

# CHUNGTHANG - The Kalapani of the 21<sup>st</sup> Century

*A Case Study on response of the government and the people in the face of the most devastating earthquake of 18<sup>th</sup> September 2011.*

***Area:** Chungthang, Ground Zero of the most devastating earth quake recorded in Sikkim. It is beyond any doubt that the national and international focus on the 18<sup>th</sup> September earthquake was due to the unfortunate deaths of innocent citizens and the most devastating destruction of properties at Chungthang. The face of the destruction, in fact, was the collapsed houses at Chungthang which was beamed day and night in the media that generated much support for Sikkim. But when it came to reaching relief, the actual place of destruction and the victims were neglected and the funds diverted to other places and used for other works which did not need so much urgency. In fact, the very priority list of the state government does not even mention the most affected area.*

## Part I

### **A. The Cause of our Suffering: The colossal Mismanagement and Misuse of Funds released for Earthquake Rehabilitation.**

The White Paper on the Earthquake produced by the Government of Sikkim does not mention Chungthang or North Sikkim as the focal point of destruction. All efforts have been made to show that the damages were widespread so that the funds could be diverted for other purposes.

It is now 18 months since the most devastating earthquake struck our state and since the situation at Chungthang, the Ground Zero, and other severely affected areas like Bey, Sakyong-Pentong in Dzongu, Lachen and Lachung is of complete neglect and utter mismanagement, it became necessary for the affected families to dwell upon the reasons due to which the saga of suffering has continued. This effort is solely an individual effort and makes no claims of being a qualified scientific analysis or research work. It is however an attempt to show to the world the condition of the people and the area worst hit by the 18<sup>th</sup> Sept 2011 earthquake and the effects that changed the lives of many people for ever.

Though it is also with enormous pressure on myself whether to exercise **tact** by remaining in comfort zone by not doing anything like others or reveal the **fact** so that the world knows the reality and expose myself to series of instant rebuttal from various agencies to prove their innocence. However, the gravity of the situation required someone to **act** and tell the story and under the current circumstances that has to be me whatever the consequences might be.

Further, after having gathered all information through RTI, it is my public responsibility and duty to bring to light and share the finding with all concerned and also as the issue is critical for me as a concerned resident of Chungthang and as an environmental activist.

The dynamics of the situation is changing fast; information of a given day sometimes becomes irrelevant after few days. Some recent works might dilute the overwhelming image of neglect for so long. The delay in release of this report is due to the necessity to give time to the authorities to respond to the situation and to get authentic information. The release of the White Paper by the government has saved a lot of time and effort in getting further information. For the purpose of this write up, more than 30 applications were made through the RTI Act and the entire rigour of going to the bank and office to pay for the documents and collecting it had to be faced.

The essence of the issue is the response of the Government to the catastrophe.

## **B. Priority and timely Intervention:**

The priority list of the Government which is stressed more on the Infrastructure and complete neglect of social, economic and environmental issues has taken away focus from Ground Zero. Under established procedure or operating system the emphasis should have been with the most serious case, the process of rebuilding and rehabilitation should have started from Chungthang and Dzongu. In Sikkim it was just the opposite. After lapse of so much time some of the schemes area now getting sanctioned, which will take another two years to complete.

Moreover, since the land revenue and disaster management did not have a proper management plan, the funds were distributed to different departments and these departments in turn used the funds as per their own will without giving emphasis to the most affected areas, and when public approached them they would ask the people to go to Land Revenue Deptt. and get funds and the Land Revenue Deptt. in turn shows all the documents and says that funds have been transferred. This is one reason why the state of Sikkim is neglected and the people exploited even during the most difficult period of death and destruction. The people sitting in comfort of their offices in Gangtok had no understanding of ground realities the citizens were facing. Due to this even the little that has been done is too little too late and as such it is almost like not there at all. This is almost tantamount to violation of basic human rights of the people which is totally unacceptable in a free and democratic country.

To understand the genesis of neglect and lack of effective rebuilding and reconstruction of the devastated area, it is important to dwell on all the different aspects of the issue.

This report will however focus more on the issues of rebuilding of lives and reconstruction of the affected areas and not much on the immediate relief and rescue issues.

## **C. Cause of the Devastation at Chungthang and surrounding Areas:**

As per Government of Sikkim data the magnitude of 18<sup>th</sup> Sept 2011 earthquake was 6.8 in Richter scale and with focal depth of 19.7 kms, the epicentre being at 27.72°N, 88.06°E in Sikkim-Nepal border region and the timing was 18.10 hrs. Even though Chungthang is much further away from the epicentre compared to other towns like Gyalshing and Mangan, the damage was maximum in it and surrounding areas. So what could be the reason? The government says that the hydroelectric projects have nothing to do with the earthquake, but as scientific data showed that though hydro projects might not be the triggering cause of the earthquake, they were certainly the one and only contributing factor for the magnitude of the disaster in the area.

It is an established fact that most of the houses in Chungthang GPU, Singhik, Shipgyer, Safo, Ramom in the project affected area of the Teesta Hydroelectric Power Project Stage III were severely damaged by the continuous blasting used to construct the dam, tunnels and other components of the project. The damages were so severe that the public had petitioned the government to take necessary action. Accordingly, the Mines and Geology Department had undertaken a study to scientifically ascertain the facts and the report of the Department, published in April 2010, had categorically stated that **"Keeping in view of overall geological and geo-morphological condition of area, absence of any structure failure in the past, the main causative factor is ongoing activities especially due to underground blasting and tunnelling and their consequences. Main underground activities lies below Pegong, (HRT and other components) and further damages in future can't be ruled out."** The report clearly stated that the area was already disturbed and vulnerable.

Further, to prove the blasting in the area and the state, the RTI reply from the Dy. Chief Controller of Explosives, East Circle, Kolkata clearly states the volume of usage of blasting in Sikkim and the Teesta HEP Stage III area. As per the information, licence has been issued for whopping **1,81,800 kgs (one lakh eighty-one thousand and eight hundred kgs) of nitrate mixture** to different agencies for the state of Sikkim. Teesta Urja, which is developing Stage III, was issued licence for 20,000 kgs nitrate mixture and 10,000 metres of emulsion explosives, its sister concern, Abir Infrastructure Pvt Ltd, was issued licence for 20,000 kgs, making it **40,000 kgs (forty thousand kgs)**. Since 80% work is completed, it is expected that at least 30-35000 kgs of blasting has been used on the fragile environment. Moreover, the area has been constantly pounded by the BRO for its road construction works as well.

Further, the clean environment of Sikkim has been polluted by the use of toxic materials like **94,650 metres of safety fuses, 2,17,750 metres of detonating cord and 6,04,500 detonators** (licence issued for approx quantity).

So there is no escaping the fact that the entire state with its young mountains has been battered with extensive brute force and Chungthang being the dam site is worst hit. It is any one's guess that the severely disturbed area just needed another jolt to cause devastation as that happened on the 18<sup>th</sup> of Sept 2011.

Therefore, the argument that there is no link between the earthquake and hydro projects is completely wrong. It is proven beyond any doubt that the severity of destruction in Chungthang and surrounding areas was compounded by the destructive mega hydroelectric power project.

The entire funds donated by Teesta Urja Ltd. for the earthquake was deposited in the CM's relief fund and not provided to the project affected area directly.

It would be best for the government to accept this reality and take remedial measures rather than forcefully suppress facts and bring untold suffering to the innocent and helpless aborigines.

## **Part II**

*After the release of the introductory chapter on the issue, there has been overwhelming response from rest of Sikkim highlighting the need of proper rehabilitation work after the earthquake. This fact clearly portrays the state of affairs in the state. Since the damage by the earthquake has been widespread, it is very worrismatic that if the condition of the most affected Chungthang and other parts of North Sikkim are so bad, what will be the condition of the other parts of Sikkim? However, since I haven't been able to visit or study the condition of large part of the state, as of now my report will focus on the Chungthang and North Sikkim and the policies of the government. I hope that the civil society organizations, political parties and individuals come out in this hour of need and speak for the people.*

### **D. Relief and Rescue:**

There is no doubt that the rescue and relief operation was the most challenging due to extend and gravity of the damages. The process of providing immediate relief, including ex-gratia payment for the deceased, damages and displacements, has long been concluded. The most of the residents including undersigned have received relief for damages to properties.

The massive rescue and relief operation was managed by a collective effort of the government (central and state) and the civil society. The presence of the valiant and

selfless support from members of the armed forces, including the paramilitary Indo-Tibetan Border Police (ITBP) and Border Roads Organization contributed immensely for the government and the civil administration. The sacrifice of the Sikkim Government employees who volunteered to come back to the disaster area to serve and those who chose to stay back in the area after the devastation even though they had the choice to stay away have to be lauded. Of course, the effort and sacrifices of NGOs and local people who do not have permanent employment but still volunteered for months together for the people cannot be forgotten.

One of the exemplary shows of commitment was exhibited by the first rescue team that went to Lingza/Bey in Dzongu under most treacherous condition with threat to their own lives. The Quick Response Team from Emergency Operation Centre (EOC), Mangan, was guided by the youths of Dzongu and assisted by volunteers from Mangan.

There was no shortage of sacrifice and willingness to help people in distress but the entire process was hampered by lack of qualitative and coordinated management. The lapses were mostly self-created problems or due to the lack of foresight, preparedness and failure of pre-emptive measures of the Government.

It has been seen that the management at the Mangan District headquarters took inordinate time to set up proper functional mechanism, which became an impediment for effective response. When the set up was more or less in place, the DC was transferred and after some time the relief commissioner was transferred.

One serious disturbing finding through the RTI was that the Government of Sikkim has not bothered to acknowledge in proper befitting manner the selfless sacrifice and service rendered by the people at the ground level. It was highly disturbing to find that there is no distinction between those who work hard and those who don't.

## **E. Response of Government and political Parties:**

The most important response/intervention in the time of a disaster from the Government should be to provide a sense of support and a healing touch to families in distress. To achieve this, the physical presence of the concerned persons is not only important but critical for the victims, but for Chungthang and areas further in the interior parts of North Sikkim, the situation was a far cry from the expectations of the people, and the following will illustrate how:

1. The Chief Minister reached the most devastated area only after 40 days. This is critical because of the fact that in Sikkim nothing moves without the direct/personal intervention of the HCM.
2. Mr Rahul Gandhi never turned up. People waited for him for days and the administration wasted precious time as most of them were at the helipad managing Bandobast, in case he turned up!
3. The Hon'ble Prime Minister, who had refused to accept donation from foreign countries for the Tsunami disaster but has failed to provide whatever little that has been promised to the State. He created a magical figure of 1000 Crores in the minds of the people which is long way from reaching them. Of course, the delay in release of all the fund is in a way a blessing in disguise for if all the money were to be released, the entire amount would have been misused to suit agendas of a handful.
4. None of opposition parties, particularly Congress, which had fielded candidates in the last elections, visited the area.
5. The only political party to visit the affected area in the early days was the BJP. The state President of BJP, Shri Padam Chettri, along with Mr. Tapir Gao of Arunachal

Pradesh and Shri Bhagat Singh Kushary, ex-Chief Minister and MP of Uttarkhand, reached Chungthang.

6. The Chief Minister started giving out ex-gratia in cash to the affected people, but the opposition decried this method and by the time the CM reached Chungthang, though he had nothing much to give to the people as much of the central relief was distributed to other places. Never the less, the direct cash relief method for the victims provided immediate relief to the families and ensured that the victims did not have to stand in queue or run around to get relief. The opposition stand was counterproductive.
7. The MLA Lachen Mangan and other elected representatives of the People though well meaning, were either not consulted in process of policy decision or bypassed by people in Gangtok, but as the representatives of the region the responsibly remain with them and as per the situation today, the area remains truly neglected and the people had to endure immense trauma for last one and half year. Whatever has been done is too late and too little. This shortcoming is the most critical reason why funds meant for the constituency did not reach the affected area. As long as they wait for something to happen on its own nothing is going to happen.
8. The Panchayats, even though houses of some of them were completely devastated and some are still living in alternative places, choose not to antagonise the political system out of fear of not getting anything. Since the Panchayats always tried to protect the image of the government, they projected a wrong image of the ground situation to visiting teams which in turn deprived the area and the people for whom they are supposed to speak up for. The only initiative they took was to call on the DC and MLA to issue some sort of an ultimatum but even that got forgotten as some of them started to get contract works.

## **F. The factual Ground Situation:**

### **1. Totally damaged/unsafe Houses:**

Total of 13 private houses were declared unsafe/totally damaged by the administration based on various reports. After the visit of IIT Madras, most of the houses were evacuated. These houses were given Rs. 50,000 initially and thereafter during the visit of CM Rs. 4,50,000 for rebuilding. Further, the CM committed himself to demolish all the completely damaged houses and clear the debris to enable the victims to construct new dwelling house. Unfortunately, only one house was demolished with government support and few others were cleared, but beyond that, so far, nothing else has happened. Due to the inordinate delay, most of house owners having no other place to stay, decided to repair the unsafe houses and so today we have some of these houses repaired and out of sheer frustration and compulsion people inhabiting them despite the evacuation orders. If we visit Chungthang today, we will find a ghost town with a majority of these houses left as they were after the earthquake.

### **2. Severely damaged Houses:**

A large number of houses were severely damaged and these were provided Rs. 25,000 from the administration. This category remained the most deprived even though the CM and the Chief Secretary committed to provide support for repairs. The RCC houses were so badly damaged that the repair and renovation cost was very high and for those who have lost everything, taking up such a task became an added burden and so most of the houses are still in the same damaged condition while some have been repaired with borrowed finances; the government has done nothing besides the initial ex-gratia payment. This category of victims became most affected by the government diversion of Earthquake Relief Funds to carry on with the populist scheme of CMRHM houses under the new name of REDRH. Once the REDRH was made the norm for earthquake damaged houses, the

RCC/Semi RCC /PUCCA house owners were no longer eligible to get support as they were categorised as rich and houses under REDRH were meant for the poorer section of the society. Moreover, even house owners who had pucca houses had to rebuild new houses under the REDRH thereby which caused serious problems in the village as those who were displaced and house damaged were deprived of the funds meant for them. As of now, not a single severely damaged house has received government funds to help rebuilding.

### **3. Government Infrastructure:**

Most of the government buildings were completely damaged. The worst hit being the most important Police Station, food godown, quarters of the SDM Complex, RMDD complex etc. In spite of the Police Station being the symbol of state power, Chungthang still does not have a fully functional Police Station, though work on a fabricated structure had commenced as late as last year.

### **4. Food Godown:**

The all important Food Godown was completely damaged and till today even the damaged structure is yet to be demolished. This is a hazard for the public and real failure of the state to initiate proper steps to rebuild the area. On the RTI query, the Department of Food and Civil Supplies mentioned that the Buildings & Housing Deptt, is yet to give an estimate for demolition of the damaged structure. Under such circumstances, we can only speculate when a new good Godown will be constructed. As of now, the entire food stock is stored in the gymnasium hall causing lot of disturbance to other programs.

### **5. School Buildings:**

On paper, the government has released money for carrying out repair of school buildings but these are far from adequate and the students as well as the teaching staff are facing the brunt of the official neglect. One structure to be used as a hall is yet to be either demolished or repaired, even after such a long time! The school building at Bop is still unattended.

### **6. Animal Husbandry and veterinary Services:**

If there is any government scheme that has directed some revenue generation, it is the Piggery farm at Bop. For a very long time this has been one of the most important projects in the area and is the most visited spot by all dignitaries and other visitors along with the Angora rabbit farm at Rabom. However, this farm was the worst hit with unfortunate demise of one of the staff in the premises when the earthquake hit. As of now, apart from few minor repairs that too taken up only recently, there has been absolutely no work on rebuilding what so ever. The complex along with the completely damaged dispensary presents a tragic site of utter neglect and ruin.

It is completely beyond the understanding of any sensible citizen why the government is displaying such an attitude.

### **7. SDM Office Quarters:**

All the government quarters of the SDM complex were completely damaged and till today most of the employees are facing serious accommodation problems. Some of the officers and employees continue to live in this "totally unsafe" declared house due to compulsion. Even if the government is to start the construction of these houses it will take a good two years to complete the structures due to bad road and weather conditions. And the suffering will continue hampering performance of public work.

### **8. ICDS Centres:**

In response to an RTI query, the Department of Social Welfare mentioned that most of the centres were repaired but even till December last year [2012], the ICDS workers had

rented a small room with their own meagre salaries and two centres were housed in a single room. The workers have been running from one authority to the other to find suitable accommodation. It was only after this issue was raised in the Gram Sabha that some temporary alternative was arranged. Such is the attitude of the government towards child welfare.

### **9. Directorate of Handicraft and Handloom Industry:**

All the buildings of the institute are on the verge of collapsing. There is absolutely no work done what so ever to rebuild this important institute.

### **10. Monasteries:**

The Ecclesiastical Department had taken more than a year to decide whether the existing damaged structure is to be restored with retrofitting or a new structure constructed. The department is completely clueless and directionless even to decide the modalities to undertake works of such important public buildings. There are no directions for safe keeping of the artefact or the process of inventorisation of assets once the old monastery is demolished. Eventually, it will be a contractor who will be given the work and after some years we will get to hear all the complaints which could otherwise have been avoided by a doing good job supervised by an efficient committee.

(These are some of the infrastructures which have been highlighted though there are more which have been neglected.)

## **G. Amenities:**

### **1. Telecommunication:**

The biggest hindrances for effective relief and rescue operations were bad roads and poor telecommunication.

*(Further comments not to be published as there is a litigation in the Hon'ble High Court of Sikkim.)*

### **2. Roads:**

Two of the agencies responsible for maintain road in Sikkim have failed miserably to respond to the challenges of the calamity due to which surface communication was a big hindrance for relief, rescue and evacuation.

### **3. Border Road Organization:**

The bottleneck between Toong and Chungthang was the most crucial disrupted portion. The road was cleared till Toong by 23-24 September and Naga served as a big relief camp as well as depot for supplies.

This problem would have been totally avoided if the state Government had paid attention to the precarious condition of the existing road. In fact, in the most risky area near Teng, two Lepchas from Shipgyer had died earlier on as they fell down the gorge.

The best option would have been to make a tunnel which has been in the pipeline for many years. The initial cost of constructing the tunnel much before the earthquake was around Rs. 18 Crore. Since the state government did not pursue, it never got constructed.

Had the tunnel been completed, first and foremost some of the lives would not have been lost, further the huge expenses incurred using helicopters could have been avoided saving huge sums of money as well as providing safety, fewer hardships and lower cost of transportation of essential commodities from Shipgyer through the tunnels of Teesta HEP Stage III. The state government paid a total of Rs. 5, 02, 04,343 (Rupees five Crores) for the helicopter services. A major portion was due to this road blockage.

The BRO made a joke of the Chief Minister of Sikkim and the people of North Sikkim by making the CM lay the foundation stone for a 600 Mtr tunnel in October 2011 and as of today not an inch of it have been made; in fact even the sign board is now buried in dust. Such is the plight of Sikkim and the Sikkimese people.

*(Further comment withheld due to litigation in Hon'ble High Court.)*

#### **4. Roads and Bridges Department:**

Road connectivity to Bey village in upper Dzongu, where the highest casualty of indigenous Lepchas had taken place is yet to be completed properly; Sakyong, Pentong is still a long way off. The Panchayats and the locals of these areas have been raising their voices (in the recent Gram Sabha meeting road was the major issues) but then the state government has chosen not to heed. Further, the important link road between Toong and Shipgyer which serves as a very useful alternative route for vehicles going to Lachen, Lachung, Yumgthang, Guru-Dongmar Lake is still in very bad condition and it will certainly not be in usable condition once the rains start.

While the real need of the rebuilding roads where they are needed most is being neglected, most of the 230 Crores have been spent on recarpetting of various other roads in Sikkim. Moreover, all these works were awarded to favoured contractors without any notice to the general public or tender. The pretext of urgency was used in giving away works, but there is no urgency in providing the necessary support to people in distress.

As per RTI information, works without tender were awarded to Shri Mahabir Psd Agrawal: Total 183.60 kms. who had contributed only Rs. 2.01 lakhs to the CMs relief fund. Further, the work orders were issued in such haste by the department that in the work order the address of Mr Mahavir is Singtam and in the agreement it is Namchi. The next beneficiary is Shri Sunil Kr Agrawal of Singtam: Total 244.85 kms who, as per official records, has not contributed even a single paisa to the relief fund, then Shri Kushendra Sharma of Gyalshing: Total 120 kms, who had contributed Rs. 1 lakh. Besides the above, few other contractors were allotted such contract work.

All these work orders were issued without even a token earnest money!

### **Part III**

This is the final phase of the report. A few developments that have taken place in last few months after the release of parts I and II of this report:

The construction of residential qtrs of SDM complex has been sanctioned and work just commenced.

The new police thana is yet to be completed and the prefabricated structure is a shapeless one without any aesthetics or traditional architecture.

The food godown is yet to be demolished, forget about the new one being constructed.

The UD & HD has not yet completed the master plan which is now almost irrelevant as most of the new constructions have started.

The site/soil testing of mines and geology never got started.

Lot of repair works have been carried out.

The telecommunication has improved due to private service provider AIRTEL;

The prestigious and most functional piggery farm along with the hospital, etc. are yet to be reconstructed as the initial fund of Rs 5 Crores given to the department was spent on repair of buildings all over Sikkim.



The construction of the Gumpa started, the gymnasium hall which is meant for the sporting event is now food and feed godown.

All the huge trucks carrying commodities drive through the hospital area, not only disturbing the patients but also causing damages to the compound ... the saga of suffering continues ...

The helicopter of M/S Abir Infrastructure, a sister concern of Teesta Urja, was thought to be provided by the power company for relief and rescue, but documents show that they were paid Rs 3,09,41,781.00 from the relief fund, thereby giving a false picture to the people.

Due to exhaustion of funds, the Ringhem Gumpa committee after completion of first phase of construction has withheld further work.

## **H. The ACT of Commissions and Omissions which has deprived the rights of different Sections of the Sikkimese Society**

### **1. The Priority List:**

The basic reason why the reconstruction and rebuilding has suffered is due to the priority list prepared by the government to utilise the Calamity Fund.

Since this list is the guiding direction based on which the works are to be carried on, everything went wrong for the people of the most affected region due to this. Though the construction of the State Secretariat is important, it is shocking and unacceptable that it is in the top priority, followed by the REDRH which is continuation of populist CMRH scheme in a new name, whereas most essential services like water supply, food, communication, health comes fourth and power in the last priority. Out of the 1000 Crores Prime Minister's special package, Rs 193 Crores were earmarked for the secretariat, out of which 15 Crores have been paid to the construction company (with Rs 9 Crores being the consultancy fees for making the DPR), 100 Crores have been slated for payment for this project in this financial term. Reconstruction of 7972 rural houses was earmarked for 389 Crores, repair of building and road 216 Crores, retrofitting of government buildings a sum of 196 Crores. Which meant that the most essential amenities came much lower in the list with very little funds due to which we are still suffering even after a year and half.

**Power:** The restoration of power lines in North Sikkim was hampered not only by natural calamity but the lack of intent from the government. In spite of best effort of the officials in the field, it did not get the required thrust. So, while the rest of the state enjoyed normal life, the people in North Sikkim lived in darkness.

The most alarming fact is that in the priority list of the government while earmarking the funds, power is in the Number 5 whereas construction of secretariat is in No 1 priority.

### **2. Tourism:**

In spite of North Sikkim being the tourist destination of Sikkim and tourism industry source of livelihood to a large number of people, it remains the most neglected sector. Even today, the tourist waiting shed in Bim Kyong in Lachung is in the same condition as it was on 19th September 2011. On persistent complaints, file seems to have been moved to do something about it. The road from Chungthang to Lachung and Lachen are in such precarious conditions, yet, not even symbolic work like putting up railing in risky places have been done. The department had conducted some programmes to bring the tourists, but how will the tourists come if they are not secure, and security comes from support from various quarters for different issues. Before conducting big programmes in Gangtok, the amenities should have been rebuilt and the stake holders made to participate in the

process. The response from the various organizations of people making living from tourism related business has been dismal as, like the Panchayats, no one wants to speak up for the people fearing reprisal from the authorities. But in that case, what is the purpose of such organisation while the entire industry is made to face a slow death. The construction of tourism Dak Bungalow at Chungthang is yet to commence, even though the scheme was sanctioned long time back. The vehicle and hotel owners were never given any relief in spite of the source of livelihood seriously affected. Even the assurance of giving relief for car and housing loan remained unattended. The organizations dealing with tourism industry were not effective enough to move the authorities to support the affected people.

### **3. Forest, Environment and Wildlife Management Department:**

The entire fund of 17 Crores received from JICA has been spent on repair and renovation of office and department quarters. Nothing has been done to take up schemes that could help stabilise landslide prone areas, with biological and engineering works to support places where boulders are still falling from hills, check the diversion of water sources which has caused serious flood and also to check drying of drinking water sources, save small water bodies like the Tsoten lake. The Department with huge human resources should have taken up various measures to support the conservation of the rich Bio-Diversity. Sadly there is not even symbolic works in these directions.

### **4. Public Health Engineering Works:**

**Water Supply:** The earthquake caused serious damages to the water supply and it was the dedicated work put in by the engineers and the staff that managed to provide safe drinking water in the most difficult time. However, one important aspect of the water supply was that most of the pipeline from Pegong to Chungthang was already damaged by the uncontrolled blasting by GREF and usage of large machineries in the road widening process. The earthquake was more of a compounding factor only, whereas the damages were done and not much was done about it earlier on. In fact, the earthquake was a blessing in disguise since now funds have been earmarked for new lines. But as long as workmanship is bad and the pipes are not embedded deep in the soil disruption will continue. This, however, should not take away the credit of those who are not responsible for the damage and had done their best to provide basic amenities for the people under most difficult conditions.

### **5. Curb on Donation directly to the Victims:**

The order of the government directing all donors to contribute to the CM's relief fund and that no donation in cash be given to victims directly, was a big blow to the victims as large number of people and organizations wanted to provide relief directly to the victims and this notification stopped them from helping the people in the hour of need. If left optional, much more support would have been provided. The government should have monitored but not posed obstruction.

### **6. Panchayat being the via media for Distribution of Relief:**

Though the Panchayats are the elected representatives of the people, being party based, the element of one-upmanship and favouritism was evident in selecting the beneficiaries. Everything was controlled by them which, to a large extent, became a hindrance in smooth relief operation. The civil society and independent government employees were disconnected from the effective decision making process due to which free and fair management was not possible. Most of the contract and supply works were captured by them or their close people. Moreover, since all the earthquake related works were taken up departmentally, there was no information to the public and no free and fair tender.

## **7. Lack of preemptive Arrangement and Training for Government Employees to deal with Calamities:**

Since the government has a Disaster Management Department, it seems that everything is expected and left to them to deal with during such times, whereas the entire rescue and relief is carried out and supported by employees of all other departments. It is here, that we can notice the deficiency of not training the employees enough for management of such eventualities. It was shocking to learn that some young civil service officers did not have any clue why money was required for relief. It never occurred that during calamities there are various unforeseen and unconventional measures that have to be taken up to help people. For instance, during the calamities various families were stranded in far flung areas as the path leading to their houses or villages got washed away and these have to be repaired immediately. All the people walking due to road blockages have to be provided shelter and food along with water. The volunteers have to be equipped with raincoats, torchlight, gumboot etc. to carry out their mission and all these require untied funds. The Chungthang subdivision, in fact, had no untied funds during the early days of the earthquake which must have been the case with all other subdivision and BDO offices. Positive aspect of this was that these officers didn't hesitate to ask what was to be done and went ahead to get resources from the higher up, which helped to get lot of work done. So, it is critical that all those posted in important posting have to be trained in these issues of governance.

**Precautionary or pre-emptive Arrangement: In Sikkim, what was the biggest drawback in the administrative set up is the complacency or the 'Kaam Chalo' attitude and of course the overconfidence or indifference to unforeseen situations. Due to this, the administration was in total disarray to carry out the rescue and relief of such magnitude. There was no chain of command and so in smaller areas, where the impact was the most, a junior officer like SDM/BDO had to manage everything and the most difficult problem was to communicate effectively to get the support. Being junior officers, they could only request and follow orders, whereas if senior officers were in charge, most of the work could have been done through them and the field officers could have concentrated on other issues. Ideally, on any given time, the government must have a specific set of people empowered to carry out such work for a specific area and situation. For instance, in a situation like in Sikkim, at least a cabinet minister or senior level officer should have been stationed in Chungthang and Mangan. Under them, most of the work could have been carried out efficiently.**

**It definitely helped when some officers were deputed after a few weeks.**

## **8. Lack of a structurally established Civil Society Organisation to deal with Calamities:**

Just as the government was ill equipped to handle the calamity, the civil society in districts and subdivisions also did not have structurally established organization to deal with such a situation. As a result, everything had to be organized on a fresh footing and it caused much delay in providing support. It is important to train volunteers and provide financial support to equip them. It is more pertinent in remote areas as the roads get blocked and communication gets disrupted, they have to fend for themselves. First aid and materials like torch lights, tarpaulins and implements should be kept for such exigencies.

Further, it can be an effective centre for dissemination of information, networking and support for other volunteers who come to help.

## **9. Construction of new Secretariat: Misuse of Funds and blatant Favouritism in Allotment of Work**

There is no denying that the secretariat of any state is a very important structure for the smooth functioning of the government machinery. Even though, in the context of the 18 Sept 2011 disaster, the construction of the state Secretariat certainly did not merit precedence over important emergency amenities. None the less, it also had to be undertaken, but what is most baffling and unacceptable is the manner in which all rules have been flouted/bent to favour the construction company and the colossal waste of money which could have been, otherwise, used for the victims in dire need of support.

It is not mere necessity or coincidence that **almost Rs 9 Crores have been spent just on consultation fees!** To prepare the project report by the private company, whereas, we boast of hundreds of engineers and architects on the government payroll who should have been able to undertake at least this aspect thereby saving huge sum of money, which could have been used by the innocent victims.

If established norms were followed and the law of the land to prevail, then the work should never been awarded in the manner it has been done and to the company. Even the unclear opinion of the Law Department has been construed as a legal clearance. To further elaborate:

- a) Once the government decided to construct the State Secretariat instead of using own engineers or calling for free and fair tender for undertaking such an important and prestigious structure, the government initially awarded the work to a Government of India Enterprise by name of M/S Engineering Projects (India) Ltd. It is seen through RTI query that the company was chosen and the MoU signed without any effort to check the efficiency and capability of the company. In fact, the work was allotted on just one application of the company to the department. Since the PSU did not have any office or infrastructure here, it delayed in initiating much of the work and as it became apparent that there was an attempt to favour a private party, the MoU was cancelled and the same order work awarded to the private company M/S Artech Consultants Pvt. Ltd., a Kolkata based company.

The cancellation of MoU with M/S Engineering Project (India) Ltd. did not have any penalty for the defaulting party as the MoU was so weak and did not have any conditions for such eventualities. It raises a question mark on the company's credibility also.

- b) Apart from the carelessness and the inefficiency of the building engineers is the amazing manner they have connived to award the work to M/S Artech Consultants Pvt. Ltd. First, on the pretext of urgency, the department did away with the legal procedure of calling free and fair open tender for such a prestigious assignment. Secondly, the company was in no way qualified to undertake such a work, as they were reprimanded by the Secretary, Raj Bhavan, for inordinate delay in completing a very small project of Rs 12 Crores which escalated to 39 Crores. The company could not undertake even a small project of lake development at Uttarey under Tourism Department whereby the MoU was cancelled/rescinded.

The manner in which the work was awarded is an even more serious violation of existing norms. The work has been awarded to the company based on an old work order for the construction of secretariat annex II and Raj Bhavan in 2003-2004. It is seen from record that since the work order for the annexe was issued without ready site for the construction, in lieu of it, the contractor was given the work construction of a new structure at Raj Bhavan. Which was initially estimated at Rs 11-12 Crores but the cost of which later on escalated to 39 Crores. After which the department found a site (in front of the Health Department) for construction of the new block which is to cater

to the need of the earlier annexe block II. The new annexe block II was tendered and awarded to a different contractor and moreover a parking lot also has been tendered and awarded to a new contractor. If the validity of the old work order was there, then this work should have been undertaken by M/S Artech Consultants Pvt. Ltd. All these years while the whole issue of a work order in subsistence/enforce was not remembered by the department or the company.

Here again, the argument might be put forward that these projects were smaller in size, but if the same issue is taken up, then the new project is almost the double of the old project, the final estimate of the whole project being around 274 Crores. Further, earnest money for the entire project is Rs 5 Lakhs whereas such amount is for work worth only 2 Crores. In the event the company defaults, the only security that the state has for the project of 193 Crores is Rs 5 Lakhs. Who will be responsible? Most of these officials would retire very soon and the politicians will be out of power ... It will once again become a big burden for the future generation of Sikkim and, at the same time, total misuse of funds that would, otherwise, give a much needed healing touch to the people of Sikkim.

Finally, if we see the contribution of M/S Artech Consultants Pvt. Ltd. to Sikkim, as per the record of the Home Department, this firm has not contributed even a single paisa for earthquake relief.

**With this step, the Government of Sikkim not only demonstrates the complete disregard for the law of the land but also puts the iconic building into tremendous risk along with the lives of all the employees and the important documents of the State of Sikkim.**

Further, after coming to learn that the company had claimed for an advance payment of 30 Crores, the undersigned in a legal notice had requested the Government of Sikkim to cancel the work order and stop such payments, but the government refused to agree to the notice and, instead, released 15 Crores.

As of today, the prestigious Secretariat building of Sikkim is constructed by a company that had defaulted in undertaking even projects below 50 Crores.

#### **10. Rural Management and Development Department:**

The second scheme in the priority is the **Reconstruction of Earthquake Damaged Rural Houses (REDRH)**. A whopping sum of Rs 389 Crores have been earmarked for this. Though this is very good scheme for the homeless and those whose houses were totally damaged, in the backdrop of the devastating earthquake it is seen more as an effort to continue the earlier populist scheme of Chief Ministers' Rural Housing Mission (CMRHM) than to provide relief to the people in distress. No real support is meaningful or useful to the victims as long as they don't have proper shelter. This scheme defeats the very purpose of realistic, speedy and effective relief to the victims. The reason being

- a) The support is uniform to all categories of damages and, instead of providing for quick repair to the existing houses, it requires the families to make new houses.
- b) The victims of phase II and III would have to wait more than two years to get their houses repaired. Thus, the suffering of the people will be for a longer period. If the rest of the funding by the Government of India is delayed, the victims will be denied even this basic right.
- c) The allotted fund is 30% less than the present day costs. The victims have to dole out a lot of money to make these houses when they are already economically weakened due to the disaster. Since the cost of construction is much higher in interior areas of the

state, particularly in North Sikkim, the concept of equal cost is not realistic. There is need to augment the victims with more money.

- d) Even for the phase I families, the delay does not cater the need of early resettlement and rehabilitation from a calamity.
- e) This scheme has denied any form of support for repair to middle class families having Pucca or RCC buildings, while the natural calamity did not spare anyone. Even if one is to get the scheme under any category, the family has to make a new house. All the funding has been blocked due to this scheme, whereas many RCC buildings have been severely damaged and the families are not in position to repair these, as most of the houses have been constructed with bank loans. Moreover, until and unless these houses get repaired, the houses remain vacant thereby depriving the little income that used to be generated from it.
- f) In the pretext of urgency, very often it is the people who are closer to the power that be who get these houses. Since the selection process is more of populist manner, there is possibility that many genuine cases have been left out.
- g) The guidelines don't seem to be followed as the RMDD did not have the list of ex-gratia payments allotted to these houses (RTI). If the guidelines are followed, it stipulates that allotment has to be made as per the ex-gratia payment made ascertaining the category of damages.
- h) At the end of it are the cement and steel manufacturing companies and their agents who make a huge profit as there is a total requirement of 23,91,600 (twenty three lakhs,ninety one thousand and six hundred) bags of cement and 35,09,201.28 (thirty five lakhs, nine thousand,two hundred and one ) kgs of steel. It also makes us believe that this could be also a reason for the scheme as all the method of procurement and other modalities are already there due to the CMRHM.The bulk of the money will go into purchase of material which is coming to approx Rs 188 Crores after deducting the other half for payment to the beneficiaries.
- i) The best option would be to make a detail assessment of damage of the house and give a certain percentage of it so that immediate repair can be undertaken and people can get back to their normal lives. By the look of the damages it seems that the cost of repairing the original house can be much cheaper than the cost of the REDRH houses.
- j) The REDRH schemes does not cover urban areas

So, for those who got this scheme - wether genuinely deserving or not - it might be good, but for those who are deprived of this scheme this is an unfair denial of the right in the time of distress.

## **11. Sikkim Police:**

The valiant and selfless role of Sikkim Police during the earthquake in completely devastated and cut off Chungthang can be understood by the affected people only. Besides their role in rescue and relief operations in most treacherous terrain and inclement weather condition, the role of the wireless section did a very commendable job, operating within the police checkpoint office which was declared completely unsafe by the experts. Since there was no other accommodation, the officers and the men carried out their scared duties under tremendous risk to their lives. Moreover, the living conditions of the men were most miserable as the main building was rendered unsafe. Throughout the early days, it was seen that they were living in tents and makeshift accommodations.

The biggest setback for the forces seems to be that they were more or less left to fend for themselves, as not many senior officers visited the area to enquire about their condition.

Moreover, being a disciplined force was a big hindrance to express their problem as it could be seen as insubordination and men feared action. Maybe as they say **‘made to serve under most difficult condition’**.

Further, though the government employees are expected to do their duties, it is very sad that the people in power in Gangtok have not even acknowledged the sacrifice of the people at the ground by honoring their work by way of reward or award. As per RTI reply, not a single brave policeman has been recommended for any award for his role in the earthquake relief. If we are to expect our men to function in extreme situations, the basic rights should also be provided, so that they are not only encouraged but become examples. This is a primary duty of fellow citizens, particularly those who are in power and can deliver. However, the will and intent has to be there.

## **12. Social Justice, Empowerment and Welfare Department:**

One very important intervention required by the victims is from the Social Welfare Department. In fact, the department should have functioned as the nodal agency to understand and deliver welfare measures. Obviously, it has never occurred to the officials of the department that there were women and children who faced the worst possible calamity in their lives, the shock and trauma of having lost loved ones and also having lost hard earned properties. In such a situation, it is only natural that the department provides a truly healing hand. But as found from the RTI, nothing of sort ever came to their mind leaving aside doing anything in this line. It would have been the duty of the department to study the impact on the social lives and get baseline data of damages and carry forth the timely intervention. As mentioned above, even the ICDS centre was neglected. Sadly, nothing really happened even after so many months.

## **13. Casualty of Management:**

Due to the lack of foresight and intention, the biggest casualty in the management of the whole earthquake issues has been the scientific and systematic approach to it.

- a) No proper Impact Assessment: The normal practice should have been to get a comprehensive impact assessment based on proper report from the field.
- b) No Specific Management Plan: To deal with a situation of such magnitude, a management plan should have been in place to deal with different aspects of the issue. The management plan should have been made taking into consideration the impact assessment report and the inputs of all the experts from the state as well as from outside including reputed institutes, IITs and the central government agencies. Since this did not happen, the government allotted funds to different departments without any focus on priority areas, and so, most of funds got utilized elsewhere.
- c) The most important step to start the reconstruction and rebuilding should have been with proper soil testing, with the Mines & Geology as the nodal agency and proper planning of the area by UD & HD. Due to reasons best known to them, the Land Revenue and Disaster Management Department never allotted funds to the Mines & Geology to undertake any soil testing in comprehensive way nor to any other department for planning of structures. The UD & HD finally made a master plan for Chungthang after one year. Since lot of legal and implementing issues are yet to be resolved, it would be almost useless after the most of the work gets started. To give an example of absolute lack of concern and scientific approach: One senior officer was heard telling people that there is no need of doing a soil testing, because: What will the people do if the report does not permit construction work? Are we to allow people to construct structures on unstable soil and let these collapse after few years?

- d) The recommendations of the committee consisting of experts from IIT Rorkee, Nosar (Norway), LR & DM Department, Mines & Geology, UD & HD clearly stipulates:

**I. Microzonation and land use planning including slope stability**

**II. Earthquake resistant design of new structures and foundation including geological and geotechnical investigations**

**III. Seismic evaluation and retrofitting of existing structures and their foundations**

**IV. Special attention to life line structures**

**V. Long-term monitoring of slopes and selected structures**

**But as things stand none of these have been followed.**

- e) **The recommendation of Disaster Mitigation and Management Centre, Uttarakhand, India, has not been followed in any way. Worst has been the need to demolish unsafe houses in the densely populated areas. Most of these have been implemented.**
- f) **No acknowledgement of government for selfless sacrifice by government and civil society during the calamity: As per RTI replies, not a single department has bothered to recognize the role of different individuals in the most difficult time of 18th Sept 2011 earthquake. Since the people in Gangtok were not so affected, the entire issue just did not matter to them.**
- g) **There was so much complacency in response to the calamity that the insurance companies based in Sikkim took more than 6 months to finalise the rates to be used to calculate the damage compensation. The Government of Sikkim never even bothered to intervene in this matter.**

## **I. Conclusion:**

**After repeated appeals to all concerned and even legal notice did not yield any tangible or sympathetic result, the suffering of the people continued. Under the circumstances, the best option left was to share the information to all the concerned citizens of Sikkim, so that they can draw their own conclusion about the tragic state of affairs. It also reflected the inhumanly practice of making profit from the funds brought in due to death and destruction. While the tears and sweat of the victims are yet to dry up, unscrupulous people are having field day making profit from such money.**

**This is an effort to wake up citizens of the state with the hope that at least some will take up the issue at appropriate forum. Hopefully, the victims get justice and our people can carry on their lives with dignity and not at the mercy of few.**

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**Chungthang, North Sikkim**

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