

**TSUNAMI RELIEF AND REHABILITATION**

**MINISTRY OF HOME AFFAIRS**

**AND**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**PUBLIC ACCOUNTS COMMITTEE**

**2007-2008**

**SIXTY-SEVENTH REPORT**

**FOURTEENTH LOK SABHA**



**LOK SABHA SECRETARIAT  
NEW DELHI**

SIXTY-SEVENTH REPORT  
PUBLIC ACCOUNTS COMMITTEE  
(2007-2008)

(FOURTEENTH LOK SABHA)

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AND REHABILITATION

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AND  
MINISTRY OF ENVIRONMENT AND FORESTS



*Presented to Lok Sabha on 25 April, 2008*

*Laid in Rajya Sabha on 25 April, 2008*

LOK SABHA SECRETARIAT  
NEW DELHI

*March 2008/Chaitra 1930 (Saka)*

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(2007 - 2008)

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| 5. Shri S. L. Singh      | — | <i>Committee Officer</i>     |

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\* Resigned from Membership of Rajya Sabha w.e.f. 9th January 2008.

## INTRODUCTION

I, the Chairman, Public Accounts Committee, as authorised by the Committee, do present this Sixty-seventh Report relating to “Tsunami Relief and Rehabilitation” on the Report of the Comptroller and Auditor General of India for the year ended March 2006, No. 20 of 2006 (Performance Audit), Union Government (Civil).

2. The Report of the Comptroller and Auditor General of India for the year ended March 2006, No. 20 of 2006 (Performance Audit), Union Government (Civil) was laid on the Table of the House on 15th December, 2006.

3. The Committee took the evidence of the representatives of the Ministry of Home Affairs and the Ministry of Environment and Forests on the subject at their sittings held on 12th February 2007 and 28th May 2007. The Committee considered and finalised this Report at their sitting held on 18th March 2008. Minutes of the sittings form *Annexures* to the Report.

4. For facility of reference and convenience, the Recommendations and Observations of the Committee have been printed in thick type in the body of the Report.

5. The Committee would like to express their thanks to the officers of the Ministry of Home Affairs and the Ministry of Environment and Forests for the cooperation extended by them in furnishing information and tendering evidence before the Committee.

6. The Committee place on record their appreciation of the assistance rendered to them in the matter by the Office of the Comptroller and Auditor General of India.

7. The Committee also place on record their appreciation for the invaluable assistance rendered to them by the officials of Lok Sabha Secretariat attached with the Committee.

NEW DELHI;  
25 March, 2008  
05 Chaitra, 1930 (Saka)

PROF. VIJAY KUMAR MALHOTRA,  
*Chairman,*  
*Public Accounts Committee.*

**REPORT**  
**‘TSUNAMI RELIEF AND REHABILITATION’**

**PART – I**

**BACKGROUND ANALYSIS**

**I. INTRODUCTORY**

1. India with its long coastline and geological features has been exposed to natural disasters such as cyclones, floods and earthquakes from time to time. A National Disaster Management Division (NDMD) was set up in 1995 under the control of the Ministry of Agriculture for undertaking rescue, relief and reconstruction activities in the aftermath of natural disasters like earthquake, cyclone and drought. The NDMD functions under the Chairmanship of the Prime Minister. Concerned Ministries/ Departments are required to draw up Department-wise plans in accordance with the National Disaster Management Plan. The NDMD is also responsible for putting in place similar systems at the State level including constitution of State Disaster Management Authorities and its associated Committees. The NDMD draws up the National Disaster Management Plan and issues guidelines enabling the State Disaster Management Authorities to draw up the State Disaster Management Plans. Similarly, the State Disaster Management Authority issues guidelines enabling district authorities to draw up District Disaster Management Plans. At the State level, the Disaster Management Committee functions under the Chairmanship of the Chief Minister/ Governor. In February 2002, the Ministry of Home Affairs (MHA) was made the nodal Ministry for planning and coordinating relief, response and rehabilitation measures in the affected States/regions and also in coordination with other Union Ministries/ Departments in providing emergency support including the Ministry of Defence/ Armed Forces, the States and Non-Governmental Organizations (NGOs). The Ministry of Home Affairs issued instructions/guidelines to various Ministries and State Governments in this regard. A National Disaster Management Bill, 2005 was passed by both Houses of Parliament in December 2005 to provide for the effective management of disasters (like tsunami) and for matters connected therewith or incidental thereto. In the event of a natural disaster usually, the affected States themselves estimate the extent of damage and seek special financial and other assistance from the Union Government, which deputs a team of special observers to make an independent assessment of the damage and the assistance required. Based on the report of the special team, the nodal Ministry, the Ministry of Home Affairs obtains financial assistance through the Ministry of Finance and releases the same to the affected States.

2. A great shallow-focus earthquake of a magnitude of 8.60 on the Richter scale occurred with its epicentre off the west coast of Northern Sumatra on 26 December 2004 at 06.29 A.M. (IST). This earthquake generated tsunami waves, which hit the coastal States of Andhra Pradesh, Kerala and Tamil Nadu and the Union Territories



(UTs) of Andaman & Nicobar Islands (ANI) and Puducherry. The damage caused by the Tsunami affected 27.92 lakh people in 1089 villages of these States and UTs entailing huge loss of lives and livestock, massive damages to dwelling units, boats and cropped area, extensive destruction of physical and social infrastructure and ecologically sensitive resources such as coral reefs, mangroves, beaches and forest cover (**Appendix-I**). The status note on the Tsunami prepared by the Union Ministry of Finance, Department of Expenditure on 27 July 2005 estimated the damage at Rs. 11,500 crore in monetary terms.

3. Post-tsunami, a Core Group has been set up in the Planning Commission to — assess the needs of long term planning and reconstruction; and coordinate and manage the National Tsunami Reconstruction effort. It has representations from Union Ministries/Departments, State Governments, Research Institutions and Planning Commission. The main function of the Group was to coordinate and manage the national tsunami reconstruction efforts. The requirement of financial assistance for Tsunami Reconstruction and Rehabilitation estimated by the core group on the basis of requests from the affected States, and other inputs, was approximately Rs. 9870.25 crore (**Appendix-II**). Financial assistance was also offered by external agencies such as World Bank (IDA), Asian Development Bank (ADB) and International Fund for Agricultural Development (IFAD) in the form of soft loan for long-term rehabilitation and reconstruction.

4. A performance review of the relief and rehabilitation efforts and general preparedness in meeting the natural disaster in the aftermath of the Tsunami was taken up by Audit in between November 2005 to March 2006. It involved examination of records in the Ministry of Home Affairs, the Ministry of Finance (MoF), the Planning Commission, the Ministry of Environment and Forests (MoEF), the Indian Meteorological Department (IMD) and the Department of Ocean Development (DOD) at the Union level. At the State and District levels, records were checked in the corresponding disaster management authorities and different units of the Departments of Animal Husbandry, Agriculture, Education, Fisheries and Public Works.

5. The Audit review has highlighted various shortcomings/lapses in relief and rehabilitation measures as well as in Coastal Zone Management in Tsunami affected States/UTs of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry. These are enumerated below:—

- Against the financial assistance of Rs.5690.81 crore recommended by the Central Team, the Ministry sanctioned Rs.3644.05 crore (64 per cent) and after transferring an amount of Rs.1607.01 crore to the Planning Commission for long-term reconstruction programme, released only Rs.1759.05 crore to the affected State Governments. Utilisation of funds in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands was poor and 56 per cent, 27 per cent and 61 per cent respectively of the funds released remained unutilised.
- A significant initiative of September 2003 seeking the introduction of a pre-contract system for emergency procurement did not take off in the affected States/UTs.

- In Tamil Nadu irregular payment of Rs. 2.72 crore was made from the Calamity Relief Fund.
- Rs.44.88 crore relating to Tsunami relief was diverted for other purposes such as administrative expenditure, committed liabilities etc.
- There was excess expenditure of Rs. 4.95 crore due to wrong application of rates, payment of enhanced compensation, non-adherence to codal provisions etc.
- There was avoidable expenditure of Rs. 5.32 crore due to delay in construction of permanent houses.
- The State Governments of Andhra Pradesh and Tamil Nadu failed to utilize Rs. 17.31 crore. This had an adverse impact on the delivery of relief to victims.
- Different Departments of the Andaman & Nicobar Islands Administration surrendered Rs. 83.89 crore. Two Departments incorrectly showed high utilisation by merely placing the funds with other Departments. Advances drawn were lying unadjusted for long periods in contravention of rules.
- The process of beneficiary identification and verification of claims was not foolproof. There were cases of improper verification, non-achievement of targets, provision of relief to unaffected and ineligible persons etc.
- There were delays in the construction of permanent houses due to delay in acquisition of land, delay in approval of plans, failure of the Government of India to release funds etc.
- There were delays in the construction and repair of basic infrastructure such as roads and highways, schools, bridges, water supply etc.
- While providing assistance to the fishing sector, there was inadequate and improper assessment of damage to fishing vessels, delay in restoration of harbour and jetty works, failure in claiming insurance benefits for deceased fishermen, excess compensation for boats etc.

The Audit review has also highlighted that:

- The Ministry of Environment and Forests did not enforce the Coastal Regulation Zone notification effectively resulting in extensive destruction in coastal areas due to industrial expansion.
- The States/UTs did not prepare coastal zone management plans.
- The States/UTs did not review/amend zoning regulations and building byelaws after Tsunami.

6. This Report is based on Report No. 20 of the C&AG of India for the year ended March 2006, Union Government (Civil), relating to Performance Audit of "Tsunami Relief and Rehabilitation". The Committee have dealt with in the succeeding paragraphs the Audit findings and observations as well as other relevant issues and the position

explained thereon by the Ministry of Home Affairs, the Ministry of Environment and Forests and the State/UT Governments of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry.

## **II. SOURCES AND ADEQUACY OF FUNDS**

### **(i) Release of Funds from NCCF and CRF**

7. Calamity relief work is financed from the Calamity Relief Fund (CRF) and the National Calamity Contingency Fund (NCCF), which have been constituted and are administered as per the Scheme of CRF/NCCF notified by the Ministry of Finance (MoF) as recommended by the Finance Commission. Government of India contributes 75 per cent of the total yearly allocation in the form of a Non-Plan Grant and the balance 25 per cent amount is contributed by the State Government concerned for the CRF. The CRF is administered by a State Level Committee headed by the Chief Secretary. The norms for the amounts to be incurred on each approved item of expenditure as prescribed by the Ministry of Home Affairs. If the requirement of funds for relief operations is found to be in excess of the funds available in CRF account, Additional Central Assistance (ACA) is provided from NCCF, which is a 100 per cent contribution by the Union Government, after following the prescribed procedure. The operation and implementation of NCCF is similar to that of CRF.

### **(ii) Rajiv Gandhi Rehabilitation Package**

8. Tsunami relief and rehabilitation work was financed mostly from central assistance. Owing to the unprecedented nature of the Tsunami, the Ministry of Finance released Rs. 700 crore, immediately after the Tsunami had occurred, as assistance from NCCF to Tsunami affected States of Andhra Pradesh (Rs. 100 crore), Kerala (Rs. 100 crore) and Tamil Nadu (Rs. 250 crore) and the Union Territories of Andaman & Nicobar Islands Administration (Rs. 200 crore) and Puducherry (Rs. 50 crore) for immediate relief and response from NCCF on *ad-hoc* basis. Thereafter a Special Package namely "Rajiv Gandhi Rehabilitation Package" (RGRP) was announced under which Rs. 3,644.05 crore was provided as assistance for immediate relief and response, revival of fishery and agriculture sector, construction of temporary shelters and repair/restoration of infrastructure and special relief for orphans, unmarried girls, widows and disabled persons. The component of relief and response and fisherman subsidy were financed through NCCF. RGRP provides for assistance in 3 main categories, *i.e.* (a) for response and relief covering gratuitous relief, (b) assistance for fishing sector and (c) assistance for the housing sector.

### **(iii) Tsunami Rehabilitation Programme**

9. After the completion of immediate phase of rescue and relief, the Government, on 8th December 2005, has approved a plan for long-term rehabilitation and reconstruction termed as Tsunami Rehabilitation Programme (TRP), with an estimated outlay of Rs. 9,870.25 crore to be implemented over a period of 4 years from 2005-06 to 2008-09. TRP covers the various sectors of agriculture, fisheries, livelihoods, jetties, roads and bridges, housing, power and Information and Communication Technology (ICT) power and sanitation, environmental protection and tourism etc. The resources for components

of long term reconstruction such as those for housing and revival of livelihood in fishery sector under RGRP aggregating to Rs. 1776.62 crore have been accordingly included in the TRP.

**(iv) Difference in the Estimation of Relief Funds**

10. Audit review has revealed that after assessing sector-wise damages, the affected States/UTs submitted memoranda (December 2004-January 2005) seeking financial assistance of Rs. 11796.40 crore and 73500 MTs of rice from the Union Government for relief and rehabilitation. On receipt of the memoranda from the States, the Ministry of Home Affairs deputed Central Teams which visited the affected States/UTs for an on the spot assessment (January 2005) of the damage and recommended a total assistance of Rs. 5690.81 crore, *i.e.*, 48 per cent of the projections made by the States. After considering the reports of Central Teams, the Ministry of Home Affairs sanctioned (February 2005) Rs. 3644.05 crore for the Tsunami affected States/UTs as 'Rajiv Gandhi Rehabilitation Package' (RGRP), which was 64 per cent of the funds recommended by the Central Team.

11. Audit has pointed out that the Ministry of Home Affairs had not prescribed any norms/guidelines for the States for assessing and evaluating the extent of damage caused by natural disasters. There was inflated projection of demands by the respective State authorities. The justification based on which the Central Team reduced the assistance to 48 per cent of the funds demanded by the States could not be ascertained from the records produced for examination. Of the reduced amount recommended by the Central Team, the Ministry of Home Affairs sanctioned only 64 per cent and released only 48 per cent of the sanctioned amount to the States. The more alarming part of the picture was that of the total funds amounting to Rs. 1,759.05 crore released to the States/UTs, the latter could utilise only Rs. 1,074.98 crore (61 per cent) and the balance remained unutilised with them after more than a year as of March 2006. There was, therefore, no mechanism of rational assessment of the extent of damage and the basis on which the actual assistance was determined at any of the three levels, the State Government, the Central Team and the Ministry.

12. The Ministry of Home Affairs during the exit conference stated that norms already existed for grant of assistance from the CRF/NCCF against which proposals for grant of assistance were assessed. However, the projections received from the States were often inflated and the Central Teams also have to take cognisance of ground realities. Further, there were items, which could not be estimated, precisely in emergent circumstances. The Ministry of Home Affairs also agreed that there was a need to sensitise Central Teams regarding the existing norms so that the projections were in conformity with it and would look into the reasons for wide variance between their recommendations and the actual sanction of funds. The Ministry of Home Affairs further stated (August 2006) that to ensure uniformity in reporting the extent of damage across the States and for objective assessment of requirement of funds for relief operations, it is proposed to set up a Core group that would recommend standardised formats for preparation of memoranda by the State Government and reports by the Central Teams, which would facilitate desired level of transparency in the assessment of damages and provision of central assistance.

13. Some illustrative cases of wide variations between financial assistance sought by Tsunami affected States/UTs and recommended by the Inter-Ministerial Central Team, submitted by the Ministry at the Committee's instance, are tabulated below:—

(Rs.in crore)

Item	Assistance sought by the State	Assessed by the Team	Remarks
1	2	3	4
<b>Andhra Pradesh</b>			
Repair of works of ARWSP	47.82	3.00 from ARWSP	Repair of infrastructure relating to drinking water Scheme is not admissible under CRF/ NCCF. Such assistance is provided from ARWSP based on the assessment of the Team.
<b>Kerala</b>			
Immediate repair of houses	31.51	7.39	State Government sought assistance @ between Rs.2 lakh to 5 lakh per house as construction cost. Team has recommended as per norms.
Agricultural input subsidy	25.23	1.56 + 1.46 from other Ministries	State Government has sought assistance to pay compensation for losses incurred in the agriculture sector. Team has recommended as per norms.
<b>Tamil Nadu</b>			
Sustenance allowance	259.20	118.80	State Government sought assistance @ Rs.30 per day per adult and Rs.15 per day per child. Extant norms provide for Rs.20 per adult and Rs.10 per child.
Temporary housing for inter-immediate phase	250.00	90.00	State Government has sought assistance of Rs.50,000 per unit for fully damaged pucca houses, Rs.20,000 per unit for partially damaged pucca houses, Rs.10,000 per unit for fully damaged kuchha houses and Rs. 5000 per unit for fully damaged per unit. As these will be purely temporary shelters, for those whose houses have been fully damaged, the Team treating them as fully damaged kuchha houses adopted the norms of Rs.6,000 per unit and recommended of Rs. 90.00 crore.

1	2	3	4
Assistance for relief and rehabilitation of fishermen	1054.06	317.75 from NCCF+ 274.80 as loan under special package	State Government has sought assistance at higher rates for repair/replacement of damaged boats under fisheries sector. The Team has recommended Rs. 317.75 crore from NCCF and Rs. 274.80 crore as loan under special package, based on discussion with the State Government officers, on the spot assessment of the situation. The Government of India based on the recommendation of the Department of Animal Husbandry & Dairying, Ministry of Agriculture finally approved Rs. 441.08 crore as subsidy and Rs. 566.47 crore as loan.

#### **Andaman & Nicobar Islands**

Plantation crops – input subsidy	586.50	2.82	Team has assessed the requirement as per extant norms of Rs. 4,000 per ha.
Reclamation of land	898.34	6.68	Team has assessed the requirement as per extant norms of Rs. 5,000 per ha.

#### **Puducherry**

Repair of roads, culverts etc.	24.05	4.81	Assistance for repair of infrastructure is permissible only for immediate nature. The Team has assessed an amount of Rs. 4.81 crore for this item.
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14. In the light of wide difference in the estimation of financial assistance sought by Tsunami affected States/UTs and the amount recommended by the Central Team for Tsunami Relief and Rehabilitation, the Committee desired to know the parameters that were taken into account by the States/UTs and the Ministry of Home Affairs for assessing the damages caused by the Tsunami. The Ministry of Home Affairs stated in a note as under:—

“As per the Scheme of Calamity Relief Fund (CRF), which is supplemented by National Calamity Contingency Fund (NCCF), the financial assistance is provided as per the items and norms approved by the Government of India. ....The States are required to project their requirement of funds in the Memorandum as per the extant items and norms. However, the States do not seem to keep this position in view while preparing the memorandum. Most of the times, the States make exaggerated projections in their memoranda in the absence of a proper complete survey of damage suffered in the immediate aftermath of a calamity. Bulk of the assistance sought is for long-term rehabilitation and reconstruction of damaged infrastructure. (CRF/NCCF norms provide for assistance for repair/restoration of immediate nature only,

which is required for restoring connectivity for providing relief in the affected areas and that too for a short period). It is one of the areas where major difference between the assistance sought by the affected States and approved by the Government had been observed. The other areas of such variation are broadly as under :—

- (i) Assistance sought for non-eligible beneficiaries.
- (ii) Assistance is sought for items of expenditure not covered under the extant items and norms.
- (iii) Assistance is also sought at higher rates as compared to the approved norms.”

15. Explaining the extant procedure laid down for entertaining Memorandum for financial assistance from the affected States in the wake of severe natural calamities, the Ministry stated that the laid-down procedure provides for the visit of an Inter-Ministerial Central Team to the affected areas, which enables them to observe any wide differences in compilation of facts and figures received from the affected blocks/districts at the State Headquarters. According to the Ministry, such wide differences, if any, can be dealt with by the Central Team in their reports.

16. On being pointed out by the Committee that the Central Team’s estimation for construction of a kuchcha house at Rs. 6, 000 per unit in Tamil Nadu was inadequate and could not last for five to six years in sustaining a family. In response, the representative of the Tamil Nadu Government during evidence stated as under:—

“...we agree that the amount of Rs.6,000 is inadequate. In most of the places where the temporary shelters have been put up, they have been put up with higher amounts. Very often NGOs have also been involved in that exercise. For example, the Tamil Nadu Slum Clearance Board is putting up some multistoried apartments for the affected people. The cost of the tenements there is roughly about Rs. 2.1 lakh per tenement. While the construction will take place, we provide them with some temporary shelter. The rough cost of that temporary shelter would be about Rs. 20,000. But I would concede that these are not meant to last long. Our effort has been to complete the construction quickly.”

17. During their study visit to Chennai in October 2007, the Committee held informal discussion with the Chief Secretary and other Senior Officials of the Government of Tamil Nadu on the status of implementation of rehabilitation measures in that State. In this regard, the Committee sought the reasons for the wide disparity in the estimation of the State and the Central Teams’ financial assistance required for Tsunami relief and rehabilitation. In a written reply, the State Government explained their position as under:—

“The assistance sought for by the State Government was based on initial assessment of the damages caused by Tsunami in various sectors. The Government of India provided the relief based on the recommendation of the High Level Committee and availability of funds. In the case of Tamil Nadu, the item of assistance not given by Government of India relates to provision of sea



protection walls at a cost of Rs. 5000/- crore which requires detailed technical studies. As the NGOs and other voluntary organizations came forward to provide some assistance, the State Government did not insist on further revision. However, the Tsunami reconstruction works are now undertaken with World Bank aided Emergency Tsunami Reconstruction Project (ETRP) and Asian Development Bank aided Tsunami Emergency Assistance Project (TEAP).”

18. Justifying their demand for higher financial outlay for relief and rehabilitation measures in Tamil Nadu, the Chief Secretary, Government of Tamil Nadu stated that norms fixed for other calamities cannot be made the basis for such unprecedented calamity like the Tsunami. Any relief to be meaningful to the affected families must be on replacement cost basis especially since in any calamity the poorest are the worst hit.

19. The Committee also enquired as to how the assessment made by the Central Team is realistic and the quantum of financial assistance sanctioned to each of the affected States/UTs is justified. In response, the Ministry in a note explained their position as under:—

“Ministry of Home Affairs proposes to formulate guidelines for preparation of memorandum by the affected States seeking financial assistance from NCCF in the wake of a calamity of a severe nature. In addition to assisting the States to prepare their memorandum in line with the Scheme of NCCF, these guidelines will also facilitate the Central Teams in preparing their reports. Ministry of Home Affairs also proposes to prepare guidelines for the Central teams deputed to the affected States for assessment of the situation caused by a natural calamity and requirement of funds, in order to have uniformity in assessment. Ministry of Home Affairs, on 2nd February, 2007 has constituted a Committee for monitoring implementation of the Schemes of CRF and NCCF. The terms of reference, *inter-alia* include (i) to formulate guidelines for preparation of Memorandum by the affected States seeking financial assistance from NCCF in the wake of a calamity of a severe nature and (ii) to prepare guidelines for the Central Teams deputed to the affected States for assessment of the situation caused by a natural calamity and requirement of funds, in order to have uniformity in assessment. The Committee held its meeting on 7th February, 2007. The Committee expects to complete this exercise shortly.”

20. On being asked whether any time limit has been set for the aforesaid Committee to complete its task, the Ministry in a note stated that another meeting was held on 20th March, 2007 in which the draft revised format for monitoring the relief expenditure, guidelines/ format for preparation of Annual Report on management of natural calamities by the States, guidelines/ format for preparation of Memorandum by the States seeking financial assistance from NCCF and Guidelines for preparation of report of the Central Teams were formulated. All these documents except Guidelines for preparation of report of the Central Teams were circulated to the States on 13th April, 2007 during the preview meeting for the Annual Conference, seeking their comments/views thereon. These issues were also discussed in detail in the Annual Conference of Relief Commissioners/ Secretaries, Department of Disaster Management held on 23rd April, 2007. These were further discussed in the in-house meetings in the Ministry of Home



Affairs during May 2007. The States have also been reminded to expedite their views. The Committee will finalize these formats/guidelines shortly based on the feedback received from various States.

21. Replying to a query as to why this aspect was not considered before, the Ministry stated in note as under:—

“...The States have been following their own guidelines while preparing the Memorandum based on their relief manuals/ codes and the particular situations on the ground. It has now been considered to evolve a uniform pattern in providing relief assistance on the basis of a uniform set of items and norms of assistance for which it is necessary that the States also should follow uniform guidelines while preparing their Memoranda.”

22. The Committee enquired as to whether any efforts are being made by the Ministry of Finance and the State Governments in evolving a generally acceptable system/ mechanism for assessment of the damage in natural calamities so as to bring in transparency and establish good management practices. In response, the Ministry in a written reply stated as under:—

“The extant mechanism of assessment of damage and requirement of funds (*viz.* submission of memorandum indicating the sector-wise damage and requirement of funds, deputation of Inter-Ministerial Central Team, consideration of report of the Central Team by the Inter-Ministerial Group headed by Home Secretary/ Secretary, Department of Agriculture & Cooperation, approval of funds by the High Level Committee, after taking into consideration recommendations of the IMG and extant items and norms of assistance) are broadly based on the Schemes of Calamity Relief Fund (CRF), and National Calamity Contingency Fund (NCCF) formulated by the Ministry of Finance based on the recommendations of the Finance Commissions appointed from time to time. The items and norms for assistance under Calamity Relief Fund (CRF), and National Calamity Contingency Fund (NCCF) are approved by the Government based on the recommendation of an Expert Group constituted for this purpose, consisting of representatives of various Central Ministries including Ministry of Finance as well as State Governments. The item-wise assistance approved by the High Level Committee are communicated to the State Governments. In order to bring transparency and established good management practice, the Ministry of Home Affairs is proposing to formulate guidelines for the States for preparation of memorandum seeking Central assistance in the wake of natural calamities. The representatives of the State Governments will also be included in this process.”

**(v) Utilisation of Sanctioned Funds**

23. Audit review has revealed that out of the total amount of Rs. 3,644.05 crore sanctioned by the Ministry of Home Affairs, an amount of Rs. 1,607.01 crore constituting 44 per cent of the funds sanctioned was transferred to the Tsunami Long-term Reconstruction Programme (TRP) being monitored by the Planning Commission. Out of the remaining sanctioned amount of Rs. 2,037.04 crore, an amount of Rs. 1,759.05 crore (48 per cent of the funds sanctioned) had been released leaving a balance of

Rs. 277.99 crore (8 per cent) to be released. Out of the total funds sanctioned, an amount of Rs. 1,074.98 (61 per cent) had reportedly been utilized by the States/UTs as of March 2006. Audit has observed that utilisation of funds in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands was poor as 56 per cent, 27 per cent and 61 per cent respectively of the funds released had remained unutilised as of March 2006, while Kerala had to use its own resources to meet the excess of expenditure over the funds released by the Ministry of Home Affairs.

24. Contesting the aforesaid Audit observation, the Ministry in a written note stated that the components of relief and response and fishermen subsidy were financed through the NCCF. Rajiv Gandhi Rehabilitation Package (RGRP) provided that financial assistance for the housing sector will be in accordance with the plan prepared by the Core Group in the Planning Commission and that orders for release of funds were to be issued separately. The Rajiv Gandhi Package included components of long term reconstruction such as those for housing and revival of livelihood in fishery sector. The resources for these components aggregating to Rs. 1776.62 crore have been accordingly included in the long-term reconstruction/rehabilitation programme titled as Tsunami Rehabilitation Programme (TRP). As such it will not be appropriate, according to the Ministry, to conclude that Rs. 1776.62 crore were taken away from the RGRP. The funds for housing sectors are flowing under TRP to the States and UTs from Additional Central Assistance (ACA) route and Plan Budget respectively. The funds, which became part of TRP cannot be said not to have been utilized.

25. Disagreeing with the Audit findings regarding poor utilisation of funds in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands, the Ministry in a note stated as under:—

“As per the inputs available with Ministry of Home Affairs, upto December 2005, the total utilization of funds under Rajiv Gandhi Rehabilitation Package (RGRP) [excluding the amount transferred to Tsunami Rehabilitation Programme (TRP)] by the States/UTs affected by Tsunami was 74.34% which progressively went upto 93% till 31st December, 2006. As such the observation of the Audit that there was poor utilization of amounts released under RGRP was found not matching with the figures reported by the States/UTs.”

26. While taking cognizance of newspaper reports highlighting that Tsunami victims were selling their kidneys for survival in some parts of Tamil Nadu, the Committee sought explanation as to why there was a low percentage of utilisation of funds especially when the victims have not been adequately rehabilitated. In response, the Ministry stated in a note as under:—

“....the utilization of funds under RGRP is quite satisfactory, being more than 90% in all States/ UTs. The Audit findings in this regard are not correct, as they do not take into account the amount transferred to TRP. Moreover, funds are being utilised from TRP, ....The National Disaster Management Authority, which is closely monitoring the rehabilitation activities in ANI have in their recent report confirmed that the progress in respect of all sectors is satisfactory.”

27. In their vetted comments, Audit, however, stated that the component of Rs. 1607.01 crore which has been transferred to TRP, was not covered under the performance audit. Moreover, the poor utilization of fund, that was 56 per cent, 27 per cent and 61 per cent in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands respectively as of March 2006, has been calculated by comparing funds released by the Ministry of Home Affairs to States (Rs. 1759.05 crore) and funds utilised by the States (Rs.1074.98 crore). Therefore, Ministry's assertion that the funds, which became part of TRP cannot be said not to have been utilised is not appropriate, as no such Audit observation/conclusion has been drawn in the performance Audit.

28. Asked about the constraints, if any, faced in utilizing the sanctioned funds by the States/UTs and the steps taken to remove the same, the Ministry in a note stated that the States did not face any constraint in the utilization of funds under RGRP, since it was basically meant for relief and response and immediate restoration of livelihoods particularly fishermen. However, in respect of TRP, the States/ UTs have faced certain constraints, which are *inter-alia*, cumbersome procedures of external aid agencies, preparation of project reports, Environment Impact Assessment Report, Social Audit Report, procedure for tendering of works etc. which are time consuming. Delays in housing are attributable to issues of multi-hazard resistant construction, numerous approvals required, problems in acquisition of land, etc. and in case of Andaman & Nicobar Islands, logistics is the main problem in faster reconstruction. The other major issues, according to the Ministry, are:—

- (i) Low absorption capacity.
- (ii) Difficulty in transporting men and materials due to scattered Islands.
- (iii) Transportation through stevedoring
- (iv) Non-availability of local labour.
- (v) Limited working season
- (vi) Rough weather condition.
- (vii) Disinclination of staff to work in remote islands

#### **(vi) Diversion of Funds**

29. Audit review has *inter-alia* pointed out that an amount of Rs. 11.51 crore and Rs. 00.40 crore relating to Tsunami relief were diverted in Kerala and Andaman & Nicobar Islands respectively to meet the committed liabilities/routine administrative expenditure. Further it has been revealed that an amount of Rs. 19.66 crore was utilized for works not connected with creation of infrastructural facilities in Tsunami affected areas in Puducherry.

30. In respect of the cases of diversion of funds in Kerala, the Ministry of Home Affairs in a note stated that at the time of the Tsunami, certain payments towards the fishermen sector on lump sum grant, widow pension, and insurance premium towards the welfare fund were pending and in view that the fishermen sector was most affected, it was decided to make the payments due to the sector from the funds available for Tsunami relief as a consolation to that sector. The decision for such payment was taken by the State Cabinet. Since the payment was made to the most affected fishermen family, the State feels that this action is justifiable.

31. With regard to the cases of diversion of funds in Andaman & Nicobar Islands, the Ministry explained that the amount was diverted in two instances of Rs. 17.66 lakh and Rs. 22.73 lakh. In the first instance, diversion was carried by the District Administration to avoid savings arising due to non-receipt of debit claim from BSF in respect of items of equipment meant for Emergency Operation Centre. In the second instance, fire-fighting equipments were purchased in accordance with the direction of Hon'ble Supreme Court after Kumbakonam Fire tragedy. Since these purchases were made for disaster preparedness, there is no diversion.

32. Enquired about the action taken by the Ministry in these cases of diversion of funds, the Ministry in their note stated as under:—

“As regards the diversion of funds in the State of Kerala, Ministry of Home Affairs is of the view that these items of expenditure are not covered under CRF as per the norms framed under the scheme of financial assistance. The State has been advised to write back the amount to CRF account and carry it forward to the succeeding years. As regards the diversion of funds in the UT of ANI, Ministry of Home Affairs is of the view that though the amounts were sanctioned for relief-rehabilitation, their usage for purchase of disaster preparedness equipment appears justified.”

33. On the issue of diversion of funds by the Puducherry Administration, the Ministry stated in a note that as a result of the Tsunami, many infrastructural assets were either totally or partially damaged. Many roads & bridges, water supply and sewerage systems, private/public buildings, electricity lines etc. faced the fury of the Tsunami and were damaged. The canals and river protection works along the banks were damaged in the interior part of the region also. Even though, major damages were reported along the coastal villages, damages were also caused to some structures and protection works on the interior part. The works pertaining to PWD, such as construction of buildings of various Departments as indicated in the Audit para have been taken up as rectification for the indirect damages. The works are of the nature of providing infrastructural facilities in Tsunami affected areas, either directly in the same area, or by providing facilities to the host population living little away.

**(vii) Excess Expenditure**

34. Audit scrutiny of records in Andhra Pradesh, Kerala, Tamil Nadu and Andaman & Nicobar Islands has revealed that an expenditure of Rs. 4.95 crore was incurred in excess of the prescribed norms towards payment of enhanced compensation due to wrong application of rates and non-adherence to codal provisions (**Appendix – III**).

35. In a note submitted to the Committee, the Ministry of Home Affairs have stated that there was no excess expenditure in Andhra Pradesh. Contesting the Audit observation that Rs. 80.62 lakh was released to the Collector, Krishna District and he used only Rs. 9.09 lakh for procurement of boats, thus making an excess release of Rs. 71.53 lakh, the Ministry stated that as per records, an amount of Rs. 67.37 lakh only was released to Krishna district. While preliminary assessment made by the District Collector, Krishna, indicated the loss of 213 boats, detailed survey identified loss of

76 boats only. Out of Rs. 67.37 lakh an amount of Rs. 9.09 lakh was spent for procurement of 76 boats. The balance available was 58.28 lakh. The District Collector has also reported that 1742 boats were damaged and taken up repairs with the available funds. As regards East Godavari, where Rs. 33 lakh is shown as excess expenditure, which is said to be spent in 3 Mandals of Razole, K.Gangavaram and Ambajipeta and not included in the notification, the Ministry submitted that the District Committee surveyed these Mandals and based on its findings the relief was not extended to this area. It was also pointed out that the Collector had not drawn Rs. 2.04 crore.

36. In their vetted comments, the Audit contested the aforesaid reply of the Ministry as under:—

“Krishna District: Ministry’s contention that the unspent balance was only Rs. 58.28 lakh as against Rs. 71.53 lakh reported to in the Audit observation is not tenable. The Dy. Director of Fisheries, Krishna had accepted in response to an Audit query that there was surplus amount of Rs. 71.53 lakh out of the amount sanctioned for procurement of new boats.

East Godavari District: The Project Director, DRDA Kakinada had accepted that out of Rs. 109.36 lakh received for procurement of new boats and for repairs to damaged boats, Rs. 32.80 lakh was surplus on item of boat repairs.”

37. In respect of the excess expenditure incurred by the Kerala Government, the Ministry stated in their reply that the expenditure was incurred as per the decision of the State Council of Ministers and according to the necessity for dealing the situation and hence the expenditure may not be considered as excess. The Ministry further submitted that expenditure on working capital and provision of payment at higher rates are not covered under NCCF as per the norms framed under the scheme of financial assistance and the State has been advised to write back the amount to CRF/ NCCF account and carry it forward to the succeeding years.

38. Disagreeing with the Audit observation regarding excess expenditure by Tamil Nadu Government, the Ministry informed the Committee that in the first case involving an additional expenditure of Rs. 2.35 crore regarding payment of enhanced rates to FRP Catamarans, assistance extended at the level for FRP Vallam has also been made applicable to the assistance for FRP catamarans after proper assessment, as beach landing crafts with the similar size and design are called Vallams in southern districts and Catamarans in northern districts. With regard to the second case involving an amount of Rs. 0.35 crore, it has been mentioned by the State that efforts are being made to recover the excess expenditure made by SIDCO for payment of TNGST/CST. The State has mentioned that the raw material was supplied by SIDCO itself, so there was adequate control on quality of the finished product of trunks, kerosene stoves, etc. With respect to the third case involving excess expenditure of Rs. 0.20 crore, the State has mentioned that the rates adopted for transport of water were as per lead, conveyance rates, water charges and expenditure on driver and cleaner and that the rates charged were lesser than the rates of Chennai Metro Water Supply and Sewerage Board approved rates. Hence, there was no excess expenditure on account of incorrect application of rates.

39. Audit in their vetted comments contested the aforesaid Ministry's reply as under:—

“Ministry's justification for incurring additional expenditure of Rs. 2.35 crore in Villupuram and Cuddalore districts on the ground that FRP Catamarans and FRP Vallam were of similar size and design is not acceptable, since FRP catamarans and FRP Vallam were different in length and size and also FRP Vallams were not existing in both districts. So far as excess expenditure of Rs. 0.20 crore is concerned, it was observed that the rate adopted for payment of supply of water in Nagercoil was at the rate of Rs. 1000 per 10000 liter for a distance of 6 Km only whereas Chennai Metro Water Supply and Sewerage Board (CMWSSB) rate was merely Rs. 590 per 10000 liter for 40 Km distance to and fro. Therefore, Ministry's reply that there was no excess expenditure on incorrect application of rates as the rates paid for supply of water was lesser than the approved rates of CMWSSB, is not tenable.”

40. As regards excess expenditure pertaining to the Anadaman & Nicobar Islands Integrated Development Corporation Ltd. (ANIIDCO), the Ministry have informed that an advance of Rs. 50 lakh was given to purchase of vegetables for Tsunami affected people. ANIIDCO procured vegetables from various sources including local market and mainland market at Chennai. They supplied vegetable worth Rs. 19.99 lakh and submitted the bill. When the bills for the vegetables was submitted the new set of officials were present in the Directorate and they inadvertently did not take into consideration, the advance already paid to ANIIDCO and so bills were again paid. Necessary action for recovery of Rs. 50 lakh paid in advance to ANIIDCO has been initiated. In respect of second incident involving an amount of Rs. 0.06 crore, the Anadaman & Nicobar Islands Administration had stated that it was decided to provide bicycles to all the affected families in Tsunami affected areas, because the entire infrastructure including pakka road were washed away by the Tsunami. Deputy Resident Commissioner of the Andaman and Nicobar Administration placed at Chennai and Kolkata were authorized to purchase bicycles from Chennai/Kolkata after completing codal formalities. All efforts were made to obtain lowest rate independently at both places and purchases were made at the lowest prices only, hence it is not proper to compare the rates obtained at two different places. The Ministry have stated that they agree with the reply furnished by the Anadaman & Nicobar Islands Administration and feel that the justification given is adequate.

41. When asked about the settlement of excess expenditure, the Ministry have stated that the scheme of CRF provides that the State Level Committee shall be responsible to ensure that the money drawn from the CRF is actually utilized for the purposes for which the CRF has been set up and only on items of expenditure and as per norms contained in the guidelines issued by the Ministry of Home Affairs. In case any State Government exceeds the amount prescribed, the excess expenditure should be borne on the budget of the State Government and not from CRF.

**(viii) Avoidable Expenditure**

42. Test check of records by Audit revealed that there was delay in construction of permanent houses resulting in avoidable expenditure of Rs. 5.32 crore in respect of



funds released by the Ministry to Governments of Kerala and Tamil Nadu. Government of Kerala ordered payment of Rs. 1000 per month to each family, as there was delay in providing permanent houses within the stipulated date of 31 May 2005. Further, out of 3815 houses, only 2193 houses were constructed and handed over in Kollam and Alappuzha districts as of December 2005. Due to the delay in construction and handing over of permanent houses, an expenditure of Rs. 2.15 crore was incurred on payment of cash subsidies to the affected families. In Tamil Nadu an amount of Rs. 3.17 crore was spent on sanitation and water supply due to delay in construction of permanent houses, which necessitated continued maintenance of temporary shelters. The delay was due to pendency of approval of layout plans by the concerned authorities.

43. Explaining their position on the aforesaid Audit observation, the Ministry stated that construction of permanent houses for Tsunami victims is being carried out by Non Governmental Organizations, from their own funds. 4055 houses, which were fully damaged due to the Tsunami, are being constructed by NGOs, and an amount of about Rs.120 crore is being invested by them. Construction of houses can be done only in a phased manner. Hence the time taken to complete the houses cannot be taken as delay, and monthly payment to the families living in the temporary shelter for the period till they have received their houses cannot be treated as an avoidable expenditure.

44. In so far as avoidable expenditure by Tamil Nadu Government is concerned, the Ministry have stated that delay in construction of houses is due to various reasons such as availability of suitable land, acceptability to the affected families, etc. The land required for construction of permanent houses needed to be safe as well as close to the sea so that the livelihood of fishermen is not affected. In view of the fact that, such land is very limited, the State Government went through the process of consultation so that resettlement does not become an issue. These things took time. Hence the expenditure had to be continued on sanitation and water supply in the temporary shelters. The cases of excess/ avoidable expenditure have occurred due to humanitarian approach adopted in providing relief and amenities to Tsunami affected families. The Ministry have stated that they agree with the views of the State Governments and the amount may not be treated as avoidable expenditure.

**(ix) Unutilised Amounts**

45. Audit scrutiny of records revealed that out of Rs. 890.31 crore released to the affected States by the Government of India, Andhra Pradesh and Tamil Nadu failed to utilise funds amounting to Rs. 17.31 crore (1.94 per cent of the funds released) resulting in denial of benefit of relief to Tsunami affected persons. The details are given in the table below :—

(Rs. in crore)

State	Amount	Remarks
1	2	3
Andhra Pradesh	2.31	Out of Rs. 5 crore released for supply of 8998 fishing nets, only 4312 nets worth Rs. 2.69 crore were supplied leaving an unspent balance of Rs. 2.31 crore.

1	2	3
	0.79	The entire amount of Rs. 79.30 lakh remained unutilised, as works to be executed were not identified. The amount was kept in the personal deposit account.
Tamil Nadu	2.04	Out of 52760 MTs of rice received from the GoI under SGRY special component, 50722 MTs of rice were distributed under relief packages and the balance quantity of 2038 MTs of rice amounting to Rs. 2.04 crore was unutilized.
	4.22	Out of Rs. 4.31 crore meant for restoration of infrastructure Rs. 4.22 crore remained unutilised.
	3.53	Out of Rs. 45.37 crore sanctioned for land acquisition, Rs. 3.53 crore was not utilised in five districts and was kept in the savings bank account of the concerned district collectors even after completion of land acquisition.
	1.80	The entire amount given to ChPT for Dredging the entrance of fishing harbour and removal of wreckage of boats and other materials from the sea bed was not spent as the work of removal of wreckage at a cost of Rs. 80 lakh was done by ChPT as its contribution to Tsunami relief. The dredging work was considered as not required. The proposal of ChPT to utilise the amount for rehabilitation of trawler wharf of Chennai Fishing Harbour damaged in tsunami was pending with the Ministry of Agriculture.
	1.31	The entire amount of Rs. 1.31 crore provided for tsunami relief work remained unutilised and was kept in savings bank account.
	1.18	Out of Rs. 5.46 crore sanctioned from CRF for improving infrastructure facilities in 27318 centres in 11 districts, Rs. 1.18 crore was lying unspent in Savings Bank account in four test-checked districts.
	0.13	Interest receipts from CRF were kept unutilised in bank accounts for want of instructions from the District Collector in Nagapattinam district.
Total	17.31	

46. Explaining on the aforesaid Audit findings pertaining to Andhra Pradesh, the Ministry in a note stated that in the first case involving an amount of Rs. 2.31 crore, which was shown as balance against the Collector, Prakasam District, the amount has now been fully utilized for supply of nets and procurement of crafts and the utilization certificates have been furnished. In the second case of Krishna District, Rs 79.30 lakh was shown as unutilized. However, the District Collector has subsequently utilized the entire amount except Rs 8.93 lakh, which has been remitted back. The Ministry have



stated that they generally agree with the remedial measures taken by the State Government of Andhra Pradesh in respect of above two cases.

47. As regards unutilized amounts in Tamil Nadu, the Committee have been informed by the Ministry that in the first case involving an amount of Rs. 2.04 crore, it has been stated that the Government of Tamil Nadu has discontinued the sustenance package and hence the quantity of 2038 MT of rice could not be consumed. In the second case of Rs. 4.22 crore, reply of the Government of Tamil Nadu was awaited. In the third case, out of the amount of Rs. 3.53 crore, Rs. 2.3 crore has been remitted back to the CRF account and the remaining is kept for acquisition of lands. In the 4th case, the State Government has informed that the total amount released to Chennai Port Trust was Rs. 4.31 crore only. A detailed sea bed survey was undertaken by the National Institute of Ocean Technology (NIOT) and found that the dredging required was not as significant as assessed earlier and it was therefore decided that it could be taken up at a later date. The dredging work has been dropped and the unspent amount of Rs. 1.72 crore remitted back to CRF Account on 23.02.2007. In the 5th case, the entire amount of Rs. 1.31 crore has been remitted back to the CRF account. In the 6th case, the amount of Rs. 5.46 crore has been provided for upgradation of shelters to be utilized on requirement basis. In the 7th case, the interest accrued on the deposits for money kept in banks has been remitted back to the CRF account and the relief account closed. The remedial measures taken by the State Government of Tamil Nadu in respect of aforesaid seven cases that is crediting of the unutilized amount to CRF account have generally been agreed upon by the Ministry.

**(x) Unadjusted Advances/Receipts**

48. Audit scrutiny has revealed that Departmental advances of Rs. 54.10 crore were drawn in Andaman Nicobar Islands during 2004-05 (Rs. 8.94 crore) and 2005-06 (Rs. 45.16 crore) from the allocations but the entire amount of Rs. 54.10 crore remained unadjusted for periods ranging upto 14 months though these were required to be adjusted within one month. Further, out of Rs. 8.94 crore relating to 2004-05, Rs. 2.63 crore was drawn (March 2005) and kept in current account only to avoid lapse of funds. An amount of Rs. 18.60 crore drawn from the allocation and Lieutenant Governor's Relief Fund was kept in bank accounts, which were opened and operated without prior permission of the Ministry of Home Affairs/the Controller General of Accounts in violation of the provisions of the Receipt & Payment rules and Civil Accounts Manual. In Puducherry, the Deputy Collector, Revenue (North) drew advances amounting to Rs. 7.41 crore out of which only Rs. 3.76 crore was adjusted. Similarly, the Deputy Collector (Revenue), Karaikal, drew an amount of Rs. 10.55 crore out of which Rs. 1.25 crore was not utilised.

49. Asked to explain the reasons for inordinate delays in adjusting advances/receipts drawn in Andaman & Nicobar Islands and Puducherry and the latest position in this regard, the Ministry stated in a note as under:—

**“Andaman & Nicobar Islands:**

..... non-receipt of adjustment voucher, delay in construction, non-payment of *ex-gratia* and other relief due to non-availability of claimants etc. are some of the reason of delay in adjusting the advances. All these advances will be settled by

March 2007. The amounts mentioned by Audit cover both Rajiv Gandhi Rehabilitation Package (RGRP) as well as Tsunami Reconstruction Programme (TRP). The latest position in respect of advances is as under:—

(Amount in Rs.)

Name of Department	Amount Drawn	Amount Adjusted	Balance
DC (Andaman)	2,80,36,144.00	-	2,80,36,144.00
DC (Nicobar)	40,05,200.00	-	40,05,200.00
Fisheries	3,37,62,000.00	1,67,32,000.00	1,70,30,000.00
Supplies	5,84,54,687.00	18,00,000.00	5,66,54,687.00
		(Not drawn)	
Electricity	67,44,130.00	-	67,44,130.00
PMB	26,43,72,000.00	-	26,43,72,000.00
DSS	13,61,17,000.00	-	13,61,17,000.00
Social Welfare	95,00,000.00	-	95,00,000.00
Total	54,09,91,161.00	1,85,32,000.00	52,24,59,161.00

**Puducherry:**

“...the main reason for the delay in adjustment of advances was that immediately after Tsunami, many families shifted their residence to their relative’s house, and their whereabouts was not known for quite sometime. The implementing Departments made sincere efforts to trace the victims and distributed the relief assistance. In the case of Dy. Collector (Rev.)(North), out of Rs. 7.41 crore of advance drawn, only Rs.3.76 crore was adjusted. Now the officer has submitted adjustment bill to the Directorate of Accounts & Treasuries for the entire advance amount, except Rs. 84,000, which was stolen from his office. In this regard, a FIR was lodged in the concerned Police Station and Departmental enquiry is being contemplated against the officials responsible for the loss of money. In the case of Dy.Collector (Rev.), Karaikal, it is submitted that an amount of Rs.1.25 crore was drawn for payment of *ex-gratia* to the families of missing persons. Only an amount of Rs. 0.14 crore was utilized, and the remaining amount of Rs. 1.11 crore was remitted back into the Government account.”

**(xi) Other Financial Irregularities**

50. Audit review has further revealed that in Tamil Nadu, financial irregularities amounting to Rs. 10.51 crore due to non-utilisation and irregular disbursements including Rs. 6.38 crore to 3330 unregistered catamarans in 4 Districts were noticed. In Andaman & Nicobar Islands, though bills were passed and stock entries made, only material worth Rs. 1.98 lakh was received, while material worth Rs. 22.77 lakh remained due from the supplier, which was highly irregular and entailed risk of fraudulent payment. In Puducherry, the Revenue Department assessed 2006 houses as damaged in

16 coastal villages of the Union Territory against which Government sanctioned (December 2004) Rs. 10000 towards subsidy for each damaged house. Subsequently, the Fishermens' Panchayat in various fishermen hamlets demanded subsidy for all village households. The Government accepted the demand and payment was made to 5247 houses against 2006 damaged houses initially assessed by the Revenue Department. Audit had observed that this indicated incorrect assessment/under-assessment on the part of Revenue authorities.

51. In response to aforesaid Audit observations, the Ministry have forwarded the replies submitted by the States/ UTs along with their comments thereon. The same are given as under:

Amount (Rs. in crore)	Reply of the State/UT Government
1	2
<b>Tamil Nadu</b>	
2.40	In this first instance the proposal of Tamil Nadu Cooperative Milk Producers Federation to take up various infrastructure development activities in Tsunami affected districts in consultation with the Collectors instead of remitting back the unutilized amount has been approved by the State Government. <b>MHA</b> is of the view that the reply furnished by the State Government is not convincing and the State has been advised to write back the amount to CRF account and carry it forward to the succeeding years.
6.38	In the second case, the State has mentioned that in any Natural Calamity, the relief is granted to the affected people for the loss suffered by them. No conditional tag is attached in respect of providing relief to people affected by natural calamities. For loss of property/house etc., the relief is granted irrespective of the fact whether they were approved or unapproved properties of the affected people. As such the non-registration of catamarans cannot be used as a reason to deny the relief eligible for those who have actually lost their catamarans in tsunami.
0.08	In the third case, the sum of Rs. 8.46 lakh being the value of damaged textbooks and notebooks was included in the proposal approved by the State Level Committee on CRF and sanctioned by the Government. As such the payment of Rs. 1.56 crore inclusive of the sum of Rs. 8.46 lakh was made with proper sanction of the Government.
0.03	In the fourth case, the payment of Rs. 3.25 lakh to 13 ice fish companies/ice manufacturing units was not made for production loss. Due to tsunami, there was no fishing activity and the ice manufacturing units and ice – fish companies did not function properly with the result that the machines got damaged. The assistance given was for repairs carried out to the machineries due to tsunami and not for production loss. Therefore, the assistance extended to these companies was genuine.

1	2
0.14	In the fifth case, the State has decided to recover the amount of Rs. 0.14 crore and Collector, Nagapattinam has been instructed to recover the compensation granted to the farmers who have already received compensation for loss of crop due to heavy rainfall/flood prior to tsunami.
0.78	In the sixth case, State has informed that a sum of Rs. 61,49,606/- has been utilized by Collector Cuddalore for specific purposes as per the wishes of the donors and the rehabilitation activities also listed out. The proposal has been is awaiting the decision of the State Government.
0.70	The Government of Tamil Nadu has clarified that the fees payable from 01.01.2005 which as been already paid by the students before tsunami may be reimbursed. The reimbursement of tuition fees made was only 50% of the total tuition fees paid for the academic year 2004-05 and not for the entire year. Therefore, there was no excess payment of reimbursement of tuition fees.
	MHA is of the view that the reply furnished by the State Government in the first case relating to Tamil Nadu Cooperative Milk Producers Federation and in the 4th case relating to relief given to the ice manufacturing units is not convincing and the State has been advised to write back the amount to CRF Account and carry it forward to the succeeding years. The State Government have confirmed the action of MHA in this regard.
	<b>Andaman &amp; Nicobar Islands</b>
0.228	In respect of ANI, in the first case, it has been stated that a large number of schools were completely/partially destroyed during Tsunami. Orders for articles worth Rs. 24.75 lakh were placed to the suppliers whose rates were already approved in other Departments of the Administration. The Directorate received the materials worth Rs. 1.98 lakh before 31st March 2005 and for remaining material they submitted undertaking that they will supply whole material. On the basis of undertaking, bills were processed for preparation of cheques so that on receipt of the materials payment could be made. Since supplier could not supply all these materials within 31st March, 2005, payments were not made to the suppliers. However, the materials were not supplied by the supplier and time-barred cheques are still lying with the Directorate of Education. There was a procedural lapse but no malafide intention.
	<b>Puducherry</b>
-	With regard to Audit's findings in assessment of damaged houses, it has been clarified that many of the coastal villages are situated within 0 to 100, 100-300 meters from the coast line. Due to Tsunami, these villages were inundated with seawater resulting in damage to properties and affecting livelihood. The initial assessment of damage to 2006 houses in

1	2
	16 coastal villages, was strongly objected by the coastal community, on the ground that many Tsunami victims had left the village at the time of survey, and therefore, were left out. The officials of Revenue Department, with the assistance of community Panchayatars, carried out the resurvey, and recommended sanction of housing subsidy, at the rate of Rs.10,000 to each of 5247 houses.

**(xii) Monitoring of Funds**

52. Audit analysis of various major financial irregularities committed by the Departmental authorities/implementing agencies are summarized as under:—

(Rs. in crore)

Sl. No.	Subject	Major irregularities/reasons	Amount
1.	Irregular payment from CRF	Supply of free ration, irregular construction/ repair work and payment of honorarium to Government staff	2.72
2.	Diversion of funds	Tsunami funds utilised for routine administrative expenses, works not connected with Tsunami, fishermen's subsidy, purchase of furniture for school not affected by Tsunami	44.88
3.	Excess expenditure	Excess expenditure due to enhanced compensation, wrong application of rates and non-adherence to codal provisions	4.95
4.	Avoidable expenditure	Avoidable payment of cash subsidy and avoidable expenditure on sanitation and water supply arrangements	5.32
5.	Unutilised amounts	Non-identification of works to be executed.	17.31
6.	Amounts surrendered	Funds released remained unutilised or were released far in excess of requirement	83.89
7.	Unadjusted advances	Departmental advances remained unadjusted	59.00
8.	Other irregularities	Milk powder lying unused, disbursement of relief to unregistered catamarans and funds released without specific sanction	10.51
Total			228.58

53. It is seen from the above table that out of the total amount of Rs. 1759.05 crore released to the four States/UTs, an amount of Rs. 228.58 crore which constituted

13 *per cent*, was either misutilised or diverted for various purposes. Audit had observed that this underlined the need for strengthening the monitoring mechanism at all levels. The Ministry of Home Affairs stated in August 2006 that the monthly monitoring format for reporting expenditure from CRF/NCCF was already in place and it was the primary responsibility of the State Government to ensure their timely submission. The Ministry of Home Affairs would undertake the scrutiny of the reports and communicate their views to the State Governments. It was also stated that there was no scheme/budget in the Ministry for reward/incentive but it would consider communicating the appreciation of Government of India to those States that follow good practices.

54. During evidence, the Home Secretary has admitted that in a task as vast as this, there would have been unintended slippages, which of course would point out the areas where they need to tighten and improve their systems so as to improve their own functioning. The Committee desired to know about the extant system in place in the Ministry of Home Affairs for monitoring the utilization of financial assistance released to the States/UTs for Tsunami relief and rehabilitation so that the funds released for the scheme reach the targeted population. In their reply, the Ministry explained their position as under:—

“...For the purpose of monitoring the expenditure from CRF/NCCF, the Ministry of Home Affairs has prescribed a format for submission of item-wise and calamity wise expenditure, incurred by the State from the CRF/NCCF. This format was circulated on 13th March, 2003 to all the States for submission of information on a quarterly basis. However, on 22nd March, 2004, the State Governments were requested to submit this return on monthly basis. The Ministry of Finance, in their format for getting details of expenditure from/ balance in the CRF account for the purpose of releasing the Central share of CRF, has also incorporated the format prescribed by the Ministry of Home Affairs. The Accountant Generals have also been requested *vide* letter of Ministry of Home Affairs dated 23rd April, 2003 to carry out test checks on the basis of the information submitted to them by the States besides maintaining the accounts of CRF and NCCF and report any discrepancies to the States immediately under intimation to Ministry of Home Affairs and Department of Expenditure, Ministry of Finance. Past experience indicates that most of the States are not submitting monthly report. The few States, which are submitting their reports, are not giving complete information as per the format. Ministry of Home Affairs *vide* letter dated 6th October 2006 of Secretary (BM) requested the State Governments to submit the monthly reports on a regular basis. In response to this communication, now, most of the States are submitting the monthly reports. Ministry of Home Affairs will continue to pursue with the States for submission of timely and complete information.”

55. In a subsequent note, the Ministry elaborated the procedure of periodical submission of return by the States as under:—

“Under the Scheme of CRF, monthly reporting of expenditure under CRF and NCCF is required to be sent by the States to the Ministry of Home Affairs. The Inter-Ministerial Committee on CRF and NCCF constituted by the Ministry of Home Affairs is working on the further streamlining the reporting of expenditure

and ensuring strict monitoring of expenditure in conformity with the extant guidelines. It is felt that the computerised tracking system of releases and expenditure along with further strengthening of the monthly expenditure reporting format would allow the Ministry of Home Affairs to monitor the scheme on a regular basis. Further, evaluation of the expenditure incurred out of CRF by an independent agency, which would be commissioned by Ministry of Home Affairs soon, would further improve the functioning of the scheme and strengthen the monitoring by the Ministry of Home Affairs. The monthly progress of expenditure of Tsunami Relief & Rehabilitation could not be located on the websites of the AGs of the concerned State.”

56. When asked about the remedial action taken by the Ministry so that such financial irregularities do not recur, the Ministry stated in a note as under:—

“the State Level Committee shall be responsible to ensure that the money drawn from the CRF is actually utilized for the purposes for which the CRF has been set up and as per norms contained in the guidelines issued by the Ministry of Home Affairs. In case any State Government exceeds the amount prescribed the excess expenditure should be borne on the budget of the State Government and not from CRF. The CRF Scheme provides that the expenditure from CRF account shall be Audited by the Comptroller and Auditor General of India every year. The State Government shall furnish a copy of the Audit report to the Ministry of Finance, which in turn, will provide a copy to the Ministry of Home Affairs. Similar provisions exist for NCCF too.”

57. The Ministry have further stated that the issue of monitoring of expenditure from CRF/NCCF was considered on 18th April 2006 in an Inter Ministerial meeting convened by the Ministry of Home Affairs. It was felt that there is a need to revise the monitoring format. The Ministry of Home Affairs, on 2nd February 2007 has constituted a Committee on monitoring of implementation of the Schemes of CRF and NCCF. The terms of reference, *inter-alia* include “to suggest revision in the existing formats for monitoring the expenditure incurred by the State from CRF/NCCF” and “to suggest improvements in the existing mechanism for monitoring the relief expenditure including introducing a computerized tracking system”. The Committee held its meeting on 7th February 2007 and on 20th March 2007 and based on the discussions in these meetings, revised draft format for monitoring the expenditure was circulated to the States seeking their comments. This issue was also discussed in detail in the Annual Conference of Relief Commissioners/ Secretaries, Department of Disaster Management held on 23rd April 2007. The Committee is expected to finalize the format shortly based on the feedback received from various States. Further, the Committee is pursuing with NIC for developing a computerized tracking system, for the monitoring the relief expenditure.

58. The Committee pointed out that there was need for involving a third party in the evaluation of the expenditures incurred. In response, the Home Secretary during evidence deposed as under:—

“The Ministry of Home Affairs shall also undertake evaluation of the expenditure incurred out of CRF by an independent agency. It is proposed to take up



evaluation in six States in the first year, including tsunami-affected States. Agencies for this purpose are being short-listed.”

59. The Home Secretary also enumerated the efforts made by the Ministry for streamlining the monitoring system as under:—

“...it is and will be our consistent effort to see that wherever there have been any shortcoming, we should be able to find ways to strengthen the system and streamline the system as also to streamline the system of monitoring. In some of the cases where Audit has pointed out that something had been irregularly spent out of the CRF, we have advised and would advise the concerned State Governments to write that back and to provide that much additional money into the CRF.”

### **III. IDENTIFICATION OF BENEFICIARIES**

60. Audit scrutiny revealed that improper identification of beneficiaries resulted in various irregularities in Andhra Pradesh, Tamil Nadu and Puducherry. In Andhra Pradesh, the State Government notified the districts, mandals and villages that were affected by the Tsunami in the State *vide* gazette notification of Revenue Department in February 2005. It was noticed that in Nellore and East Godavari districts six mandals, which were not affected by the Tsunami were extended cash assistance, supply of rice, nets and boats resulting in excess expenditure of Rs. 1.40 crore.

61. In their response to the aforesaid Audit observation, the Ministry of Home Affairs have submitted that the State Government based on the preliminary assessment immediately notified the Districts, Mandals and villages, which were affected by the Tsunami. Tada Mandal in Nellore district was not declared as Tsunami affected at the time of notification. But detailed enquiry later on revealed that Tada Mandal was also affected by the Tsunami. The District Collector, Nellore reported the circumstances and the State Government have ratified his action in extending the benefit to Tada Mandal. As regards three Mandals *viz.*, Razole, K.Ganagvaram and Ambajipet in East Godavari District, which were extended Tsunami relief though these Mandals were not included in the Gazette, it has been submitted that the District Committee surveyed these Mandals and based on its findings, the relief was not extended to these Mandals. Hence the State feels that there is no improper utilization of funds of in A.P.

62. Contesting the reply of the Ministry that the relief was not extended to three Mandals *viz.* Razole, K. Ganagvaram and Ambajipet, the Audit in their vetted comments stated as under:—

“..., it was noticed in the Audit that expenditure of Rs. 26.86 lakh was incurred for providing 251 nets, one boat and 66 wooden catamarans. Ministry’s reply is therefore, not acceptable.”

63. As per Audit review, an excess expenditure of Rs. 6.33 crore was incurred in Tamil Nadu because relief was provided to 88,011 families against the sanctioned number of 63,032 families under two relief packages in Nagapattinam district. The State Government sanctioned (February 2005) another package of Rs. 162.67 crore towards commodities and cash assistance to those families who had benefited under



packages I and II towards cost of commodities (Rs. 42.67 crore) and cash assistance (Rs. 120 crore) for four months from February 2005 to May 2005. There was a shortfall in distribution of the relief package to 77322 families in 4 districts. The District Collector, Nagapattinam stated (March 2006) that sustenance allowance was not paid to Government servants, noon meal organisers and old age pensioners since their livelihood was not affected. The District Collector, Cuddalore adduced (March 2006) that migration of beneficiaries from the district to other places for livelihood was also the reason for shortfall in his district. As per Audit, this indicated that the affected families were not properly assessed before distribution of relief.

64. The Fisheries Department of the Government of Tamil Nadu assessed the loss of 179 FRP boats with nets in Nagapattinam District and extended relief at Rs. 20,000 each. Later, a joint inspection conducted by the Revenue and the Fisheries Departments concluded that only 11 boats were affected (7 fully and 4 partially). Thus, due to initial incorrect assessment of loss by the Fisheries Department, relief had been extended to 168 ineligible cases resulting in irregular payment of Rs. 33.60 lakh. The total number of claims of fully damaged wooden catamarans was 4,651 as assessed and reported by the five teams formed for the purpose in Cuddalore District. However, the Department extended relief in 4,690 cases resulting in extension of benefit to 39 unassisted/ineligible cases amounting to Rs. 12.48 lakh. The Department stated that a separate reply would be submitted after thoroughly checking the connected records. According to Audit, the claims should have been verified before the issue of relief cheques. Non-verification of claims have thus resulted in irregular expenditure of Rs. 12.48 lakh.

65. In their response to the aforesaid Audit observations, the Ministry explained the reasons for incurring these excess expenditures as under:

“...in the first case that the Government of Tamil Nadu sanctioned relief package-I for 150000 families and relief package-II for 177055 families and the package were given to 118350 and 174764 families only. However, in Nagapattinam District, relief was provided in excess of the earlier estimation and sanction. In fact, there was a shortfall in the disbursement of relief packages against the No. of packages sanctioned. The excess relief granted in Nagapattinam District was met out of the savings in all other twelve districts. Therefore, there was no excess expenditure on this account. In the second case it has been mentioned that the relief granted was only for loss of 179 fishing nets alone at the rate of Rs. 20,000 each and not for FRP boats with nets. The inspection made was to assess the damage caused to the boats only. The disbursement already made relate to the loss of nets only. Therefore, there was no irregular payment. In the third case, the State has clarified that subsequent to the preliminary assessment of damages reported by the five teams formed for the verification purpose in Cuddalore District, which concluded 4651 cases in the category of fully damaged wooden catamarans, lots of claims were received from the fishermen of many coastal villages by the District Collector of Cuddalore. Further, the Cuddalore District Collector wrote to the Director of Fisheries requesting him to sanction additional funds for these additional cases. The additional cases were

thoroughly verified by the Fisheries Department officials and only 39 eligible cases were provided with relief for the fully damaged catamarans. The total number of cases to which the relief extended was 4690. So, the additional 39 cases provided with relief were genuine cases.”

66. The Ministry in a note furnished to the Committee have further explained the reasons for wide disparity in the figures relating to the number of families which were sanctioned relief package and the number of families, which were provided relief package in Tamil Nadu as under:

“Immediately after the Tsunami the survey teams were unable to accurately assess the actual damage in the field as the victims moved to the relief camps or to their relatives’ houses. However, the assessment of damages was prepared based on enquiry with the available victims, debris in the field and through public enquiry. Based on this assessment the relief was sanctioned for the affected families. At the time of disbursement of relief package, the left over genuine beneficiaries claimed relief packages on their return. Further there was demand for the relief from the fishermen, landless agricultural labourers and tourist guides, petty fish merchants and other category of left over beneficiaries. The genuineness of claims at the time of disbursement were duly verified by the Relief Teams with the help of field level Revenue Officials and the disbursement was made only to the eligible families after due verification. Thus the demand of relief from the left over families of different strata who could not be identified in the initial phase led to relief of sanction to a large number of families than the preliminary estimation.”

67. Audit scrutiny has also pointed out that in Tamil Nadu, relief amount of Rs. 6.38 crore was irregularly disbursed for 3,330 unregistered catamarans in four districts. On being asked whether all the 3,330 unregistered catamarans for which an amount of Rs. 6.38 crore was irregularly disbursed belonged to genuine Tsunami victims. The Ministry stated in a note that though the catamarans were not registered, the relief was sanctioned only after the genuineness of the claims was checked and certified by the committee constituted to verify the cases of damages to fishing crafts individually and recommend relief. It has also been mentioned that under the Marine Fishermen Regulation Act though mechanized vessels are registered, catamarans need not be registered.

68. While stating that the justification for disbursement of Rs. 6.38 crore to unregistered catamarans is unacceptable, the Audit in their vetted comments stated as under.

“Ministry’s reply that catamarans need not be registered under the Tamil Nadu Marine Fishing Regulation Act 1983 is not tenable, as section 10 of the Act lays down that the owner of every fishing vessel shall register such fishing vessel. Since all fishing vehicles have to be registered with the Fisheries Department under the Act and license has to be obtained for conducting fishing activities, disbursement of relief to 3330 unregistered catamarans was irregular.”

69. In this regard during evidence, the Home Secretary, while expressing his concern over existence of such a large number of unregistered catamarans, stated as under:

“.... the important issue that arises is whether they were there, whether they were all genuine and if so since they were unregistered what has Government done to see to this other issue that arises as to how were there so many unregistered. So, we intend to write to the Government of Tamil Nadu and ask the Government of Tamil Nadu to conduct an inquiry on both those points.”

70. Audit review has also brought out that the Fisheries Department in Puducherry sanctioned Rs. 52.41 lakh to 1747 families of inland fishermen in Puducherry and Karaikal regions as cash assistance at the rate of Rs. 3,000 per family. Out of 1747 identified families, about 451 families carried out fishing activities in tanks and ponds located in interior places not affected by the Tsunami and hence were not eligible for this relief. Besides, similar relief was extended to 2400 families in Yanam Region, which was not declared as natural disaster affected area. The amount irregularly paid as relief to these 2851 (2400+451) families was Rs. 85.53 lakh.

71. Explaining the reasons for the aforesaid expenditure, the Ministry in a note stated that many of the inland fishing villages are closely located to the mouth of the river. Though, these villages are situated beyond the coastal belt, these fishermen park their crafts close to the river mouth. Even if the inland water bodies are not perennial, fishermen living in these villages sustain their livelihood not only by selling their inland fish catches, but also the marine fish procured from the coastal fishermen. Due to the Tsunami, coastal fishermen, as well as, inland fishermen, could not carry out their occupation. Therefore, Government had extended cash assistance to the inland fishermen, at the rate of Rs. 3000 per family to all 341 inland fishermen who lost their traditional catamaran to the tune of Rs.10.23 lakh. In the case of Yanam region, it has been submitted that it is situated at the river mouth of Gowthami, a tributary of Godavari River. High tides surged through the river mouth, resulted in loss of 89 Navas (traditional fishing crafts). Therefore, Government had extended financial assistance, at the rate of Rs. 20,000 per Nava, to the tune of Rs. 17.80 lakh. In addition, 2,400 families were extended financial assistance at the rate of Rs. 3,000 from the Chief Minister's Relief Fund, due to loss of livelihood.

#### ***Methodology for identification of beneficiaries***

72. Proper identification of beneficiaries remains a challenging task in the aftermath of major disasters as it always involves the risk accommodating ineligible persons at the cost of genuine victims. The basic responsibility of the work of identification of beneficiaries and distribution of relief at the ground level comes under the domain of the State Governments. The States deployed teams from various Departments such as Revenue, Fisheries, Forests, PWD, for carrying out survey and also assessing the extent of damage. However, the items and norms approved by the Government of India, *inter-alia* provide broad guidelines for assessing the number and type of beneficiaries eligible for assistance under various items. This include payment of *ex-gratia* to the families of deceased, *ex-gratia* payment for loss of limb or eyes, assistance for grievous injuries, relief for the old, infirm & destitute children, assistance

of clothing and utensils to those families whose houses have been fully damaged, gratuitous relief for families in dire need of sustenance, supplementary nutrition for children, agriculture input subsidy to the farmers whose crops have been damaged more than 50 per cent, employment generation, assistance for loss of animals. The State Governments are consulted during the exercise of revision of items and norms undertaken from time to time.

73. The Ministry of Home Affairs during the Exit Conference on the Audit stated that when major disasters occur, the focus was on provision of immediate relief to the affected persons and under such circumstances, it might not always be possible to ensure observance of every stipulation of rules. The Ministry also admitted that there was scope for improvement and the State level Committees would be advised to look into the matter.

74. The Committee enquired about the accuracy of the methodology adopted for identification of Tsunami victims and to detect bogus claims made by unscrupulous elements for Tsunami relief and Rehabilitation packages. In response, the Ministry in a note stated that in case of Puducherry, the teams of officials were constituted for survey and field enquiry, which finalized the list of beneficiaries in consultation with village/community panchayats. Further, the allotment of houses to Tsunami victims is also done through village level committees and by draw of lots. In case of Andhra Pradesh, the preliminary assessment was done in consultation with the villagers especially the fishermen elders. Their report was checked by conducting a joint enquiry by fisheries and revenue officials. The distribution of relief was carried out through the village organizations constituted under VELUGU Project. In the State of Kerala, teams from various concerned Departments were constituted and included reports of local panchayats. Tsunami cards, which incorporated all the necessary details, were issued to the victims. All these measures have resulted in greater accountability and transparency in relief operations.

75. During evidence, the representative of the Tamil Nadu Government explained the efforts made by the State Government to ensure transparency in the identification of beneficiaries as under:

“.....we had actually made elaborate arrangements for the identification of the beneficiaries through a very transparent procedure. There was a district level monitoring committee where the Collector, Members of Parliament and Member of Legislative Assembly were members. The district panchayat President was also there. The Vice-President and the Chairman of the affected areas and representatives of the NGOs were all members. Similarly, at the village level, there was a committee. A list was displayed not only at the notice boards of the panchayats and the Collector's office and also on the website. Then if anybody is left, then, there is a Grievance Redressal Mechanism where they can give the names and those names have been added. That issue which you mentioned that the number initially might have varied. It is affected because, in fact, the first GO, which was issued by the Government of Tamil Nadu, was on 28th December that is within two days of the Tsunami. So, at that time, the real concern was to provide the relief as quickly as possible. Therefore, that number was very

rough. But subsequently, a detailed exercise has been done and we are confident that by and large we have identified them. For example, 2.9 lakh affected families are there. So, I cannot say that not one would be left out but I would say, by and large, this is a very transparent exercise and the beneficiaries have not been left out.”

76. To a query as to whether the Ministry have laid down any guidelines/ methodology in consultation with the State Governments for identification of beneficiaries for relief and rehabilitation during the natural calamities so as to prevent leakage and improper use of funds in future, the Ministry stated in their note as under:

“As per the Schemes of CRF/NCCF, the State level Committee is responsible to ensure that money drawn from the CRF is actually utilized for the purposes for which the fund has been set up and only in accordance with the items and norms approved by the Government of India. To achieve this objective, it is the responsibility of the State Level Committee to ensure that relief assistance is provided to the genuine beneficiaries only. The Government of India on its part, has already issued guidelines to the State Governments to ensure transparency in the distribution of relief. To achieve this goal, the Government of India in these guidelines, have advised the State Governments, to publish the list of beneficiaries, along with the nature and quantum of relief provided to each such beneficiary. This list is to be displayed in prominent public places and is also to be made available to any applicant on the payment of a nominal fee of Rs.10 only. With the enactment of the Right to Information Act, it is hoped that the process of selection of beneficiaries and actual flow of relief will become more transparent and the authorities concerned more accountable.”

77. The Ministry of Home Affairs, however expressed the caution that in view of the replies furnished by the States/UTs, there appears to be a need for undertaking a more detailed and realistic assessment of damage as well as identification of beneficiaries to prevent recurrence of incorrect identification of beneficiaries. However, at the time of high magnitude disasters like the Tsunami, the relief machinery is stretched to the limit and instances of unintentional improper identification of beneficiaries cannot be altogether ruled out. It was also stated that on their part, the Ministry have enacted the Disaster Management Act, 2005 the provisions of which *inter-alia* stipulate that in case of fraudulent claim of relief, penal action can be initiated.

78. Asked about the efforts made by the Ministry of Home Affairs and the Governments of the respective States/ UTs to ensure that all the Tsunami victims have received compensation and other rehabilitation packages, the Ministry stated in a note as under:

“The identification of beneficiaries on the ground and distribution of relief is done by the States, which has large administrative machinery for this task. Various Departments of the States such as Fisheries, Food and Civil Supplies, Agriculture, Revenue Department constitute team of officials. These teams inspect affected villages, verify the damages, and extend relief, in consultation with and in the presence of village/community. On its part, Ministry of Home Affairs has

been reiterating its guidelines of September 2003, for transparency in identification in beneficiaries. The State Governments deputed senior officials to the affected Districts, formed several relief teams according to the situation in each area and ensured that all affected people received their relief. The ground survey has twin objectives, *i.e.* proper identification of beneficiaries and that all affected persons are covered. This was in addition to the relief given by the Non-Governmental Organizations.”

#### IV. POST DISASTER ACTIVITIES

##### (i) Procurement of Relief Materials

79. Audit scrutiny has revealed that relief material amounting to Rs. 6.99 crore was not properly utilised in Tamil Nadu and Andaman & Nicobar Islands as detailed in the following table:

Sl. No.	State/UT	Details of material	Amount (Rupees in crore)	Remarks
1.	Tamil Nadu	Sarees and Dhotis	0.17	Relief material was lying undistributed in Nagapattinam District (March 2006)
2.	Andaman & Nicobar Islands	Gensets	1.70	On closure of relief camps, 519 gensets had neither been taken back nor their cost recovered.
		Bailey type bridge and pre-fabricated structures	1.63	Scrutiny of records revealed short accounting of these items.
		Plastic Ropes	1.60	Plastic ropes were procured as part of tool kits to be supplied to the tribals but were not used for the intended purpose.
		Tents	1.16	Out of 2500 tents procured through the MHA, 901 tents were not put to use.
		Transmission and distribution items for power supply	0.52	Items were lying unutilised for periods ranging from eight to nine months.
		Consumer durables	0.21	Whereabouts of these items could not be ascertained after closure of relief camps in the absence of any records.
Total			6.99	

80. In their reply to the aforesaid Audit observation, the Andaman & Nicobar Islands Administration stated that accurate assessment could not be made at that time and the balance items would be used in future disaster situations.

81. In a written note, the Ministry of Home Affairs have explained their position in the matter as under:

“.....devastation of Tsunami was such that estimate was prepared for the material required for rescue and relief work on approximation. It was not practically possible for the Administration at that point of time to assess exact requirement of users in extraordinary disastrous situation like Tsunami. For providing the electricity, gensets was required as transmission and distribution line and power houses were destroyed by the Tsunami. Tents and plastic ropes were required for establishing immediate relief camps and also for use of running the offices in different Tsunami affected islands by different Departments. Similarly consumable articles were required for the Tsunami victims. Since the requirement of the material was made on approximation to meet the future needs some extra quantity was procured. All these extra quantities have been stored in emergency operation centres as part of disaster mitigation and preparedness plan to be used in case of future disaster situation and therefore these materials will be used properly at the time of requirement. Ministry of Home Affairs feels that it is always not feasible to determine the exact quantity of relief material to be procured specially in the event of such a magnitude. However, the relief material should be accounted for properly and extra material can be put to use later on.”

82. When asked whether it was proposed to fix the responsibility for procurement of unnecessary items, non-disbursal of items and short accounting of material, the Ministry stated in a note as under:

“There was no excess procurement or short accounting as far as Tamil Nadu is concerned. Clothing worth only Rs.0.17 crore was left unutilized in Nagapattinam. The Collector, Nagapattinam was instructed to utilize the clothing in the event of natural calamities in future and also to transfer to nearby Districts wherever necessary.

In the case of ANI, it has already been stated that it is not possible to assess the exact requirement of relief material. In the cases where excess relief material has been procured, the same will be utilized at a later date. However, in cases of short accounting of material or where the items have not been found, action as per relevant rules would be taken and followed up by the concerned administrative division.”

#### **(ii) Pre-contract Agreement for Procurement**

83. Audit examination has revealed that the Ministry of Home Affairs, which was the nodal Ministry for coordinating all relief and rehabilitation activities relating to disaster management, had taken some initiatives (September 2003) for expediting procurement of essential supplies and achieving transparency in reaching the relief assistance to the affected people. A system of pre-contract with suppliers and service



providers was suggested for implementation by State Governments. Similarly, the Panchayat offices were to display the list of beneficiaries who had been distributed relief and the information was also required to be made available to anyone seeking the same against payment of nominal charges. While the two measures had their merit, the achievement of procurement at the intended speed and transparency in reaching relief was dependent entirely on the appreciation of the benefit by States. Audit observed that none of the five States/UTs of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry, had formally implemented the pre-contract arrangement in procurement. Audit observed that the Ministry of Home Affairs needed to critically examine the need for implementation of the initiative and take it up at a sufficiently high level with State Governments so that the initiative is actually implemented or, if necessary, modified in consultation with State Governments to make them achieve the intended objectives. During the Exit Conference, the Ministry of Home Affairs accepted the Audit findings and stated that the matter would be examined and could possibly be taken up at the level of the Home Secretary or the Home Minister.

84. Elaborating the reasons for having a pre-contract arrangement for procurement of supplies, the Ministry stated in a note that as per the existing procedure for managing the natural disasters, the State Governments concerned are required to initiate necessary relief operations in the wake of natural calamities. It is the responsibility of the concerned State Governments to prepare themselves for undertaking rescue and relief operations as well as distribution of relief at the ground level. The Government of India only supplements the efforts of the affected States by providing requisite logistic and financial support. However, keeping in view the fact that State Governments face problems in procurement of critical items/services required during emergency rescue and relief operations in the wake of a natural calamity, the Ministry of Home Affairs in September, 2003 advised the States/UTs, including Tsunami affected States/UTs, to identify the critical goods/services required for immediate rescue, relief and rehabilitation and enter into pre-contracts or pre-agreements with various suppliers, dealers or service providers, in accordance with codal provision of the States. The procurement of goods/services in emergency situation can be made from the parties with whom such pre-contracts/agreements were entered into in order to avoid delay in procurement.

85. When asked about the present status of implementation by the States/UTs of the directive issued by the Ministry in September 2003 to the States/UTs to identify the critical goods/services and enter into pre-contracts or pre-agreements with various suppliers, dealers or service providers, the Ministry in a note submitted as under:

“This is only an enabling procedure suggested. This suggestion was also discussed in the successive Annual conferences of Relief Commissioners/ Secretaries of Disaster Management Departments of States/ UTs. This is States/ UTs in the matter at various forums. This issue was also discussed during the Annual Conference of Relief Commissioners/Secretaries, Department of Disaster Management of States/ UTs. The Ministry of Home Affairs will continue its efforts of persuade the States/UTs to follow the suggestions on entering the pre-contracts in respect of identified critical goods/services.”



86. While conceding that in so far as Tsunami affected States/UTs are concerned, not much progress has been reported in putting place a pre-contract arrangement, the Ministry have stated as under:

“....., Andhra Pradesh has stated that some of the relief items are procured from FCI, Markfed, Oilfed at negotiated/ approved prices, while some are procured following codal provisions. Puducherry is in the process of reviewing the existing procurement arrangement to concretize the implementation of pre-contract arrangement. Tamil Nadu has informed that the matter is being examined at the Government level, however a decision is to be taken keeping various factors into account such as possibility of the suppliers being actually able to supply at pre-contracted rates at the time of the actual calamity. Further, an exact estimate of the quantum of supplies required is not possible in advance and may have implications on the actual rates given. Under Section 50 of Disaster Management Act, 2005, National Disaster Management Authority (NDMA), State Disaster Management Authorities (SDMAs) and District Disaster Management Authorities (DDMAs) can authorize the concerned Departments to make emergency procurements in any threatening disaster situation or disaster in relaxation of the tender procedure and a certificate of utilization issued by controlling officer authorized by NDMA, SDMA or DDMA shall be deemed to be a valid document for the purpose of accounting. This provision has been brought into force *w.e.f.* 30.10.2006.”

87. Enumerating the difficulties faced in this regard, the Home Secretary during evidence deposed as under:

“...about the expediting procurement through the pre-contract arrangement which has been referred to, no doubt, we had issued these guidelines. But all the State Governments have raised difficulties in this regard. When we look at that we ourselves find that there could be some logic to it because there can be no anticipation as to how much of what is going to be required in a given year. So, on what basis is this kind of an arrangement going to be done is the point. This is a matter, I think, in which the Ministry of Home Affairs again will sit down in a consultative sort of a manner and see what else can be done so that emergent procurement can be done in a quick and at the same time transparent manner. But, it seems to be quite clear that this part of the guidelines, which had been issued by the Ministry of Home Affairs, are not amenable to application by all the States. All the States have pointed that out.”

### **(iii) Construction of Temporary Shelters**

88. Audit review has further revealed that in Kerala the district administration, Alappuzha constructed 17 semi-permanent sheds for accommodating 329 Tsunami-affected families at the rate of Rs. 509.88 per sq. ft. against the estimated cost of construction of a permanent house of Rs. 406.97 per sq. ft. Audit pointed out that these sheds were constructed on private land belonging to various religious societies, which could subsequently lead to disputes and litigations. On being asked about the reasons for incurring extra expenditure on the construction of the houses and the selection of

disputable land for the purpose, the Ministry stated in a note that there was no suitable Government land near to the affected area and hence the District Collector identified private lands of certain institutions for the purpose. The sheds constructed as temporary shelters in Alappuzha district are for group accommodation for accommodating many families and due to this particular design, the expenditure was on higher side.

89. Audit scrutiny has also revealed that in Tamil Nadu temporary shelters constructed at a total cost of Rs. 2.58 crore could not be put to use as these were constructed in low lying areas and the entire site was waterlogged due to rain. The shelters were later destroyed by fire. The affected families had to be provided with cash assistance of Rs. 53.95 lakh. In Villupuram District, construction of 136 temporary shelters was abandoned mid-way due to court orders and the expenditure of Rs. 8.48 lakh incurred turned out to be wasteful. Besides, victims could not be rehabilitated. Further, 3026 temporary shelters constructed by the Government (2205) and NGOs (821) at 12 habitations at a cost of Rs. 1.76 crore were not occupied by the victims. The District Collector reported (March 2006) that because of the psychological and moral support given by the Government and NGOs, the affected fishermen began to look after themselves and managed to live in their old houses. According to the Audit, this indicated that the shelters were constructed without proper assessment of the ground realities.

90. In their reply to the aforesaid Audit findings, the Ministry have stated that the reason for non-utilization of the temporary shelters was beyond the control of the officials concerned. The immediate objective was to close the temporary camps, which were housed in schools and community buildings and to shift the Tsunami affected families to temporary shelters, which had to accommodate a large number of families. The temporary shelters were constructed in the available vacant lands, which are not easy to find, moreover, other amenities like water supply, toilets and streetlights have to be provided and the families need to be as close to the sea as possible because of their livelihood. The water logging was due to unprecedented rainfall due to the North East monsoon in 2005, which was 1048.4 cm. against the normal rainfall of 555.80 cms. The affected families had actually moved to the temporary shelters. As far fire is concerned, these incidents are accidental and unpredictable.

91. In a subsequent note, the Ministry elaborated the matter as under:

“The families living in these shelters were shifted to a nearby site belonging to Tamil Nadu Housing Board and semi-permanent shelters were built for them with the help of Non- Governmental Organizations. Permanent houses for these families have been built on a nearby plot and are ready for occupation. It is expected that the families would be able to shift to new houses by 30.04.2007. In the second case of Tamil Nadu of Villupuram District, it has been explained that Tsunami affected persons did not occupy the shelters due to legal complications, which were unexpected. The families undertook minor repairs to their existing houses and stayed with their relatives in the same area. The families did not suffer because of non- construction of temporary shelters.”

92. Asked about the reasons for judicial intervention in the matter of construction of 136 temporary shelters in Villupuram District of Tamil Nadu that was abandoned

mid-way rendering an expenditure of Rs. 8.48 lakh incurred thereon wasteful, the Ministry in a note stated their position as under:

“.....the site selected for construction of temporary shelters in Vilupuram District was Government land according to records. However, a writ petition in WP/MP 4978/2005 in 4502/2005 dated 11.2.2005 was filed by Thiru Krishnan with a prayer of injunction in survey No.104 with an extent of 2.01.0 hectares classified as Ayyanar Koil Poramboke restraining the Revenue Authorities from proceeding with the construction activities. In this case the interim injunction was passed on 11.2.2005 and the case is yet to be listed for hearing, therefore further construction on that site was stopped. The Govt. had done its best by choosing the Government land, however, due to judicial proceedings; the construction had to be stayed. This cannot be treated as deliberate wasteful expenditure.”

93. During their study visit to Chennai in October 2007, the Committee asked the Tamil Nadu Government the measures, which could be taken to ensure that temporary shelters are put up only based on the actual requirements of the people. In response, the State Government in a note stated as under:

“The temporary shelters were constructed immediately to accommodate the families who were rendered homeless. Those families who had been provided relief for loss of their houses/ huts in tsunami were alone taken into account for the purpose of construction of temporary shelters. As tsunami created a fear in the minds of the people affected, some of the affected people later went out of the area and stayed with their relatives and friends. Further, compared to be number of permanent shelters being build viz. about 54,000, the number of temporary shelters built was only 33750 of which 18000 were built by the NGO's. This cannot be expected every time a natural calamity occurs. However, in future the temporary accommodations will be built after enumerating the families who are willing to occupy them.”

#### **(iv) Construction of Permanent Houses**

94. As per Audit review, District Collectors in Andhra Pradesh assessed and reported 481 houses as having been damaged in the Tsunami. The Ministry of Home Affairs approved a package for reconstruction of these damaged houses under RGRP and sanctioned subsidy at the rate of Rs. 40,000 per house. Though funds were made available to the Andhra Pradesh State Housing Corporation in April 2005, no progress was made (March 2006) for completion and handing over the houses to the beneficiaries due to delays in acquisition of land and resistance on the part of beneficiaries to move out of the Coastal Regulation Zone. As of September 2006, 59 houses were completed.

95. In their response to the aforesaid Audit observation, the Ministry stated that the matter relates to the housing component of RGRP, which was transferred to TRP. In the first case, it has been informed by the State of Andhra Pradesh that out of 481 houses proposed to be constructed, 176 houses have been completed during 2006-07 and remaining houses are in advanced stages of construction. The delay in construction has been due to initial reluctance of the beneficiaries to move out of the

vulnerable areas and land acquisition procedures. It is targeted to complete all the houses during 2007-08, though the time frame for completion of TRP is upto 2008-09.

96. In respect of Kerala, Audit pointed out that an amount of Rs. 50 crore was earmarked for housing in Kerala. The Ministry of Home Affairs stated (February 2005) that the financial assistance for the housing sector would be sanctioned after the rehabilitation plans were finalised by the core group in the Planning Commission. However, no amount was received by Government of Kerala as of January 2006. Compensation paid on partially damaged houses and land purchased for providing permanent houses were met from Rs. 100 crore released as advance from NCCF. The construction of 4053 permanent houses was entrusted to 31 NGOs. Out of total 4053 houses, only 2431 houses were constructed and handed over to the victims as of January 2006 as against the target date of 31 May 2005.

97. The Committee enquired about the reasons for the inordinate delay in release of funds by the Ministry to Kerala for construction of houses. The Ministry in a note replied as under:

“An amount of Rs. 50 crore was earmarked in the RGRP for construction of houses for the State of Kerala. However, this amount was to be released after the core group in the Planning Commission had finalized its recommendations. It is pertinent to mention that TRP formulated by the Planning Commission was approved by the Government on 8.12.2005 and the funds indicated for housing in RGRP were transferred to TRP. The funds for undertaking various activities under TRP are not financed from NCCF but flow to the States as Additional Central Assistance (ACA). These funds are released by Ministry of Finance. Hence the Audit findings regarding delay in release of funds in this regard are not correct.”

98. When enquired about the latest status with regard to release of financial assistance to the Government of Kerala for construction of permanent houses, the Ministry stated in a note that as per information received from the Planning Commission and the State of Kerala an amount of Rs. 45.54 crore is required for the construction of permanent houses. No funds have been used so far as construction of 4055 houses (out of a total of 13640) is being done by NGOs.

99. As regards the current status of construction of 4053 permanent houses that were entrusted to 31 NGOs, the Ministry stated in a note that as per information received from Planning Commission, 3767 houses have been completed so far and handed over to the Tsunami victims.

100. Audit review has revealed that in Tamil Nadu, out of 14 locations for which site plans were submitted in Villupuram District, only 2 site plans had been approved so far (January 2006). Similarly, 51 layout proposals received from the Collectorates of Tirunelveli, Thoothukudi and Kanyakumari Districts were pending with the Town and Country Planning Department. Out of 57,217 houses proposed to be constructed as per the housing reconstruction policy, action had been initiated to construct 25,185 houses through NGOs. The number of houses taken up for construction included 942 houses located within 200 meters of High Tide Line (HTL) against the CRZ

Notification. Records revealed that damaged houses in either in-situ or ex-situ locations and about 43,314 undamaged houses within 200 meters of HTL had not been covered by any programme so far, even though these houses were prone to be affected by high tides or tsunami in future. The Special Commissioner and Commissioner of Revenue Administration had called for proposals (January 2006) from the Collectors of coastal districts for provision of new houses to these people beyond 200 meters on relinquishment of their old houses in favour of Government. Further developments are awaited (March 2006).

101. Asked about the reasons for delay in finalisation of site plans by the Town and Country Planning Department of the Tamil Nadu Government, the Ministry in a note stated that the rules for grant of permission by the Town and Country Planning Department have been relaxed in June 2006 and permission has been granted for all the site plans.

102. When asked as to why the Government of Tamil Nadu had initiated action to construct only 25,185 houses when the proposal was to construct 57,217 houses as per housing reconstruction policy, the Ministry in a note stated as under:

“The total no of houses fully damaged was 51,926; out of which 29762 houses are to be constructed by NGOs’ and 22164 by the State Agency. Housing reconstruction has taken place only after identification of suitable sites as near to the coast as possible while at the same time keeping in mind the Coastal Regulation Zone notifications.”

103. To a query whether the Ministry have investigated the cases relating to construction of 942 houses within 200 metres of High Tide Line in violation of Coastal Regulation Zone (CRZ) Notification by the Government of Tamil Nadu and whether any responsibility has been fixed in this regard, the Ministry in a note stated as under:

“It has been reported by the Tamil Nadu Government that the Department of Environment has stated that CRZ Clearance under CRZ Notification 1991 was issued to housing projects undertaken with World Bank assisted ETRP wherever they have been applied for by the district authorities. As per the provision of CRZ Notification, 1991 in CRZ –III areas reconstruction/alteration of existing houses in-situ for the traditional fishing hamlets is permissible with certain conditions. Hence no violation of CRZ Notification was noticed or reported.”

104. During evidence, the representative of the State Government of Tamil Nadu explained the reasons for the delay in completing the houses as under:

“We had actually taken up construction of 51,926 houses. By July this year we will be completing construction of about 30,000 houses. Already 21,851 houses have been completed. The large number which is left behind, about 18,000 to 19,000, are multistoried tenements most of which have to be constructed in Chennai. The major issue is that since we are doing this with the assistance of the World Bank, there are a number of conditionalities, which they impose. We finalise the list. That also is done in a very transparent manner. It has to be put on the website. Then the World Bank insists that the beneficiaries must be shown

the type design, which we are going to adopt. Their views on that have to be incorporated. In Chennai city it is very difficult to find a site, which is satisfactory to the fishermen. They not only want it to be close to the sea, they also want it at a place which they are accustomed to for their fishing expeditions. These are all the issues. By July (2007), we are going to complete about 30,000 houses.”

105. During their study visit to Chennai in October 2007, the Committee took up the issue of delay in completion of houses with the Tamil Nadu Government. In response, the State Government in a note stated as under:

“The construction of permanent houses has been delayed for various reasons such as availability of suitable land, acceptability of the location by the affected families who are mostly fishermen who do not want to go far beyond the sea, the flooding of the areas in 2005-06, the inexperience of the NGO’s etc. Some NGOs who had earlier assured to construct permanent houses have backed out and the Government has taken the responsibility of providing houses in these locations also. The time frame for completion of houses is March 2009 by which time the programme will be completed.”

106. According to Audit review, in Puducherry, the Union Territory Government through the Project Implementation Agency (PIA) proposed construction of 8125 houses in 34 affected villages in Puducherry and Karaikal regions availing World Bank loan assistance. The number was later reduced to 7827. Several NGOs came forward to construct houses for the affected with their own funds, leaving the responsibility for creation of infrastructural facilities such as earth filling, laying internal roads, providing sanitation and water supply to the PIA. 25 MoUs were entered into between the Government of Puducherry and NGOs for construction of 5245 houses in 25 settlements and creation of infrastructural facilities like Anganwadi centres, community halls and libraries. However, Audit observed that only 197 houses were completed but were not handed over to the beneficiaries as of August 2006. In most cases, approval of the plan was pending.

107. In their comments on the aforesaid Audit observation, the Ministry stated that necessary initiatives have been taken to construct houses in all 34 Tsunami affected villages. As per assessment in Karaikal region, construction of 3,543 houses in 19 hamlets is required. Suitable private lands in 14 villages, to the extent of 151 acres have already been acquired. For the remaining 9 villages, houses are proposed to be constructed both in-situ and on Government land. In Puducherry region, requirement of construction of 4,024 houses in 14 hamlets was assessed. Private lands stand acquired in 9 hamlets to an extent of 92 acres. Construction had already commenced in case of 5,556 houses in 28 villages. 1,306 houses have already been completed and handed over possession to the beneficiaries. 1,282 houses are in advanced stages of completion. 2,968 houses are in various preparatory stages, namely, tendering of work, site preparation, obtaining of statutory clearance etc. The progress of construction is being monitored regularly. Periodical co-ordination meetings with the NGOs and the Government Departments are held both at State and District levels. State level and District level monitoring committees have been set up for review of progress. Efforts have been made to expedite the completion of all 7,567 houses with infrastructure facilities by December 2007.



108. During evidence, the representative of the Union Territory of Puducherry explained the delay in construction of the houses as under:

“...about 2,500 dwelling units are being made by about 18 NGOs; about 2,500 are being made by the Government of Maharashtra, and the remaining 2,500 dwelling units are supposed to be made by the Government of Puducherry through the Project Implementation Agency (PIA). Out of these 2,500 dwelling units that are to be made by the Project Implementation Agency, 470 are under construction in Karaikal, and they will be completed by the 30th of August (2007); the remaining 2,011 dwelling units pertain to the Kalapet area in Puducherry. There has been a delay because the Government had taken a decision to pay cash in lieu of construction of houses. We have now received a direction from the Home Ministry saying that these dwelling units have to be made and handed over. So, implementing those directions of the Home Ministry, we have embarked upon the land acquisition process, which will take about one more month to complete. Simultaneously, Sir, we are making the layouts for the construction of these dwelling units and hopefully in about a month's time we should be in a position to embark upon this fully. With regard to the 2,500 dwelling units that are to be made by the NGOs, I am happy to inform you that about 2,400 would be completed by 30th of August (2007). The 2,500 units that are being made by the Maharashtra Government, there were some slippages there, and now all the contractors are assuring me that it will be completed by about 30th September (2007).”

109. As regards the position of housing construction in Andaman & Nicobar Islands, the representative of that Union Territory deposed before the Committee as under:

“..... short-term as well as long-term housing schemes have been taken up. About 10,000 people are staying in temporary shelters right now. Other facilities are being provided. At the same time, construction work for permanent shelters is also on. We have proposed to construct 9,997 permanent shelters. These will be completed in phases beginning from June this year. The construction would be completed by late August or September of 2008. Simultaneously, all the other common facilities like water, electricity, hospital, primary health centres and schools will also be provided. Construction work is on and all these facilities will also be provided as and when the tsunami-affected people will be shifted.”

***Status of Land Acquisition and Construction of Houses***

110. As per the information submitted by the Ministry, the updated status of State/UT-wise requirement of lands for construction of houses and the total area of land that was acquired as on 31st March, 2007 is as under:

(Figures in Hectares)

State / UT	Extent of land required	Extent of land acquired	Balance
Tamil Nadu	648.249	623.039	25.210
Andhra Pradesh	45.17	45.17	Nil
Puducherry	116.00	97.00	19.00
A& N Islands	169.258	Nil (No Acquisition of land was carried out, as the land belongs to the Government)	Nil
Kerala	222.67	4.04	

111. The following table shows the status of the construction of permanent houses for Tsunami victims as on 31st March, 2007:

Name of the State/UT	Total No. of Permanent Houses required	Total No. of Permanent Houses constructed as on 31.03.2007			Total No. of Houses occupied by the victims
		By the Central/ State Government	By World Bank, ADB, etc.	By NGOs	
A&N Islands	9797	Nil	Nil	Nil	N.A.
Puducherry	7567	438		1418 (list enclosed)	1035
Tamil Nadu	1,04,495 (including 52569 vulnerable houses)	1286 (State Government)	2668 (WB)	20341 (list enclosed)	16307
Andhra Pradesh	481	176	-	-	-
Kerala	13640 (including 9605 houses in vulnerable areas)	-		3835	

112. The Committee desired to know whether the Ministry have investigated the reasons for delay in providing permanent houses to Tsunami victims even after lapse of more than two years. In response, the Ministry stated in a note as under:

“The construction of permanent houses under TRP is being monitored by the Planning Commission. As per the approved time frame, the activities under TRP are scheduled to be completed over a period of four years from 2005-06 to 2008-09. As informed by the Planning Commission, the initial period of two years has been spent on critical issues such as proper planning, provision of basic infrastructure, quality of construction, and various clearances under EIA/ CRZ. The pace of construction has now picked up and the work is now scheduled to be completed by August 2008. In view of this, Ministry of Home Affairs has not investigated reasons for delay.”

113. Enquired about the rationale behind fixing 2008-09 as a target date for the completion of permanent rehabilitation programme of Tsunami victims instead of an earlier date, the Ministry stated in a note as under:—

“The Tsunami Rehabilitation Programme drawn by the Government envisages not only rehabilitation of the tsunami victims but also reconstruction of damaged infrastructure with value addition. As pre-implementation requirements such as identification of sites, feasibility studies, project designing, obtaining statutory clearances etc. are time consuming especially



in respect of marine projects, the target date for completion of the entire programme has been fixed at 2008-09. Proper scheduling of the activities also ensures quality implementation of the programme. The fact that some of the projects are required to be implemented in remote localities in Andaman & Nicobar Islands under inhospitable conditions is also a factor in setting the target date.”

114. Asked whether a State/UT-wise roadmap has been prepared for undertaking rehabilitation works in each of the five Tsunami affected States/UTs, the Ministry of Home Affairs stated in a note as under:

“...the EGOM also decided that no major fluctuations in the programme now approved should be allowed and the implementing agencies should complete the work in a scientific manner with a view to provide relief and rehabilitating people but not as an employment giving exercise. The EGOM also decided that the TRP should not be extended beyond 2008-09 and States/UTs should set quarterly physical and financial targets for completing the rehabilitation and reconstruction works.

115. To a query whether year-wise targets have been laid down under this Action Plan, the Ministry replied as under:

“...No year-wise physical targets were fixed while finalizing the programme. However, while reviewing the progress alongwith revised cost estimates, the EGOM had directed the States/UTs concerned to set quarterly physical and financial targets for the year 2007-08. The targets set by the States/UTs were considered and approved by the EGOM and the EGOM has also decided to review the progress implementation of the programme on quarterly basis.”

#### **(v) Construction of Basic Infrastructure**

116. Post Tsunami the State/UT Governments undertook various activities for the restoration of basic infrastructure such as roads, bridges and schools that were damaged. Audit noticed irregularities such as delays in construction, administrative irregularities, infructuous expenditure etc. as detailed below.

#### **Andhra Pradesh**

117. The Government released Rs. 1.20 crore in March 2005 for execution of repairs to roads in the tsunami-affected mandals of East Godavari district. Scrutiny of records revealed that though the funds were placed at the disposal of the Works Department a year back, the work was yet to be awarded as of March 2006.

118. In their response to the Audit observation, the Ministry stated that the State of Andhra had earlier mentioned that the roads were to be protected by *gabion* structures, which are highly specialized structures. The tenders were invited twice but no firm could qualify technically. It has now been informed that alternative designs were finalized and tenders re-invited. The work has been entrusted to the contractor and the work has since been completed.

### **Tamil Nadu**

119. The Ministry of Home Affairs sanctioned Rs. 64.15 crore for immediate repair of highways and other roads damaged in tsunami. The State Government released the amount in May 2005. Scrutiny of records in four test checked districts revealed that out of 149 works, only 34 were completed (23 per cent). Further, though seawater inundated the coastal areas upto a distance of 1 km, 29 roads lying beyond 1 km, which were not directly affected by the Tsunami, were taken up for repairs after the administrative approval of Collectors in Cuddalore and Nagapattinam Districts at a cost of Rs. 11.95 crore.

120. The Ministry have informed the Committee that the Tamil Nadu Government in their reply stated that these roads were to be used extensively for transportation of all relief materials to the affected areas. There was heavy traffic during the relief operations. Considering all these aspects, the roads leading to the tsunami affected areas were repaired only as a relief measure to the affected people and therefore cannot be treated as not related to tsunami relief operations. Further, inundation varied at different locations and no limit of 1 km. was fixed for any work. Further, all 149 works have been completed at a cost of 63.86 crore.

121. Asked whether the Ministry have investigated the cases of utilisation of funds on repairs of roads that were not directly affected by the Tsunami, the Ministry replied in a note as under:

“...Ministry of Home Affairs is of the view that though, the scheme of CRF/NCCF provides for a limited amount of funds (between 10-25%) to be used for restoration of infrastructure damaged by disasters, the same is to be used judiciously so that relief operations can be undertaken smoothly. Ministry of Home Affairs will advise the State that the amount of relief funds (CRF/NCCF) on repair of roads not affected by Tsunami directly should be written back to the CRF account”.

### **Andaman & Nicobar Islands**

122. Out of 52 schools damaged in the Tsunami, Memorandum of Understanding was signed with NGOs for construction of 41 schools, which were required to be completed upto November 2005. However, at the end of July 2006, construction in only 26 schools had been completed. The Andaman Public Works Department (APWD) took up the work of construction of 481 pre-fabricated structures for various Government Departments. As against these, the Stores Division could supply only 431 structures as of August 2006. For replacement/repair of damaged bridges, the stores division procured 14 bailey type bridges at a cost of Rs. 4.44 crore totalling 1070 feet of length. Scrutiny of records revealed that till January 2006, the division could install only 60 feet length of bridges and the rest remained unused. The investment of Rs. 4.19 crore on the balance of 1010 feet on proportionate basis remained idle.

123. Based on the Tsunami damage assessment carried out by the Andaman & Nicobar Islands Administration, the Ministry of Home Affairs sanctioned release of lump sum fund amounting to Rs. 154.58 crore to APWD for undertaking various civil

works during 2004-05 and 2005-06. Against this, expenditure of Rs. 90.86 crore only was incurred during both the years, which accounted for 59 per cent. According to the Audit the slow progress of expenditure was mainly due to lack of proper monitoring, absence of internal control, delay in sanctioning and execution of the works as evident from the individual performance reports of the respective divisions of APWD scattered in Port Blair.

124. The Committee asked whether the Ministry have analysed the reasons for the tardy progress in the construction 52 damaged schools in Andaman & Nicobar Islands, out of which rebuilding of only 26 was completed by July 2006. The Ministry in a note stated as under:

“.. Since, all machinery and materials are required to be transported from mainland to all islands for construction of school buildings clubbed with rough sea conditions, heavy rainfall, tough terrain, limited facility of inter island movement and damaged jetties, the progress of reconstruction has been slow. It is likely that all 52 schools shall be completed in by June 2007. In the meantime, at all required places, intermediate schools with help of Tubular poles and CGI Sheets have been constructed.”

125. As regards delays in reconstruction of basic infrastructures like schools, Government offices and other civil works in Andaman & Nicobar Islands and the remedial measures taken thereon, the Ministry in a note stated that they are constantly reviewing the progress of reconstruction works. The progress has also been reviewed at various junctures by the National Disaster Management Authority. The Planning Commission is regularly monitoring the reconstruction activities as a part of the TRP. Progress has also been reviewed from time to time by the Empowered Group of Ministers (EGoM) constituted (on 24.11.2005) to oversee Tsunami reconstruction. As per the Ministry' information, 20 schools and 3 PHCs have been rebuilt while 34 schools, 28 PHCs and 623 offices have been repaired in the UT. Construction of another 11 schools is in progress.

**(vi) Assistance to Fishing Sector**

126. According to Audit, the Ministry of Home Affairs provided assistance of Rs. 583.82 crore under Rajiv Gandhi Rehabilitation Package for the fishing sector including fishing harbour grant to the five Tsunami affected States/UTs as shown in the following table:—

(Rupees in crore)		
Sl. No.	States/ UTs	Amount
1.	Andhra Pradesh	27.66
2.	Kerala	57.92
3.	Tamil Nadu	451.02
4.	Andaman & Nicobar Islands (ANI)	15.01
5.	Puducherry	32.21
Total		583.82

127. As informed by the Ministry the aforesaid package was subsequently revised under Tsunami Long-term Reconstruction Programme (TRP). The details regarding quantum of funds earmarked for rehabilitation of fishermen under TRP and their utilization as of 31<sup>st</sup> March 2007 is as follows:

(Rs. in crore)

Sl. No.	State/ UT	TRP Revised requirement	Amount spent	
			By State agencies	By NGOs
1.	Andhra Pradesh	27.66	11.30	0
2.	Kerala	162.82	13.36	0
3.	Tamil Nadu	322.41	151.34	33.38
4.	ANI	148.41	11.38	4.84
5.	Puducherry	207.30	41.46	2.14
Total		868.60	228.84	40.36

128. The Audit Test check of records has revealed deficiencies such as violation of norms, inadequate inspection, failure to claim insurance benefit, delay in disbursement of subsidy, and excess payment of compensation as detailed below:

#### **Andhra Pradesh**

129. It was noticed that 321 wooden *dinghies*, which were not notified in the Government orders, were sanctioned at a cost of Rs.10000/- each. In the absence of separate sanction from the Government, booking of this amount under the head repairs to boats was irregular. Further, as per Marine Fishermen Regulation Act, the fishermen who acquired boats for fishing purposes had to register their boats with the Fisheries Department. However, the information regarding the number of boats already registered with the Department was not available and the losses were assessed as decided by Gram Sabhas. Thus, in the absence of information regarding number of boats owned by the fishermen prior to the Tsunami, the assessment of losses was not verifiable.

130. In their response to the aforesaid Audit observation, the Ministry stated in a note as under:

“The State Government issued orders for relief in case of lost/ damaged boats and nets (other than mechanized boats) and fixed the amount at Rs. 10,000/- for repairs. Traditional marine fishing crafts in AP are called by different names in different coastal areas based on the difference in their structure and purpose. eg. Katla Teppa, Dinghi, Nava, Catamaran, Dhoni, stitched boat etc. The traditional fishing craft in Prakasam District is a dinghie, and several of them were damaged. Though the dinghie is not mentioned in the orders, and since repairs could not be carried to the totally damaged dinghie and the repair charges almost equal to the new one, the District Collector decided to sanction Rs 10,000/- as per boat repairs. So within the repairs budget, a new dinghie was bought. It would have been a wasteful expenditure to repair a totally damaged dinghie. Hence there were no malafide irregularities and expenditure may be admitted in Audit. Out of the total of 41039 marine crafts, so far 25096 crafts were already registered. There

are 26 authorized Officers for implementation of the Act and steps are being taken to expedite registration of all marine fishing crafts under Marine Fishermen Regulation Act and to maintain database. In this regard, special drives have been conducted to register the balance marine fishing crafts. The fishermen have been cautioned that the inventory of fishing crafts would only be considered for extending financial help from the Government in case of any loss sustained in natural calamities. Village-wise database is being maintained. Ministry of Home Affairs sanctioned is of the view that a humanitarian view of the matter may be taken and the reply of State Government be accepted.”

**Tamil Nadu:**

131. As per the inspection conducted by three joint teams in Kanyakumari district on 3rd March 2005, 391 boats were found damaged. Subsequently, the claims for three boats were found to be false and rejected. 349 boats were partly damaged and 39 boats fully damaged. Relief subsidy of Rs. 9.16 crore and Rs. 1.54 crore respectively were recommended. However, Audit scrutiny of records revealed that all the three teams were represented by one officer from the Revenue Department and, therefore, assessment of all the boats on a single day could not have been possible. Scrutiny of records further revealed that in 14 cases, Rs. 70 lakh was drawn through cheques of Rs. 5 lakh each on 28 February 2005 itself *i.e.* ahead of actual date of inspection during which the assessment was made and subsidy recommended. Audit has pointed out that relief cheques for fully damaged wooden catamarans had to be deposited in a joint account to be operated both by the beneficiary and the Assistant Director concerned, while it was not so in the case of partially damaged wooden catamarans. Based on the verbal orders of the District Collector, the claims relating to 155 fully damaged wooden catamarans in two villages in Kanyakumari district had been converted into claims for partially damaged wooden catamarans and the relief of Rs. 5.84 lakh relating to 153 cases was given to the beneficiaries directly. This was irregular and the conversion should have been effected only after proper verification.

132. In their reply to the aforesaid Audit observation, the Ministry have submitted as under:—

“...in Kanyakumari District, there is only one fishing harbour at Chinnamuttom. All the 391 mechanized boats were berthed in that harbour. On 26.12.2004, the tsunami that struck the coast caused heavy damages to the mechanized boats, which was directly witnessed by the staff of the Assistant Director of Fisheries, Kanyakumari. Immediately after Tsunami, various Committees consisting of Fisheries Officials were formed and they assessed the damages to the fishing implements such as catamarans, vallams, nets and mechanized boats in all the fishing villages of Kanyakumari District. Initially, Government announced relief packages for catamarans, vallams and nets. It took some time to announce relief packages for the mechanized boats. But the initial damages were already assessed. After announcing the relief package for mechanized boats, three Committees were formed with Fisheries and Revenue officials. Since the extent of damages was already assessed and the damaged boats were in a single location, to speed up the relief process, all the damaged mechanized boats were assessed on a

single day by the three committees. Further, during the initial assessment of mechanized boats by the Fisheries officials before announcing the relief package for mechanized boats, it was clearly ascertained that 16 mechanized trawlers including the 14 boats mentioned in the Audit report were fully damaged. Hence, out of the 16 mechanized Trawlers, relief at Rs.5.00 lakh each was disbursed for 2 boats and for the 14 boats, relief cheques were drawn on 28.02.2005 which was subsequently confirmed by the Committee formed for assessing mechanized boat damages.”

133. As regards the case relating to conversion of 155 fully damaged catamarans into partially damaged catamarans, the Ministry of Home Affairs have stated that relief amount was sanctioned to the 13 beneficiaries of Chinnamuttom village for the loss of catamaran in the fully damaged category. Further, relief was sanctioned to the 142 beneficiaries of Kottilpadu village for the loss of catamaran in the fully damaged category. The above 155 fishermen of these two villages opted to receive the relief under partly damaged category (*i.e.*) at Rs.10,000/- and the option of the beneficiaries was fully accepted by the Village Committee and Parish Council Committee members. This option was also placed before the District Collector, Kanyakumari for necessary orders and for early disbursement of relief. Under instructions from the District Collector, the Additional Director of Fisheries, Tuticorin Region at Nagercoil, in his orders issued for the release of Rs.1,30,000/- for 13 beneficiaries of Chinnamuttom and Rs.17,04,000/- for 142 beneficiaries of Kottilpadu, amounting to Rs.18,34,000/- and disbursed to the beneficiaries converting the relief from fully damaged to partly damaged category. Since the assessment and disbursement of relief assistance to Tsunami victims are in accordance with the State Government orders in existence and considering the situation existing in that area, the clarification may be accepted.

#### **Andaman & Nicobar Islands**

134. According to Audit, the Andaman and Lakshadweep Harbour Works was sanctioned Rs. 60.10 crore upto 2004-05 for restoration of harbour and jetty works. An expenditure of Rs. 6.62 crore only was incurred upto December 2005 due to delay in finalization of the tendering formalities, preparation of the detailed project report, sub-soil investigation, taking up of turnkey project with other attending works coupled with delay in execution of the works. Audit has further pointed out that as per the Ministry of Home Affairs’ directions of February 2005, the time limit for grant of subsidy to fishermen was 15 days whereas in case of grant of subsidy as well as bank loan, the time limit was 30 days. However, by the end of November 2005, out of 1703 affected fishermen, only 816 cases of assistance were settled. This translated to only 47.92 per cent achievement even after the lapse of nearly one year from the disaster.

135. Explaining their position on the above Audit observation, the Ministry have stated in a note that a good number of boats and harbour structure were badly damaged in Andaman & Nicobar Islands. The Andaman & Nicobar Islands Administration has sanctioned estimates for reconstruction by the Andaman Lakshadweep Harbour Works for Rs. 60.10 crore from March to December 2005. Following the sanction of estimates, the Andaman Lakshadweep Harbour Works is proceeding with the execution of works. Out of sanctioned works under question, 32 works are either completed or are nearing

completion. Remaining works are also proceeding as per schedule and shall be completed shortly. A sum of Rs.25.92 crore has been spent upto February 2007.

136. As regards poor progress in settlement of subsidy grants, the Ministry of Home Affairs stated in a note as under:

“.....the slow progress is due to non-availability of adequate quantity of required wood in the islands, time taken for transportation of raw material such as wood/ fiberglass material and accessories from the mainland by the boat manufacturers besides long monsoon. season though the islands are isolated in nature, all out efforts were made to adhere to the time limits specified by the Government of India. As on date, against the revised list of total loss of 2103 boats, 1867 boats have been handed over to the beneficiaries. The replacement of all boats will be completed by September, 2007. Ministry of Home Affairs feels that the reasons furnished by the States/UT administrations may be accepted in view of the fact that the calamity was of unprecedented magnitude.”

#### **Puducherry**

137. Audit review has highlighted that a scheme for ‘Group accident insurance for active fishermen’ was being implemented under the centrally sponsored ‘National scheme of welfare of fishermen’. The entire premium was to be borne by the Ministry of Agriculture. Fisher folk aged between 18-60 years who were licensed, identified or registered with UT, were covered under this scheme. The insurance policy was renewed for the period from 10 December 2004 to 9 December 2005 for 24,500 fisher folk in the UT. According to the scheme, on death, the nominee of the deceased person was entitled to Rs. 50,000. 318 deaths had occurred in the Tsunami. As per the rules, the claim had to be preferred within nine months from the date of the event alongwith death certificate, first information report, post mortem report, chemical analysis report and other relevant documents. But no claim had been obtained as of March 2006 from the legal heirs of the deceased and processed for receiving the benefit of insurance. On this being pointed out in Audit, the Fisheries Department replied (March 2006) that the bodies of the dead were handed over to the relatives of the victims without conducting post-mortem and hence claim could not be made for want of supporting documents. The contention of the Department was not tenable as police formalities would have been completed in all death cases before handing over the dead bodies to the relatives.

138. In their response to the aforesaid Audit observation, the Ministry have stated that initially no claim was filed because the fishermen have to produce death certificate/ FIR post mortem report, etc. In the wake of the disaster and the fishing community being distressed and displaced, they were not able to produce the requisite documents. The Fisheries Department approached the National Fishermen Cooperative Federation (FISHCOFED), for preferring insurance claims without the above documents since the deaths were due to the Tsunami. The Fisheries Department has obtained claims forms from “FISHCOFED” for the settlement of insurance amount as it was done in neighbouring State of Tamil Nadu. The Fisheries Department approached the National Fishermen Cooperative Federation, with a request to allow insurance claims, without



insisting on the above documents. All eligible claims, duly certified by the Fisheries Department, have now been forwarded to the Federation, for release of Insurance amount at the rate of Rs.50,000/-. So far certified claims of 99 legal heirs have been forwarded to “FISHCOFED” for release of insurance amount @ Rs. 50,000/-. The matter is being followed up by the UT administration.

139. Audit scrutiny has further revealed that financial assistance was extended to the owners of mechanized (wooden/FRP) boats whose boats were fully/partially damaged, subject to the condition that repairs of the boat should be carried out or new asset (purchase of new boat) created within 45 days of the receipt of the assistance. Records maintained in the Fisheries Department showed that 67 wooden boats/56 FRP boats were assessed as fully damaged and were paid compensation accordingly. However, the beneficiaries repaired their boats instead of buying new ones. The compensation for partially damaged boat was lesser than for fully damaged boat. The excess compensation paid was Rs. 81 lakh (Rs. 67 lakh for wooden boats and Rs. 14 lakh for FRP boats).

140. In their reply to the aforesaid Audit observation, the Ministry have explained the reasons for not buying new boats as under:

“UT of Puducherry has stated that the unprecedented strike of Tsunami, caused severe damages to fishing crafts, fishing implements, household articles belonging to fishermen, besides loss of lives. Mechanized wooden boats and FRP boats were drowned upto 2 kms from its berthing place, collided and grounded in some other places. At the time of assessment, after considering the cost for retrieval and repairing of fishing crafts, the fishing craft, which attained 60% and above damages, were categorized under total loss category and below 60% damage was treated as partial. Accordingly, compensation was paid to the boat owners towards loss/damage to their fishing crafts at the following rates approved by the Government of Puducherry—

Category	Type of loss & relief amount (Rs. in lakh)	
	Total	Partial
Mechanized Wooden Boat	4.50	3.50
FRP Boat	2.00	1.75
FRP Catamaran	1.00	-
Wooden Catamaran with OBM	0.50	-
Wooden Catamaran without OBM	0.20	-

The fishermen who received compensation for total loss of mechanized boat, and FRP Boats, have carried out major repair works of their fishing crafts by utilizing the compensation extended by this Government without involving loan amount. Fishermen retrieved their boats and carried out major repair works and replacement of spares to make seaworthy, rather than replacing it as a whole, due to the fact that original cost of one wooden mechanized boat is Rs. 12.00 to Rs.16.00 lakh, and the cost of one FRP boat is Rs. 6.00 to 8.00 lakh. Therefore, the



fishermen who received relief under fully damaged category were able to undertake only the repair works.”

**(vii) Registration of Fishing Vessels**

141. According to Audit, the information submitted by the Ministry regarding total population of fishermen living in each of the five Tsunami affected States/ UTs and number of them either killed or rendered homeless in the disaster indicates that these details are not clearly available in the cases of Kerala, Tamil Nadu and Puducherry as is evident from the following table:

State/UT	Total population of fishermen in the State	Fishermen		Number of fishing boats/ catamarans lost	Remarks
		killed by Tsunami	rendered homeless		
Andhra Pradesh	509991	52	1557	2418	
Kerala	NA				Separate data on fishermen not available
Tamil Nadu	NA	NA	NA	42178	-do-
ANI	15320	69	749	2141	
Puducherry	NA	NA	NA	8005	Information regarding total fishermen families etc. separately not available

*NA - Not Available*

142. When asked as to what efforts have been made to ensure registration of all fishing vessels as required under the Marine Fishermen Regulation Act and the preparation of an accurate database relating to such vessels, the Ministry stated in a note that Tsunami affected States are taking action for the registration of fishing vessels. The State/UT-wise status was reported as under:

**“Andhra Pradesh**

Out of the total of 41039 marine Crafts, so far 25096 crafts were already registered. There are 26 authorized Officers for implementation of the Act and steps are being taken to expedite registration of all marine fishing crafts under Marine Fishermen Regulation Act and to maintain database. In this regard, special drives have been conducted to register the balance marine fishing crafts. The fishermen have been cautioned that the inventory of fishing crafts would only be considered

for extending financial help from the Government in case of any loss sustained in natural calamities. Village-wise database is being maintained.

**Kerala:**

Registration of fishing vessels has not been made mandatory in the State.

**Tamil Nadu:**

The Fisheries Department has registered all the boats after Tsunami and is creating a database of them. In each case of relief disbursement, photographs of the vessels have been taken and the Fisheries Department will have the details of each and every vessel available on the coast. Further, a seamless communication network is being planned with the assistance of World Bank under the Emergency Tsunami Reconstruction Project by which each fishing vessel will have an Identification No. and with the help of sensors and GPS equipment, the Department will have not only the details of vessels but also their locations at any point of time."

**(viii) Slow Progress in Reconstruction of Basic Infrastructures**

143. The Tsunami Long-term Reconstruction Programme (TRP) under which the reconstruction of basic infrastructures is taken up, is to be implemented for a four-year period from 2005-06 to 2008-09. The Empowered Group of Ministers (EGOM) on TRP has decided that to improve the monitoring the States/UTs will set quarterly physical and financial targets for completing the works of rehabilitation and reconstruction. The progress made as on 31st March 2007 in the major sectors under TRP is as under:

Sectors	Total damage	Work Done till March, 2007
<b>Fisheries &amp; Livelihood (number of boats repaired/ to be replaced)</b>		
Andaman & Nicobar Islands	2141	1958
Puducherry	7892	7892
Tamil Nadu	37728	37728
Andhra Pradesh	11394	10395
Kerala	1585	1585
<b>Agriculture &amp; Livelihood (extent of area in Ha. to be reclaimed)</b>		
Andaman & Nicobar Islands	8069	4087
Puducherry	1145	845.18
Tamil Nadu	8845.172	8845.172
Andhra Pradesh	Nil	N.A.
Kerala	2151	-
<b>Roads (in Kms.)</b>		
Andaman & Nicobar Islands	353	142
Puducherry	49.75	39.72
Tamil Nadu	757.40	378.70
Andhra Pradesh	210	210 (outside TRP)
Kerala	686	Minor repairs done

144. Explaining the reasons for taking more time in completion of the Project, the Secretary (Border Management), Ministry of Home Affairs during evidence deposed as under:

“As far as roads and other infrastructure is concerned, the infrastructure which is of immediate nature, which is necessary to reach the relief material to the affected population, is restored under the immediate restoration programme. The long-term restoration aims at bringing back the infrastructure to the original level or even to a better level. That is why it is taking some time. Land acquisition is required and complete construction activity including planning and designing, etc., are required.”

145. The Committee enquired about the measures taken by the Ministry/States for early completion of repairs/reconstruction of the basic infrastructure. In response, the Ministry in a note stated as under:

“Immediately after the Tsunami disaster the Ministry of Home Affairs put coordinated efforts to oversee the implementation of relief measures and provisions of basic infrastructure to the affected families. To ensure this, monitoring on daily, weekly and monthly basis was done especially in respect of A&NI till the construction of intermediate shelters was completed in May 2005. On their part the State/UT Government took concerted efforts to repair the basic infrastructure. In case of Tamil Nadu, the completion of repair to basic infrastructure *viz.* toilets, schools, hospitals, community centres, parks, roads, water supply and electricity connections and lights was achieved within 3 months of the disaster. Till date, Puducherry has utilized Rs. 270 crore sanctioned under TRP for repair and restoration of the basic infrastructure. The State of Andhra Pradesh has introduced monthly monitoring system of progress of Tsunami works and all the works sanctioned under Tsunami have been fully completed. In case of A&NI, almost all the damaged infrastructure were repaired /made operational till date.”

#### **(ix) Monitoring of Relief and Rehabilitation Activities**

146. According to Audit, at the State level, the sanction of funds and the expenditure incurred were watched by the Secretaries/Commissioners Disaster Management under the Revenue Department, and procurement, supply/distribution of boats and nets were monitored by the Secretaries/Commissioners of Fisheries. Similarly, the activities relating to housing, roads and agriculture were monitored by the respective heads of the Department. However, Audit scrutiny has revealed that the actual relief measures carried out at the district level were not being monitored either through periodical progress reports from the District Authority or by conducting coordination meetings at the State/UT level, which prevented correct assessment of damages and led to irregular/excess utilisation of funds, non-remittance of unutilised balances, disbursement of relief to ineligible person/institutions and so on, as described subsequently in this report.

147. In their response to the aforesaid Audit observation, the Ministry furnished the State/UT-wise position of the monitoring mechanism as under:

**“Andhra Pradesh:**....at the State level the expenditure particulars are being obtained by the Department of Disaster Management and monthly, half yearly and annual expenditure statements (prescribed by Ministry of Home Affairs) are furnished to the Government of India.

**Kerala:**.....as regards the monitoring of expenditure, care has been taken on the expenditure through periodical reports and also co-ordination meetings. Utilisation Certificates have been submitted as on every 31st March and 30th September, to the Ministry of Home Affairs on the utilisation of funds received from Calamity Relief Fund/ National Calamity Contingency Fund. Utilisation Certificates up to 30th September, 2006 has been submitted from the State. Funds utilised for Tsunami Relief & Rehabilitation are also included in the Utilisation Certificates. Moreover monthly expenditure statements showing the sector-wise details of expenditure have also been furnished to the Ministry of Home Affairs for the period up to 10/2006. Apart from this, review meetings are also being held periodically by the Ministry of Home Affairs with the Relief Commissioners to review and to monitor the utilisation of Funds under Calamity Relief Fund and for Tsunami Relief Operations.

**Tamil Nadu:** ....it deputed senior officers to the various affected districts and in the initial hours, it was not clear as to which of the Districts and areas were inundated. ...Each case of relief was vetted by a joint team of officials from various Departments like Revenue, Local Administration, the informal panchayats of fishermen, the Non- Governmental Organizations, the Panchayat Raj functionaries and local groups of women. Village level monitoring committees and district level monitoring committees were constituted at district and Panchayat/Ward level involving Government officials, public representatives, NGOs and beneficiaries. The list of beneficiaries was published in the local offices and also put on the websites of the District Collectors. An elaborate grievance redressal mechanism was put in place for receipt of petitions and for redressal of grievances. More than 1.75 lakh petitions were considered for provision of relief in Tamil Nadu. Photographs of the damages as well as the beneficiaries were taken in the case of damages to fishing boats and fishing gear. Co-ordination centres were formed in each District with the NGOs to facilitate despatch of relief materials to the needed villages. The relief materials were distributed in the presence of local Panchayat Raj and political functionaries. In the case of sustenance packages, even the cash relief was given in the hands of the women of the households to ensure that the benefits reached the families fully. Detailed survey of house damages were conducted with all the available Departmental personnel and these were also published in the villages. Even after two years, the detailed lists of beneficiaries for housing available with the Collectors have stood the test of time and have proved useful in the identification of the actual beneficiaries.”

148. As regards monitoring mechanism being followed by the Andaman & Nicobar Islands Administration for different rehabilitation projects, the Ministry stated in a note as under:

“....Monitoring Committees at Island, District and State level has been set up to monitor construction of permanent houses. These committees monitor the progress and give direction. Other projects are being monitored by the Relief Commissioner and Chief Secretary regularly at the UT level, besides monitoring by the Departmental Heads.”

149. When asked as to how the Ministry of Home Affairs monitor Tsunami relief and rehabilitation activities in the respective States and UTs with a view to ensuring timely delivery of rehabilitation packages to the victims, the Ministry stated in a note that they have been obtaining periodic reports regarding the sector-wise expenditure incurred and physical achievements made under the Rajiv Gandhi Rehabilitation Package from Tsunami affected States/UTs. The Ministry of Home Affairs and Planning Commission have also held meetings of the Relief Commissioners in relation to RGRP and TRP respectively.

150. Enquired about the action taken by the Ministry for coordinating the relief and rehabilitation operations with the respective Tsunami affected States/ UTs at the highest level, the Ministry in a note submitted as under:

“Immediately after the Tsunami, disaster struck the coastal States and UTs, Ministry of Home Affairs deployed officers at the level of Joint Secretary to coordinate rescue and relief measures. On the mainland, the team was led by Secretary (Border Management), Joint Secretary level officers were deployed in the case of Andaman & Nicobar for long periods. From January 2005, an exclusive Officer on Special Duty (Joint Secretary) over-saw the implementation of relief measures and particularly the construction of intermediate shelters in Andaman & Nicobar Islands. The Home Secretary held review meetings regularly to take stock of the relief activities. Ministry of Home Affairs had also coordinated the deployment of logistic support from the Air Force, Navy, Coast Guards and Paramilitary Forces. Daily, weekly and monthly monitoring was done in respect of ANI till the construction of intermediate shelters was completed in May 2005. Meetings with Relief Commissioners were also held regularly at various levels. Secretary (BM) had reviewed the relief and rehabilitation activities in Puducherry during January 2006. The National Disaster Management Authority of the Ministry of Home Affairs has undertaken 3 visits (during January and April 2006 and January 2007) to Andaman & Nicobar Islands to assess the progress of the reconstruction activities there. They have also monitored the Tsunami reconstruction activities in the State of Tamil Nadu.”

## **V. ADEQUACY AND EFFECTIVENESS OF INSTITUTIONAL MECHANISM FOR DISASTER MANAGEMENT AND MONITORING OF IMPLEMENTATION OF ORDERS AND INSTRUCTIONS**

### **(i) Enforcement of CRZ Notification, 1991**

151. The Union and State Governments have been grappling with national disasters such as floods, cyclones, earthquakes and drought fairly regularly. In addition

to the dedicated mechanism to manage disasters at various levels, a Notification was issued (1991) by the Ministry of Environment & Forests (MoEF) (1991) for the purpose of protecting and conserving the coastal environment, which *inter-alia* sought to impose restrictions on the setting up and expansion of industries or related operations in the Coastal Regulation Zone (CRZ). As per this Notification all activities within the Coastal Regulation Zone area *i.e.*, the area between low tide line to high tide line and 500 metres from the high tide line on the landward side of the sea is regulated. In case of tidal influenced water bodies 100 metres from the high tide line or width of the creek or the water body whichever is less, is a CRZ area. The CRZ Notification classifies the CRZ area into four categories namely, CRZ-I – ecological sensitive areas, CRZ-II – built-up areas, CRZ-III— rural areas, and CRZ-IV – Islands of Andaman and Nicobar and Lakshadweep.

152. In July 2004, the Ministry of Environment & Forests constituted an Expert Committee to carry out a quick and comprehensive review of the CRZ Notification of 1991 in the light of the findings and recommendations of the previous committees, judicial pronouncements, representations of various stakeholders and to suggest suitable amendments if necessary to make the regulatory framework consistent with well established scientific principles of Coastal Zone Management. The Committee submitted its report in February 2005, after the Tsunami disaster. The report stated that the recommendations of the earlier committees were quite comprehensive and addressed specific issues. However, the Ministry of Environment & Forests had amended the CRZ Notification and the range of amendments presented a trend that had allowed commercial and industrial expansion in coastal areas. Audit pointed out that the studies on post Tsunami Impact Assessment on wildlife and their habitat in India carried out by the Wildlife Trust of India and the International fund for Animal Welfare, USA also found that violation of the CRZ norms leading to overcrowding along coastal areas played a major role in loss of human lives and property during Tsunami.

153. In a note furnished to the Committee, the Ministry of Environment & Forests have explained that overcrowding along the coastal areas is not due to failure in the enforcement of the Coastal Regulation Zone (CRZ) Notification, 1991. The CRZ Notification,[para 6(2) titled CRZ-III(i)]provides for repairs of existing dwelling units. As per this provision, the fishermen and local communities who live primarily in coastal rural areas that are classified as CRZ-III and have constructed their houses prior to 19.2.1991 in the No Development Zone (NDZ) which is 200 metres from the High Tide Line on the landward side, can continue staying in these areas and also undertake repairs of such dwelling units. Further, the land area between 200 – 500 metres[para 6(2) CRZ-III (iii)] also provides for constructions/reconstructions of dwelling units so long as it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans. Hence, from the above provisions it is evident, the Coastal Regulation Zone Notification does not prohibit dwelling units of local communities in the Coastal Regulation Zone area which is classified as Coastal Regulation Zone-III *i.e.*, rural areas.

154. The Committee sought to know as to how the Ministry of Environment & Forests ensure the protection of the Coastal Regulation Zone in future by allowing

dwelling units of local communities. In response, the Ministry stated in a note as under:

“Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors ground floor plus one floor. Construction is allowed for permissible activities under the notification including facilities essential for such activities. An Authority designated by State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges. The said Authority may also permit construction of schools and dispensaries, for local inhabitants of the area, for this panchayats the major part of which falls within Coastal Regulation Zone if no other area is available for construction of such facilities. All concurrences with regard to the constructions of dwelling units in the Coastal Regulation Zone-III areas are accorded by the local panchayat/State Coastal Zone Management Authorities. The above provisions prevent densification of the Coastal Regulation Zone-III areas.”

155. However to a related query, the Secretary, Ministry of Environment & Forests, during evidence, admitted the inadequacies of the CRZ Notification, 1991. The witness deposed as under:

“With respect to all these areas the CRZ notification puts an absolute restriction that 500 metres on the land, from the high tide line, no development activity can take place with two exceptions. One is the fishermen’s homes that the fishermen can reconstruct and build their homes. Second is that certain specific activities, which necessarily require ports, etc. Any other activity in this area is regulated by the CRZ notification and for this regulation we have notified State Coastal Zones Management Authorities who examine these proposals and then make the recommendations to the Ministry and the Ministry exercise the final judgement on this. Now, there are several things that we need to keep in mind that these 500 metres. This was decided sometime in 80s and at that time because the science of assessment of coastal line was not as developed as of now this was felt to be an appropriate definition of the CRZ. If this set back is kept then most of the coastal assets would be protected from the extreme events such as cyclones and other events like tsunami, which might be coming into the land. The tsunami of 26th December, 2005 was an event, which was unprecedented and possibly the probability of such an event is lower than one in thousand years. The 500 metres restriction was kept in mind on some intuitive basis that it may protect the CRZ. What happened in tsunami is that in many areas the ingress of the sea was far in excess of 500 metres and in many places it went to more than 2 kms.”

156. As regards enforcement of the Notification, he stated:

“The responsibilities for regulation of activities which require to be regulated under the CRZ notification are with the Ministry of Environment and Forests.



The enforcement with respect to violations of the CRZ notification is with agencies of the State Government, which are constituted into State-level Coastal Zone Management Committees. Of course, there is a Central Committee to which they send periodic reports and which monitors the work of these committees. So, there is a clear distinction of responsibilities between regulation which is at the Central level and enforcement of violations which is essentially at the State level.”

157. The Ministry of Environment and Forests in a note elaborated that for the purpose of enforcement and monitoring the provisions of the Coastal Regulation Zone Notification, 1991 and the approved Coastal Zone Management Plan of the respective States, the Ministry has constituted 13 State/UT Coastal Zone Management Authorities under the provisions of Environment (Protection) Act, 1986 and a National level Coastal Zone Management Authority at the Central level. These Authorities have been delegated necessary powers under Section 5, Section 19 and Section 10 of the Environment (Protection) Act, 1986, for taking punitive action against violations of the said Notification. The State level and the UT level Authorities report to the National Coastal Zone Management Authority. The Ministry of Environment and Forests review the activities of the Authorities and take decisions on the recommendations of the Authorities made with regard to the Coastal Regulation Zone Notification, 1991 and the Coastal Zone Management Plans. Further, the State Government and the State Coastal Zone Management Authorities have been vested with powers for permitting certain activities below Rs.5 crore. A copy each of the Notifications of the National Coastal Zone Management Authority and a State Level Authority are given at *Appendix IV and V*.

158. As regards monitoring mechanism under CRZ, the Secretary, Environment & Forests during evidence deposed as under:

“...the monitoring mechanism that is in place and State-level coastal management authorities comprising of different agencies of the State Government have constituted both for monitoring and for coordinating enforcement action at the State level. There is also a Central body to which these State-level bodies send periodical reports for the purposes of monitoring.”

159. In their vetted comments, Audit however, contested the Ministry’s reply as under:

“The fact relating to the implementation of environmental laws was reported in the performance Audit report on the basis of the Report of the Expert Committee constituted by the Ministry under the Chairmanship of Prof. M.S. Swaminathan to review the existing Coastal Regulation Zone (CRZ) notification. The Expert Committee had observed that the Ministry had amended the CRZ notification 1991 by selectively choosing specific recommendations of earlier Committees that were appointed by the Ministry to examine the issues relating to CRZ notification. As per the report, the NGOs and conservationists had described such selective approach as dilution of the notification. The range of amendments presented a trend that had allowed commercial and industrial expansion in coastal



areas. The Committee has further observed that the severe loss of life and livelihoods as well as properties teaches us that short-term commercial interests should not be allowed to undermine the ecological security of our coastal areas. The Expert Committee Report has also highlighted the weak enforcement of CRZ Notification, 1991 by Coastal Zone Management Authorities.”

160. The Wildlife Trust of India in their report had pointed out that despite the ban imposed on large-scale coastal aquaculture, shrimp farms and hatcheries, the same under various guises continue to violate CRZ restrictions throughout the east coast. Loss of life and property was reported in the first 100m from the shore where small settlements were washed away. This points to the fact that CRZ regulations had been grossly ignored. Similarly, it has been further stated that the first and foremost reason for the immense loss of human lives and property in this segment of the east coast of India is ‘overcrowding’ (high local densities augmented by tourism) and a total lack of ‘preparedness’. Throughout the coastal length that was studied, humans had locally violated the CRZ norms. The report has also categorically reflected in its executive summary that violations of CRZ norms played a major role in the loss of human life and property.

161. In view of occupational hazards posed by tsunami and cyclone to the fishermen, the Committee liked to know whether any specific rehabilitation programme has been launched by Government so that overcrowding of fishermen and congestion of unauthorized structures at the coastal areas is avoided. In response, the Ministry of Home Affairs in their note stated as under:

“The State Governments and UT administration have taken a number of measures for welfare of the fishermen and to reduce overcrowding. These are *inter-alia*, construction of additional fish landing centers to improve the fish landing and storage facilities for nets and other fishing equipment, construction of shore based facilities to provide shelter to the coastal fishermen, construction of fish drying platforms to improve the quality of the fish processing thereby increasing the economic benefit to fishermen. The State of Tamil Nadu is insisting on registration and the informal control which the fisher panchayats have in every actual fishing activity will help in maintaining the fish catch and prevent over exploitation. Strict enforcement of CRZ will prevent unauthorized structures coming up in coastal areas. Awareness workshops have been organized relating to CRZ and the work of NGOs has also improved local awareness.”

## **(ii) Commercial and Industrial Expansion in Coastal Regulation Zone Areas**

162. Audit examination revealed that commercial and industrial expansion was allowed in Coastal Regulation Zone by relaxing the provisions of the Coastal Regulation Zone Notification of 1991 by subsequent amendments. On being asked about the reasons for these amendments, the Ministry stated in a note that the Coastal Regulation Zone Notification prohibits setting up of new commercial and industrial activities in the said zone other than those specified in the notification. No relaxation has been made in the Coastal Regulation Zone Notification for permitting any other kind of industrial activity. Only those industrial activities, which existed prior to the Notification,

continue in CRZ areas however their expansion and modernization are regulated as per the provisions of the CRZ Notification, 1991. Regarding the amendments effected to the CRZ Notification, 1991, the Ministry submitted that these have been carried out mainly to meet the strategic requirements and larger public interest. There is no proliferation of new industries in the coastal area and none of the industrial units in the coast were impacted due to the Tsunami.

163. The Committee desired to know the total number of permitted and non-permitted industrial/commercial units operating in the Coastal Regulation Zone areas and in what way the Ministry propose to permit their regulated expansion and modernization. In response, the Ministry have furnished a table indicating the list of permissible and non-permissible activities in various categories of the Coastal Regulation Zone area, which is given at *Appendix-VI*. The Ministry have also stated as under:

“It may be observed that the setting up of industrial units and expansion of industrial units is a prohibited activities in all the categories of Coastal Regulation Zone....the permissible activities can be undertaken as per the approved Coastal Zone Management Plans. These permissible activities are regulated by the respective State Coastal Zone Management Authorities which have been constituted under the Environment (Protection) Act, 1986 and the Ministry of Environment and Forests in accordance with the Coastal Regulation Zone Notification, 1991.”

164. However, Audit in their vetted comments stuck to their position as under:

“... As pointed out in the Expert Committee report. The range of amendments to CRZ notification presented a trend that had allowed commercial and industrial expansion in coastal areas.”

165. Asked about the measures Government have taken post Tsunami to review the CRZ Notification so as to make it consistent with the scientific principle of Coastal Zone Management and to make the regulatory framework more stricter so as to avoid overcrowding along coastal areas, the Ministry of Environment and Forests stated in a note as under:

“For the purpose of revisiting and reviewing Coastal Regulation Zone Notification, 1991, the Ministry constituted an Expert Committee under the Chairmanship of Prof. M. S. Swaminathan. The Ministry has initiated action on the recommendations made by Prof. M. S. Swaminathan Committee report. One of the actions taken include demarcation of the vulnerability line/coastal hazard line along the identified coastal areas on pilot scale, based on extent of flooding due to sea level rise, tidal and wave action and shoreline changes. This work has been assigned to 4 national scientific institutions namely, Centre for Earth Science Studies, Trivandrum, Space Application Centre, Ahmedabad, Survey of India, Dehradun and Department of Ocean Development. As emphasized by Swaminathan Committee, demarcation of the vulnerability line along the coast would facilitate improved Coastal Zone Management practices, which would also take into account the vulnerability due to natural hazards like Tsunami. The Ministry is also in the process of drafting a new legislation on Coastal Zone

Management based on the recommendations on the Prof. M. S. Swaminathan Committee Report. The draft legislation would be placed in public domain for seeking their comments before issuance of final notification.”

**(iii) Non-preparation of Coastal Zone Management Plans**

166. In compliance with the Supreme Court’s orders of 1993, the Ministry of Environment & Forests constituted the National Coastal Zone Management Authority at the Central level and the Coastal Zone Management Authorities in 13 States/UTs under the Environment (Protection) Act, 1986. The State/UT authorities were to prepare integrated Coastal Zone Management Plans (CZMP) by identifying and classifying the CRZ areas and obtain the approval of the Ministry of Environment & Forests thereto. It was, however, noticed by Audit that none of the authorities had prepared the CZMP for the entire State. When asked about the factors responsible for this failure, the Ministry in their note stated as under:

“All the coastal States and UTs have prepared the Coastal Zone Management Plans in accordance with the directions of the Supreme Court dated 18th April, 1996 in the matter relating to Writ Petition No.664 of 1993. These maps were approved by the Ministry on 27.9.1996 with conditions and modifications. The concerned States/UTs were to prepare revised Coastal Zone Management Plans taking into account the conditions and modifications suggested. However, this has not happened. The delay in preparation of the revised CZMPs has been due to lack of fund and manpower availability. However, before granting clearance to the permissible activities, the proponent has to prepare the CRZ map of the coastal stretch proposed for development by the nodal agency and duly vetted and forwarded by the State Authority. The foreshore requiring projects/projects including dwelling units of local communities etc., are accorded clearance by Ministry of Environment and Forests only based on the revised CZMPs prepared for the particular stretch.”

167. Audit, however, in their vetted comments contested the Ministry’s reply as under:

“Ministry’s reply is not tenable in view of the findings of Prof. M.S. Swaminathan Committee (submitted in February 2005), constituted by the Ministry of Environment & Forests, which observed that none of the Coastal Zone Management Authorities have prepared the CZMPs for the entire State. Ministry has also accepted this status of preparation of CZMPs... Thus, the institutional arrangement, though put in place by the Ministry, was not working effectively.”

168. In a subsequent note, the Ministry have stated that a draft notification based on the recommendations of the Prof. M. S. Swaminathan Committee is under finalization for publication under Environment (Protection) Act, 1986 inviting public suggestions and objections including consultations with stakeholders. Thereafter the notification will be issued under the Environment (Protection) Act, 1986. Under this proposed notification the Central Government will assist the State Governments and the UT Administration to prepare Integrated Coastal Zone Management Plans based on the guidelines suggested in the Prof. M. S. Swaminathan Committee Report. Assistance for preparing the Integrated Coastal Zone Management Plan is being tied up with the project under World Bank assisted Coastal Zone Management.

169. Enquired about the present status of preparation of the Integrated Coastal Zone Management Plan by the States/UTs and its approval by the Ministry of Environment and Forests, the Ministry stated in a note as under:

“The studies relating to Integrated Coastal Zone Management of Andaman & Nicobar Islands and Lakshadweep has been received and the comments of the respective Administration on the reports are awaited. Based on the comments the Integrated Coastal Zone Management Plans will be approved. Integrated Coastal Zone Management Plan for other 3 stretches are in progress.”

**(iv) Impact of Global Warming on Coastal Areas**

170. Green House Effect coupled with Global Warming and corresponding sea level rise is considered as the most serious climatological problem today concerning the planet Earth especially the maritime nations. The Committee desired to know whether the Ministry have prepared any contingency plan for meeting the challenges of the impending disaster in coordination with other concerned organizations/agencies. In their reply, the Ministry stated in a note as under:

“Ministry has coordinated and prepared a Report entitled “India’s Initial National Communication to the United Nations Framework Convention on Climate Change” in 2004, by involving a large number of experts, scientists and non-Government organizations country wide. This report also studied the impact of climate change on the coastal zones and marine ecosystems as well as sea level rise. In model simulation studies have, *inter-alia*, projected that the oceanic region adjoining the India subcontinent is likely to warm at its surface by 1.5 – 2.0°C by the middle of this century and by about 2.5 -3.5°C by the end of the century. The corresponding sea level rise is expected to be between 15 cm and 38 cm by the middle of this century and between 46 cm and 59 cm by the end of the century. The Prof. M. S. Swaminathan Committee Report has also taken into account the above phenomena while drafting its recommendations.”

171. To a specific query whether any mechanism/arrangement is being evolved by the Ministry of Environment and Forests to deal with disasters associated with sea level rise in future, the Ministry stated in a note as under:

“The new Coastal Zone Management regulation that is being prepared based on the recommendations of the Prof. M. S. Swaminathan Committee Report that would regulate activities in coastal areas, taking into account the natural disasters including predicted sea level rise.....The above report has identified key weak areas in the implementation of the Coastal Regulation Zone Notification, 1991 which includes lack of capacity building, institutional development, awareness programmes, mapping and demarcation of critical coastal areas, vulnerability mapping etc. For the above activities the Ministry has already prepared a detailed proposal for seeking assistance from multi lateral agencies. Necessary approval from Planning Commission and DEA have already been obtained. ADB and World Bank have expressed their interest in assisting the Ministry in implementing the recommendations of the Prof. M. S. Swaminathan Committee Report. The Ministry had obtained UNDP assistance for bringing in internationally reputed

expert from the United Kingdom to assist the Ministry in finalizing the methodology for demarcating the vulnerability line.”

**(v) Integrated Afforestation and Eco-development Project Scheme**

172. Audit has pointed out that in Puducherry a Centrally Sponsored Scheme (CSS), namely “Integrated Afforestation and Eco-development Project Scheme” (IAEPS), for coastal shelter belt plantation was approved by the Ministry of Environment & Forests in July 2000 at a total cost of Rs. 90.32 lakh. One of the main objectives of the scheme was to create a belt of trees in the coastline, which would act as a first line defence against the effect of cyclone, storms and heavy winds. An amount of Rs. 20.12 lakh was released as the first instalment by the Ministry of Home Affairs in 2000-01 out of which only Rs. 3.40 lakh was spent. The unspent amount of Rs. 16.72 lakh had been carried over each year since 2000-01. Consequently, further instalments could not be obtained from the Ministry of Home Affairs. The Union Territory Government stated that the work could not be undertaken due to resistance by the fishermen in the coastal villages. However, after the Tsunami the importance of the coastal shelter-belt (Bio-wall) was understood by the coastal villages and the unutilized balance of Rs. 11.24 lakh was carried forward for the current financial year 2006-07.

173. Enquired about the current status of implementation of the aforesaid scheme in Puducherry and other Tsunami affected States/UTs and also the status of release and utilisation of funds under the scheme during the last five years, the Ministry of Home Affairs stated in a note as under:

“A project for raising coastal shelterbelt plantations under the IAEPS was approved by the Ministry of Environment and Forests (MoEF) for the Union Territory of Puducherry in July 2000 at an estimated total cost of Rs. 90.32 lakh. An amount of Rs. 20.12 lakh was released under IAEPS during 2000-01. Out of this, Rs. 3.40 lakh and Rs. 5.48 lakh were spent during the year 2000-01 and 2004-05 respectively. The remaining 11.24 lakh have been utilized during the current year 2006-07 as per the details given below:

Year	Achievement	
	Physical ( <i>No. of saplings planted</i> )	Financial ( <i>Rs. in lakh</i> )
2000-01	20,000	3.4
2004-06	3,15,000	5.48
2006-07	1,57,400	11.24
Total	2,08,900	20.12

The scheme could not be successfully implemented due to the resistance from the fishermen, against the implementation of afforestation in the coastal area, on the ground, that they would lose out open space, meant for drying fishnet and gears. Fishermen also apprehended that planting vegetation along the coastal line would obstruct the sea view, thus hindering safety in case of any emergency. However, post Tsunami, the Department of Forest was able to persuade the

fishermen and the scheme has taken off. In addition, under the State Scheme, an amount of Rs. 201 lakh was spent, to provide shelter belts in the Tsunami affected villages covering a length of 22 Kms. (111.81 Ha) involving self-help groups. The IAEPS scheme was implemented in the Tsunami States/ UTs of Andhra Pradesh, Kerala, Tamil Nadu and Puducherry. In the tenth plan the scheme was merged of IAEPS with two other ongoing afforestation schemes, hence no funds were released in the last five years.”

174. In the 10th Five Year Plan, the Integrated Afforestation and Eco-development Project Scheme was merged with the National Afforestation Programme (NAP), which is to be implemented by the 2-tier set up of Forest Development Authorities (FDAs) and Joint Forest Management Committees (JFMCs). No FDA project proposal was received from the Union Territory Administration of Puducherry during the 10th Plan. However, with the above funds made available by the Ministry during the 9th Plan (Rs. 20.12 lakh), the Union Territory Administration undertook plantation in the 10th Plan. As per report received from the Union Territory of Puducherry 55 ha. area has been planted upto 2006-07 with 1,06,100 seedlings.

175. Asked about the total amount of funds sanctioned and released to each of the coastal States/UTs under IAEPS and the no. of tree saplings planted under the scheme in each of these States/UTs as on 31.12.2006, the Ministry stated in a note as under:

“As informed by the Ministry of Environment and Forests, the IAEPS was launched during 1989-90 *i.e* the last year of the 7th Plan. The scheme continued in 8th and 9th Plan. During the 10th Plan, a new umbrella scheme titled ‘National Afforestation Programme’ was formulated by the merger of IAEPS with 3 other Centrally Sponsored Schemes *viz.*, Area Oriented Fuelwood and Fodder Project Scheme, Conservation and Development of Non-Timber Forest Produce including Medicinal Plants Scheme and Association of Scheduled Tribes and Rural Poor in regeneration of Degraded Forests. Pursuant to this merger an amount of Rs. 1685.00 lakh has been released to the coastal states and the UT of Puducherry during the 10th Plan towards maintenance of plantations raised under IAEPS during the 9th Plan. The details are as under:

Sl.	State/ UT	Release (Rs. in lakh)
1.	Andhra Pradesh	96.81
2.	Goa	0.00
3.	Gujarat	203.93
4.	Karnataka	129.80
5.	Kerala	121.37
6.	Orissa	989.51
7.	Maharashtra	29.57
8.	Tamil Nadu	103.62
9.	West Bengal	10.39
10.	Puducherry	0.00
Total		1685.00

176. In this context, the Committee sought to know the measures taken by the Ministry of Environment and Forests to tackle the problem of soil erosion in coastal areas and whether a centralized body or mechanism exist at the Ministry level to monitor such soil erosion. In their response, the Ministry stated in a note that the shoreline changes, which include accretion and erosion, are dealt by the Coastal Erosion Directorate, Ministry of Water Resources. However, the shoreline changes are one of the seven parameters that have been taken into consideration for demarcating the vulnerability Line as suggested in the Prof. M. S. Swaminathan Committee Report.

**(vi) Disaster Management Plan**

177. Audit has pointed out that a Disaster Management Authority was constituted in Kerala (August 2003), Tamil Nadu (July 2003) and the Union Territory of Puducherry (September 2003) and a Commissionerate of Disaster Management was functioning in Andhra Pradesh. Disaster Management Regulation and a Disaster Management Plan were formulated in 2003 in Andaman & Nicobar Islands. Audit however, noticed that Kerala and Puducherry did not have a declared disaster management policy. According to Audit, the presence of a policy would have expedited immediate commencement of rehabilitation activities and avoided *ad hoc* decisions.

178. In their reply the Ministry of Home Affairs (July 2007) stated that prior to the Tsunami, the Ministry was urging the State Governments to enact their own disaster management laws and some States like Bihar, Uttaranchal, Gujarat and Orissa had already enacted their Disaster Management Acts. A number of initiatives were undertaken towards a holistic approach to disaster management with a paradigm shift from the relief and response centric mode. Post Tsunami the need for a comprehensive approach to disaster management was felt even more and therefore the Disaster Management Act, 2005 also provided for institutional mechanism right from the Centre, the State, and the District to the level of the local authority. The State Governments have been requested to frame rules for implementation of the Disaster Management Act, 2005 in its application to the States. The Ministry has been assisting the States/UTs for making improvements in the techno-legal regime with particular reference to zoning regulations so that seismicity of the area is taken into consideration during the construction of buildings.

179. In a subsequent note, the Ministry furnished the status of the enactment of the Disaster Management Act, 2005 as under:

“... So far, the States of Bihar, Chhattisgarh, Goa, Himachal Pradesh, Karnataka, Punjab, Rajasthan and UT of Chandigarh have indicated their preparedness to implement certain provisions of the Act. While the States of Goa, Himachal Pradesh, Punjab, Uttarakhand and UT of Chandigarh have informed that all sections of the DM Act may be brought into force, other States have sought exclusion of certain sections, which are mainly relating to establishment of Response and Mitigation Funds (section 48) and Offences & Penalties (sections 51 to 60). As regards framing of corresponding Rules, so far only Bihar and Chhattisgarh have informed that the Rules are ready for notification. It has been decided to give effect to all sections of the DM Act, 2005 in relation to States/



UTs with effect from 1.8.2007. Necessary notification is being issued in consultation with Ministry of Law. Ministry of Home Affairs has written to the Chief Secretaries of all the States/UTs and proposes to give effect to all the relevant provisions of the Act, in the States/UTs with effect from 1st August, 2007 and that the States may frame relevant Rules accordingly....”.

180. When asked whether the Ministry have prepared guidelines for undertaking short and long term measures to mitigate natural disasters *viz.* cyclones, earthquakes etc. within a time bound period, the Ministry in their reply stated as under:

“As per the provisions of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA) has been mandated to lay down guidelines for ensuring timely and effective response to disaster. The NDMA is also mandated to lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects. So far NDMA has laid down guidelines on “Management of Earthquakes” and “Management of Chemical and Industrial disasters”, and guidelines for other natural disasters are in the process of being developed.

181. The Ministry further stated that a national Cyclone Risk Mitigation Project had been drawn up with the assistance of the World Bank to reduce the vulnerability of communities living in coastal areas and an earthquake risk mitigation project was conceptualized.

**(vii) Amendments in the Town and Country Planning Acts, Building Laws and Zoning/Regulations**

182. The Ministry of Home Affairs in 2003 prepared a road map for efficient disaster management in the country which emphasized the need for a change from a relief-centric approach to a holistic all encompassing approach hinging on prevention, preparedness and mitigation. The road map was shared with the State Governments. Amongst the various initiatives taken up in pursuance of the fulfillment of the objectives enshrined in the road map, the Ministry of Home Affairs had set up a Committee of Experts in the realm of Building Bye Laws, Town and Country Planning Act and Development Control Regulations. The Committee had *inter-alia* recommended several measures including amendments in the town and country planning Acts, building laws and zoning regulations that was shared with the States. The report of the Expert Committee suggesting model byelaws, improved Development Control Regulations and requisite amendments to the Town and Country Planning Act was sent to all the State Governments and the UTs for adoption as per their circumstances. Since this is a State subject, the Ministry of Home Affairs had suggested that a committee be set up under the Chief Secretary/ Addl. Chief Secretary to review the existing building byelaws and adopt building byelaws with suitable State specific modifications to meet the requirements of the States/ UTs.

183. Audit scrutiny revealed that in Kerala, the Town and Country Planning Act was neither reviewed nor were the land use and zoning regulations and building



byelaws amended after the Tsunami. Since the ownership of the original land belonging to families living close to the sea in the coastal regions of Kollam, Alappuzha and Ernakulam Districts in Kerala and relocated elsewhere by the State Government, still vested in these families, the possibility of construction of houses, again in these lands could not be ruled out. It was, therefore, imperative to impose restrictions on building houses close to the seacoast.

184. In their response to the above Audit observation, the Ministry stated that with regard to the coastal protection, measures have been initiated to conduct a comprehensive study on the entire coast of Kerala by the Indian Institute of Technology, Chennai. The Tsunami victims having their land near to the sea, who were relocated in safer places, are not being permitted to construct houses in their land near to the sea.

185. According to Audit, in Andhra Pradesh, the Director, Town and Country Planning submitted (December 2004) proposals to the Government for amending the Andhra Pradesh Town Planning Act, 1920 and the Andhra Pradesh Municipalities Act, 1965 by suggesting model amendments to Town and Country Planning, Land Use Zone regulations and Building Regulations for National Hazard Zone. The proposals were pending with the Government. In Tamil Nadu, necessary amendments to Town and Country Planning Act, Building byelaws etc. were yet to be proposed to the Government by the Revenue Administration, Disaster Management and Mitigation Department. In Puducherry, no amendments to Building byelaws and Zoning Regulations were issued and a comprehensive review of the Building byelaws and Zoning Regulation, 1972 was being finalised.

186. The Committee noted that in December 2002, the Home Secretary directed that the focus of disaster management in Andaman & Nicobar Islands should shift from post disaster response to prevention, mitigation and preparedness. A set of recommendations was issued which, *inter-alia*, included adoption and rigorous enforcement of the Bureau of Indian Standards' building codes. In October 2003, the Ministry of Home Affairs also instructed that the life of the buildings should be evaluated to analyse their capability to withstand natural hazards. However, Audit noticed that the work of identification of vulnerable structures was yet to be completed. Further, the building byelaws had not been reviewed after the Tsunami. Land Use and Zoning Regulations were yet to be formulated.

187. Asked whether the Ministry of Home Affairs have ascertained the reasons for failure of the States/UTs of Kerala, Andhra Pradesh, Tamil Nadu, Andaman & Nicobar Islands and Puducherry to review/amend zoning regulations and building byelaws, the Ministry furnished the State/UT- wise position in this regard as under:

**“(a) Puducherry**

Based on the recommendations made by the Expert Committee set up by the Ministry of Home Affairs, the Town and Country Planning Department of Puducherry has proposed to amend the local Town and Country Planning Act, Land use Zoning Regulations and Building Bye-laws. The Department constituted a panel to examine and recommend suitable amendments to the existing building

byelaws. On receipt of the report, the Chief Town Planner had submitted a set of draft amendment of byelaws to the Law Department for vetting. The same is pending for Government approval. As a matter of abundant precaution, taking into consideration time consuming process, in carrying out amendment to the Act, the Department issued separate instructions to the Registered Engineers / Planning Authorities, to design buildings adopting seismic safe features.

**(b) Andhra Pradesh**

The proposal to amend the A.P. Town Planning Act, 1920 and AP Municipalities Act, 1965 for making provisions in the said Acts for preparation of Town Planning Schemes for Disaster Prone Areas is under examination of the Municipal Administration and Urban Development Department. In the mean time Government have issued revised Common Building Rules in GO Ms No. 86 MA Dated 3.3.2006 wherein a specific provision was made that, all buildings above 10 Metres height shall be designed in compliance with earthquake resistance and resisting other natural hazards. Further while revising in 2006, the Master Plan of Visakhapatnam Metropolitan Region, the CRZ Regulations were taken in to consideration and a provision was made for strict compliance of CRZ Regulations for regulating the development along the coastal stretch of Visakhapatnam Metropolitan Region.

**(c) Tamil Nadu**

The State of Tamil Nadu is in the process of amending the Town Planning Rules and the Building Byelaws. The Revenue Administration, Disaster Management and Mitigation Department, after detailed discussion with the technical and engineering experts, has forwarded the proposed amendments to the Government. Suitable notifications will be issued by Government of Tamil Nadu.

**(d) Andaman & Nicobar Islands**

A&N Administration is in the process of amending the Building byelaws based on the model building bye-laws. The entire exercise of amending zonal regulation/ building bye-laws will be completed by June 2008.

**(e) Kerala**

Government of Kerala has not reported any progress in amending building byelaws.”

188. In a note furnished to the Committee, the Ministry have elaborated the efforts made by them with regard to building bye-laws as under:

“The Ministry also engaged the services of Building Materials Technology Promotion Council (BMTPC) to organize workshops in the various States to facilitate the adoption of model building bye-laws. Ministry of Home Affairs on its part has been regularly exhorting the States to adopt a model techno legal regime to take care of the hazard proneness of the cities. It is also mentioned that building bye-laws are applicable only in cases of municipal areas, but the disasters

like Tsunami have potential of wreaking havoc in rural areas (where building bye-laws are not applicable) as well, as witnessed in the Tsunami disaster of December 2004. Hence there is a need for community preparedness to respond to disaster situations. In this regard, Ministry of Home Affairs in collaboration with United Nations Development Fund (UNDP) is implementing a GoI – UNDP Disaster Risk Management Programme in 169 multi-hazard prone districts in 17 States of the country, which covers community preparedness in rural areas as well. A separate component dealing with urban risks titled as “Urban Earthquake Vulnerability Reduction Project” (UEVRP) has been undertaken in 38 cities falling in seismic zones III, IV and V with a population of 0.5 million or more as a part of the DRM Programme. The UEVRP envisages adoption of a improved techno legal regime as one of the key outcomes of the project. Success has been achieved in the case of Dhanbad, Mangalore and Guwahati, with these cities adopting improved building bye-laws as per their seismic vulnerability.”

**(viii) Establishment of Emergency Operation Centres**

189. According to Audit, the Ministry of Home Affairs issued guidelines (September 2004) for the establishment of Emergency Operation Centres (EOCs) to act as resource centres for emergency response in the event of any disaster. Subsequently, in April 2005, the Ministry of Home Affairs again instructed the administration of Andaman & Nicobar Islands to keep these EOCs ready in all respects by 10 May 2005 for data, audio and video connectivity under the National Emergency Communication Plan (NECP). The proposal to set up the EOCs was initiated only in June 2005. During 2005-06, administrative approval and expenditure sanction was accorded for four EOCs at a total cost of Rs 2.63 crore. However, it was noticed by Audit that work on only one EOC at Port Blair had been taken up so far. The construction of the fifth EOC at Car Nicobar, which was worst affected by the Tsunami was yet to be approved. As a result, the aim of providing reliable communication facilities, monitoring of hazards and coordinating response was yet to be achieved even ten months after the lapse of the deadline given by the Ministry of Home Affairs.

190. In their response to the aforesaid Audit observation, the Ministry furnished the latest status of the construction of these EOCs as under:

“As a result of Tsunami, high priority was accorded to construction of temporary shelters for tsunami victims and restoration of basic infrastructure, there was delay in establishing EOCs by the UT administration of ANI. EOC at Port Blair has been completed, whereas, EOCs at Mayabunder, Kamorta and Campbell Bay are under construction. EOC at Car Nicobar is in the process of sanction. Besides, control rooms have also been set up at all tehsil headquarters, which can be operationalised on 24-hour basis in case of need. System of receiving report from India Meteorological Department on daily basis has been streamlined to keep close watch on weather and geographical status. Central Control Room at Secretariat of A&N Administration at Port Blair with all model equipments has been set up which can be used in case of disaster for connectivity purposes. Under Community Information System, 41 information centres with web connectivity have been established in almost all major inhabited islands which will help in case of disasters for establishing communication connectivity with rest of the world.”

**(ix) Deployment of Manpower in Disaster Relief Operations**

191. The Committee have been informed that massive relief and rescue operations launched by the States and the help provided by the Government of India helped in normalizing the havoc caused by the Tsunami. About 21,000 personnel from the Army, Navy, Air Force, Coast Guard and Para Military Forces were deployed. 40 Naval/Coast Guard ships, 34, aircraft and 42 helicopters were part of the massive operations. 28,734 persons were rescued on the mainland and more than 6,000 stranded people including tourists from Andaman & Nicobar Islands, were brought to the mainland. 6.36 lakh persons in all were moved to safer places and kept in 930 relief camps.

192. The Ministry of Home Affairs have further stated that in the event of disasters of severe nature, the Government of India supplements the efforts of the affected State/UT Governments by providing logistic support which *inter-alia* includes:- (i) Deployment of Air Force helicopters, Army Boats, Army Columns and Central Para-Military Forces including National Disaster Response Force (NDRF) to assist them in rescue and relief operations, (ii) Supply of requisite stocks of essential medicines and drugs, bleaching powder, chlorine tablets, ORS packets, etc. to prevent the outbreak of water-borne diseases and epidemics, (iii) Provision of additional stocks of essential commodities and petroleum products, (iv) Immediate repair and restoration of damaged infrastructure on priority basis.

193. Spelling out the procedure for the deployment of the manpower, the Ministry further stated as under:

“The Ministry of Home Affairs remains in constant touch with the affected States/ UT Governments in the event of a natural calamity and extend all possible assistance on behalf of the Government of India required by the State/UT for effective and timely response. The situation is monitored by the National Crisis Management Committee under Cabinet Secretary and Crisis Management Group under Home Secretary depending on the magnitude of the situation. These meetings are attended by the representatives of the Central line Ministries/ Departments responsible for providing Emergency Support Functions and Central Para-Military Forces as well as Resident Representatives of the affected States/ UTs. Such meetings facilitate on the spot decision on the requirements of the affected States for handling the situation caused by natural calamities. Under the Disaster Management Act 2005, a National Executive Committee (NEC) under the Chairmanship of Home Secretary and consisting of Secretaries of 14 Central line Ministries and the Chief of Integrated Defence Staff as member was constituted and notified on 27th September 2006. The NEC is entrusted *inter alia* with the responsibilities of coordinating emergency response and relief efforts in the wake of severe natural disasters. The Central Relief Commissioner-cum-Joint Secretary (Disaster Management-I), Ministry of Home Affairs is always in touch with the affected States/UT Governments on the one hand and the Central line Ministries/Departments/Organizations for providing timely help/ assistance required for meeting the effective response. The Control Room in Ministry of Home Affairs operates on 24 x 7 x 365 basis.”

194. During their study visit to Chennai in October, 2007, the Committee enquired about the steps taken to ensure that the regular work does not suffer when the Government machinery is pressed into action and stretched during the times of calamities especially those of severe nature like the Tsunami. In their response, the Government of Tamil Nadu submitted as under:

“The deployment of officials/staff/workers in the areas affected by natural calamities from other areas is done only to the extent necessary. The number of personnel deputed and the duration of deputation is always limited taking into consideration the damage caused. Such deployment is made during General Elections and other important events also. As the deployment is made strictly based on necessity, the regular work does not suffer much. The regular work is always looked after by making alternative additional charge arrangements. Whenever the requirement of officials/staff is for a considerable period of time, additional sanction of such staff is accorded on a temporary basis to allow the smooth functioning of regular work.”

195. To a query regarding steps taken by Tamil Nadu Government to ensure disaster preparedness in future and its importance as a part of manpower deployment, the State Government stated in a note as under:

“Training in disaster preparedness is an important component under the UNDP sponsored Disaster Risk Management Programme which was extended to all the coastal districts of Tamil Nadu after the tsunami. Insurance is being taken for the houses and boats to provide further security. A project of Vulnerability Reduction of Coastal Communities is under discussion with World Bank under which evacuation shelters, evacuation reroutes and early warning systems will be provided in addition to safe, disaster resistant houses in the vulnerable coastal areas of the State.”

## **VI. TSUNAMI EARLY WARNING SYSTEM**

196. In the wake of the Tsunami, a project was initiated by the Centre for Earth Science Studies (CESS) on tsunami inundation modelling which would help in tsunami risk assessment for the Kerala coast. A committee was set up under the chairmanship of the Principal Secretary, Science, Technology and Environment Department for preparation of a natural disaster management plan for the State covering science and technology inputs, early warning systems, dissemination arrangements, nodal agency and decision support system. According to Audit, though the Committee had submitted its report and recommendations in April 2005, no action thereon had been taken by the State Government (November 2005). In this context, the Committee desired to know whether the Government of India has developed and put in place an Early Tsunami Warning System in co-operation and co-ordination with other countries/organizations for detecting tsunami. In their response, the Ministry stated in a note as under:

“The Government of India under the Ministry of Earth Sciences is setting up ‘Tsunami Early Warning System’ with the following components:

- strengthening of the existing seismological network to indicate, near real time occurrence of tsunamigenic earthquakes;

- tsunami warning sensors close to the ocean bottom at appropriate locales in the Indian Ocean, with real time connectivity;
- tide gauge to monitor the sea level rise for detection of tsunami;
- modelling of the inundation scenarios for the entire coast and mapping of potential risk areas;
- collection of information, analysis and generating status advisories.

A centre would be set up at Indian National Centre for Ocean Information Services (INCOIS), Hyderabad, Andhra Pradesh on a 24 x 7 basis. The system is scheduled to be operational by September, 2007. After the system is in place, advisories generated are proposed to be shared with willing countries in the Indian Ocean region.”

197. The Ministry further stated that the proposed system envisages generating appropriate and reliable advisories/warning after detection of tsunamigenic earthquake (after detection of progression of waves). An interim Tsunami Warning System is in place on 24x7 basis at INCOIS, Hyderabad.

198. When asked about the measures taken by the Government for installing a Tsunami Early Warning System the Secretary, Environment & Forests during evidence, deposed as under:

“With respect to the early warning system for tsunami, I would submit that for tsunami and general coastal hazards protection, there are a number of measures which have to be taken. It is not that only one measure applies and coastal zone regulations are one of the measures and other measures include early warning system while some other measures include construction of sea walls for strengthening the seacoast. So, a variety and packages of measures are typically necessary to address different coastal hazards. So, the early warning system has to be seen as a part of a broader package of measures needed for coastal protection.”

## PART – II

### RECOMMENDATIONS AND OBSERVATIONS OF THE COMMITTEE

199. A great shallow-focus earthquake of a magnitude of 8.60 on the Richter scale occurred with its epicentre off the west coast of Northern Sumatra on 26 December 2004 at 06.29 A.M. (IST). This earthquake generated tsunami waves, which hit the coastal states of Andhra Pradesh, Kerala and Tamil Nadu and the Union Territories (UTs) of Andaman & Nicobar Islands (ANI) and Puducherry. The damage caused by the Tsunami affected 27.92 lakh people in 1089 villages of these States and UTs entailing huge loss of lives and livestock, massive damages to dwelling units, boats and cropped area, extensive destruction of physical and social infrastructure and ecologically sensitive resources such as coral reefs, mangroves, beaches and forest cover. The status note on the Tsunami prepared by the Union Ministry of Finance, Department of Expenditure in July 2005 estimated the damage at Rs. 11,500 crore in monetary terms. Post tsunami, the Government set up a Core Group in the Planning Commission to assess the needs of long term planning and reconstruction and coordinate and manage the National Tsunami Reconstruction efforts. The main function of the Group was to coordinate and manage the national tsunami reconstruction effort. The requirement of financial assistance for Tsunami Reconstruction and Rehabilitation estimated by the Core Group on the basis of requests from the affected States, and other inputs, was approximately Rs. 9870.25 crore.

(Recommendation Sl. No. 1)

200. Audit conducted a performance audit of the relief and rehabilitation measures and general preparedness in meeting natural disasters between November 2005 to March 2006. Audit examination *inter-alia* revealed that against the financial assistance of Rs. 5,690.81 crore recommended by the Central Team, the Ministry of Home Affairs sanctioned Rs. 3644.05 crore (64 per cent). After transferring an amount of Rs. 1,607.01 crore to the Planning Commission for long-term reconstruction programme, the Ministry released only Rs. 1,759.05 crore to the affected State Governments and UT Administrations. Even though the funds were released much below the amount sought by the affected States/UTs, utilisation of funds was much below the amount released to the affected States. As of March 2006, the non-utilisation was 44 per cent, 73 per cent and 39 per cent in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands respectively. Analysis of financial transactions revealed that the Departmental authorities/implementing agencies committed various financial irregularities to the tune of Rs. 228.58 crore. An amount of Rs. 44.88 crore relating to Tsunami relief was diverted for other purposes such as administrative expenditure, committed liabilities etc. in Andhra Pradesh, Kerala, Andaman & Nicobar Islands and Puducherry. While there was an excess expenditure of Rs. 4.95 crore due to wrong application of rates, payment of enhanced compensation and non-adherence to codal provisions in Andhra Pradesh, Kerala, Tamil Nadu and Andaman & Nicobar Islands, an avoidable expenditure of Rs. 5.32 crore due to delay in construction of permanent houses was



incurred in Kerala and Tamil Nadu. Andaman & Nicobar Islands surrendered over Rs. 80 crore in the absence of any meaningful plans. Audit review also disclosed that the process of beneficiary identification and verification of claims was not foolproof as there were cases of improper verification, non-achievement of targets, provision of relief to unaffected and ineligible persons etc. There were also delays in the construction of permanent houses due to delay in acquisition of land, delay in approval of plans, and delay in the construction and repair of basic infrastructure such as roads and highways, schools, bridges, water supply etc. Further, there was inadequate and improper assessment of damage to fishing vessels, delay in restoration of harbour and jetty works, failure in claiming insurance benefits for deceased fishermen, excess compensation for boats etc. The facts brought out in the performance audit and subsequent examination of these issues along with other related issues relevant to the subject had revealed that the relief and rehabilitation measures implemented in the affected States/UTs have failed to provide much needed relief to the victims even after lapse of more than 3 years as corroborated by the Committee's findings dealt at length in the succeeding paragraphs.

(Recommendation Sl. No. 2)

201. As per the extant procedure, in the event of a natural disaster the affected States estimate the extent of damages and seek special financial and other assistance from the Union Government, which in turn deposes a team of special observers to make an independent assessment of the damages and the assistance required. Based on the report of the special team, the nodal Ministry, the Ministry of Home Affairs, obtains financial assistance through the Ministry of Finance and releases the same to the affected States. The Committee note that after assessing sector-wise damages caused in the wake of the Tsunami, the affected States/UTs submitted memoranda in between December 2004-January 2005 seeking financial assistance to the tune of Rs. 1,1796.40 crore and 73,500 MTs of rice from the Union Government for relief and rehabilitation. Against this, the Central Team, which visited the affected States/UTs for an on-the-spot assessment of the damages in January 2005, had recommended a total assistance of Rs. 5,690.81 crore, *i.e.*, 48 per cent of the projections made by the affected States/UTs. After considering the reports of the Central Team, the Ministry of Home Affairs sanctioned in February 2005, Rs. 3,644.05 crore for Tsunami affected States/UTs under 'Rajiv Gandhi Rehabilitation Package' (RGRP), which was 64 per cent of the funds recommended by the Central Team. Out of this Rs. 3,644.05 crore sanctioned, the Ministry released only 48 per cent of the amount to the States/UTs *i.e.*, Rs. 1,759.05 crore. Out of this total funds amounting to Rs. 1,759.05 crore released by the Government to the States/UTs, the latter could utilise only Rs. 1,074.98 crore (61 per cent).

(Recommendation Sl. No.3)

202. The Committee's examination has revealed that inspite of the fact that several parts of the country are affected from natural calamities repeatedly, till now there exists no mechanism of rational assessment of the extent of damage and the basis on which the actual assistance is determined at any of the three levels *viz.* the State Government, the Central Team and the Ministry of Home Affairs. The Ministry of

Home Affairs have informed the Committee that bulk of the assistance sought by the affected States/UTs is for long-term rehabilitation and reconstruction of damaged infrastructure, whereas Calamity Relief Fund (CRF)/National Calamity Contingency Fund (NCCF) norms provide for assistance for repair/restoration of assets which are immediate in nature and meant for restoring connectivity for providing relief in the affected areas and that too for a short period. This is one of the areas where the major difference between the quantum of assistance sought by the affected States/UTs and approved by the Union Government has been observed. The other areas where wide variation in estimates are noted relate to assistance sought for non-eligible beneficiaries; items of expenditure not covered under the extant items and norms; and assistance sought at higher rates as compared to the approved norms. Though it may be difficult to always ensure that there is no variation in the assessment of the extent of damage between the Union and the State/UT Governments, nevertheless the Committee feel that the continuing trend of wide disparities in the estimation of financial assistance in almost every major natural calamity that had struck the country, calls for a rational system of assessment of damage so that the affected State/UT Government do not over shoot their projections for assistance and the assessment of damage is done in transparent manner and realistically linked to the quantum of financial assistance that would be forthcoming.

(Recommendation Sl. No.4)

203. The Committee have been informed that the Ministry of Home Affairs have been considering to evolve a uniform pattern in providing relief assistance on the basis of a uniform set of items and norms of assistance, which is to be followed by the States while preparing their memoranda. In this regard, the Committee set up by Government for monitoring CRF and NCCF has formulated draft guidelines for preparation of memorandum by the affected States seeking financial assistance from NCCF and the same were circulated to the States seeking their comments/views thereon. The Committee expect the Ministry of Home Affairs to finalize these guidelines at the earliest.

(Recommendation Sl. No. 5)

204. Since the Tsunami was a disaster of an unprecedented magnitude, Government provided financial assistance to the affected States and UTs as per a special package namely the 'Rajiv Gandhi Rehabilitation Package' (RGRP). Out of the total amount of Rs. 3,644.05 crore sanctioned by the Ministry of Home Affairs under this package, an amount of Rs. 1,607.01 crore constituting 44 per cent of the funds sanctioned was transferred to the Tsunami Long-term Reconstruction Programme (TRP) being monitored by the Planning Commission. Out of the remaining sanctioned amount of Rs. 2,037.04 crore, an amount of Rs. 1,759.05 crore (48 per cent of the funds sanctioned) was released to the affected States/UTs leaving a balance of Rs. 277.99 crore (8 per cent) to be released. And out of the total funds sanctioned, an amount of Rs. 1,074.98 (61 per cent) had reportedly been utilized by the States/UTs as of March 2006. The Committee are perturbed to note that utilisation of funds in Andhra Pradesh, Tamil Nadu and Andaman & Nicobar Islands was very poor as 56 per cent, 27 per cent and 61 per cent respectively of the funds released

remained unutilised as of March 2006 in stark contrast to the miserable plight of Tsunami victims who were awaiting for the promised relief and rehabilitation and other financial help from the Government. Since the funds were quickly released to the States/UTs *i.e.* within three months of the Tsunami, the Committee expect that the utilizations should have been more with due planning. This indicates that Tsunami relief and rehabilitation work at the field level left much to be desired. The Committee have been informed that while the States/UTs did not face any constraint in the utilization of funds under RGRP, since it was basically meant for relief and response and immediate restoration of livelihoods of people particularly fishermen, they have been facing certain constraints in respect of TRP, which *inter-alia*, are cumbersome procedures of external aid agencies, preparation of project reports, Environment Impact Assessment Report, Social Audit Report, procedure for tendering of works etc. which are time consuming. More problems are stated to be faced in case of Andaman & Nicobar Islands, owing to its scattered geographical location with logistics being the main problem in reconstruction of infrastructures. While observing that these constraints in utilization of funds are directly linked to the status of the reconstruction activities and can be removed by taking necessary steps to speed up the reconstruction activities, the Committee would like the Ministry of Home Affairs to have a detailed review of the all programme relating to Tsunami relief so as to ensure that rehabilitation funds sanctioned to the affected States/UTs are reached to the targeted beneficiaries and the objectives of the schemes are achieved.

(Recommendation Sl. No. 6)

205. In financial transactions of such huge magnitude and urgency as that of Tsunami relief and rehabilitation programme, there lies much scope for lapses, irregularities, misutilisation and even corruption and embezzlement of public money unless a proper and periodic system of monitoring of financial transactions is put in place and followed scrupulously. The Committee are of the firm belief that whenever money is sanctioned for Tsunami relief or any other activities, it is the bounden duty of the nodal Ministry to ensure whether the money is reaching the genuine persons for which it was intended and whether the money is properly utilized or not. To their utter dismay, the Committee find that this vital aspect is awfully conspicuous by its absence in the whole financial transactions for Tsunami relief and rehabilitation activities and as a consequence, there have been several financial irregularities, diversions and misuse of funds. Audit analysis of Tsunami relief and rehabilitation works revealed that out of the total amount of Rs. 1,759.05 crore released to the four States/UTs, an amount of Rs. 228.58 crore, which constituted 13 *per cent*, was either misutilised or diverted for various purposes due to financial irregularities committed by the Departmental authorities/implementing agencies. There have been instances of irregular construction/repair work and payment of honorarium to Government staff. Tsunami funds were also utilised for routine administrative expenses, works not connected with the Tsunami, fishermen's subsidy, purchase of furniture for school not affected by the Tsunami resulting in diversion of funds to the tune of Rs. 44.88 crore. An excess expenditure of Rs. 4.95 crore was incurred due to enhanced compensation, wrong application of rates and non-adherence to codal provisions. Avoidable payment of cash subsidy and avoidable expenditure on sanitation and water supply arrangements

accounted for Rs. 5.32 crore. An amount of Rs. 17.31 crore remained unutilised due to non-identification of works to be executed while another amount of Rs. 83.89 crore were surrendered as the funds were released far in excess of requirement. Further, Departmental advances constituting an amount of Rs. 59.00 crore remained unadjusted. Other financial irregularities involving an amount of Rs. 10.51 crore include milk powder lying unused, disbursement of relief to unregistered catamarans and funds released without specific sanction. The contributory reasons attributed by the Ministry of Home Affairs for these irregularities are far from convincing and show that there was failure at the field level.

The Committee believe that these financial irregularities have taken place due to violation of procedural practices and weak financial monitoring system both at the Central and the State/UT levels, which underline the need for strengthening the monitoring mechanism at all levels. Surprisingly for such a huge financial operation, the Ministry of Home Affairs have been merely relying upon the monthly monitoring format for reporting expenditure from CRF/NCCF as means of monitoring the sanctioned funds and have shifted the onus to the States/UTs on the ground that it was the primary responsibility of the State Government to ensure their timely submission. As is evident from the aforesaid cases of financial irregularities, the role of the Ministry of Home Affairs is limited only to the extent of sanctioning funds to the affected States/UTs without any concern for securing accountability for the moneys sanctioned. To their utter dismay, the Committee find that in many cases of the financial irregularities, the concerned State/UT has been simply asked to write off or adjust the amount in the next year. No penal or deterrent action has been taken against the erring States/UTs. In such lenient circumstances, it is not surprising to find that most of the States have not been submitting their monthly reports and even the few States, which were submitting their reports, were not giving complete information. It is only after Audit had given its Report on the subject that the Ministry of Home Affairs had requested the State Governments to submit the monthly reports on a regular basis. The Committee have now been informed that the Ministry of Home Affairs is working on further streamlining the expenditure reporting and tightening the monitoring of expenditure in conformity with the extant guidelines. An Inter-Ministerial Committee has also been constituted to suggest improvement in monitoring the implementation of Schemes of CRF/ NCCF and the existing mechanism for monitoring the relief expenditure. The Committee recommend that this review exercise should be expedited with a view to notify revised guidelines in the matter. They hope that the modified system will improve monitoring of the schemes on a regular basis so that the objectives of the schemes are achieved fully. The Committee would also urge upon the Ministry to take full advantage of the latest Information Technology facilities so as to bring about transparency in their operations as well as in proper utilization of financial assistance released in consultation with State/UT Governments. Needless to emphasize, this would help in ensuring accountability at various levels.

(Recommendation Sl. No. 7)

206. In a catastrophe of colossal proportions like the Tsunami, proper identification of beneficiaries assumes paramount importance for providing immediate

succour and relief. The process of identification of beneficiaries, done immediately after the tragedy wherein pains and sorrows are still too fresh in the mind of the victims, is a sensitive matter and due care needs to be taken to correctly identify the real victims while warding off unscrupulous elements. Many a time it is really a daunting task to trace the real victims when many people pose as the victims and try to grab the relief and rehabilitation facilities meant for the victims. The Committee are concerned to note that in providing relief to the victims of the Tsunami, certain systemic inadequacies at the field level resulted in various irregularities in identification of beneficiaries in the States/UT of Andhra Pradesh, Tamil Nadu and Puducherry.

In respect of Tamil Nadu, the Committee are concerned to note that the affected families were not properly assessed before distribution of relief resulting in incurring of excess expenditure of Rs. 6.33 crore to 88,011 families against the sanctioned number of 63,032 families under two relief packages in Nagapattinam district. It is found that the State Government sanctioned in February 2005 another package of Rs. 162.67 crore towards commodities and cash assistance to those families who had already been benefited under packages I and II towards cost of commodities (Rs. 42.67 crore) and cash assistance (Rs. 120 crore) for four months from February 2005 to May 2005 whereas there was a shortfall in distribution of the relief package to 77,322 families in 4 other Districts. As pointed out by Audit, there were other deficiencies in providing relief to the affected people. The Committee expect that the Ministry of Home Affairs and State Governments would take lessons from the mistakes to avoid such lapses in future. Similarly there should be clear guidelines in regard to transfer of financial assistance meant for long-term rehabilitation programme to the short-term schemes.

(Recommendation Sl. No. 8)

207. The Committee are aware of the fact that whenever major disasters/ calamities occur, the focus is always on provision of immediate relief to the affected persons. The Committee, however, feel that given the sort of lapses observed in the cases under reference wherein the initial calculation of the number of victims had to be consistently changed afterwards, there is much scope for improvement especially at the State level committees, which deal directly with the victims. The extant system/ methodology adopted for identification of Tsunami victims in many States /UTs is not foolproof to detect bogus claims which may be made by unscrupulous elements. During evidence, the Home Secretary while conceding that at the time of high magnitude disasters like the Tsunami, the relief machinery is stretched to the limit and instances of unintentional improper identification of beneficiaries cannot be altogether ruled out, stated that in view of the replies furnished by the States/ UTs, there appears to be a need for undertaking a more detailed and realistic assessment of damages as well as identification of beneficiaries. In this regard the Committee understand that the Disaster Management Act, 2005 *inter-alia* stipulates that in case of fraudulent claim of relief, penal action can be initiated against the offender. To achieve greater accountability and transparency in identification of beneficiaries as well as in relief operations, the Committee would like the Ministry of Home Affairs to formulate

specific guidelines/methodology, in consultation with the State/UT Governments, for ensuring foolproof identification of beneficiaries for relief and rehabilitation measures/schemes in the aftermath of natural calamities so as to prevent leakage and improper use of funds in future and at the same time all the genuine victims are provided the requisite assistance. The Committee also desire that a comprehensive District-wise list of beneficiaries with their names and addresses along with quantity/volume and quality of relief distributed—Ward-wise both for rural and urban areas—should be compiled and made available to the local representatives, monitoring agencies, and should also be posted on important web portals. This will go a long way in weeding out the unintended beneficiaries.

(Recommendation Sl. No. 9)

208. The Committee note that speedy procurement of relief materials is most crucial for quick administrative response towards tackling the human sufferings in the aftermath of a disaster. As per the existing procedure for managing the natural disasters, State Governments concerned are required to initiate necessary relief operations in the wake of natural calamities. It is the responsibility of the concerned State Governments to prepare themselves for undertaking rescue and relief operations as well as distribution of relief items at the ground level. The role of the Union Government confine only to providing requisite logistic and financial support. However, keeping in view the fact that State Governments face problems in procurement of critical items/services required during emergency rescue and relief operations in the wake of a natural calamity, the Ministry of Home Affairs in September, 2003 had advised all the States/UTs to identify the critical goods/services required for immediate rescue, relief and rehabilitation and enter into pre-contracts or pre-agreements with various suppliers, dealers or service providers, in accordance with codal provision of the States. As per this arrangement, the procurement of goods/services in an emergency situation can be made from the parties with whom such pre-contracts/agreements were entered into in order to avoid delay in procurement. Audit examination, however, revealed that none of the five States/UTs of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry had formally implemented the pre-contract arrangement in procurement. The Committee have been informed that all the State Governments have pointed out the difficulties faced by them in this regard as it could not be anticipated as to how much of material is going to be required in a given year. Under Section 50 of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), the State Disaster Management Authorities (SDMAs) and the District Disaster Management Authorities (DDMAs) can authorize the concerned Departments to make emergency procurements in any threatening disaster situation or disaster in relaxation of the tender procedure and a certificate of utilization issued by controlling officer authorized by NDMA, SDMA or DDMA shall be deemed to be a valid document for the purpose of accounting. However, the Ministry of Home Affairs have informed that this provision has been brought into force *w.e.f* 30.10.2006. Though the exact quantum and price of the materials to be procured at the time of actual outbreak of natural calamities and disasters in future cannot be fixed beforehand, yet the broad contours of an agreement for emergent procurement of relief materials in times of need can always be entered



into with reliable suppliers. The Ministry of Home Affairs have assured the Committee that they would continue to persuade the States to follow the suggestions on entering into the pre-contracts in respect of identified critical goods/services. The Committee desire that the Ministry should pursue this matter with the State Governments at appropriate level so that a practicable and effective arrangement is put in place in all States/UTs for ensuring speedy procurement of emergency relief materials during natural calamities.

(Recommendation Sl. No. 10)

209. As regards temporary shelters, the Committee note that many of these were constructed without proper assessment of the ground realities as well as the requirements of the victims resulting in non-occupation of these houses and wastage of money. In Kerala, the District Administration, Alappuzha constructed 17 semi-permanent sheds for accommodating 329 Tsunami affected families at the rate of Rs. 509.88 per sq. ft. against the estimated cost of construction of a permanent house of Rs. 406.97 per sq ft. The Committee find that these sheds were constructed on private land belonging to various religious societies, without having an understanding with the landowners and the expenditure for the construction was not made with due consideration of their particular design resulting in incurring of higher expenditure than sanctioned. Similarly, the temporary shelters constructed at a total cost of Rs. 2.58 crore in Tamil Nadu could not be put to use as these were constructed in low lying areas and the entire site was waterlogged due to rain. The shelters were later destroyed by fire and consequently, the affected families had to be provided with cash assistance of Rs. 53.95 lakh. The Committee are constrained to observe that the selection of inhospitable low lying areas for construction of temporary houses shows insensitiveness and apathy of the official machinery to the genuine housing needs of the victims and lack of prudence in the use of relief funds. The Committee would like these matters to be investigated and responsibility fixed on the concerned persons. In Villupuram District, construction of 136 temporary shelters was abandoned mid-way due to court orders and the expenditure of Rs. 8.48 lakh incurred turned out to be wasteful. Further, 3,026 temporary shelters constructed by Government (2,205) and NGOs (821) at 12 habitations at a cost of Rs. 1.76 crore were not occupied by the victims as the affected fishermen began to look after themselves and managed to live in their old houses. According to the Ministry, the immediate objective was to close the temporary camps and shift Tsunami affected families to temporary shelters, which had to accommodate a large number of families. The temporary shelters were constructed in the available vacant lands, which are not easy to find and the families need to be as close to the sea as possible because of their livelihood. The site selected for construction of the temporary shelters was Government land according to records. However, following a writ petition in the matter, further construction on that site was stopped. The Committee are surprised to note as to why the State Government failed to ascertain the exact status of the land before starting the construction activity. In the name of urgency of providing relief and accommodation to the victims, the basic things such as carrying out preliminary survey of land should not be lost sight of and allowed to become a cause for compounding the problem and legal wrangling later on, which can only delay the process and defeat the very purpose of initiating the work.



The Committee desire that in future the temporary accommodations should be built after ensuring that the status and title of the land in which the temporary shelters are proposed to be built is clear and free of any encumbrances and also after ascertaining the choice and needs of the families who are willing to occupy them.

(Recommendation Sl. No. 11)

210. Timely construction of permanent houses for providing accommodation to those rendered homeless in natural disasters like the Tsunami is of paramount importance for proper rehabilitation of the victims. The Committee are constrained to observe that the performance of the affected States and UTs in this regard has been extremely tardy. Even after elapse of more than 3 years since the Tsunami occurred, most of the States/UTs have been struggling at the spadework level of the project *i.e.* acquisition of land, while many of the victims are leading a pitiful existence in cramped temporary sheds and tenements constructed in inhospitable locations. The Committee are astonished to note that as on 31st March 2007, the States of Kerala, Tamil Nadu and the UT of Puducherry have not been able to acquire all the required land for the purpose. In Kerala out of 222.67 hectares of land required for construction of permanent houses, only 4.04 hectares has been acquired. As per the information provided by the Ministry, the total number of permanent houses required are—481 in Andhra Pradesh, 13,640 (including 9605 houses in vulnerable areas) in Kerala, 1,04,495 (including 52569 vulnerable houses) in Tamil Nadu, 9,797 in Andaman & Nicobar Islands and 7,567 in Puducherry. Out of these, 176 houses in Andhra Pradesh, 3,835 in Kerala, 24295 in Tamil Nadu and 1,856 in Puducherry have since been constructed. To their utter dismay, the Committee find that none of the promised 9,797 houses in Andaman & Nicobar Islands have been constructed as of March 2007. The Ministry of Home Affairs have apprised the Committee that construction of permanent houses under TRP is being monitored by the Planning Commission. As per the approved time frame, the activities under TRP are scheduled to be completed over a period of four years from 2005-06 to 2008-09. According to the Planning Commission, the initial period of two years had been spent on critical issues such as planning, provision of basic infrastructure, quality of construction, and various clearances under Environmental Impact Assessment (EIA)/Coastal Regulation Zone (CRZ). It has further been stated that the pace of construction has now picked up and the work is now scheduled to be completed by August 2008. The Committee cannot but express their dissatisfaction over the poor progress made in construction of houses during the last three years. Obviously there has been lack of proper monitoring by the Planning Commission in this regard and as a result, the States/UTs have not showed any sense of urgency in the matter. The Committee are quite sceptical about the Planning Commission's assurance that construction of houses would be completed by August 2008. The Committee recommend that a State/UT-wise roadmap should be prepared by the Planning Commission in a scheduled time frame for expediting construction of the houses. The Committee would like to be apprised of the progress made in this regard.

(Recommendation Sl. No. 12)

211. Apart from loss of precious lives and property, the Tsunami wreaked havoc on the basic infrastructure in the country's coastal areas by causing colossal loss to roads, bridges, schools, office buildings, dispensaries, community centres, water supply facilities etc. Audit scrutiny of records revealed that performance of Tsunami affected States/UTs in respect of various post-disaster activities undertaken for the restoration of the damaged basic infrastructures was far from satisfactory. The Committee note that in Andhra Pradesh, the Government released a meager amount of Rs. 1.20 crore in March 2005 for execution of repairs to roads in Tsunami affected Mandals of East Godavari District. Scrutiny of records revealed that though the funds were placed at the disposal of the Works Department a year back, the work was not awarded as of March 2006 as alternative designs were to be finalized and tenders re-invited. In Tamil Nadu, even though an amount of Rs. 64.15 crore for immediate repair of highways and other roads damaged in the Tsunami was sanctioned in May 2005, out of 149 works, only 34 were completed (23 per cent) as of March 2006. Further, 29 roads not directly affected by the Tsunami were taken up for repairs after the administrative approval of the Collectors in Cuddalore and Nagapattinam Districts at a cost of Rs. 11.95 crore. In Andaman & Nicobar Islands, out of 52 schools damaged in the Tsunami, Memorandum of Understanding was signed with NGOs for construction of 41 schools, which were required to be completed by November 2005 and at the end of July 2006, construction of only 26 schools had been completed. Further, the Andaman Public Works Department (APWD) took up the work of construction of 481 pre-fabricated structures for various Government Departments. As against these, the Stores Division could supply only 431 structures as of August 2006. For replacement/repair of damaged bridges, the stores division procured 14 bailey type bridges at a cost of Rs. 4.44 crore totaling 1070 feet of length. Scrutiny of records revealed that till January 2006, the Division could install only 60 feet length of bridges and the rest remained unused. The investment of Rs. 4.19 crore on the balance of 1,010 feet on proportionate basis remained idle. In addition, based on Tsunami damage assessment carried out by the Administration, the Ministry of Home Affairs released lump sum funds amounting to Rs. 154.58 crore to APWD for undertaking various civil works during 2004-05 and 2005-06. Against this, expenditure of Rs. 90.86 crore only was incurred during both the years, which accounted for 59 per cent. The Committee are concerned to note that the Ministry have not made any serious efforts to monitor the implementation of the projects for construction of basic infrastructures to mitigate the suffering of the victims and restore normal life in the affected areas as soon as possible. In many cases, the concerned agencies have been ineffective in so much so that they have not prepared even the basic plans and designs for the projects. What is surprising to the Committee is the fact that that the Ministry have simply allowed the things to drift apart and did not bother to take timely corrective measures to remedy the situation. Considering the fact that the Ministry of Home Affairs is the nodal Ministry for disaster management in respect of Andaman & Nicobar Islands, which are directly administered by them, the tardy progress of works is inexplicable. The reasons adduced for the delay of work in Andaman & Nicobar Islands by the Ministry of Home Affairs are that all the machinery and materials are required to be transported from mainland to the Islands for construction of school buildings. This coupled with rough sea conditions,

heavy rainfall, tough terrain, limited facility of inter island movement and damaged jetties led to slow progress of reconstruction work. The Committee do not accept the Ministry's explanation as these factors are not entirely new that could not be anticipated beforehand. These factors ought to have been taken into account while planning the works. Obviously the reasons for the slow progress of expenditure was mainly due to lack of proper monitoring, absence of internal control, delay in sanctioning and execution of the works as evident from the individual performance reports of the respective divisions of APWD scattered in Port Blair. The Committee cannot but deplore the Ministry of Home Affairs and the concerned State Governments/ UT Administration for not making serious efforts for timely completion of the construction of basic infrastructures. At this stage, the Committee can only urge the Ministry of Home Affairs to take up the matter with all seriousness it deserves and made concerted efforts in consultation and cooperation with the concerned States/ UTs and other agencies for expeditious completion of works relating to construction of basic infrastructure. The Committee desire that the Ministry should take suitable remedial action including fixing of responsibility on the concerned persons for the inordinate delay in completion of works.

(Recommendation Sl. No. 13)

212. The Committee are concerned to note that very little progress has been made by the Andaman Lakshadweep Harbour Works (ALHW) in restoration of harbour & jetty works so much so that out of Rs 60.10 crore sanctioned up till 2004-05, only Rs. 6.62 crore was spent upto December 2005 due to delay in finalisation of the tenders, preparation of the Detailed Project Report, sub-soil investigation and other attending works etc. coupled with delay in execution of works. The Ministry of Home Affairs in this regard stated that out of the sanctioned works, 32 works are either completed or nearing completion. The Committee regret to observe that the failure to carry out the most basic things like preparation of Detailed Project Report, finalization of tendering formalities etc. points to lack of concerted efforts on the part of project implementing agencies. The Committee would like the Ministry of Home Affairs to periodically monitor the progress of the project and also conduct regular inspections and on-the-spot assessment of the works so that the problems faced by the implementing agencies are identified and resolved with a view to expediting completion of the project.

(Recommendation Sl. No. 14)

213. The Committee are concerned to note that the details of the total population of fishermen living in each of the five Tsunami affected States/ UTs and number of them either killed or rendered homeless in the disaster in the States/UTs of Kerala, Tamil Nadu and Puducherry are not clearly available despite the fact that registration of all fishing vessels is mandatory under the Marine Fishermen Regulation Act. Also as pointed out by Audit, an amount of Rs. 6.38 crore was disbursed for 3330 unregularised catamarans in Tamil Nadu. This assumes critical importance in view of the occupational hazards specially associated with fishermen venturing into the seas and relief and rescue operations. The Committee are dismayed to note that registration of fishing vessels has not been made mandatory in Kerala, whereas

Andhra Pradesh and Tamil Nadu Governments failed to register all the fishing vessels. The Committee feel that this failure had led to various irregularities and inconveniences in providing relief to fishermen in the aftermath of the Tsunami in almost all the affected States/UTs. The Committee have been informed that various drives have been launched in Andhra Pradesh and Tamil Nadu for expediting registration of all marine fishing crafts. The Committee urged upon the Ministry of Home Affairs to take steps for ensuring compulsory registration of fishermen and their vessels within a time frame by all the coastal States and UTs. The total number of fishermen and marine fishing vessels/crafts existing in each State/UT should be properly enumerated and henceforth compulsory registration of fishing vessels should be made a pre-condition for obtaining relief from the Government at the time of natural disasters.

(Recommendation Sl. No. 15)

214. The Committee note that a Notification imposing restrictions on setting up and expansion of industries or related operations in the Coastal Regulation Zone was issued in 1991 by the Ministry of Environment & Forests (MoEF) for the purpose of protecting and conserving the coastal environment. As per this Notification, all activities within the Coastal Regulation Zone (CRZ) area *i.e.* the area between Low Tide Line to High Tide Line and 500 metres from the High Tide Line on the landward side of the sea is regulated. In case of tidal influenced water bodies, 100 metres from the High Tide Line or width of the creek or the water body whichever is less, is a CRZ area. The CRZ Notification classifies the CRZ area into four categories namely, CRZ-I – ecological sensitive areas, CRZ-II – built-up areas, CRZ-III - rural areas, and CRZ-IV – Islands of Andaman and Nicobar and Lakshadweep. The Committee are, however, concerned to note that an Expert Committee constituted by the Ministry of Environment and Forests in July 2004 in its report (February 2005) had highlighted that the Ministry have not been able to implement the Notification in letter and spirit and had amended the Notification to the extent that the range of such amendments presented a trend that they had allowed commercial and industrial expansion in coastal areas. Further, the studies carried out by the Wildlife Trust of India and the International Fund for Animal Welfare, USA pointed out that violation of CRZ norms led to overcrowding along coastal areas, which played a major role in loss of human lives and property during the Tsunami. The Ministry, however, contended that overcrowding along the coastal areas is not due to failure in the enforcement of the CRZ Notification, 1991 as the Notification does not prohibit dwelling units of local communities in the coastal regulation Zone – III areas in terms of its provisions of para 6 (2) of CRZ (i) and (iii) which *inter-alia* provide for repairs/construction/reconstruction of dwelling units constructed prior to 19.02.1991 and which are within the ambit of traditional rights and customary uses. Further, an authority designated by the State Government/Union Territory Administration may permit construction of public rain shelters, community toilets, water supply, drainage, sewerage, roads and bridges, construction of schools and dispensaries, for local inhabitants of the area etc. The Committee find that a plethora of exemptions to the CRZ Notification, 1991 which *inter-alia* had allowed construction of houses and other infrastructure within the area of 500 metres had made mockery of the CRZ

**Notification.** As a result of this, several habitations have come up along the coastal belt and when the Tsunami struck, they bore the brunt of the calamity leading to severe loss of lives and property. Besides this, the CRZ Notification, 1991 *per se* was grossly inadequate and flawed to protect the country's delicate coastal zones. This is substantiated by the fact that during the Tsunami, in many areas the ingress of the seawater was far in excess of 500 meters line and in many places it went even upto more than 2 kms. Further, weak linkages between the Central CRZ Regulatory Authorities and the State Level Coastal Zone Management Committees resulted in various violations along the coastal areas causing huge destruction during the Tsunami.

The Committee have been informed that the Ministry of Environment and Forests have initiated action to regularize CRZ areas on the recommendations of an Expert Committee headed by Prof. M.S. Swaminathan. One of the actions taken include demarcation of the vulnerability line/coastal hazard line along the identified coastal areas on pilot scale, based on the extent of flooding due to sea level rise, tidal and wave action and shoreline changes. The Ministry is also stated to be in the process of drafting a new legislation on Coastal Zone Management based on the recommendation of Prof. M.S. Swaminathan Committee Report. The Committee express the hope that the proposed legislation for regulating coastal zone will protect the delicate coastal zone areas from wanton exploitation and destruction and minimize losses caused by natural calamities to a great extent possible. The Committee would like the Ministry to incorporate all issues concerning climate change and consequential rising sea level and factor in natural calamities like cyclone and tsunami while preparing the revised CRZ Notification. The Committee also recommend that the proposed legislation should be expedited.

(Recommendation Sl. No. 16)

215. The Committee note that in compliance with the Supreme Court's orders of 1993, the Ministry of Environment & Forests constituted the National Coastal Zone Management Authority at the central level and the Coastal Zone Management Authorities in 13 States/UTs under the Environment (Protection) Act, 1986. The State/UT authorities were to prepare integrated Coastal Zone Management Plans (CZMP) by identifying and classifying the CRZ areas and obtain the approval of the Ministry of Environment & Forests thereto. It was, however, noticed by Audit that none of the authorities had prepared the CZMP for the entire State. The Committee are perturbed to note that the Ministry of Environment & Forests have submitted a misleading information that all the coastal States and UTs have prepared the Coastal Zone Management Plans in accordance with the directions of the Supreme Court dated 18th April, 1996 in the matter relating to Writ Petition No. 664 of 1993. However, in reality the Committee find that these maps were approved by the Ministry on 27.09.1996 with conditions and the modifications and the concerned States/UTs were yet to prepare the revised Coastal Zone Management Plans. In the absence of comprehensive CZMPs, granting of clearance to the permissible activities is being done on patchwork basis and confined to the particular stretch. The Committee take strong exception to this practice as there is a scope for misuse at the local level. The

Committee have been informed that a draft Notification based on the recommendation of the Prof. M.S. Swaminathan Committee is under finalization for publication under Environment (Protection) Act, 1986. Under this proposed Notification, the Union Government will assist the State Governments and the UT Administrations to prepare integrated Coastal Zone Management Plans based on the guidelines suggested in the aforesaid Report. The Committee expect that the Ministry would expedite the finalisation and issuing of the Notification so as to protect the country's coastal areas without any further delay. The Committee would like to have the details of the Notification to be issued by the Ministry of Environment and Forests.

(Recommendation Sl. No. 17)

216. The Committee note that Greenhouse Effect and consequential rising sea level and climate change pose one of the greatest threats to mankind's existence particularly along the coastal areas which are slated to bear the direct brunt of disastrous sea level rise in the oceanic region adjoining the Indian subcontinent which is projected between 15 cm and 38 cm by the middle of this century and between 46 cm and 59 cm by the end of the century. This aspect is being taken into account in the new Coastal Zone Management Regulation (CZMR), which is being prepared based on the recommendations of the Prof. M.S. Swaminathan Committee. This Committee has *inter-alia* identified key weak areas in the implementation of the Coastal Regulation Zone Notification, 1991 such as lack of capacity building, institutional development awareness programmes, mapping and demarcation of critical coastal areas, vulnerability mapping etc. The Committee have been informed that ADB and World Bank have expressed their interest in assisting the Ministry of Environment & Forests in implementing the recommendations of the Prof. M. S. Swaminathan Committee Report and the Ministry had obtained UNDP assistance for bringing in internationally reputed experts from the United Kingdom to assist them in finalizing the methodology for demarcating the vulnerability line. While expressing the hope that these measures will be effective in meeting the environmental challenges to be faced by the country in future, the Committee would like to emphasize the need for active community participation in these ventures so that the new Regulation is properly enforced. In this regard, the Committee would also like to point out that various recent international studies have concluded that Global Warming and its effects like glacier and iceberg melting is taking place faster than expected due to continuing increase in geometric proportions of carbon emissions, industrial activities, deforestation etc. Because of these factors, it is imminent that the projected sea level rise may be faster and worse than expected. The Committee, therefore, desire that this adverse phenomenon should also be taken into consideration while preparing the new CZMR. The Committee also recommend that all economic and infrastructural installations including ports dockyards, defence installations, marine parks, tourist infrastructures, etc. should be futuristic in terms of bearing sea level rise and CZMR compliant to serve the country's long term needs. The Committee would like that the proposed CRZ demarcation line should also take into account the varying local conditions of the areas that may be inundated/submerged in about another 50/60 years time as well as tackle the problem of soil erosion.

(Recommendation Sl. No. 18)



217. The Committee note that a Centrally sponsored scheme namely 'Integrated Afforestation and Eco-development Project Scheme' (IAEPS) for coastal shelter belt plantation in Puducherry was approved by the Ministry of Environment and Forests in July, 2000 at a total cost of Rs. 90.32 lakh. One of the main objectives of the scheme was to create a belt of trees in the coastline which would act as a first line defence against the effect of cyclone, storms and heavy winds. However, due to resistance by the fishermen in the costal villages, the work could not be taken up and out of an amount of Rs. 20.12 lakh released as the first instalment, only Rs. 3.40 lakh was unproductively spent. The Committee cannot but conclude that the scheme was approved without proper examination of the various factors involved and consequently the scheme failed to attract cooperation of the local community leading to its failure. The Committee are unhappy to note that such an ecologically useful scheme, which could have been instrumental in dealing with the problem of soil erosion in the coastal areas, was kept in the backburner for more than 10 years till the 9th Five Year Plan with no action plan to implement it. Besides a non-starter, the Committee find inconsistencies in the utilisation of money under the scheme, which were questionable. As per records submitted to the Committee, an expenditure of Rs. 3.4 lakh was incurred on plantation of 20,000 saplings during 2000-2001 whereas an amount of Rs. 5.48 lakh was utilized for planting 3,15,000 saplings, during 2004-2006 and Rs. 11.24 lakh for planting 1,57,400 saplings during 2006-2007. The Committee have now been informed that IAEPS had been merged with three other Centrally sponsored schemes *viz.* 'Area Oriented Fuelwood and Fodder Project Scheme'; 'Conservation and Development of Non-timber Forest Produce including Medicinal Plants Scheme'; and 'Association of Scheduled Tribes and Rural Poor in Regeneration of Regarded Forests' during the 10th Five Year Plan. The new scheme known as 'National Afforestation Programme' (NAP) is stated to be implemented in all the States by the 2-tier set up of Forest Development Authorities and Joint Forest Management Committees. The Committee expect that the Ministry would at least now ensure the participation of the coastal community in NAP for its successful implementation. The Committee are, however, constrained to point out that in comparison to the magnitude and severity of the cyclones/super cyclones and other natural calamities that frequently hit the coastal areas of the country particularly the Eastern Coast, the funds allocated to the erstwhile Programme (IAEPS) were very meagre to sustain and support the coastal shelter belt plantation activity that could withstand the natural calamities. The Committee, therefore, recommend that the Ministry should allocate sufficient funds under the new scheme namely NAP so as to ensure that adequate tree saplings are planted along the coastal line and that the scheme should not suffer for want of funds. In this regard, the Committee would also like the Ministry to examine selecting tree saplings of higher economic yield so that the scheme could generate a certain income on its own and help contribute in the overall afforestation programme. The Committee also desire that the Ministry of Environment and Forests may examine inter-linking of the scheme with other measures initiated for containing coastal soil erosion.

(Recommendation Sl. No. 19)



218. The Committee are concerned to note that out of the five Tsunami affected States/UTs, Kerala and Puducherry did not have a declared Disaster Management Policy. The Committee are of the view that had such policy been put in place prior to the Tsunami, it would have greatly expedited rehabilitation activities and avoided *ad-hoc* decisions. Despite the Disaster Management Authority put in place in Kerala in August 2003 and in the Union Territory of Puducherry in September 2003, no efforts have been made to formulate Disaster Management Policy, which is anything but regrettable. Further, the Committee regret to note that the Ministry of Home Affairs have not taken measures for ensuring constitution of the required Disaster Management Authority and formulation of Disaster Management Plans by the respective States/UTs. Had this exercise been completed in time the problems faced in the aftermath of the Tsunami would have been obviated to a great extent. The Ministry have now informed the Committee that post-tsunami, the need for a comprehensive approach to disaster management was felt even more and, therefore, the Disaster Management Act, 2005 provided for institutional mechanism right from the Centre, State, District levels to the level of the local authority. The State Governments have been requested to frame rules for implementation of the Disaster Management Act, 2005 in its application to the States. The Committee express the hope that the Ministry of Home Affairs would persuade all the States/UTs to formulate rules for the implementation of the Disaster Management Act, 2005 in their respective States/UTs. The Committee also expect the Ministry of Home Affairs to ensure that all the requisite infrastructure is put in place by all the States/UTs to effectively deal with all major disasters like tsunami, cyclone, earthquake etc. based on regional or local vulnerability perception. The Committee would also like the Ministry of Home Affairs to consider establishing a National Disaster Intelligence Network under which knowledge and experience gained from previous disasters are carefully analysed and utilized in the event of any disaster occurring in future.

(Recommendation Sl. No. 20)

219. The Committee note that the National Disaster Management Authority (NDMA) was notified on 27th September, 2006 pursuant to the enactment of the Disaster Management Act, 2005. The Committee are given to understand that NDMA is in the process of framing guidelines on disaster preparedness in the event of earthquakes, chemical disasters, floods, nuclear disasters etc. They expect that the Ministry of Home Affairs will ensure that these guidelines are formulated and got approved at the earliest and circulated to all the States/UTs so that they are implemented in the event of natural calamities. The Committee further note that under the Disaster Management Act, NDMA is required to lay down broad policies and guidelines for functioning of the National Institute of Disaster Management (NIDM). While expecting that these policies and guidelines are formulated at the earliest so that NIDM become functional at the earliest, the Committee recommend that NDMA should ensure that NIDM may impart training to the officials of the concerned agencies/ Departments of States/UTs connected with disaster management on the disaster preparedness. The Committee also recommend that NDMA should formulate guidelines so as to bring coordination amongst various agencies/organizations involved with relief and rehabilitation works at the time of natural calamities, viz.

Army, Civil Authorities, NGOs/Voluntary organizations, scientists, etc. so that they act in unison and without any cross purpose for making the relief and rehabilitation efforts successful.

(Recommendation Sl. No. 21)

220. The Committee note that a road map prepared by the Ministry of Home Affairs in 2003 for efficient disaster management in the country *inter-alia* emphasized the need for a change from a relief-centric approach to a holistic all encompassing approach hinging on prevention, preparedness and mitigation. Towards this end, the Ministry of Home Affairs had set up a Committee of Experts in the realm of Building Bye-Laws, Town and Country Planning Act and Development Control Regulations. The Committee had recommended several measures including amendments in the Town and Country Planning Acts, Building Laws and Zoning Regulations that was shared with the States. The report of the Expert Committee suggesting model byelaws, improved Development Control Regulations and requisite amendments to the Town and Country Planning Act was sent to all the State Governments and the UTs for adoption as per their circumstances. The Committee are, however, concerned to note that no review or amendment of Town and Country Planning Act, Land use and Zoning Regulation and Building Bye-Laws had been carried out in the affected States/UTs of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry post-tsunami. The Ministry submitted that since this is a State subject, they had suggested that a Committee be set up under the Chief Secretary/Additional Chief Secretary to review the existing Building Bye-Laws and adopt Building Bye-Laws with suitable State specific modifications to meet the requirements of the States/UTs. Considering the importance of the matter, the Committee desire that the Ministry should make all out efforts to persuade all the States/UTs to carry out amendments in the Town and Country Planning Acts, Building Laws and Zoning Regulations etc. at the earliest. The Committee would also like the Ministry to adopt a policy for strict regulation and certification of all building construction materials and activities as well as plans and layouts of buildings in accordance with the hazard proneness and earthquake vulnerability of that area. The Committee further recommend that all the Planning Authorities and architects in the country should be compulsorily registered and a system of issuing certificates for their competency to design earthquake resistant buildings under a code of 'dos' and 'don'ts' should be introduced. The newly constructed buildings especially the multi storied/high raised ones should be declared fit and safe for human occupation only after duly inspected and authenticated by the Disaster Risk Management Authorities. As regards rural areas where the building byelaws are not applicable, the Committee desire that emphasis should be given on community preparedness and other basic safety measures. The Committee trust these measures, if implemented to a large extent, would significantly mitigate the risks of loss of lives and property in the event of natural calamities in future.

(Recommendation Sl. No. 22)

221. The Committee note that guidelines were issued by the Ministry of Home Affairs in September 2004 for the establishment of Emergency Operation Centres (EOCs), which were to act as resource centres for emergency response in the event

of any disaster. This was followed by a reminder in April 2005 instructing the Andaman Nicobar Islands Administration to keep these EOCs ready in all respects by 10 May 2005 for data, audio and video connectivity under the National Emergency Communication Plan (NECP). The proposal to set up the EOCs was however, initiated only in June 2005 and during 2005-06, administrative approval and expenditure sanction was accorded for four EOCs at a total cost of Rs 2.63 crore. The Committee find that work on only one EOC at Port Blair had been taken up so far. The construction of the fifth EOC at Car Nicobar, which was worst affected by the Tsunami is yet to be approved. As a result, the aim of providing reliable communication facilities, monitoring of hazards and coordinating response is yet to be achieved even after lapse of ten months from the expiry of the deadline given by the Ministry of Home Affairs. The Committee are not convinced by the Ministry's reply that due to high priority accorded to construction of temporary shelters for Tsunami victims and restoration of basic infrastructure, there was delay in establishing EOCs by the Andaman & Nicobar Islands Administration. Since the guidelines for the establishment of EOCs were issued way back in September 2004 well before the outbreak of the Tsunami in December 2004, the Ministry ought to have ensured the establishment of EOCs as per schedule particularly in view of the scattered geographical location of Andaman & Nicobar Islands, lack of emergency facilities and transportation problems in that area. The Committee cannot but conclude that this failure on the part of Government was one of the major reasons for the problems experienced in undertaking post disaster activities in Andaman & Nicobar Islands. The Committee have now been informed that the work is being accorded top priority and besides, control rooms have also been set up at all tehsil headquarters, which can be operationalised on 24 hour basis in case of need. System of receiving reports from the India Meteorological Department on daily basis has been streamlined to keep close watch on weather and geographical status. The Central Control Room, which can be used in case of disaster for connectivity purposes, has been set up with all model equipments at the Secretariat of the Andaman & Nicobar Islands Administration at Port Blair. Under Community Information System, 41 information centres with web connectivity have been established in almost all major inhabited islands, which will help in case of disasters for establishing communication connectivity with the rest of the world. The Committee trust that efforts will be made for setting up the requisite facilities in the EOC expeditiously so that the same become operational at the earliest and the Islands are fully equipped to deal with similar and other disasters in future.

(Recommendation Sl. No. 23)

222. The Committee have been informed that about 21,000 personnel from the Army, Navy, Air Force, Coast Guard and Para Military Forces, 40 Naval/Coast Guard ships, 34, aircraft and 42 helicopters were pressed into service as a part of the massive relief operations. About 28,734 persons were rescued on the mainland and more than 6,000 stranded people including tourists from Andaman & Nicobar Islands, were brought to the mainland. As many as 6.36 lakh persons in all were moved to safer places and kept in 930 relief camps. Given the magnitude of the rescue and relief operations involved during natural calamities such as the Tsunami, the

Committee are of the considered view that locality specific community training in disaster preparedness as a sub-component of Disaster Risk Management Programme can play a vital role in rescue and relief operations especially during the first few days when the administrative response is yet to take momentum. The Committee, therefore, recommend that community disaster preparedness scheme should be introduced along the coastal line of the country especially in Andaman & Nicobar Islands, Lakshadweep and the cyclone prone Eastern Coast. As a part of this arrangement, NGOs, youth organizations/clubs, voluntary organizations/associations, students etc. should be given special training to aid and assist the general administration in rescue, relief and rehabilitation activities and psycho-counselling of the suffering masses.

(Recommendation Sl. No. 24)

223. It has been reported that about 2964 indigenous people of Andaman & Nicobar Islands belonging to *Andamanese, Jarawa, Onges, Sentinelese and Shompens* tribes were reported either died or missing during the Tsunami. As per the information furnished by the Ministry the total number of surviving members of these tribes are 54, 321, 97, 39 and 389 respectively. The Committee note that the dwindling number of these indigenous tribes, who do not have access to modern health facilities and other amenities, is a matter of deep concern and if timely intervention is not provided, they might become extinct soon. The Committee have been informed that for the welfare of these aboriginal tribes, Andaman Adim Janjati Vikas Samiti (AAJVS) is implementing various welfare schemes for which grant-in-aid is released by the Administration. In view of the serious threat to their primitive existence as a consequence of deforestation and increasing economic exploitation of their dwelling areas, the Committee fear that these indigenous tribes, who are very vulnerable, may not be in a position to survive another tsunami like disaster. The Committee, therefore, recommend that the Ministry of Home Affairs should undertake various welfare measures as a part of Tsunami rehabilitation projects in the Union Territory for the protection of these indigenous tribes and to help equip them in meeting various natural as well as manmade challenges posed from time to time. The Committee would like to be apprised of the precise steps taken in this regard.

(Recommendation Sl. No. 25)

224. Installation of a Tsunami Early Warning System, which can forewarn people before the disaster hits the coastal areas, is of supreme importance in mitigating death toll and destruction caused by the colossal calamity. Post-tsunami, the necessity of a reliable Tsunami Early Warning System is acutely felt in the country so that timely evacuation of humans and material could be carried out to minimize death and destruction. The Committee have been informed that for this purpose a Tsunami Early Warning System namely Indian National Centre for Ocean Information Services (INCOIS) is being set up in Hyderabad, Andhra Pradesh. The proposed system envisages generating appropriate and reliable advisories/warning after detection of tsunamigenic earthquake (after detection of progression of waves). During evidence, the Secretary, Environment and Forests, deposed that a variety of packages of measures are typically necessary to address different coastal hazards and the early warning

system has to be seen as a part of a broader package of measures needed for coastal protection. The Committee while emphasizing the need to have a complete and most modern system for early warning of tsunami in the country, would like to be apprised of the specific details of INCOIS being installed in Hyderabad, including its technical parameters, cost involved, accuracy and reliability in Tsunami Early Warning as well as arrangements made for warning people of the impending disaster. The Committee would also like to draw the attention of the Ministry of Home Affairs to undertake a feasibility study on having a dedicated FM Radio service which can be interlinked with Tsunami Early Warning System and other meteorological forecasts on occurrence of cyclones, sea-storms, earthquakes etc. so as to fore-warn the people living on the coastal areas particularly the fishermen.

During their study visit to the National Remote Sensing Agency (NRSA) in Hyderabad in October 2007, the Committee were informed that NRSA had set up a Disaster Management Decision Support Centre which acts as the single window service provider of aero-space derived information related to six natural disasters viz., floods, cyclones, agricultural drought, earthquakes, landslides and forest fires functioning at 24X7. It connects the Managing & Monitoring agencies (the Prime Minister's Office, the Ministry of Home Affairs etc.), Knowledge centres (the India Meteorological Department, the National Informatics Centre and the Central Water Commission etc.) and user organizations. Further, in order to improve preparedness for disaster management, a National Database for Emergency Management (NDEM), a multi-institutional initiative has been taken up by NRSA at the behest of the Ministry of Home Affairs, which will host databases on 169 multi-hazard prone Districts at multiple scales. The Committee recommend that the Ministry of Home Affairs in consultation with the Department of Space and other concerned Departments/ Ministries should forge linkages between the proposed INCOIS that is being set up in Hyderabad and NRSA so that the synergies could be developed with respect to technological capabilities that are being developed by these institutes so that a coordinated, cohesive and unified system can be developed that can forecast tsunami and other natural disasters as well as fore-warn the people living in the coastal areas.

(Recommendation Sl. No. 26)

NEW DELHI;  
25 March, 2008  
05 Chaitra, 1930 (Saka)

PROF. VIJAY KUMAR MALHOTRA,  
Chairman,  
Public Accounts Committee.

ANNEXURE-I

MINUTES OF THE NINETEENTH SITTING OF PUBLIC ACCOUNTS  
COMMITTEE (2006-2007) HELD ON 12TH FEBRUARY, 2007

The Committee sat from 1600 hrs. to 1730 hrs. on 12th February, 2007 in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Prof. Vijay Kumar Malhotra — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Khagen Das
3. Shri P.S. Gadhavi
4. Shri R.L. Jalappa
5. Shri Raghunath Jha
6. Shri Brajesh Pathak
7. Prof. M. Ramadass
8. Shri Rajiv Ranjan 'Lalan' Singh

*Rajya Sabha*

9. Shri V. Narayanasamy
10. Shri Janardhana Poojary
11. Shri Prasanta Chatterjee
12. Dr. K. Malaisamy

SECRETARIAT

1. Shri Ashok Sarin — *Director*
2. Shri M.K. Madhusudhan — *Under Secretary*

**Representatives of the Office of the Comptroller and Auditor General of India**

1. Shri B.K. Chattopadhyay — ADAI (RC)
2. Shri A.N. Chatterji — DG
3. Dr. A.K. Banerjee — DGACR

**Representatives of the Ministry of Home Affairs**

1. Shri U.N. Panjiar — Secretary (Border Management)

2. Shri B.A. Countinho — Joint Secretary (UT)
3. Shri Prabhanshu Kamal — Joint Secretary (DM)

**Representatives of the Ministry of Environment and Forests**

1. Dr. Prodipto Ghosh — Secretary
2. Shri J.M. Mauskar — Joint Secretary

**Representative of the Ministry of Finance**

- Shri V.S. Senthil — Joint Secretary (PF)

**Representatives of the State Governments/ UT Administrations**

1. Shri M.A. Farooque — Relief Commissioner, Govt. of Tamil Nadu
2. Smt. Preeti Sudan — Spl. Secretary (DM), Govt. of Andhra Pradesh
3. Dr. (Ms.) Nivedita Haran — Pr. Secretary (DM) Govt. of Kerala
4. Shri Kumaraswamy — Secretary, Govt. of Puducherry

2. At the outset, the Chairman, PAC welcomed the Members and Audit Officers to the sitting of the Committee. The Chairman informed the Members that the sitting has been convened to take oral evidence of the representatives of Ministries of Home Affairs and Environment & Forests on the C&AG's Report No. 20 of 2006 relating to "Performance Audit of Tsunami Relief and Rehabilitation". He then informed the Committee that since Home Secretary had to proceed to Myanmar on an official visit, which was fixed prior to the sitting of the Committee, he had exempted him from attending the sitting.

3. Thereafter the Officers of the C&AG of India briefed the Committee on specific points arising out of the aforesaid Audit Report. Then the representatives of the Ministry of Home Affairs, the Ministry of Environment and Forests and Officials of States/ UTs of Andhra Pradesh, Kerala, Tamil Nadu, Andaman & Nicobar Islands and Puducherry were called in and the Committee commenced the oral evidence on the subject. The Secretary (Border Management), the Secretary (Environment & Forests), and Officials of some of the State Governments clarified the issues arising out of Audit Report and the queries raised by the Members. To certain queries, for which the witnesses could not give satisfactory replies, the Hon'ble Chairman directed the representatives of the concerned Ministries to furnish the requisite information in writing at the earliest.

4. As the evidence on the subject remained inconclusive, the Committee decided to hold another sitting after the receipt of written information from the concerned Ministries.

5. A copy of the verbatim proceedings of the sitting has been kept on record.

*The Committee then adjourned.*



ANNEXURE-II

MINUTES OF THE SECOND SITTING OF PUBLIC ACCOUNTS  
COMMITTEE (2007-2008) HELD ON 28TH MAY, 2007

The Committee sat from 1600 hrs. to 1730 hrs. on 28th May, 2007 in Committee Room  
'B' Parliament House Annexe, New Delhi.

PRESENT

Prof. Vijay Kumar Malhotra — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Kirip Chaliha
3. Shri Khagen Das
4. Shri P.S. Gadhavi
5. Shri Bhartruhari Mahtab
6. Shri Brajesh Pathak
7. Prof. M. Ramadass
8. Shri Mohan Singh
9. Shri Rajiv Ranjan 'Lalan' Singh
10. Shri Tarit Baran Topdar

*Rajya Sabha*

11. Shri Prasanta Chatterjee

SECRETARIAT

1. Shri A. Mukhopadhyay — *Joint Secretary*
2. Shri Brahm Dutt — *Director*
3. Shri M.K. Madhusudhan — *Deputy Secretary – II*
4. Shri Ramkumar Suryanarayan — *Under Secretary*

**Representatives of the Office of the Comptroller and Auditor General of India**

1. Shri N.R. Rayalu — ADAI
2. Shri A.N. Chatterji — Director General of Audit (PA)
3. Shri A.K. Thakur — Director General of Audit (CR)
4. Shri P.S. Das — Director (PA)

**Representatives of the Ministry of Home Affairs**

- |    |                     |   |  |
|----|---------------------|---|--|
| 1. | Shri Madhukar Gupta | — | Home Secretary                           |
| 2. | Shri U.N. Panjiar   | — | Secretary (Border Management)            |
| 3. | Shri R.S. Sirohi    | — | Additional Secretary & Financial Adviser |
| 4. | Shri B.A. Countinho | — | Joint Secretary (UT)                     |
| 5. | Shri O. Ravi        | — | Joint Secretary (DM-II)                  |
| 6. | Shri M.J. Joseph    | — | Chief Controller of Accounts             |

**Representatives of the Ministry of Environment and Forests**

- |    |                    |   |                 |
|----|--------------------|---|-----------------|
| 1. | Dr. Prodipto Ghosh | — | Secretary       |
| 2. | Shri J.M. Mauskar  | — | Joint Secretary |

**Representative of the Planning Commission**

- |                  |   |               |
|------------------|---|---------------|
| Shri L.P. Sonkar | — | Advisor (TRP) |
|------------------|---|---------------|

**Representatives of the State Governments/ UT Administrations**

- |    |                      |   |  |
|----|----------------------|---|--|
| 1. | Shri M.A. Farooqui   | — | Relief Commissioner, Govt. of Tamil Nadu                         |
| 2. | Shri C. Targay       | — | Chief Secretary, Andaman & Nicobar Islands Administration        |
| 3. | Shri Dharam Pal      | — | Relief Commissioner, Andaman & Nicobar Islands Administration    |
| 4. | Smt. Preeti Sudan    | — | Spl. Secretary (DM),<br>Government of Andhra Pradesh             |
| 5. | Shri Pradip Mehra    | — | Chief Secretary,<br>Government of Puducherry                     |
| 6. | Shri Kumaraswamy     | — | Secretary, Govt. of Puducherry                                   |
| 7. | Ms. Naini Jayaseelan | — | Secretary (Relief & Rehabilitation),<br>Government of Puducherry |

2. At the outset, the Chairman, PAC welcomed the Members, Audit officers and officers of the Ministry of Home Affairs, the Ministry of Environment and Forests, Planning Commission and Officials of States/UTs of Andhra Pradesh, Tamil Nadu, Andaman & Nicobar Islands and Puducherry to the sitting of the Committee. The Chairman informed the Members that the sitting has been convened to take further evidence of the representatives of Ministries of Home Affairs and Environment & Forests on the C&AG's Report No. 20 of 2006 relating to "Performance Audit of Tsunami Relief and Rehabilitation".

3. After introducing the officials from the Ministries and States/UTs to the Committee, the Home Secretary and the Secretary, Ministry of Environment & Forests made a brief

presentation on the subject. Thereafter, the Home Secretary, the Secretary (Environment & Forests), and Officials of some of the State Governments clarified the issues arising out of Audit Report and the queries raised by the Members. To certain queries, for which the witnesses could not give satisfactory replies, the Hon'ble Chairman directed the representatives of the concerned Ministries to furnish the requisite information in writing at the earliest, particularly on the issues relating to:

- (i) State-wise requirements of the permanent houses for the victims, houses constructed so far, houses actually occupied;
  - (ii) Progress on utilization of funds given out of the MPLADS;
  - (iii) Future planning/roadmap to deal with disasters/natural calamities;
  - (iv) Finalisation/approval of Disaster Management Rules in all States/UTs;
  - (v) Sources of Funds viz. foreign/NGOs/ADB/ World Bank/Private organizations/ Central Government, etc.; and
  - (vi) State-wise damage and rehabilitation.
4. A copy of the verbatim proceedings of the sitting has been kept on record.

*The Committee then adjourned.*

ANNEXURE-III

MINUTES OF THE NINETEENTH SITTING OF THE PUBLIC ACCOUNTS  
COMMITTEE (2007-2008) HELD ON 18TH MARCH, 2008

The Committee sat from 1600 hrs. to 1630 hrs. on 18th March, 2008 in Room No. "51"  
(Chairman's Chamber), Parliament House, New Delhi.

PRESENT

Prof. Vijay Kumar Malhotra — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Kirip Chaliha
3. Shri P.S. Gadhavi
4. Shri Raghunath Jha
5. Shri Bhartruhari Mahatab
6. Prof. M. Ramadass
7. Shri K.S. Rao
8. Shri Kharabela Swain

*Rajya Sabha*

9. Shri Prasanta Chatterjee

SECRETARIAT

1. Shri A. Mukhopadhyay — *Joint Secretary*
2. Shri Brahm Dutt — *Director*
3. Shri M.K. Madhusudhan — *Deputy Secretary-II*
4. Shri Ramkumar Suryanarayanan — *Under Secretary*

**Officers of the Office of the Comptroller and Auditor General of India**

1. Shri Nand Kishore — Pr. Director of Audit (AB)
2. Shri Jayanti Prasad — Pr. Director of Audit (INDT)

2. At the outset, the Chairman, PAC welcomed the Members to the sitting of the Committee. Thereafter, the Committee took up for consideration the following draft Reports:—

- (i) Draft Report on C&AG's Report No. 20 of 2006, Union Government (Civil—  
Performance Audit) relating to "Tsunami Relief and Rehabilitation"; and

(ii)       \*\*\*               \*\*\*               \*\*\*               \*\*\*               \*\*\*

3. The Chairman invited suggestions of the Members on the Draft Reports. After discussing the contents of the draft Reports in detail, the Committee adopted the same without any amendments/modifications and authorised the Chairman to finalise and present these reports in the light of factual verification done by the Audit.

4. Further, it was decided that the Committee would hold their next sitting on 7th April, 2008.

*The Committee then adjourned.*

# APPENDIX – I

## State/UT-wise details of areas affected, death and destruction/ damages caused by the Tsunami

Details	Andhra Pradesh	Kerala	Tamil Nadu	Pondicherry	ANI
1	2	3	4	5	6
Coastal length affected in Km	985	250	1000	25	Entire coast line
Penetration of water into main land in Km	0.50-2.0	1-2	1-1.5	0.30-3.0	Nicobar Group inundated
Average height of the tidal wave (in metres)	5	3-5	7-10	10	10
No. of villages affected	301	187	376	33	192
Population affected (in lakh)	1.96	13.00	8.97	0.43	Entire population (3.56 lakh)
Human lives lost	105	171	8009	593	1395
Persons missing	11	Nil	Nil	48	5764
Persons moved to safer places	34264	24978	487185	70000	19339
Dwelling units damaged	481	17382	190000	10061	21100
Cattle lost	89	Nil	5500	2685	27331
Cropped area damaged (Ha)	596	7763	2589	792	11010
Boats damaged (Nos.)	12189	10882	52638	6678	1401

## APPENDIX - II

### Sector-wise and State/UT-wise break up of fund requirement (2005-06) to (2008 –09) for Tsunami Reconstruction and Rehabilitation estimated by the Planning Commission

(Rupees in crore)

Sl. No.	UT/ State/ GOI	Housing	Fisheries & Livelihood (*)	Agriculture and Livelihood	Ports & Jetties	Roads & Bridges	Power and ICT	Water & Sewerages	Social Infra & Welfare	Environmental & Coastal protection	Tourism	Misc.	TA	Total
1.	Tamil Nadu	2178.00	607.02	32.88	74.70	954.20	28.51	50.58	180.77	8.00	5.52	-	120.00	4240.18
2.	Kerala	45.54	162.82	7.83	44.02	125.51	83.00	125.00	175.85	432.18	100.00	100.00	40.00	1441.75
3.	A.P.	7.80	52.66	-	-	42.00	-	55.65	1.00	4.00	-	-	5.00	168.11
4.	Pondicherry	127.54	48.02	4.01	75.00	75.15	6.90	4.50	9.25	152.70	-	-	15.00	518.07
5.	ANI	738.00	176.05	404.73	268.74	90.65	300.00	37.02	233.52	231.70	76.50	50.00	70.00	2676.91
	Sub-total	3096.88	1046.57	449.45	462.46	1287.51	418.41	272.75	600.39	828.59	182.02	150.00	250.00	9045.02
6.	DoS				775.23									775.23
7.	Core Group											50.00		50.00
8.	Grand total	3096.88	1046.57	449.45	1237.69	1287.51	418.41	272.75	600.39	828.58	182.02	150.00	300.00	9870.25
		(31.38%)	(10.60%)	(4.55%)	(12.54%)	(13.04%)	(4.24%)	(2.76%)	(6.08%)	(8.39%)	(1.84%)	(1.52%)	(3.04%)	(100%)

\* Does not include the loan component of Rs. 639.24 crore as indicated in Rajiv Gandhi package for boats.

ICT: Information Communication Technology

DoS: Department of Shipping

The total fund requirement has been calculated on the basis of data of initial damage assessment.



### APPENDIX–III

#### Details of excess expenditure incurred in Andhra Pradesh, Kerala, Tamil Nadu and Andaman & Nicobar Islands

Sl. No.	State	Amount (Rupees in crore)	Remarks
1	2	3	4
1.	Andhra Pradesh	1.04	Rs. 71.53 lakh was released in excess in Krishna district on procurement of boats. In East Godavari district Rs. 32.80 lakh was sanctioned in excess of actual requirement on repair of damaged boats.
2.	Kerala	0.23	The RGRP <sup>[1]</sup> provided for subsidy at prescribed ceilings on unit cost for replacement of boats damaged. The government incurred excess expenditure of Rs. 23.48 lakh on provision of working capital to beneficiaries which was not envisaged in RGRP.
		0.22	Excess payment of Rs. 22.10 lakh was incurred by allowing higher rates to contractors on construction of 17 semi permanent sheds.
3.	Tamil Nadu	2.35	Additional expenditure amounting to Rs. 2.35 crore was incurred in the districts of Villupuram (Rs. 1.45 crore) and Cuddalore (Rs. 89.55 lakh) on payment of relief at enhanced rates to FRP <sup>[2]</sup> catamarans.
		0.35	The Small Industries Development Corporation Ltd. (SIDCO) incurred excess expenditure of Rs. 35.31 lakh as SIDCO did not apply for TNGST/ CST exemption on the purchase of trunks, kerosene stoves and stainless kudams for distribution to tsunami affected families. The finished products were despatched directly to affected districts without exercising quality checks and the scrap was not obtained from the agents resulting in loss of the proceeds from the sale of scrap.
		0.20	There was excess expenditure to the tune of Rs. 19.99 lakh in the districts of Cuddalore and

1	2	3	4
			Nagapattinam for supply of water on account of incorrect adoption of rates/higher rates and continuance of water supply even after repairing of damaged pipes .
4.	ANI	0.50	Rs. 19.99 lakh was paid to ANI Integrated Development Corporation Ltd. (ANIIDCO) for supply of vegetables without adjustment of advance payment of Rs. 50 lakh given in March, 2005.
		0.06	Procurement of bicycles for distribution in Car Nicobar and Nancowry Islands by the Relief Commissioner (Supplies) in February 2005 on single tender basis resulted in excess expenditure of Rs. 5.82 lakh.
Total		4.95	

<sup>1</sup> Rajiv Gandhi Rehabilitation Package.

<sup>2</sup> Fibre Reinforced Pl.

#### APPENDIX-IV

**Notification of the National Coastal Zone Management Authority regarding  
enforcement and monitoring of the Coastal Regulation Zone Notification  
1991 and the Coastal Zone Management Plans**

रजिस्ट्री के नं० एल-1004/99

REGISTERED No. DL 1004/99



असामान्य  
EXTRAORDINARY

भाग II — खण्ड 3

PART II — Section 3

प्रसिद्धि के तहत

PUBLISHED BY AUTHORITY

नं० 193]

नई दिल्ली, मंगलवार, फरवरी 25, 2003/फाल्गुन 6, 1924

No. 193]

NEW DELHI, TUESDAY, FEBRUARY 25, 2003 / PHALGUNA 6, 1924

#### MINISTRY OF ENVIRONMENT AND FORESTS

#### ORDER

New Delhi, the 25th February, 2003

S.O. 230(E).—Whereas by an order of the Government of India in the Ministry of Environment and Forests number S.O. 17(E) dated 8th January, 2001, the Central Government constituted the National Coastal Zone Management Authority for a period of two years and the term of the said Authority has expired;

And whereas, the Central Government is of the view that such an Authority must be re-constituted for a period of one year;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby re-constitutes the National Coastal Zone Management Authority (hereinafter referred to as the Authority) consisting of the following persons, for a period of one year, with effect from the date of publication of this Order in the Official Gazette, namely:—

- |     |   |                  |
|-----|---|------------------|
| 1.  | Special Secretary<br>(Impact Assessment),<br>Ministry of Environment and Forests,<br>New Delhi.                                   | Chairman         |
| 2.  | Shri Pranabes Sanyal,<br>Chief Conservator of Forests, Wildlife<br>Forests Directorate,<br>Government of West Bengal,<br>Kolkata. | Member           |
| 3.  | Chief Town Planner<br>Ministry of Urban Affairs and Employment,<br>New Delhi.   | Member.          |
| 4.  | Member or an officer of an equivalent rank<br>Central Ground Water Board,<br>New Delhi.   | Member.          |
| 5.  | Director General (Tourism) or his representative,<br>Ministry of Tourism,<br>New Delhi.   | Member           |
| 6.  | Dr. Mohan Joseph,<br>Director,<br>Central Marine Fisheries Research Institute,<br>Cochin.   | Member           |
| 7.  | Member or an officer of an equivalent rank,<br>Central Water Commission,<br>New Delhi.  | Member           |
| 8.  | Dr. Shailesh Nayak,<br>Senior Scientist,<br>Space Applications Centre,<br>Ahmedabad, Gujarat.                                     | Member           |
| 9.  | Dr. S. Ramachandran,<br>Director,<br>Institute of Ocean Management,<br>Anna University, Chennai.                                  | Member           |
| 10. | Dr. M. Baba,<br>Director,<br>Centre for Earth Science Studies,<br>Akkulam,<br>Thiruvananthapuram.                                 | Member           |
| 11. | Deputy Secretary/Officer of an equivalent rank<br>(Impact Assessment),<br>Ministry of Environment and Forests,<br>New Delhi.      | Member-Secretary |
- II. The Authority shall have the power to take the following measures for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas, namely:—
- (i) co-ordination of actions by the State Coastal Zone Management Authorities and the Union Territory Coastal Zone Management Authorities under the said Act and the rules made thereunder, or under any other law which is relatable to the objects of the said Act.

- (ii) examination of the proposals for changes and modifications in classification of coastal regulation zone areas and in the coastal zone management plans received from the State Coastal Zone Management Authorities and the Union Territory Coastal Zone Management Authorities and making specific recommendations to the Central Government therefor.
  - (iii) (a) review of cases involving violations of the provisions of the said Act and the rules made thereunder; or under any other law which is relatable to the objects of the said Act and, if found necessary, issue directions under section 5 of the said Act.
  - (b) Review of cases under (iii) (a) either *suo-moto*, or on the basis of complaint made by an individual or a representative body, or an organization functioning in the field of environment.
  - (iv) file complaints under section 19 of the said Act in cases of non-compliance of the directions issued by it under sub-paragraph (iii) (a) of paragraph II of this Order; and
  - (v) to take action under section 10 of the said Act to verify the facts concerning the issues arising from sub-paragraphs (i), (ii) and (iii) of paragraph II of this Order.
- III. The Authority shall provide technical assistance and guidance to the concerned State Government, Union territory Governments or Administrations, the State Coastal Zone Management Authorities, the Union Territory Coastal Zone Management Authorities, and other institutions or organisations as may be found necessary, in matters relating to the protection and improvement of the coastal environment.
  - IV. The Authority shall examine and accord its approval to area specific management plans, integrated coastal zone management plans and modifications thereof submitted by the State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities.
  - V. The Authority may advise the Central Government on policy, planning, research and development, setting up of centres of excellence and funding, in matters relating to coastal regulation zone management.
  - VI. The Authority shall deal with all environmental issues relating to coastal regulation zone which may be referred to it by the Central Government.
  - VII. The Authority shall furnish report of its activities and the activities of the State Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities at least once in six months to the Central Government.
  - VIII. The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.
  - IX. The Authority shall have its headquarters at New Delhi.
  - X. Any matter specifically not falling within the scope and jurisdiction of the Authority as so re-constituted shall be dealt with by the statutory authorities concerned.

[No. J-17011/18/1996-IA-III]  
Dr. V. RAJAGOPALAN, Jt. Secy.

## APPENDIX V

### Notification of a State/UT level Coastal Zone Management Authority regarding enforcement and monitoring of the Coastal Regulation Zone Notification 1991 and the Coastal Zone Management Plans

#### ORDER

New Delhi, the 4th January, 2002

**S.O. 28(E).**—In exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), and in supersession of the Notification of the Government of India in the Ministry of Environment and Forests Number 992(E) dated, the 26th November, 1998, except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes an authority to be known as the Andaman and Nicobar Coastal Zone Management Authority (hereinafter referred to as the Authority) consisting of the following persons, for a period of three years, with effect from the date of publication of this Order in the Official Gazette, namely:—

- |   |          |
|---|----------|
| 1. Chief Secretary,<br>Andaman and Nicobar Administration,<br>Andaman and Nicobar Islands,<br>Port Blair.                     | Chairman |
| 2. Chief Engineer & Administrator,<br>Andaman and Lakshadweep Harbour Works,<br>Ministry of Surface Transport,<br>Port Blair. | Member   |
| 3. Secretary,<br>Department of Environment,<br>Andaman and Nicobar,<br>Port Blair.  | Member   |
| 4. Director,<br>Department of Fisheries,<br>Port Blair.   | Member   |
| 5. Dr. S. Ramachandran,<br>Director,<br>Institute of Ocean Management,<br>Chennai.  | Member   |
| 6. Dr. P.S.N. Rao,<br>Botanical Survey of India,<br>Port Blair.   | Member   |

7. Conservator of Forests,  
Andaman and Nicobar Islands,  
Port Blair.
- Member-Secretary
- II. The Authority shall have the power to take the following measures for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in the coastal areas of the Union Territory of Andaman and Nicobar, namely:—
- (i) Examination of proposals for changes or modifications in classification of Coastal Regulation Zone areas and in the Coastal Zone Management Plan (CZMP) received from the Andaman and Nicobar Union Territory Administration and making specific recommendations to the National Coastal Zone Management Authority therefor.
  - (ii) (a) Inquire into cases of alleged violations of the provisions of the said Act or the rules made thereunder, or under any other law which is related to the objects of the said Act and, if found necessary in a specific case, issuing directions under section 5 of the said Act, insofar as such directions are not inconsistent with any direction issued in that specific case by the National Coastal Zone Management Authority or by the Central Government;
  - (b) Review of cases involving violations of the provisions of the said Act, and the rules made thereunder or under any other law which is related to the objects of the said Act and if found necessary referring such cases, with comments, for review to the National Coastal Zone Management Authority:
- Provided that the cases under sub-clauses (a) and (b) of this sub-paragraph may either be taken up *suo-moto* or on the basis of complaint made by an individual or a representative body or an organisation.
- (iii) Filing complaints under section 19 of the said Act in cases of non-compliance of the directions issued by it under sub-clause (a) of sub-paragraph (ii) of paragraph II of the Order.
  - (iv) To take action under section 10 of the said Act to verify the facts concerning the issues arising from sub-paragraphs (i) and (ii) of paragraph II of this Order.
- III. The Authority shall deal with environmental issues relating to Coastal Regulation Zone which may be referred to it by the Andaman and Nicobar Union Territory Administration the National Coastal Zone Management Authority or the Central Government.
- IV. The Authority shall identify ecologically sensitive areas in the Coastal Regulation Zone and formulate area-specific management plans for such identified areas.



- V. The Authority shall identify coastal areas highly vulnerable to erosion or degradation and formulate area specific management plans for such identified areas.
- VI. The Authority shall identify economical important stretches in Coastal Regulation Zone and prepare Integrated Coastal Zone Management Plans for the same.
- VII. The Authority shall submit the plans prepared by it under paragraphs IV, V and VI above and modifications thereof to the National Coastal Zone Management Authority for examination and its approval.
- VIII. The Authority shall examine all projects proposed in Coastal Regulation Zone areas and give their recommendations before the project proposals are referred to the Central Government or the agencies who have been entrusted to clear such projects under the notification, of the Government of India in the Ministry of Environment and Forests *vide* number S.O. 144 (E) dated 19th February, 1991.
- IX. The Authority shall ensure compliance of all specific conditions that are stipulated and laid down in the approved Coastal Zone Management Plan of Andaman and Nicobar.
- X. The Authority shall ensure that atleast two-third members of the Authority are present during the meetings.
- XI. The Authority shall furnish report of activities at least once in six months to the National Coastal Zone Management Authority.
- XII. The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.
- XIII. The Authority shall have its headquarters in Port Blair.
- XIV. The Authority shall open an account in any of the nationalized banks in the name of the Authority for the purpose of receiving funds provided for undertaking the activities and functions listed in this order.
- XV. Any matter specifically not falling within the scope and jurisdiction of the Authority as constituted shall be dealt with by the statutory authorities concerned.

[F.No. 17011/18/96-IA-3]  
DR. V. RAJAGOPALAN, Jt. Secy.

## APPENDIX VI

### List of permissible and non-permissible activities under each of the CRZ categories

Sl. No.	Activities	CRZ-I(i) Coastal Regulation Zone-I (i)	CRZ-I(ii)	CRZ-II	CRZ-III (0-200 mts)	CRZ-III (200-500 mts)	CRZ-IV
1	2	3	4	5	6	7	8
1.	Agriculture	X	□	□	□	□	
2.	Airstrips	X	X	X	X	X	□ (Lak)
3.	Ash from TPS	X	X	X	X	X	X
4.	Blasting Underwater	X	X	X	X	X	X
5.	Bridges	X	□	□	□	□	
6.	Complex commercial	X	X	□	X	X	X
7.	Control erosion	X	□	□	□	□	
8.	Conveying systems	□	□	□	□	□	
9.	Demolition/reconstruction of archaeological, heritage, public structures	X	X	□	X	X	X
10.	Dispensaries	□ (SB)	X	□	□	X	X
11.	Drainage	X	X	□	□	□	□
12.	Drains storm water	X	X	□	□	□	□
13.	Drawal groundwater	X	X	□	X	□	□
14.	Drying fish	X	X	□	□	□	□
15.	Edible oils storage of	X	□	□	□	□	
16.	Effluents treated	X	X	□	□	□	□
17.	Energy non-conventional	X	X	X	□	□	□
18.	Energy projects atomic	□	□	□	□	□	

1	2	3	4	5	6	7	8
19. Facility embarkation	X	X	X		X	X	X (Lak)
20. Fertilizers storage of	X						
21. Fields play	X	X					
22. Fisheries (aquaculture)	X	X	X		X		
23. Foodgrains storage of	X						
24. Forestry	X	X					
25. Hatchery	X	X				X	X
26. Horticulture	X						
27. Industries expansion	X	X	X		X	X	X
28. Industries new	X	X	X		X	X	X
29. Information Technology	X	X	X		(SEZ)	(SEZ)	X
30. Jetty	X						
31. Landfill	X	X	X		X	X	X
32. Lines transmission							
33. LNG							
34. Minerals rare	X	X					
35. Mining coral	X	X	X		X	X	X
36. Oil and gas exploration							
37. Parks	X	X					
38. Pipelines							
39. Plants desalination	X	X					
40. Plants thermal power	X	X	X		X	X	X
41. Ports/harbours expansion of	X						
42. Prevention of salinity ingression	X						
43. Processing fish	X	X	X		X	X	X
44. Products POL	X	X	X				
45. Projects defence	X						

1	2	3	4	5	6	7	8
46. Projects SEZ		X	X	X	□ (SEZ)	□ (SEZ)	X
47. Quays		X	□	□	□	□	□
48. Radars weather		□	□	□	□	□	□
49. Rain shelters public	□ (SB)		X	□	□	X	X
50. Reclamation of land	X	□ (P&H)	□ (P&H)		□ (P&H)	□ (P&H)	□ (P&H)
51. Regulators tidal	X	□	□		□	□	□
52. Resorts beach	X	X	□		X	□	□
53. Roads	X	X	□		□	□	X
54. Saltpan	X	□	□		□	□	□
55. Sand dunes altering	X	X	X		X	X	X
56. Sand/rock mining	X	X	X		X	X	X
57. Schemes housing	X	X	□		X	X	X
58. Schools	□ (SB)	X	□		□	X	X
59. Sea-links	□	□	□		□	□	□
60. Sewerage	X	X	□		□	□	□
61. Shipways	X	□	□		□	□	□
62. Structures reconstruction of	X	X	□		□	□	□
63. Supply water	X	□	□		□	□	□
64. Toilets community	□ (SB)	X	□		□	X	X
65. Units dwelling	X	X	□		X	□	□
66. Waste municipal	X	X	X		X	X	X
67. Wharves	X	□	□		□	□	□

**Legend-**

CRZ-I (i)	–	Ecologically sensitive areas
CRZ-I (ii)	–	Inter-tidal areas
CRZ-II	–	Built up areas
CRZ-III	–	Rural areas
CRZ-III	–	(HTL to 200 metres) – No Development Zone within rural areas
CRZ-IV	–	Andaman & Nicobar Islands and Lakshadweep Islands
Lak	–	Lakshadweep
P&H	–	Port & Harbours
SB	–	Sunderbans
SEZ	–	Special Economic Zone
X	–	Prohibited
□	–	Permitted