

To Move or not to Move?

Post Tsunami Shelter Policy of Government of Tamil Nadu

A note on the Issues arising from G.O.172 prepared by the NGO Coordination Centre,
Nagapattinam

Introduction

The shelter policy of the Government of Tamil Nadu for rehabilitation of tsunami affected coastal villages came after three months of debate and discussion and was expected to put an end to the uncertainty over many aspects including that of relocation of fishing hamlets. The initial response to the G.O172 that formalized the policy was somewhat muted as all circles found it difficult to understand the implications. On the surface, it seemed to be a well nuanced policy providing options to the community rather than use compulsion.

After nearly a month of the policy being announced, the situation looks very confused and all concerned are still struggling to come to terms with the policy. Very clearly the policy is based on providing a strong incentive for the fishing community to move beyond 500 m from the sea. A plot of 3 cents (1.5 cents in urban areas) with a clear title deed and a house worth 1.5 lakh rupees is clearly a good deal for the vast majority of the poor fishermen households. It is a carrot that most cannot refuse given that the land they occupy on the coast is without a “patta” and that more than half of them live in simple huts. This incentive to move beyond the 500 m line is creating a situation which all the stakeholders in the rehab process find difficult to handle. The following summarises the confusion vis-à-vis the three key stake holders.

- In the case of the *communities* themselves, wholesale movement is being contemplated even when good houses are standing on the beach. The communities still appear to believe that they can achieve their “two house” formula despite the clear declaration in G.O.172 that this will not be allowed. Communities believe that they can hold on to their private property on the beach despite relinquishing it. As a result, communities are ready to move even where the alternative location is not safe due to its lack of adequate elevation¹. Getting a better house and a land title is too much to resist and other concerns just go overboard. However, in every village there are 10-20% of households who have expensive houses on the beach and are unclear on their strategy. A split of the village community is likely in many areas, affecting the long term social viability. In some areas the problem of conflicts with other castes as a result of the relocation is also looming large.
- In the case of the *District Administration*, which has to implement the policy, the large scale relocation of fisherfolk is an administrative nightmare, especially when it comes to finding land for such relocation. Finding land is only part of the problem, as taking the risk of using the powers conferred in land purchase is too much daunting for most revenue officials. Hence virtually all District Collectors

¹ There are also village communities where the opposite is true. Even when their existing location is patently unsafe, they do not wish to relocate if it involves relinquishing their existing lands.

are informally pushing for the communities to seek the in-situ option despite the policy itself promoting relocation.

- In the case of the *NGOs* working with the community, the fear that the beach vacated by the fisherfolk would be lost (notwithstanding the assurances in the policy)² is counterbalanced by the observation that the community itself is showing interest in taking the option of relocating. Hence they are unable to take a clear stand in favour of in-situ construction or for relocation. For NGOs intending to get involved in reconstruction of villages, the uncertainty over land availability and the numbers of houses that will have to be reconstructed is creating great uneasiness and anxiety.

Very clearly the current package provides an incentive to move away from the beach and creates distortions in the decision making process. Unless the incentive system is re-engineered, the communities will not be able to take a considered decision taking into account all factors. The following are a set of issues that one needs to grapple with before any final recommendation can be made on breaking the current impasse.

Policy Implementation Issues

- How does the Government propose to enforce its policy of fishermen relinquishing their original land and house on the beach? Will it raze down good pukka houses on the beach? What will it do if a fisherman goes back to his original beach space and puts up a hut, ostensibly for keeping his equipment? What will be the mechanism to ensure that the beach vacated is used only for common purposes rather than for individual residences, etc.?
- When a fishing village relocates to a new place, the sea access may not be through the old beach it relinquished. Since the policy only talks about protecting the vacated beach space, how will the long term access be guaranteed for the new location?

Legal Issues

- The Prohibitory Order Book (POB) is the mechanism proposed by the policy to ensure that the land vacated by the fishermen is not usurped by other sectors for shrimp culture, tourism or industry. How effective is the POB in the long run? What prevents a land from being taken out of the POB by the administration later on?
- Can a system of “community patta” be given as an alternative mechanism for the POB, as has been done in the case of tribal communities elsewhere? What are the pros and cons of this? Can the community patta once again be used by the community to allow private constructions?
- The land that most fishermen live on is revenue “peromboke” land or at times reserve forest lands. What does it mean when one has to execute a legal document to relinquish such land?

² That this is not a far fetched assumption can be seen by the Thallampettai case study “When fishermen vacate the beach...” prepared by PRAXIS. In fact an illegal prawn farm related construction coming on the beach in Chinamedu in Nagapattinam district right now has been halted by the District Collector based on the complaint by the NGO Coordination Centre.

- Where the existing location is safe enough due to factors like elevation, can the incentive to move out be balanced by giving a “patta” for the existing land within 500 m? What are the legal or other hurdles for this?
- In Kanyakumari district, most of the land on the coast belongs to the church or has been given to fishermen by church. What does it mean to say that fishermen should relinquish his land to the Government if he wants a new plot and house?
- To ensure that the option to get a new plot and house is not based on the consideration of “encashing” it, the Government has proposed a 10 year moratorium for sale of this property. What is the legal standing of such a condition?

Social Issues

- Preservation of the existing fishing hamlets as single entities is possible only in the case of total resettlement or total in-situ construction. In most cases, it looks like it may be bit of both. What are the consequences of this?
- The break up into two settlements seems likely in some villages like Akkaraipeitai and Nambiar Nagar (Nagapattinam dist.) where rehab measures of Government and NGOs is resulting in a class divide between boat owners and crews. How does one see such developments and how does one handle them?

Technical Issues

- The Government allows repair of houses within the 200 m zone as well as within the 200-500 m zone. However there are no guidelines for retrofitting buildings. Without this mere repairs will not help and can be dangerous.

In Conclusion

A discussion on the above issues is necessary to understand all the implications of the current shelter policy and will help in taking a clear stand on it.