration borrowed by these families varied from 10 to 125 kgs, with an average of 40.63 kgs per family.

An enquiry was also made whether any ration was available with families at the time of the survey. 6% of the families said they had no ration at all, and 44.91% said they had ration of 2 to 10 kgs available with them (sufficient for 1 to 4 days for an average family of 6 members), 27.54% reported to have ration of 11 to 20 kgs available with them (sufficient for 4 to 8 days for an average family of 6 members), and only 21.56% families had ration more than 25 kgs available with them. This indicates that almost 78% of the households (with either no ration or for a maximum of 8 days) were at the risk of food insecurity. Important to mention, this was the situation at the time of survey between 3rd to 7th September, and after then as the shutdown has continued the situation may have worsened. With no assurance on when the situation will improve and no access to incomes the food insecurity may only get worse with time.

Table 4: Access to Work

Got Work	Frequency	Percent
No	126	81.29
Occasionally	25	16.13
No Response	4	2.58
Total	155	100.00

The secondary information that was collected from village heads through discussions from 16 hamlets/villages of Pulwama, Anantnag and Kulgam districts indicated that almost 25% of the households, who are poor and vulnerable, are in great distress and are finding it very difficult to meet their food needs adequately.

4. Access to Livelihoods :

With constraints in mobility, closure of business avenues and almost no developmental activity- private or public- being undertaken in both rural and urban Kashmir since the unrest started, it is likely to have affected livelihoods and access of people to incomes, especially amongst poor sections, those dependent on daily wage earnings and those who don't have assured incomes. Only 7.2% of families (12) had assured salary/pension incomes. Others relied on casual labour, artisan, domestic work, contractor and other sources of work, mostly insecure incomes.

Table 5: Reasons for not finding Work

Why not	Freq.	Percent
Agriculture/Construction work was not available	12	7.74
Couldn't migrate to places where they used to find work	17	10.97
Couldn't move out because of insecurity/lack of transport	113	72.90
Others	9	5.81
No Response	4	2.58
Total	155	100

An enquiry was made from 155 households (who didn't have assured incomes) if their family members who used to work before unrest were able to find work post unrest. As can be seen from the

table-4, a major section of almost 81% reported they didn't get any work post unrest (for almost two months at a stretch by the time of this survey). Only 16% reported they were able to find some work but occasionally. Some of these who got occasional work were casual labourers, farmers, and barbers. Why didn't people find work at all or were able to get work only occasionally? As can be seen from the table-5, 7.75% of respondents said that agricultural or construction was not available locally because of the shutdown; 10.97% said they couldn't migrate/move to places where they used to work and a majority of 72.90% respondents said they couldn't move out at all because of insecurity, curfews and lack of transport facilities. The access to livelihood is dependent on the mobility and transport facilities, and if the mobility is hampered with too much risk of moving out of homes, the access to the livelihood of poor and vulnerable people is going to be hampered as has been shown by this study.

Table 6: Managed Living post Unrest

Copings	Freq.	Percent
Borrowed Money/Taken Debt	102	65.81
Sold items/assets	9	5.81
Utilized Savings	39	25.16
Others	1	0.65
No Response	4	2.58
Total	155	100.00

5. Coping Mechanisms:

How did people manage their living in absence of any source of livelihood? When asked to those who didn't have salaried incomes, a majority of people of 65.81% said they have borrowed money and 25.16% said they had some savings which were helped them. 5.81% said they had to sell items/assets to manage their living as can be seen from the table-6. Some of them even said they have mortgaged the small jewellery items the women had in their

households.

If the unrest continues, the problems are likely to increase. The respondents were asked if the present unrest continued for a week or so, how will they manage their living. 63.81% said they will borrow money to manage their living; 28.39% said they will have to sell assets/items and only 5.16% said they can utilize their savings as can be seen from the table-7. *The data also indicates that many of those who had borrowed money in the past two months to meet their expenses may have to sell their assets if the unrest continues for a week or so, and many said their savings have exhausted and may have to either borrow or sell assets. As the survey was done in the first week of September, the people might be already in this situation by now as the unrest has continued for two more weeks from then.*

Copings	Freq.	Percent
Borrowed Money/ Taken Debt	98	63.23
Sell items/assets	44	28.39
Utilize Savings	8	5.16
Others	1	0.65
No Response	4	2.58
Total	155	100.00

6. Need for Support:

The present cycle of unrest has already continued for more than two and half months and may continue further with no serious dilagoue taking place as of now. The shut down and curfews have led to the closure of shoos, bussiness, developmental activities and markets. The constraints on the mobility of people and the heightened insecurity and fear due to killings, injuries and arrests that happen almost every day have serious implications especially for those who are poor and vulnerable and those who suffer from chronic health issues.

The present survey on the issues of access of people to food and livelihoods has revealed a grim

picture. The access to the livelihood of those who live on daily wage work or other subsistence means has been hugely compromised. Even in the deep and far off villages, almost no private or public developmental activity is happening which could have provided some employment to people. A major section of almost 81% households was not being able to work at all post unrest (for almost two months at a stretch by the time of this survey) and those who could get some work (16%) was only occasionally. The stocks and the limited savings that poor households had are exhausted already. Their borrowing capacity from local shops, if open at all, is also getting squeezed. In the initial weeks, the local village committees had mobilized ration and distributed among poor families but with the continuous shut down such initiatives have also faded and are unable to cater to the needs locally. The survey revealed that 98.3% of the households have experienced reductions/deteriorations in the quality or quantity of meals after the unrest started in the valley. This also indicates that access to incomes or cash during the present emergency may not necessarily translate into access to food or other services, given the fact that markets are mostly closed and there are restrictions on the mobility of people. The deterioration of food intake has happened even after a functional PDS supplies and a large support from communities. The reasons are the requirements of an average household size are much higher than PDS rations and small support community may provide, therefore, a shortage of supplies. Further, the community support has been mostly one time. A large section of households have coped by borrowing ration (on debt) from local shopkeepers and some had to sell or mortgage their assets to manage their food needs.

Importantly, the survey also revealed a dismal picture with respect to stocks available with households at the time of survey indicating a large section was at risk of food insecurity. 6% of the

families had no ration at all available with them at the time of survey, 44.91% had ration of 2 to 10 kgs available with them (sufficient for 1 to 4 days for an average family of 6 members), 27.54% had ration of 11 to 20 kgs available with them (sufficient for 4 to 8 days for an average family of 6 members), and only 21.56% families had ration more than 25 kgs available with them. *This indicates that almost 78% of the households (with either no ration or for a maximum of 8 days) were at the risk of food insecurity. This information was recorded between 3rd to 7th September, and these limited stocks might be already exhausted by now as the shutdown has continued. With no assurance on when the situation will improve and no access to incomes the food insecurity may only get worse with time and vulnerability will increase.*

It is therefore concluded that an intervention of providing dry rations needs to be carried out, targeting the vulnerable and poor households. A ration kit has to include a minimum of 25 kgs of ration, 3 kgs of pulses, 2 litres of oil and some other ration items. This together with PDS supplies may be sufficient for a family to access food for the next one month. In some parts of Srinagar, a few local organizations had started such intervention on a very limited scale but not in other rural districts of Kashmir, where the presence of local organizations with the financial capacity to carry such interventions is limited.

In addition to rations, there are other needs as well. Families who have lost a bread earner, those who were disabled and are injured would require a long term help in terms of their rehabilitation. Many of those who have been traumatized would also require psycho-social support to help them recover before they drift to severe mental trauma, as has happened in the past in Kashmir. In the 16 villages/hamlets from where secondary information was collected, no ICDS center or school was functional. People felt very strongly that community based

schools should be operated in their vicinities for their children. The availability of health care with psychosocial support was also felt as an immediate need.

Acknowledgement: This rapid assessment was conducted by Action Aid's Srinagar office. The study was principally led and authored by Project Manager, Tanveer Dar, in Srinagar. The field

study in Anantnag district was undertaken by the volunteers associated with Humanity Welfare Organization Help Line, Anantnag under the supervision of Javed Tak, and in Kulgam district by ActionAid volunteers. They all have taken immense efforts to reach to people and conduct interviews. Kaisar Ahmad volunteered to do data entry from his home. ActionAid

appreciates their courage and commitment they have shown in undertaking this survey under the present circumstances.

References:

1 GK stands for the news daily Greater Kashmir

2 In J&K the state has categorized ration cards into four categories as AAY, BPL, PHH (priority households) and NPHH (non-priority households) under the newly passed National Food Security Act. □

Press Statement: August 5, 2016

Press Statement of PUCL Bangalore on Violence in Kashmir

Since the killing of Hizbul Mujahideen Commander Burhan Wani on 8 July 2016 by Indian armed forces, the Kashmir Valley has entered another and heightened phase of a war-like conflict. The people of Kashmir who wanted to grieve the loss of someone they held in high regard were barred from doing so by the Indian state, which mobilised its forces in the Valley and rushed reinforcements from India. In the ensuing days the response of the Indian state has stoked a major escalation of the many decades long struggle for self-determination in Kashmir.

Indian authorities and the forces they have unleashed in Kashmir have persisted in quashing resistance mounted by unarmed civilians there who have been hurling stones and raising slogans, seeing them as fronts of terrorist organisations, passing them off as youth who have been waylaid by Islamist and Pakistani propaganda. The Kashmiri people's unarmed struggle is being met with by bullets and pellets both of which have proven to be lethal.

The Indian State which in 1990 extended to Kashmir the infamous Armed Forces (Special Powers) Act – originally meant to subjugate the peoples of Assam and Manipur and smother their thwarted aspirations for self-determination – of 1958 has lain siege to Kashmir by creating roadblocks that have even prevented the injured from reaching hospitals, launching inhuman attacks on health infrastructure and ambulances.

Casualties including deaths have resulted from such dastardly action. Communication links are being sundered, with mobile internet and SMS being targeted first and then shutting down all phone services except that of state-owned BSNL. In eight days, 42 (58 as of today, Aug 10) civilians have been killed and thousands injured by the dangerous pellet guns which launch up to 400-500 small ball bearings at a time.

Over the past few days, the Indian media has been reducing its reporting on Kashmir. On 16th July, the offices of several newspapers in Kashmir, such as *Greater Kashmir*, *Kashmir Times*, *Rising Kashmir*, *Kashmir Reader* and *Kashmir Observer* were attacked and copies of the newspaper seized. Not only is the volatile situation being reported most inadequately and partially with selective and biased approaches, but there is also an excessive focus on the Islamic nature of the conflict. This has led to polarisation at different levels: Within the Valley between Kashmiri Muslims and Kashmiri Pandits and in India through the projection of the Kashmir issue as one that is entirely Islamic and therefore in opposition to the increasingly Hindu India that has emerged.

Unfortunately, what the Indian media is willfully myopic about is how the situation and issues on the ground in Kashmir – as they depict them - have moved from one of self-determination to a struggle of one community's claim over a region versus another's. In fact, if there

has been increased Islamic radicalisation in the Valley, then it has also been so as a response to the onslaught of Hindu right-wing forces in the region. This has been done sometimes with tacit support of the State as in the recent attempts of the RSS to spread Ekal Vidyalyayas in the Valley, presence of Hindu temples in army cantonments and others. Or by consciously facilitating the ingress of large numbers of Hindus into Kashmir by promoting State-sponsored Yatras such as the Amarnath Yatra, Buddha Amarnath Yatra and the pilgrimage to Kauser Nag. The most recent cases of such under-the-radar initiatives are the pilgrimage to Abhinav Gupta's cave and the Maha Kumbh, Saidipora at Ganderbal.

The Kashmiri Pandit issue is also part of the Hindutva supremacist machinery's larger project to lay claim to the lands of Kashmir, while trying to wipe out its people at the same time. Even in the current situation, it has been reported that some Kashmiri Pandit families have left their villages and moved to Jammu fearing that they would be attacked. However, there have been no reports of actual attacks or even of attempts being made to harm Kashmiri Pandits. On the contrary, there have been many reports in even the Indian media of how yatris to Amarnath have been saved after they met with serious accidents by Kashmiris who defied the curfew.

To be sure, Kashmir has long been home to Kashmiri Muslims as well Pandits and they have shared

public spaces. Kashmiri Pandits have maintained their identity as Kashmiris, rather than as Hindus. The exodus of Kashmiri Pandits in the 1990s has to be studied and articulated more objectively than is being done in popular media right now. For example while there might have been episodes of violence against Kashmiri Pandits, it is also true that investigations into some of the reports of attacks of them have not been able to prove the role of Kashmiris or separatists. For instance, in the Nadimarg massacre of 2003, when 24 Kashmiri Pandits were killed, it is believed that the renegades (fringe groups of the armed forces) were the ones who carried out the killings. The Indian state has played to the saffron gallery even on this issue.

Even in the current interregnum, Kashmiri Muslims have been welcoming the return of Kashmiri Pandits. However, even here, the attitude of the State to politicise this issue by trying to settle them in separate colonies on the lines of similar attempts by Israeli authorities in Gaza and Jerusalem is objectionable and reeks of keeping the communities separated. The Indian state has also effectively victimised Kashmiri Pandits who chose not to leave the valley by reserving government jobs and college or university seats for only those Kashmiri Pandits who left the valley.

A response to these developments has of course been the rise of Islamisation and Islamic fundamentalism in the Valley with active support from Pakistan. India and Pakistan have played their religious games to communalise what was once a struggle for self-determination and independence. India's armed forces started occupying territories in Kashmir as far back as in 1947, but there has been a steady rise in their numbers and saturation presence was gained in 1990s thanks to the dastardly extension of the AFSPA, originally meant to subjugate the peoples to the northeast of India, to Kashmir in 1990. Needless to say,

the boots on the ground, armoury and the impunity afforded by AFSPA led to breaking much of the backs of Kashmiri resistance against Indian occupation. Although the heightened phase of the conflict started to subside from the early part of the last decade, the Indian State has continued to post large numbers of its armed forces in Kashmir. These forces have used intimidation, threat, murder and rape as tools to terrorise the Kashmiris. Such stationing of the Indian armed forces in Kashmir on so large a scale is unjustified and is a clear manifestation of occupation. If the Indian state claims that it has not occupied Kashmir and is only there to protect the citizens of the valley then that is unvarnished nationalist propaganda. The resistance that has erupted time and again, violations of the Indian armed forces and excesses meted out to the Kashmiris are all manifestations of this highly disturbing trend.

Now, the AFSPA, as has already been stated above, is itself entirely abusive of human rights not only in the northeast of the subcontinent where it was meant to have been used for a short period of time while quelling peoples asserting their right to self-determination but is entirely criminal in the way it is being implemented in Kashmir over the aspirations and wishes of the people in the valley. The Justice B.P. Jeevan Reddy Committee report, the Justice Santosh Hegde Commission which enquired into the way AFSPA was being enforced on the people of Manipur – neither report published by the Indian authorities in both the Congress and BJP-led dispensations to their continuing shame – as well as the Justice J.S. Verma Committee Report formed following the infamous December 16, 2012 gangrape in New Delhi and consisting of former Supreme Court Chief Justice Verma, former Delhi High Court judge, Justice Leila Seth and former Solicitor General of India Gopal Subramaniam called for its scrapping.

As is becoming abundantly clear over the past several days, the attitude of the Indian state is quite clearly to crush dissent in Kashmir by terming it terrorism. In fact, any dissent in not only Kashmir but even in many parts of India is seen by Indian authorities as acts of and/or supportive of terrorism. There is absolutely no free speech in Kashmir as the complete gagging of the media there has shown – an eloquent manifestation of occupation, by a cowardly colonial dispensation, pure and simple.

Finally, it is worth recalling that a Kashmiri, Afzal Guru, was killed by the Indian state in secret in Tihar Jail on 9 February 2013 – his alleged complicity in the attack on the Indian parliament of 2001 never established and his death ordered by the Supreme Court of India in order to satiate the “conscience of the society” and Kashmiri freedom-fighter Muqbool Butt was nearly three decades earlier killed in Tihar jail on 11 February 1984. And now, Burhan Wani and many such other instances exist as examples of this striking down of dissent.

There can be no democratic process with the presence of large numbers of Indian armed forces in Kashmir. Therefore, demilitarisation needs to be immediately initiated. Our specific demands are:

1. Demilitarise the Kashmir Valley, withdraw AFSPA and Public Securities Act and a host of other draconian laws enacted in Kashmir such as the Enemy Agents Act, Unlawful Activities (Prevention) Act, National Security Act and others. The perpetrators of the armed forces should be tried in impartial civil courts for the massive violence and human rights violations they have committed.
2. Kashmir has been in the throes of an exceedingly long standing state of a war of occupation. For the past several decades, curfews have been imposed by the Indian state disrupting normal life.

Movement in the Valley is restricted with Kashmiris being randomly stopped, frisked and are made to display their identity cards. News and media bans – print, electronic and social media, bans on peaceful protests and demonstrations are some the ways extreme control and stifling of free speech are a norm. Structures of impunity in the form of armed forces bunkers and mobile vans and occupation of several structures and public spaces by the armed forces are visible all over Valley. Right of Association has also been taken away from Kashmiris – example, forming of students union has been banned in Kashmir University Campus life in Kashmir is also under constant surveillance where student unions, especially the Kashmir University Students Unions has been banned. The University also has its own IB cell which keep a track of students' activities on social media and rights to hold different opinions is denied. Means of communication like mobile, internet and telephone,

a central part of life today, especially with gagging of mainstream media, have been taken away at the mere possibility of resistance by the people of Kashmir.

In the light of this situation, where any form of civilian life and been coloured with hues of green, it is necessary that civilian life be instated. A road map to civilian life needs to be put in place, allowing for the people of Kashmir to reclaim their spaces which had been earlier taken over by too many organs of the Indian state, especially in the form of the occupying armed forces. This would amount to an important element of withdrawal of the Indian state from the Valley.

3. Justice consists not merely of trying perpetrators for offences of rape or encounter, but also enforced disappearances, which should be declared an offence. India should sign the UN's International Convention for the Protection of All Persons from Enforced Disappearance. Mass Graves should be investigated as done by forensics groups such as the Argentinian Forensic groups.

This would be another way of acknowledging to Kashmiris the gruesomeness meted out to them.

4. The Indian state has continuously undermined the right of self-determination in Kashmir since the late 1940s. The voices of the common Kashmiri people have been drowned out thanks to the – from the Kashmiri peoples' perspective – the ugly charade of an inter-state dispute between India and Pakistan with little regard to the aspirations of the Kashmiri people. The universal will of the Kashmiri people has to be heard and acted upon. India needs to initiate a process for a referendum.

Geetha, President and **Kishor Bhat** General Secretary, PUCL Bangalore

Note: The above statement reflects the views of members of PUCL - Bengaluru unit.

A discussion is underway inside the PUCL about the Kashmir issue and once finalised will be shared with all members. We are carrying the above statement as part of the discussion process. Editor □

PUCL TN & Puducherry: 12th October, 2016

Interim Report of Fact Finding Team on Communal Violence in Coimbatore

PUCL-TN & Puducherry had set up a fact finding team to investigate into the violence unleashed on Muslims in Coimbatore on 23.09.2016, following the murder of Hindu Munnani leader, Mr. Sasikumar. This statement is the summary - interim report released to the Press on 12.10.2016 at Coimbatore.

Hindu Munnani, Coimbatore district spokesperson Mr. Sasikumar was murdered on 22.09.2016 night by an unidentified gang. His body was taken out in a procession for a distance of nearly 18 km, starting from Coimbatore Medical College and Hospital (CMCH) to Thudiyalur graveyard, via Ratnapuri, Mettupalayam road and

Subramaniapuram where his house was located before his funeral was conducted. Shopping centres and other shops run by Muslims and mosques along the route of the procession were selectively attacked. Autorickshaws, two-wheelers and cars were also attacked. More than 13 government buses were damaged due to stone pelting. Mostly, youngsters were involved in the violence. It seems hatred was nurtured in their minds. Many were drunk too.

In spite of police presence, those who participated in the procession, did not hesitate to unleash attacks. Stones were brought in vehicles. Moreover, Muslim shops were

selectively attacked, identified either by Hindu Munnani flags tied in front of those shops, or they were identified in person. Though police intervened in few places to disperse the mob, we came to know that instead of preventing the attacks during the procession, the police generally followed a soft approach towards the attackers till the funeral was over. Violence increased from Goundampalayam and attained its peak at Thudiyalur. A car with a Muslim family was turned upside down. Two wheelers, hotels and shops were damaged. In Hyderabad Biriyan hotel, an attempt was made to blow up the shop with gas cylinder which was prevented by police and then lathi

charge was ordered. Following this, the police was also continuously attacked. A police vehicle was set on fire. Even the women police personnel were attacked. In Thudiyalur area, two mobile / cell phone shops were broken into and mobile phones stolen. A footwear shop was set on fire. Small shops including grocery stores were attacked. A house of a beef seller was attacked and his household items were all broken. An attempt to attack Muslim houses was stopped by local people who acted with a sense of fraternity and acted beyond religious differences. Overall, the value of damage would amount to many crores.

Findings

1. There is an opinion that the gathering around Mr. Sasikumar's death was spontaneous. But the attacks cannot be considered completely spontaneous. The fact finding team opines that there were pre-planning and preparations to attack economic centres of minority. The team also opines that the mob was mobilised under coordinated guidance.
2. Given the fact that Coimbatore was affected by religious conflicts, nearly twenty years ago, the police did not act with precaution in connection with the violence unleashed by Hindutva forces. It acted with indifference and crime prevention measures were not taken. Though the police said that permission was not given for the procession, from the beginning the police did not disperse the illegal gathering nor controlled it.
3. The attack on mosques from the early hours of Friday-23.09.2016 was a tactic to instigate Muslims to react with violence. But the Muslim community generally restrained from violence with self-control and tolerance. This helped to bring back peace in Coimbatore.

4. A deep feeling of terror has been generated, especially among women and children of Muslim community. They feel that they may be attacked again. This feeling of terror is a threat to democracy.
5. Fearing attacks by Hindutva forces and to protect their belongings, shop owners of all religions including Hindus shut down their shops in many areas in Coimbatore and surrounding districts like Tiruppur and Erode. The creation of terror and threat to carrying on economic activities, occupation and livelihoods is against the fundamental rights enshrined in our Constitution.
6. Barring the left parties, all other mainstream political parties, including the ruling and opposition parties, have failed to condemn the violence and demand accountability for causing communal violence and polarizing the society.

Recommendations

1. As economic institutions (majorly of Muslims) were damaged, government should immediately assess the loss and give fair compensation to affected people and bring back faith in government.
2. Legal actions to be taken without discrimination, against all those who were involved in the violence or those who directly or indirectly incited violence.
3. The funeral procession started only after 12 hours of Mr. Sasikumar's death. In the meanwhile, the police allowed thousands to gather in government hospital where his body was kept. This inaction of police is unacceptable. The explanation given by police that they could not foresee the violence is not believable in the context of Coimbatore having the history of religious conflicts. A detailed enquiry on this should be initiated by the

government.

4. Following the targeted attacks on Muslim shops, in few places, the owners of buildings where Muslims run shops, directly or indirectly compelled Muslim shop keepers to vacate the buildings, fearing future attacks and damages that may be done to their property. This amounts to a crime which re-victimises the Muslim shop keepers who are already affected. Government should intervene and bring back the sense of security among those affected Muslims.
5. Politics of hatred against the people of minority religions is forced upon the youth who were involved in the violence. Government should ensure that these youngsters are not made pawns in the hands of religious fundamentalists.
6. Proper monitoring and legal action should be initiated against religious fundamentalist forces that affect the minority people and the common public in general.

List of Fact Finding Team members:

Members of PUCL: 1. **Gana. Kurinji**, President, TN & P. PUCL; 2. **Prof. Murali**, General Secretary, TN & P. PUCL; 3. **Pon. Chandran**, Joint Secretary;; 4. **D. Sekar Annadurai**, Secretary; 5. **S. Balamurugan**, National Council Member; 6. **Saravanan, K**, Joint Secretary; 7. **Dr. R. Ramesh**, Coimbatore unit; 8. **P.A. Pouran**, General Secretary, PUCL Kerala.

Others: 1. **Dr. Markandan**, Former Vice Chancellor, *Gandhigram University*; 2. **Thiagu**, *Tamizh Desiya Viduthalai Iyakkam*; 3. **Samuel Raj**, State Gen. Secretary, *Untouchability Eradication Front*; 4. **Sivagnanam**, State Joint Secretary, *Untouchability Eradication Front* 5. **Prof. Ramasamy**, *People's Democratic Forum, Karnataka*; 6. **Selvi**, 'Manithi'; 7. **Peer Mohammed**, Writer; 8. **Pazha Ragupathi**, *Nermai Makkal Iyakkam* □

Ranchi Declaration: Plan of Action, 2016

The notes from all the plenary sessions and workshops are being compiled and a comprehensive declaration as well as resolutions and report will be shared soon. The points that have been included here are the immediate action points that emerged and were ratified in the final plenary.

1. There was a consensus that the **practice of manual scavenging should be finished from the country, without delay**. Members of the right to food campaign will plan to actively campaign for the eradication of all dry latrines and their replacement with sanitary latrines, alongside the liberation and rehabilitation of all persons engaged in manual scavenging. The steering committee and state campaigns will personally ensure that the burden of cleaning in their homes and workspaces is not entirely placed on communities who traditionally did scavenging. All sections of society must be involved in sanitation activities with the focus being on ensuring safety on the job, supported with the latest technology including clothing and equipment. All state campaigns will make plans towards this.
2. In the month of November in a campaign mode, beginning with Madhya Pradesh, dry latrines will be broken by the safai karamchari union, members of the state campaign and other affiliates of the Right to Food campaign will participate along with ensuring the implementation of the 2013 law on ending manual scavenging.
3. The Secretariat will call a **meeting on the NREGA in October/November**. This meeting should also spend some time to plan the action around PDS.
4. It was decided that the **22nd of November would be the day for state action**. (a) Voices would be raised to urge the state and central Government to immediately **implement the maternity entitlements** of a minimum of Rs 6000 as notified in the NFSA, 2013. Also demand the expansion of the maternity benefit act, 1961 to the unorganized sector workers, which presently is an exercise for only 4 % of the workforce in the formal sector. (b) Voices would also be raised **against the destruction of the PDS through POS and Aadhar** and attempts to introduce cash transfer and the demand for pulses (dal) and cooking oil (tel) in the PDS would be raised along with fuel for urban dwellers.
5. **Advocacy should begin with MPs and with the Government** in order to urge them to implement the maternity entitlements. This should begin at the state and national level. One week before the state action teams from all over should come to Delhi and meet the party leaders and MPs.
6. As a part of the campaign's commitment to internal democracy within its structure, all **state campaigns would organize conventions within the next six months** and nominate a team of at least two and maximum five persons to the national steering committee. All state campaigns and national networks will make an effort to ensure that the persons nominated by them to the steering committee include Dalits, Adivasis, and Muslims, people of other minorities, women and youth. All members of the steering committee will have a maximum tenure of four years. Once the national steering committee is reconstituted, it should select conveners from amongst the group. This process should be completed by 8 months from today. **The meeting of the new steering committee will be held in May 2017**. Due to reduced participation of some of the **national networks, a half day meeting would be held in November** to discuss their role and representation in the campaign and the steering committee. All state campaigns are expected to adhere to the collective statement of the Right to Food Campaign.
7. NAPM would call an urgent meeting in order to plan action on the **issue of stopping this increasing resource loot and alienation of the people from land and agriculture**. NAPM would also facilitate workshops on combating agriculture distress in each state. ASHA and other groups like Rupantar would be urged to assist state campaigns to form women's collective and work towards food sovereignty.
8. **Campaign for the inclusion of eggs in the ICDS and MDMS** for those communities who consume eggs should be planned nationally and a six month plan of action should be prepared for all states.
9. A **national children's right to food convention** will be held in 2017.
10. **Non implementation of the SC orders in the Swaraj Abhiyan** case related to drought should be pursued by all state campaigns along with giving an affidavit for the SC that their State Government had not cared to implement any of the orders.
11. All efforts will be made to **resist any imposition on the individual's private food habits**. Therefore the ban on cow slaughter and consumption of beef will also be resisted where it is a part of the regular diet of the

communities. The politics around the cow should be discussed by all state campaigns so that each member takes an informed opinion on this issue.

12. In relation to **Agrarian Crisis, Land Grabs and Food Security**, it was resolved that (a) water to be first used for drinking, then for domestic purposes, then for agriculture and finally for industrialization and urbanization; (b) right to food should be understood in the context of seed sovereignty and food sovereignty; (c) there should be a ban on forceful land acquisition; (d) there should be an end on corporate control over food systems and policy; (e) the campaign endorses the struggle against BT mustard and (f) the campaign will work for the implementation of the Forest Rights Act, PESA and other legislations related to land.
13. The campaign for **recognition of women as farmers** will be undertaken both at the state and at the national level.

14. The workshop on disability and right to food passed a resolution that the right to food campaign should work towards getting **disabled persons included in the automatic inclusion lists** in all states and that they should be given Antyodaya cards. Further, the inclusion of persons with disability must be ensured in all food and employment schemes along with giving them access to additional schemes designed specially to address their needs.
15. To advocate for **all TB patients be provided with supplementary nutrition** in the anganwadis or schools through the year.
16. A number of other action points emerged in the parallel workshops on exclusion, urban food security, rights of homeless persons, disability and right to food, PVTGs and right to food and so on. These are all being compiled and will soon be shared. A list of the workshops that were held are annexed below.

17. **Three day workshops with youth on knowing their democratic rights and the Right to Food** would be organized in every state by the state campaigns. A list of resource persons would be prepared by the national team and given to each State. These workshops should begin in October itself.
18. The **law on sedition and AFSPA should be withdrawn** from the Indian statute books, efforts would be made with other civil liberties and democratic rights campaign to prevent the alienation or attack of any group activist or peer by the Indian state.
19. Similarly, along with other campaigns there would be an effort made to **protect the people's right to life and liberty in Bastar** and that of the human rights defenders working on this.
20. The **cultural component of the campaign** should be strengthened. □

Report on the Public Hearing on Impact of Recent Floods on Slum & Pavement Dwellers in Chennai City on 31st December 2015 at the Bank Employees Federation of India hall, Teynampet, Chennai 600086

After the 2015 Tamil Nadu floods, slum families living along the city's waterways began to be forcibly evicted under the guise of 'flood relief', and rehoused in unsuitable tenements in the city's peripheries, in Ezhil Nagar and Perumbakkam, which were themselves badly flooded during the rains. The Unorganised Workers' Federation, Pennurimai Iyakkam, the Coastal Community People Movement (CCPM) and the National Alliance of People's Movements (NAPM) had organized a public hearing to investigate these forced evictions. This public hearing was held on 31st December 2015, at the Bank Employees Federation of India hall in Teynampet, Chennai.

The jury of this public hearing constituted retired IAS officer M.G. Devasahayam, retired Chief Engineer of the Public Works Department S.M. Arasu, State President of the People's Union for Civil Liberties (PUCL) Professor Saraswathi, advocate Bader Sayeed, journalist Gnani Sankaran, educationist Saravana Raja, and Arungunam Vinayagam from Nagar Senai. Over 200 people, including slum residents from 20 neighbourhoods, activists, researchers and representatives of NGOs attended the meeting, and presented their experiences and opinions about the evictions after the floods.

Deposition by slum residents:

Shanthi from Bucks Road, R.A. Puram

We have been living in this area for over 70 years, with our livelihoods and educational opportunities based in this locality itself. TN Slum Clearance Board has constructed fire proof houses. we have worked to create all facilities. We are not willing to move to Ezhil Nagar, where there is a lot of rowdiness, and where we will lose our livelihood opportunities. There is vacant land near our neighbourhood where the government can provide us alternate housing if in situ housing is not possible. All areas have been flooded, why are only we getting evicted?

Dillamma from Pandian Street, R.A. Puram: We are domestic workers, fish vendors, and daily labourers who have been living here for generations. We have struggled to make this a liveable place, but now the government, with the help of the police, wants to evict us, citing the floods as a reason. Local goons and politicians also intimidate us to get us to leave. Flooding happened in our area only because the sluice gates in lakes were opened by the government. A minister lives near our area, and his house was also flooded, but only our area is being surveyed for resettlement. Why can't ministers and their families go to Perumbakkam? We will commit suicide if the government forces us to leave our homes. We have submitted petitions to multiple ministers and government officials, asking for alternate housing nearby. There is nothing worthwhile in Ezhil Nagar and Perumbakkam.

Elumalai from Kottur: We live on Mandapam Street. A PIL has been filed against our area, and the judgment, in favour of a rich landowner, demands that the people be removed. We have filed a writ petition, and the concerned judges have clarified that they only required that "encroachments" be removed, not houses. We have a GO stating that the land in this neighbourhood has been given to the SC/ST residents, who have built homes there, and have been given facilities by the government. We have also been considered for pattas by the TNSCB. But now, the situation has completely changed. The government is favouring the private landowner. Local politicians are also urging us to leave, and forcing us to take tokens for resettlement, citing the floods as a reason now.

There are many colleges located on the opposite river bank; even the planetarium is on a river bank. Why

are we getting evicted? If the government had built a diversion canal, our area would not have been flooded.

(Mr. Arungunam interjected to say that he had filed a case regarding land for the SC/ST (case number 24818/2015), and received a favourable judgement for it. This case can be referred to as precedent to demand land in Kottur)

Velankanni from Greams Road, Thideer Nagar: We live in a declared slum area and fire proof houses have been built. For about five years now, the government has been threatening to evict us, despite our area being a declared slum. Now they are calling our area a flood-prone region, and asking us to leave. Local political party members, who had earlier promised to help us get pattas, are now favouring the government, and asking us to accept relocation. But there is enough vacant land near our area, where the TNSCB can build housing for us.

Vetrivel from Mannar Seraperumal Nagar, Maduravoyal: We came from Sri Lanka as per the 1984 agreement. We purchased a plot in Mannar Seraperumal Nagar, and have been living here for over 20 years. All the residents of the locality are working as unorganized workers in the Koyambedu market. During the floods, we stayed in the MGR University building, which itself is built on the Cooum river bed, and was destroyed by the floods. Some of us stayed at the Thai Mookambikai Polytechnic college, but even that building got flooded.

We have been given all facilities such as roads, water, etc. Our homes got flooded only due to the opening of the Poondi reservoir. Now floodwater has receded and we have moved back to our homes, but there is an eviction threat from the government. Houses in Ezhil

Nagar are too cramped. There is vacant land very close to our area, where we can be given homes.

Rajendran from Mylapore, representing the Ambedkar Nagar Makkal Sakthi: The government is planning to evict us on 31st December, citing floods as the reason. They are trying to give money to people to get them to accept relocation. PWD officials also came to survey us, claiming that they came to collect information for Aadhaar card registration in order to fool us. We fought the officials and sent them away. The houses in Perumbakkam are 8-storey buildings. There are only 2 lifts. If there is a power failure, how will people go to their houses on the top floor? Can the government give any guarantee that Perumbakkam will not be flooded? Even the Perumbakkam colony is built on a water body.

Ranganayaki from Esplanade Road, Parrys Corner: We were evicted last year. We are now living on the pavements, and are left with nothing. At my age, I am selling biscuits to make a living. We have lost everything in the floods. The government must give me a house and a shop for my livelihood.

(Geetha interjected to point out that Ranganayaki is only one of many living on the platform near Parrys Corner. The Supreme Court has ordered shelters to be built for platform dwellers, but the Corporation is hardly implementing it.)

Sivakumar from Koyambedu: Most of the people living in my area do loading and unloading work (at the Koyambedu market). We are about 5000 in number, but we don't have a place to live. There are about 1300 small vendors, who are often threatened by government officials. During festival season, we do not get any tokens or allotments to put up stalls. We have lost all our

belongings in the floods. Now we sleep on the platform, and cannot afford to rent homes. We do not even have sanitation facilities where we live.

(Geetha added that these people have to sleep near their workplace because they have to load and unload through the night till early morning. They are forced to sleep on the pavements, and are often threatened by the police.)

Kalaiselvi and Chitra from Rajapillai Thottam, T Nagar: We have been living here for three generations now, but now we have been asked to move out. The government has also stopped providing services like water. The slum is a declared one. Since there were no claims to the land, the Tamil Nadu Housing Board took over the land many decades ago. But now, a private landowner and his heirs are now claiming to own the land on which the slum is located, and threatening to evict us.

Gowri from Gangaipuram: We are about 750 poor people, who have been living here for over 50 years. Initially, the government had promised us in situ housing, but now, they ask us to go to Kannagi Nagar. We will lose our livelihoods if we move there. The government opened the Chembarambakkam lake without giving us notice: this is the reason for flooding in our area. Government facilities like a ration shop, and an Electricity Board office, are also built on the canal on which our slum is built. (This canal itself is blocked and unused.) The local councillor did not come to help us during the floods, but now, he is abusing and threatening us.

Mohan from Gandhi Nagar, Sholinganallur: In my area, there are about 2500 houses with no basic services, facing neglect from the government. There are many government buildings on lake areas, including an Aavin dairy, Electricity Board sub-station, a

government higher secondary school, and government colleges and institutions on lake areas. The damage caused by the floods was not due to the rains, but because sluice gates in the lake were opened without any warning. Action must be taken against these unwarranted acts of government departments.

Annakili from Sathya Nagar: We have been living in this area near the War Memorial for many years. A nearby slum was evicted after a fire accident and shifted to Kannagi Nagar, but many returned. After the floods, we shifted to the War Memorial for refuge, where we were helped by many organizations. We want to stay on in the area after the floods too, because our livelihoods are here, and we can improve our living standards here by becoming better off. Our children are well educated because they live here. We have submitted a petition to the Chennai district Collector, wanting to stay on.

Chamundeshwari and Baiamma from Korattur: We have been living in this locality for over 40 years. A retired tahsildar, with his clout, has gained ownership of the land, and has demolished most of the houses in the area, save four or five houses. Electricity has been disconnected. There has been no response from government officials: all this, in support of one individual. There is no one to support us vulnerable people. We have filed a PIL. We were allotted this land by the TNSCB, yet, we have been evicted without notice, without being given any options for resettlement. I am living in one of the few surviving houses, without electricity, and enduring a mosquito menace.

Baskar from Konnur High Road, Ayanavaram: We have been living in this declared slum for forty years. But now, the government is

claiming that we are encroachers and forcing us to relocate. We explained that children's education will be affected, but government officials tried to evict us in November 2014. With the support of Pennurimai Iyakkam, we have resisted eviction. We visited the relocation site, Ezhil Nagar: it is a prison, with drainage overflowing onto the streets. Our jobs, and our children's education are all here where we live. There is land belonging to the Revenue Department right behind our area. We can be given in situ housing there.

Kamakshi from Govindasamy Nagar: Initially, a survey was conducted in our area. We were told it was for getting government services, so we agreed to it. Later, we were served notices, and threatened with eviction. A private landowner is trying to remove us through legal action, claiming that the land on which we live belongs to him and the PWD. But we have been living here for 60 years.

In July 2015, around 360 families were evicted and moved to Ezhil Nagar. About 13 of us have filed a case resisting eviction, because our livelihoods are close to our area, and we cannot commute for four hours every day. Many people are reluctant to fight evictions for fear that they would lose any government allotment they might get. But we are here. We won't move.

Tamilselvi from Sherkhan Thottam, Kodambakkam: We have been living in this area for about 80 years, without any basic facilities or tenure security. Now, residents of an apartment nearby have filed a case against us, claiming the land we are living on was a road. We have filed a counter case with the help of Pennurimai Iyakkam, and received a favourable verdict. But there has been no recognition of this: the

apartment residents are determined that we should not get a patta. Once, more than 200 policemen came to evict us, but we stood our ground and fought back. We are prepared to give space for the road, but in turn, we want in situ housing, and don't want to be relocated.

Keerthika from Semmencherry: My mother expired during the recent floods. We are three children, and we have been orphaned because there has been no warning about the flood situation. My mother worked in MIOT hospital. We did not know that buses stopped at Kumaran Nagar during the floods, and people had to walk to Semmencherry. My mother was walking to our house, when she was washed away by the floods and drowned. My siblings and I thought she was working the night shift at the hospital, because there was no communication from her. We checked in the hospital the next day, and found that she had left on December 1st itself. My mother's body had been kept in Chettinad Hospital, and had decomposed in the six days that had lapsed since she died. The government is responsible for the floods, and for the situation my family is in.

Civil Society Opinions on Resettlement and Government Action during the Floods

Christuraj of Samakkalvi Iyakkam briefly reported the findings of a fact finding report he had compiled, on the status of children in Vyasarpadi, Villiwakkam, Kotturpuram, and parts of Thiruvallur and Kanchipuram districts. The report found that there was an absenteeism rate of up to 25% among school children. Most schools were flooded up till the ground floor. 70% of the children were found to be undernourished. teachers and students themselves

had to clean their school premises and classrooms. Sanitation facilities were poor in schools. He recommended that the government conduct medical camps in schools after the floods.

T. Sudhir, architect-director of Peoples Architecture Commonweal pointed out that the tenements in Perumbakkam did not conform to the National Building Code. The seven-storeyed buildings have all been built by the TNSCB on marsh land, endangering the health and safety of those living there as well as destroying the wetlands. About 60% of the funds allocated to construct these tenements has been spent on laying the foundation, resulting in a compromise as far as the building amenities and services are concerned. There are only two narrow staircases in each building, which are not safe exit routes in case of an emergency. In Ezhil Nagar too, there are only two narrow sets of staircase. Windows in the houses face corridors which are already dark. Ventilation is not adequate. The relocation sites are themselves floodprone, and dangerous in the case of disasters such as fires. The homes themselves should be declared unfit for human habitation. Where water supply is concerned, residents are only being given a fraction of the water they need to be provided in accordance with the National Building Code. The sewage system capacity is too low: sewage is bound to pollute the nearby waterbodies. There are also problems with the local body jurisdiction. The TNSCB has built tenements in Perumbakkam which falls within Kanchipuram district. Panchayat officials there are reluctant to undertake maintenance, so the Chennai Corporation has taken up solid waste management temporarily.

He emphasized that it is going to be difficult for residents to access services.

Jacintha Chitra of the Transparent Cities Network housed at CAG shared the findings of a survey report compiled on Ezhil Nagar in May 2015. Residents of Ezhil Nagar access fairprice shops and schools built for residents of Kannagi Nagar, therefore, the services are grossly inadequate. No PDS shop was functional at the time of data collection. Residents had been told that it would take two months for the new PDS shops to be opened, and until then, they have to access the Kannagi Nagar shops. The residential buildings are very poorly ventilated. The ground floor of the buildings is inundated by drainage, causing adverse health impacts for residents. Water supply is inadequate. As per government records, there are 28 anganwadis, but most of them operate in Kannagi Nagar. Of the three in Ezhil Nagar, only one was functional for over 2500 families. The nutritious meal program for pregnant women and children below the age of 6, is not functional. There are no inpatient medical facilities at the Public Health Centre in Kannagi Nagar. Transportation facilities are inadequate. Livelihood and security, however, were the largest concerns. Many people had lost their previous jobs, due to the commute. Job trainings were provided by the government, but they did not prove to be practically useful. Residents did not feel that the police was responsive to their complaints. There were no policewomen available for the assistance of women and girls. The police themselves reportedly asked people to stay home in the evenings, for fear of crime.

T. Venkat, a PhD student from the Madras Institute of Development Studies highlighted that despite

the Tamil Nadu Slums Act stating that prior notice had to be given to people before relocation, it was not followed in many areas. No public consultations are held. Evictions in Chennai fell under the ambit of the UN Habitat Forced Eviction Factsheet 25, and violated human rights. The relocations for the Metro Rail projects and for the tsunami have included many benefits for the relocated people. The flood affected have also been given monetary compensation. But for evictees of other projects, no compensation has been provided; additionally, they have been asked to pay monthly maintenance costs and/or rent. This is a discriminatory process. The government does not have a standard policy for evictions. Where relocation is concerned, people have no choice of place. All relocation sites themselves are flood prone, so people must be given housing in situ. With respect to livelihood, MIDS conducted a study on livelihood ten years after relocation. The study found that there are no skilled, employed workers at the relocation site. Even in cases where people had secured jobs, it was after a delay of many years. Venkat emphasized that government action has been anti-people, and discriminatory, and that the social and economic needs of the people must be fulfilled with consensus and choice-based alternatives.

S.K Siva of the Theendamai Ozhippu Munnani felt that the relocation site is being treated as a separate constituency or enclave in Sholinganallur Taluk by the government. As per TNSCB rules, only 5000 tenements can be constructed in a single location. But the government has not followed these rules by building more than 20,000 tenements in one location. People move to the city in search of better livelihood opportunities.

Their place of dwelling is not their only need: if they are forced to live 25 km away from the city, it amounts to a systematic destruction of their livelihood. Most people living in slums are Dalits, and land up to 3 cents has been allocated by the AdiDravida Welfare Board for SC/ST people. However, there is no effort from the authorities in Chennai, Tiruvallur and Kanchipuram districts to provide this land to the people. He pointed out that relocation does not seem to be only for the disaster-affected, but for many reasons. The government is in fact, attempting to throw the poor out of the city, and it must be stopped. He appealed to the government to provide tenure security for the vulnerable.

Devaneyan of Thozhamai brought attention to the inadequacy of facilities in resettlement areas. Although 25 anganwadis are required for the population in Semmencherry, only five are available. Seven PDS shops are required to function, but only four are. A 24 hour hospital is required, but even the PHC there does not function full time. The government does not adhere to its own standards in Semmencherry. There are only 1000 or so tsunami affected victims in Semmencherry, but the other many thousand families are from 23 slum localities in the city. Tsunami relief homes in the rest of Tamil Nadu are over 300 sq ft in size, but houses in Semmencherry are smaller than 200 sq ft. These practices are discriminatory. There are no proper spaces allocated for over 8000 children in these relocation sites. There should be at least one primary school, high school, and higher secondary school in the area - the absence is a government norm violation. There is no child protection infrastructure either. During the floods, six people died of snake bite in Semmencherry. Since

there is no full-time PHC, people had to go to Royapettah. There was also no ambulance service due to the floods.

Shanthi of the India Meenava Pengal Sangam reminded us that the families of the 44 fishermen who had died in the 2004 tsunami in North Chennai were yet to be compensated. Residents were shifted to Kargil Nagar where there was a fire accident, after which the people were asked to move to rental housing. Since then residents have received homes in the All India Radio site but since the tsunami, 124 families have still not been given houses. She suggested that they be housed in the vacant houses in Ernavoor.

Vidhyasagar of UNICEF stressed that forced evictions were being carried out under the pretext of floods, and that this was a human rights violation. He felt that there was a need for a mass struggle on the basis of the recommendations of the public hearing in the run up to the upcoming elections.

Kamala of Pennurimai Iyakkam pointed out that slum residents are being thrown out of the city in order to build parks, and for ministers to build hotels, etc. She said that lives were lost during the floods because all government departments failed to do their job, but are now trying to buy the acquiescence of the people by giving them monetary compensation. The floods affected the rich and the poor alike, which she said is a reminder that we must work beyond caste and religion to demand tenure security for all and stop evictions.

Esther Mariaselvam of Action Aid drew attention to the fact that women suffered the most in the neo-untouchability practice of resettlement, which is a disgrace to human dignity, and said we must demand housing within 5 km from the original location of slums.

Responses to the deposition by members of the Jury

Retired Chief Engineer of Public works Department **SM Arasu** emphasised that slum dwellers staying along Chennai's waterways need not be displaced to far flung places but relocated in permanent dwellings that can be constructed on the banks of rivers in a manner that does not obstruct the flow of water. Crores of rupees have been spent on cleaning the waterways in vain and now a foreign company has been engaged to guide the cleaning of the Cooum, while what is really needed is simple, cost-effective treatment of the raw and partially treated sewage currently being let into it. He said these suggestions had been placed before the State Government before, but they were ignored.

Prof. Saraswathi of PUCL, condemned the slum evictions and stated that the forced relocation of communities of the poor to far off sites resulting in the deprivation of their livelihoods and denial of access to health and educational opportunities as suffered by those displaced so far, are well known and as such, these are acts that violate the basic human rights of these communities and thus need to be halted forth with. She also pledged the support of PUCL to peoples struggles resisting slum evictions.

Arungunam Vinayagam of Nagar Sena reminded us that Dalits constitute the majority among slum dwellers though some tribal and backward communities are also found among them. He pointed out that lands that had been specifically reserved for the use of the Scheduled Castes and other depressed classes in 1892 – also called DC lands – have been usurped by dominant castes and privileged groups while the Dalits were driven to settle on the fringes of water courses and water bodies.

He also referred to the surplus lands acquired under the Land Ceiling Act, which had again been appropriated by powerful vested interests instead of being utilized for housing the homeless. He appealed to Dalits and other slum dwellers to unite and struggle for their land and housing rights.

Saravana Raja, educationist spoke of the educational drop outs created by slum evictions, in violation of RTE, and educational backwardness instead of advancement due to displacements. Further, there is no provision for livelihoods that can absorb large numbers of workers in diverse trades in the relocation sites and disruption of studies during the course of the academic year is unwarranted.

Gnani Sankaran, journalist, said that large parts of Chennai were built on lakes that had been filled in, though the older layouts such as T Nagar had sufficient arrangements to drain storm water. But with bungalows springing up indiscriminately on water bodies today, no such planned ameliorative measures had been undertaken. The work of retrieving water bodies must take this into account and the routine scapegoating of slum dwellers must be stopped. When their livelihoods and education are snatched away, these communities will be pushed back by one or even two generations in their struggle to emerge from poverty and illiteracy.

Recommendations from the Public Hearing

The following were the recommendations collectively arrived at, at the end of the public hearing:

1. Forced evictions of slum dwellers living on river banks must be stopped forthwith and Government must organize a Public Hearing on

rehabilitation. As far as possible, where the risk of flooding is not severe, they must be housed in the same locations or alternatively, on land within a two-kilometer radius of their existing settlements, by providing tenure security through patta to house sites that are equipped with all basic services such as water, sanitation, electricity, street lights and storm water drains and supported with housing finance through co-operatives.

2. Surplus lands acquired under the Land Ceiling Act should be used for housing the homeless in the city. Information on all types of common lands, panchami, annadhinam, bhoodaan and surplus lands acquired under Land Ceiling laws and other lands reserved for the uplift of the depressed classes all over Tamil Nadu, along with cadastral maps clearly identifying these lands, should be placed in the public domain and measures initiated to retrieve such lands under encroachment by the more privileged sections of society.
3. A public enquiry on the maintenance of tanks, lakes and other water bodies, streams, rivers, canals and drains and the related causes of the recent floods must be held immediately and the effective mandate and resources for the same restored forthwith to the local communities, so that they can be rehabilitated and their abuse prevented.
4. Legislation declaring all buildings and infrastructural projects that have been constructed in the midst of or on the fringes of all water-related commons, including marsh lands and other wet

lands, after the First Master Plan for the Chennai Metropolitan Area was notified in 1976, whether they belong to State/Central Governments, industrial or business houses, educational or health institutions and commercial and entertainment companies, as public safety risks with provisions for dismantling these constructions and clearing the water commons encroached upon within a definite time frame, not exceeding three-years, shall be passed immediately.

5. Concrete embankments should be constructed along the boundaries of the waterways in the city and the water courses themselves must be periodically dredged and kept free of obstructions. Untreated sewage should not be allowed to pollute these waterways and simple methods for treatment of sewage inflows at the street/pumping station level should be adopted before letting the effluents into them.
6. Lack of night shelters for pavement dwellers should be addressed immediately, since they have suffered much hardship due to this deficiency.
7. Survey of street vendors in Chennai city must be conducted and provision of space and license to vend issued as per the Central Act and State Rules.
8. Livelihood assistance must be provided to street vendors who have lost their goods in the flood and to home based micro-enterprises affected by

the floods. Non-employment allowance must be provided to construction workers whose livelihoods are affected on account of the increase in price of building materials and stoppage of construction work during the floods.

9. Slum relocation projects in P e r u m b a k k a m , Semmencherry, Ezhil Nagar and Kannagi Nagar must be declared unfit for human habitation and dismantled within the next three years, with the allottees being resettled in housing layouts for the EWS within a two-kilometer radius of their original settlements in the city, as these projects are located in marsh lands and wetlands that are naturally flood prone; designed and constructed in blatant violation of fire safety standards prescribed by the National Building Code 2005; lacking in sufficient lighting, ventilation and basic services such as water as mandated by the NBC and last but not least, ghettos of the poor that legitimize a new untouchability and push them further into poverty and crime instead of aiding their recovery.
10. The state government must take immediate steps to set up a State-level Disaster Management Authority with district level nodes and conduct trainings in disaster prevention and response for all its staff, so that the lessons of the recent floods are not lost. □

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