

PEOPLES AGENDA --- REPARATION FOR MASS CRIMES

Relief & Rehabilitation - Recommendations

I. Restoration and repair of places of worship damaged and destroyed during the violence, in consultation with the community concerned.

II. Constitution of a tribunal for compensation/reparation to victims. This tribunal should have enough benches spread over an entire city like Ahmedabad and also have benches in the districts. The tribunal should be given clear guidelines for the assessment of compensation in respect of the loss suffered by every individual in the violence. The loss would include the loss of and damage to homes, belongings, loss of life, injuries sustained, destruction or damage to business and loss of means of livelihood, as well as the impact of the sexual assaults on women and their relations. It is the view of the Tribunal that such tribunals (like those set up after the Dockyard Explosion in Bombay in 1944 by the colonial power) should be set up without any further delay to restore a feeling of justice in the victims of the state-sponsored carnage.

The benches of the Reparation Tribunal must have:

- i] the status of independent judicial authority to assess the loss suffered and to award and enforce compensation payment.
- ii] specific time frames for their functioning.
- iii] necessary infrastructure to discharge.

III. In the meanwhile the victims should be rehabilitated on available land, including government land at government expense.

IV. Survey of Damage to Life and Property

The state government should immediately conduct a detailed survey of the loss of life, dignity, property, livelihood and business to the victims and the compensation if any given to them so far. The findings of the survey should be made public as at the time of the earthquake. The findings should include:

A. The manner in which the amount of Rs 150 crore given by the central government as aid to ensure rehabilitation have been disbursed.

B. Detailed tabulations on the amounts of housing compensation disbursed.

C. Detailed survey of the affected persons and the manner in which they are affected.

D. The identification of destitute women and orphans.

V. Quick disbursement of Relief:

i] The government has put a low ceiling of Rs. 50,000 in assessment of house damages. The vast majority of payments made are well below this amount; some assessments and surveys have claimed the damages are as low as 5,000 and 10,000. Even on a cursory glance it is easy to see that in the majority of the cases the damages caused are much higher than the ceiling. In the light of the almost uniform and extensive damage of houses and shops, a minimum of Rs. 50,000 should be given to all the people whose houses and shops have been damaged. These payments should be made immediately as minimum compensation pending the detailed assessment by the tribunal, as suggested above. There should be no ceiling on the compensation awarded.

(i) The State should ensure, along with groups and organisations from among the affected community and civil society, that everyone affected gets the compensation.

iv] It should be ensured that the foodgrains ration reaches the camps and thereafter people from affected communities who have tried to rehabilitate themselves but are still facing loss of livelihood, and impending hunger and starvation, because of the economic and social boycott being faced by them.

v] The rations provided should be adequate and the camps should not be closed till the inhabitants are properly rehabilitated.

vi] The state should have taken complete responsibility for the running and maintenance of the camps in a humane manner. It is imperative that the appalling sanitary conditions in the camps are improved and better health care is provided. The camps should also get adequate security.

In particular:

vii] Adequate facilities to address the health needs of pregnant women and trauma therapy to all the camp residents, particularly women, must be provided.

viii] Adequate and nutritious food should be made available to all, and in particular to women and children. Lactating and pregnant women should be given extra attention.

ix] Provision should be made in the camps of adequate sanitation facilities, which allow for privacy and hygiene, particularly during menstruation

period.

x] Comprehensive health care, including counselling for trauma, should be provided on a regular basis and free medical aid be given to all victim-survivors. In view of the trauma the victims, especially women and children, have suffered free medical aid, including psychiatric care, should be provided to them. As there has been widespread rape, including of the minor girls, special counselling by medical personnel as well as by social workers should be organised.

xi] Surveys and *panchnamas* should be rapidly and properly conducted to ensure timely disbursement of the interim and other relief.

xii] Interim and other relief should be handed over to women and men of a family, jointly.

xiii] Ration cards and other identity cards be provided immediately to those who have lost such documents.

xiv] The educational documents/certificates be provided to those who have lost such documents immediately. Full protection be provided to those who wish to return to their homes, and legal/ownership documentation be provided expeditiously in cases where they have been destroyed.

xv] The state should allocate land for people who want to shift from the camps into safe localities of their choice and a special rehabilitation package be provided for widows, single women and female-headed households.

xvi] The government policy regarding compensation to heirs of the 'missing' persons should be changed in view of the abnormal circumstances in which the people went 'missing'.

xvii] A single window system be established to complete all administrative formalities, including those for relief and rehabilitation.

xviii] Proper procedures be laid down to ensure transparency and the right to information, including those in the case of arrests, relief and rehabilitation measures.

xix] Specific measures be taken to give relief to the sections of the survivors who do not fall under the current rehabilitation schemes, especially widows, female-headed households and single women.

VI. Economic rehabilitation needs to be undertaken on an urgent footing. Economic rehabilitation should not be equated only with the interim relief. Although interim relief is crucial in the short term, the State has to address its concerns to the long-term employment opportunities for those affected by the violence. The compensation and relief package announced by the government of Gujarat does not reflect the extent of losses sustained nor does it allow for a reasonable opportunity for economic rehabilitation. The compensation package does not take into account ground realities and is, at best, mere token relief.

A. The Tribunal recommends an urgent and quick disbursement of interest-free loans for business through a single window clearance system.

B. Quick disbursement of insurance claims.

C. The evidence recorded by the Tribunal from different districts of the state reveals the depth of communal polarisation in different sectors, helped by the party in power in Gujarat. Small and big businessmen and traders who deposed before the Tribunal testified to the communal and partisan attitude of the assessment officers of the Oriental Insurance Company that showed that even those who have insured their businesses and trades are being denied fair pay back by the insurance company. The government must look into this matter and take the guilty to task.

D. Job opportunities for women and men be encouraged by creating a pool of information particularly for those on daily wages. The provision of interest-free small loans for those wishing to set up *laaris* (handcarts), stalls and small shops or any other small business be made.

E. Steps should be taken to ensure education and employment opportunities for women of the minority community.

VII. Education/Children

I. Mass promotion of children who have not been able to take annual and the Board examinations be made to prevent the loss of the academic year.

II. To facilitate the process of school transfer for those displaced by the violence; school transfer should be provided without insisting on a formal transfer certificates.

III. The Tribunal recommends the immediate withdrawal of textbooks in Gujarat and elsewhere that distort history, sow communal discord and teach communal hatred.

VIII. Reparation, not compensation

The devastation of a section of the population on a mass scale such as the one witnessed in the present case in Gujarat has to be distinguished from the sporadic violence against a few individuals resulting in loss of life and property. In the former, an attempt is made to uproot people through an organised plan with the connivance and support of the state, with a view to leave no trace of theirs. In such cases, the usual compensation doles cannot recuperate the losses suffered by the people in question. What is needed is their complete rehabilitation physically, psychologically and spiritually.

The loss in such cases has to be calculated not only in terms of the loss of men and material, but also the loss of human-self of the survivors who have to be resuscitated as human beings and induced to start a new life by overcoming the trauma of the devastation. The cost of such revival is inestimable. The loss of all that is near and dear, including the lives of close relatives, the complete defacement of past existence, the shattering of all dreams, hopes and aspirations, and the cruel uncertainties of the future are all that the survivor is left with. He or she has to live with it every moment of his or her life. What is needed in such circumstances is not mere rehabilitation of material existence but the dignified restoration of all the survivors in all aspects of societal life. Hence what is needed to be paid is not only compensation for the material loss but also the cost of reparation as a societal being. The government therefore is duty bound to assess these costs in human terms as well while calculating the losses suffered by the victims.

Psychological rehabilitation

In view of the trauma the victims, especially women and children, have suffered free medical aid, including psychiatric care, should be provided to them. As there has been widespread rape, including of the minor girls, special counselling by medical personnel as well as by social workers should be organised.

Education

The Tribunal recommends the immediate withdrawal of textbooks in Gujarat and elsewhere that sow communal discord and teach communal hatred.

(Source: *Crimes Against Humanity, Vol II*)