Naithikayanam
Journey towards justice

Jananeethi Programmes for the Care and Support of Tsunami victims in Kerala, INDIA

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2006
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Supported by
CLIMATE ALLIANCE
LUXEMBOURG

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M any raised their eyebrows questioning the propriety of JANANEETHI in stepping into post tsunami works. “What’s your business there?” they frowned.

Well, Jananeethi is committed to human rights; nothing pertaining to a human being is alien to us. “Justice-according-to-law” has been the understanding of common jurisprudence. Jananeethi, however, over the years has made conscious efforts to re-capitulate justice “beyond law” taking into account the interests of the community as well. When jurisprudence jettisons human justice the rule of law turns terrorist. When the law blinks at life, both suffer and the human condition ceases to be the concern of the judicial process.

Any one who has been walking along with Jananeethi during its 15 years of existence will remember the involvement of its members in Latur of Maharashtra in 1994 and in Orissa in 1999 following the devastating earth quakes, in Kannur where many lives succumbed to political violence and human animosity, at Marad near Calicut joining all secular forces in re-creating communal amity that was uprooted by religious extremists and politics of hate.

No cause is more worthy than the cause of human survival with sense of dignity and freedom. The post tsunami scenario in coastal areas of Kerala and Tamilnadu were beyond human comprehension. The Government and the people were left in dismay not knowing how and where to proceed. Scores of humanitarian interventions from all parts of the globe – political, philanthropic, charitable, religious, professional etc – got involved from the beginning to ameliorate human suffering. However, there were also corruptions and manipulations everywhere. As always, the powerful, influential, politically and communally had easy access to justice and much more, but the weak, the vulnerable, the unorganized, the illiterate and other marginalized sections were the actual losers of natural and man-made catastrophes.

This was the context of our intervention in the scene. We never intended to get involved in relief works, i.e. distribution of food/food materials, medicine, temporary shelters, household articles, dressing materials, etc. Our specific areas of intervention were legal aid and assistance, redress of grievances, emotional support, social and psychological rehabilitation and social reconstruction. The Jananeethi team comprised of legal experts, human rights defenders, clinical psychologists, psychiatric
social workers, befrienders, and technical assistants in data entry, documentation etc. The project was conceived and designed for one year, starting from April 1st 2005 to March 31st 2006.

Needless to state, this project would not have come true unless the CLIMATE ALLIANCE of Luxembourg, a co-ordinated action network of few municipalities in Luxembourg, had not promised its full support and financial assistance for the execution of the project. Mr. Dietmar Mirkes and his colleagues in Climate Alliance will always be remembered with gratitude by the entire Jananeethi Family. Jananeethi-Climate Alliance partnership was facilitated by two of our great friends in ASTM in Luxembourg, Ms Julie Smit and Mr. Alain Peleman to whom Jananeethi remain always obliged. We also place on record our deep-felt gratitude and obligation to Joe Chenakkala sj of Janjagm, Belgaum and Sr. Philomina Thomas of Women Welfare Centre, Pune who took pains to negotiate with ASTM and Climate Alliance for the approval of the project. As we submit this report to our sponsors, the Climate Alliance Luxembourg, we honestly believe that we have fully complied with our terms of agreement with them. This report will better be understood with the help of a small video (21 mts), we have made, on the socio-cultural and political situation of people in the project area, focusing on our involvement in the community.

Jananeethi remembers with due respect and appreciation many persons who at some point of time were sources of great consolation and relief, inspiration and hope. They include Mr. Justice K.A. Abdul Gafoor of Kerala High Court who was the Executive Chairman of State Legal Services Authority, the Chief Minister of Kerala, the district collector of Kollam, the district judge of Kollam, the president and council members of Alappad Panchayath, the various office bearers of the civil administration and community organizations in Alappad and Arattupuzha, members of our legal fraternity both in high court and district courts, friends of visual and print media and chief functionaries of various civil, health and educational institutions of the project area. The members of the Board, Executive Committee and Well wishers of Jananeethi constantly offered full support and help to every step undertaken by the project team. We owe them very, very much indeed.

Lastly, but very importantly, we register with a sense of pride and appreciation our gratitude to our own colleagues to Dr. Francis Xavier, Mr. Ajayakumar Meleveettil, Jomon Francis, Ms. Sandhya S., Ms Jessica Anna Cabot, K.K. Sudevan and T.K. Naveenachandran who worked hard and spent sleepless nights for the production of the short video on our intervention in the tsunami affected areas in Kerala.

Thrissur
April 10, 2006.

George Pulikuthiyil
Executive Director, Jananeethi,
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The people of Alappad in Kollam district and Arattupuzha in Alappuzha district were yet to come out of their festive mood when they had to bear the brunt of the killer Tsunami waves which swept across Asia on the 26th of December 2004. The tsunami waves ravaged the southern coast of Kerala, practically wiping out some villages in Kollam and Alappuzha districts. Alappad and Arattupuzha are peninsulas extending into an estuary flanked by the Arabian Sea on the west and the Trivandrum-Shornur canal on the east. There is only one bridge for about 20 km of coastal land, connecting these vulnerable landmasses to the mainland. With the Christmas celebration the entire seashore wore a festive look with men and women, young and old, basking in the cheerfulness of the holiday. It took no time to translate a living paradise into a hell as the tidal waves destroyed and damaged over 17,000 houses, injured over 8,000 people and claimed 171 lives in three districts of Kerala.

The people of Alappad belong to different communities: Arayas (Hindus), Ezhavas (Hindus), Latin Christians (Catholics), Pentecostal Christians (Protestants) and Muslims. The brutal majority of people belong to Arayas who traditionally are fishing community. The entire population of Alappad, no matter their ethnic differences, are fish workers. While men go to the sea and returns after 4-7 days, women
attend house chores and also get occupied in coir making or related activities. Though majority of them had their own houses before tsunami, poorly built with bamboo plys and mortar, there was a considerable number of them who had no land or shelter as per official records though they had been occupying on the shores for several generations.

One of the most popular and living icons of the Hindu community venerated by millions irrespective of caste and religions, Matha Amritananda Mai, is a native of Alappad and she has her international office in the sixth Ward of the panchayath. Her ashram has initiated post-tsunami relief works and re-construction works in many places in India and outside.

**Mere materials wouldn’t suffice**

As an emergency measure, the entire coastal community living in the affected areas was relocated to relief camps set up in schools. Temporary fixtures of tin sheets were erected to accommodate ten and thousands of people who were rendered homeless. Within a week of the catastrophe, The Chairman of Jananeethi Prof KG Sankara Pillai visited the tsunami-affected areas to get the pulse of the survivors. He met the victims, both men and women, volunteers who were involved in the relief and rehabilitation work and local inhabitants to get a clear frame of the actual situation and the needs to be addressed. Aid in the form of food, clothing, utensils were supplied without delay by local, national and international NGOs who plunged into action. Yet there was a need to infuse ‘hope’ into the despairing and demoralized communities. There were myriad issues, which surrounded the illiterate fishermen who were totally ignorant about the ways and means of approaching the State government to get adequate compensation and proper share in the relief and rehabilitation measures. Many worried if they would be left out in the reconstruction package! “Jananeethi should come to the rescue of the Tsunami victims to enable them ‘justice’ at all cost,” were the remarks of The Chairman as he came home.
The Blueprint said it all

No sooner a joint meeting of the members of the Board and Executive Committee of Jananeethi was held on January 1st 2005 to discuss about the feasibility and plan of action towards bringing ‘justice’ for all those who were brutally affected by the disaster. It was also the official day to mourn the death of all those who were killed by the ferocious waves. Jananeethi deputed its field officer Mr. Naveenchandran to make a need assessment and collect facts and figures for conceptualizing a programme of action consistent with the vision of Jananeethi. He traversed across the two tsunami-hit regions of Kollam and Alapuzha district, understanding the topography and getting closer into the lives of people—dead and alive. He patiently listened to the crying hearts only to become almost a family name in the region. After strenuous work spanning over a month, Mr. Naveenchandran finally presented the blueprint, which provided the base to develop the Detailed Implementation Plan (DIP) for the project to be implemented in the two districts.

Jananeethi’s specific role:

After detailed studies and elaborate deliberations with concerned people, the Board of Jananeethi resolved to launch a service package strictly abiding to its right-based policies. Jananeethi programme for care and support of tsunami victims had the following objectives:

(a) provide free legal aid, consultation, assistance and advocacy services,
(b) help victims/survivors/dependants claim their legitimate rights and claims, and enable them redress for their grievances,
(c) help people cope psychologically after the disaster and to ensure after-trauma care and support to who-so-ever was in need of it, specially focusing on women and children.

Timely Help: CLIMATE ALLIANCE, Luxembourg

In the mean time, the executive director of Jananeethi had been in touch with various agencies and institutions seeking financial support to this project. Fr. Joe Chenakkala sj and Sr. Philomina Thomas, friends of Jananeethi, proposed ASTM of Luxembourg as a prospective sponsor of the project. Joe Chenakkala personally submitted the project proposal to ASTM. Though was not possible for ASTM, having considered the relevance and urgency of the project, it was forwarded to CLIMATE ALLIANCE, LUXEMBOURG who gladly and graciously promised to support this project.

Accordingly contract was signed between Jananeethi and Climate Alliance, Luxembourg in March 2005 and the project came in force with effect from 1st April 2005 for a period of twelve months since its inception.
An ear to listen and a shoulder to lean

Three months had gone after the killer waves wrecked havoc on the lives of the people but all was not fine. Our team had to witness heart-moving scenes at the relief camps. A cloud of distrust, hopelessness, anger and misery engulfed all those living in the relief camps. Most of them revealed all the symptoms of PTSD (Post Traumatic Stress Disorder) waiting to be treated with care and concern. Mothers who lost their children could burst into tears at slightest provocation. With shattered hopes and memories of horrifying past they were almost on the verge of virtual collapse.

Soon Jananeethi team members including counselors and psychologists reached to all those who were in dire need of psychological care and comfort. Team would spend hours together listening to their woes and letting them gather courage and support for a meaningful life. Survivors, young and old, men and women started looking forward to meet the team and engage in talks that helped them to ease their burden and foresee a life ahead of them.

Coping with children's psychology

The stories and images of the tsunami destruction that killed more than 150,000 people could also have a psychological impact on children outside the areas hit. Stories and images of death and destruction had lasting impressions that made them worry about their own safety and security. "The psychological effects among children are immense," said Professor N.N.Gokuldas who has teaching experience for more than 35 years. He has dealt with hundreds of cases of children affected by Hemophiliac diseases and HIV/AIDS.

A member of Jananeethi team, he visited the schools in the area and had exchanges with teachers and children. Returning to a routine was an important step in helping children recover. Therefore normal functioning of the schools was very vital, even if students were not necessarily
learning. At schools, missing students were a reminder of the devastation. In some cases, children were simply too young to understand. Jananeethi organized various entertainment and group building games and group dynamics in schools in order to help the children get involved in positive mental activities.

**Addressing Health Care needs too!**

Health and medical care needs of the victims could not be ignored at any cost. They suffered from a host of physical and psychosomatic problems after the disaster. In the frantic search to locate a safer place and to save kith and kin from the smashing waves, those who survived the disaster had developed bruises and fractures. Though it was treated in the initial stages, the victims started revealing external symptoms of pain and injury, which had developed over the period of time. It made them physically inactive and lost days of productive labor. It was thus necessary to get them treated for good. Jananeethi team facilitated to accompany them to Ayurvedic Health Center where the victims could be treated through the age-old, traditional and scientific method of healing. Yoga, mediation and nature-camps were also organized as part of the rejuvenation technique so that survivors could be in a position to revamp their lives. Meanwhile, health awareness sessions were conducted in the community especially for women regarding hygiene, sanitation, reproductive health, communicable diseases, waste management etc.

**Ensuring a safe habitation**

To add to their personal agony, the district administration had paid little attention to ensure a safe and healthy living for the camp inmates. Lack of pure drinking water and drainage facilities paved way for unhealthy and unhygienic living conditions for men and women. Temporary tin sheets would get extremely hot in the scorching summer making it impossible to stay inside. Insufficient and irregular supplies of food grains and other provisions disrupted the relief process. Unstable minds and a world of hardships resulted in physical assaults between inmates. The relief and rehabilitation work was characterized by slow implementation and procedural delays. People approached us in large numbers to deal with the crisis and to help them seek remedy. We took
written note of the complaints and approached the District Collector and other civil authorities along with people’s representatives to expedite steps for pure drinking water, sanitary measures, provisions for essential commodities, medical check up and free distribution of essential drugs. Authorities promised us speedy and adequate action only to execute it without much delay. The success they had hit upon motivated the victims to get organized to get ‘justice’ done to them. Jananeethi could also make real inroads to facilitate legal aid and assistance along with care and support to the victims.

Dealing with vested interest groups

As if it was not enough, some religious fundamentalist groups wandered to take undue advantage of the situation and gain communal mileage out of it. They managed to create feuds among people of different faiths and vitiated the whole atmosphere of peaceful co-existence. Threat mainly came from an extremist group named as Sevabharati, the state organ of the RSS. Many voluntary groups who had offered great humanitarian services during the early days of the disaster had to leave the place, as they could not withstand the wrongful allegations bestowed upon them by handful of communal elements. Christian Missionaries were the prime target and Sr. Nimala, the superior general of the Charity Sisters founded by Mother Theresa was among those had to return.

We were not spared either. Groups having vested interests wanted to monopolize the relief work and hence tried to bar our entry in the region. On several occasions attempts were made to disqualify our work and to torture the team physically. Determined, the team was in no mood to withdraw. Several rounds of formal and informal meetings were held with religious groups to appraise them of our secular values and the nature of our work with the tsunami victims. The project director visited the office of Sevabharti and held elaborate talks and clarified some of their doubts. This gesture of cordiality and co-operation from our side was well taken by them and ever since there was no provocation from their end. With courage, perseverance and commitment the team could easily overcome such hurdles and was able to win the support and confidence of all the people involved in the relief work including volunteers, NGO members, district administration and panchayat (local self-government).
Being community centric

Isolated efforts can bring no good until people themselves get organized for collective action. One of our strategies was to liaison with Karayogams. Karayogam is a registered society of all families of the largest community, Arayas, in the project area. The management of the society is vested with an elected body that has absolute control on the life of the people. There are twelve Karayogams in the Project area. The project director called on the executive members of various Karayogams to discuss upon the ways through which relief and rehabilitation work could be meaningful. Meanwhile Jananeethi team continued to visit the survivors at all possible means of their existance be it their home, hospital or relief camps. They were met individually and in groups. The aim was to get the feeler of the people with respect to the social re-construction and psychological amelioration. The team was convinced of the need for consistent and continued emotional support to many, as they were found mentally agitated and dis-oriented. The memories of giant waves, without warning, taking over land and swallowing communities as a whole had left them utterly insecure and consequently many of them, particularly women and children, were under the grip of stress and were suffering various ailments physical and psycho-somatic.

Unable to find recourse and an amicable way to ventilate the pain many started finding solace in consuming alcohol and drugs. Some chose to be silent and wanted to be left alone. People were unable to share love, care and concern towards each other, as they were themselves trying to find one! They felt suffocated within four walls of their shelter rather they wished to express their sorrows. Convinced, the team thought of organizing a group healing session so that the victims could find a conjugal ambiance to ventilate themselves and gather hope and courage to move ahead. Thus a special public gathering of the survivors and victims of the disaster was organized in Ward IV that alone had lost 147 precious human lives on the 27th May of 2005. The meeting was attended by more than one hundred people. Jananeethi had invited the civil authorities and community leaders as well to listen to what people had to say and to share. Because they were often called to address the problems of the people, they needed to know what had been haunting the people by and large. More than half of the crowd assembled
in the school hall, including old women and young wives, opted to speak in public. The impact of the session that took more than four hours was really worth an attempt. Though the speakers mourned, sobbed, stammered, wept, annoyed, triggered in rage, grief and guilt and resigned in total helplessness and anguish, they apparently appeared to be resilient, more balanced, quiet, and composed. Later an unlimited amount of time was spent in befriending. The men who had resorted to excessive drinking had to be individually attended. Baring few of them who were really manipulating the good will of others for their ill habits, others demonstrated spectacular changes in their behavior pattern.

Looking back to look ahead: Mid-term evaluation

The activities undertaken by Jananeethi towards the care and support of Tsunami victims were critically apprised and adjudged by the members of the team in the presence of delegates of the Board and Executive Committee of Jananeethi from 1st to 3rd of June 2005. The steps taken for project implementation, the practical problems we faced, the responses from the service takers, the attitude of the civil and judicial authorities and networking with the voluntary agencies and government departments were subjected to critical assessment. It was time to analyze the strategies that failed and that worked. We also looked at the transformation the society underwent on the aftermath of Tsunami. A society that boasted of social harmony was home to antagonized feelings towards each other. Fascist groups were successful to create feud between people belonging to different religions. Greed grew to the heights of grabbing even that was undeserved. Those who could not impress the authorities and hence were not in the list of beneficiaries grew envious and acrimonious to those who benefited from relief programmes. This caused the bereaved and agonized to be isolated in society and be subjected to merciless and unfound accusations by their fellow humans who lived around them.
LEGAL CRUSADE BEGINS

Seeking remedy through People’s Court

The reconstruction package had gone awry with the genuinely needy groups caught in the cross fire between powerful and influential. The State Legal Services Authority in full co-operation of the Government of Kerala and on a direction from the High Court of Kerala came forward to offer speedy justice through Lok Adalat. Lok Adalat is an alternate system of conflict resolution and justice administration with people’s participation. It means resolving problems in a public function where thousands of petitions are dealt with by judicial officers with the help of social workers, legal activists and civil authorities. Lok adalats were conducted on 15th April in Alappuzha, and on 4th April, 8th May and 14th May at Karunagappilly in Kollam district. More than 1500 petitions in Alappuzha district and 6000 plus petitions in Kollam districts by tsunami victims alone were scrutinized and awards were declared. The understanding between the State Government and the High Court was that the former would honor the decisions by the judicial bodies in an adalat. And the law enforces to awards declared in a Lok Adalat.
Jananeethi team actively got involved in the conduct of these adalats by preparing petitions on behalf of the aggrieved persons and giving them proper training on how to present their case effectively and efficaciously. Soon Jananeethi office in the Tsunami hit area become a happening place with hundreds pouring in daily to get themselves acquainted with the legal stand of their case, and procedural formalities attached to get their due share in the relief and reconstruction pack. Lack of legal awareness and negotiating skills, they were hapless with no reliable means of approach. Jananeethi opened its office to address those who returned from Adalat having not been satisfied with the offers. In such cases, applications were again drafted with more facts and figures to impress the judicial officers who would consider those applications in the next sitting of the Adalat. For many of the petitioners nothing had left on paper to prove the veracity of their complaints or to substantiate their claims.

Soon Jananeethi office at Karunagappilly opened full day registry of complaints by those who still had unresolved grievances and disputes. Lawyers would spend endless hours schooling the petitioners about the law points, drafting petitions on behalf of them, filing compliant -attending them either individually or in groups. People starved of legal know-how lined up from the start of the day to get their queries solved. They sought remedies to the complaints from various civic authorities like district administration, the panchayath committee, the Fisheries department and Matsyafed (Corporation for the welfare of Fisher community). Jananeethi team started negotiations with the concerned authorities as we envisaged a meaningful settlement to the issue by the end of November 2005.

**Getting organized for collective action**

Jananeethi until now has been mediating for the aggrieved people with the state government and the civil authorities with respect to their neglected or attended claims. Without community participation the target groups will not be in a position to own the process of the struggle. Hence we thought of involving the people also in the process for better results. Accordingly petitioners and complainants were formed into a collective called *Tsunami Bhadida Karma Samithi* (Action group of tsunami affected people) and selected leaders from their groups were asked to join in collective bargaining with the civil and government authorities. This proved to be very successful as it activated them and caused for the emergence of united efforts for speedy rehabilitation programmes.
Resisting man made disasters: Black sand mining

We could not but express our solidarity with the residents of Alappuzha and Kollam district for reasons uncalled for. One of the most politically debated controversies in Kerala politics in the recent years has been the large-scale unscientific sand mining along the coasts of Alappuzha and Kollam districts. The presence of black sand that contains several minerals such as monazite is of high value in the market. National and transnational industrial houses, therefore, are keen on establishing their monopoly on this coastal belt. The inhabitants of the areas, mostly fisher folk, are a volatile community and are unable to oppose the organized move of the business giants. The sand mining mafia is so powerful to the extent of corrupting all parties of the political main stream both in government and on the opposition. They manipulate all systems and structures including those who are concerned with rule of law and public administration. Those who criticize and publicly oppose sand mining are silenced by strategic means implicating them in false cases and maligning them using all dirty and unethical means. At this stage Jananeethi openly declared solidarity with the agitating public and took lead in organizing various groups together to put up strong resistance. In the result, the illegal sand mining has been stalled for time being. Even though Jananeethi has with drawn from the area as its programmes for the victims of tsunami has been completed, we have assured the people our continued support and legal assistance to prevent further sand mining in the area.

Safeguarding the coasts: Sea wall

People of Ward IV of Alappad panchayath have a reason to blame the Government, present and past, forthe greater havoc in tsunami. Of the 20-kilometer long coast of Alappad panchayath, only in Ward IV there is no sea wall. Therefore, whenever there was a high tide in the sea, Ward IV was in waters. It has been a long pending plea of the people to respective governments for a sea
wall with pulimuttu. Pulimuttu means an extension of the wall into the ocean up to the deep sea. Mighty waves on hitting on the huge wall get pierced and consequently are weakened and hit on the shores with less fury. People suggest that there is no other method of holding the wrath of the waves during violent and turbulent encroachment of the sea to the shores. However, the decision for construction of the sea wall was shelved by respective governments upon the compelling influence of industrial magnets who have business interests in sand mining along the coastal area. Sea wall with pulimuttu would adversely affect their business prospects. Authorities were more in favor of industrialists than safeguarding lives of the populace. Jananeethi strongly endorsed public demand for seawall and made effective representation to the government. Finally the state government passed appropriate orders to the district administration for immediate construction of the seawall. It was the victory of the people’s unity and joint action. Jananeethi co-coordinated them and facilitated for a collective bargaining.

Public Hearings continues

Accordingly Jananeethi requested all its legal fraternity to reach in its camp office at Karunagappally on 13th October 2005. A public hearing was organized at Bodhini Auditorium at Pandarakkadavu in Ward XIII. Over five hundred complainants had assembled at the venue. The law faculty and team members of Jananeethi positioned themselves in five rooms that were prepared to be courtrooms. All the complaints were legally scrutinized and explained to the complainants about the merits and demerits of their complaints or petitions. Accordingly representation letters were prepared or urgent notice was drafted on behalf the petitioners to be filed before the office of the Chief Minister of the State. The public response was phenomenal.
Similarly public hearings were organized in Arattupuzha in Alleppey district as well on three occasions, 14th October 2nd and 18th November 2005. More than 750 petitions were examined and follow-up action was suggested. We realized that it was truly a marathon effort to dispose petitions en masse. The Jananeethi law faculty worked over time to complete the process before final submission to the Chief Minister.

**Bringing to the notice of the Chief Minister:**

At this stage the Jananeethi team got in touch with the office of the Chief Minister and made an appointment with him on 4th November 2005. Representatives of the aggrieved victims of tsunami who had been awarded in the Lok Adalats held in April and May but had not been granted the award amounts, accompanied by Jananeethi Grievance Officer T.K. Naveena Chandran met the Chief Minister Mr. Oommen Chandy at State Capital Thiruvananthapuram. They apprised him how badly the tsunami victims were betrayed by the civil authorities. After paying heed to the painful accounts of the group, the Chief Minister ordered immediate distribution of award amounts to the deserving people. The total amount thus sanctioned to be disbursed was around 20 million rupees.

Sadly, the Chief Minister did not keep his word. Hopeful of getting proper compensation the victims ran from pillar to post and desperately turned again to Jananeethi for intervention. The delegation met the Chief Minister once again in his office at Thiruvananthapuram on 7th December 2005 and explained to him the situation. The Chief Minister suddenly contacted all the departments concerned and got released forth with the full amounts with retrospective effect. Because the Chief Minister had promised the people that the Government would give Rs 1000/- per month per family that was affected by tsunami till they are re-settled in newly built houses. This promise had not been honored by the authorities concerned. As per the agreement with the Chief Minister more than two thousand families would receive the benefit of Rs 1000/- each per month from the date of tsunami till they moved into the newly constructed houses.
Triumph at last:

The State Government as mentioned earlier had taken a negative stance in the High Court of Kerala in a Writ Petition filed by the State Legal Services Authority together with several NGOs including Jananeethi for early disbursement of Award amounts to the victims of tsunami. The Government filed a statement in the court pleading ‘no liability’ and ‘not economically viable’. However, the Government failed to impress the court how much money was collected by voluntary donations and compulsory contributions. The Government also failed to place before the court full statement of accounts with respect to the amount spent for the victims of tsunami. The court did not accept the contention of the Government that there was no ‘tsunami fund’; the court maintained the view that the money poured from all parts of the world was for the re-building of the tsunami devastated people and their lives. At the end of the battle, the honourable High Court decreed that all the Awards passed in the four Adalats held in April and May 2005 should be honored and it should be completed in two months from the date of the order by the court.

It was indeed a victory of all who took pains for settlement of pending disputes between the ‘broken’ people and the insensitive power brokers in authority.
By the end of January 2006, the construction of more than 6000 houses was complete and they were handed over to the recipients of new houses. The new house were as per parameters given by the Government, 650 sq ft in plinth area and built in two stories is having two bedrooms, one living room, kitchen, bathroom, work area and small balcony. Around Rs 350,000/- (6513 Euro) has been spent for each house. All these houses were constructed by voluntary agencies including religious bodies, political parties, NGOs, service organizations, corporate houses, business magnets, and philanthropic communities. Few NGOs that had voluntarily undertaken responsibility of building new houses had partly completed their jobs even before the cut-off dates. They allotted the houses to the beneficiaries much ahead of the first anniversary of the calamity. Almost all agencies were in the last stages of completing the construction works when the first anniversary was observed in silent pain, and with religious prayers and other ritualistic performances. Jananeethi is pleased to have played an instrumental role in ensuring that each survivor is best positioned to get a fair share in the relief and rehabilitation package.

Facilitating productive social process

Engagement in meaningful and productive social process by all, we believed, should be treated as part of healing process. Therefore, Jananeethi encouraged and motivated all those who were not otherwise occupied to get trained in knitting nets and coir making. Skill training was given to women through Self-help Groups (voluntary groups of women for income generation group activities managed by themselves - SHGs) and Kudumbasree (women’s networking groups supported by state government). This was a break-through as the habit of the fishing communities
before tsunami has been such that men of able bodies would go to the sea and rest of the family would sit idle at home spending much of their time before home television and it often led to unhealthy trend-setting in society. Today we observe among people a paradigm shift of culture from inactivity to activity, from idleness to industriousness, from pessimism to fresh hopes and dreams.

**A painful adieu**

A random survey was conducted in the last week of February 2006 among the people who had association with Jananeethi and those who had benefited out of our services to collect their impressions and assessments of Jananeethi programme. Inspite of initial resentment by the people for not directly providing food, utensils or other materials, Jananeethi was accorded a warm acceptance later ‘for being with the victims till the end of their struggle’. “Will you come again?” was the commonly raised question that engulfed the team as we finally wrapped up the program. They acknowledged Jananeethi in not only making them legally empowered but also playing a vital role in ensuring amity and brotherhood in their region. “Jananeethi came and infused hope among the otherwise sullen lives here. We could gather enough strength to fight for our rights only after Jananeethi team organized us into groups and approached the civic authorities” said Gopi Kadayil who lost his only son in the Tsunami. Jananeethi approached few resourceful groups to seek financial aid to support educational needs of children pursuing their higher education. Ushar’s daughter being one of the recipients of the aid, Ushar is a happy and relived father who adds, I wanted my daughter to have a University degree, Tsunami smashed all my hopes but the timely intervention of Jananeethi revived it all!

As families have started their new lives in their new homes they invited Jananeethi team to share a good meal with them as a mark of their gratitude. “You will continue to live in our hearts,” said 80-year-old Mohammad Asraf Ali with tears in his eyes.
JANANEETHI TEAM

Jananeethi Board of Directors:

K.G. Sankara Pillai : Chairman
George Pulikuthiyil : Sec. & Exec. Director
Francis Xavier : Joint Secretary
George Mathan : Treasurer
C.P. Gangadharan : Member
K.M. Geetha : Member
N.N. Gokuldas : Member
M.P. Surendran : Member
Lilly Thomas : Member

Jananeethi Executive Committee:

C.N. Parameswaran
M.P. Antony
K.R. Indira
P.N. Gopikrishnan
Johnson Ainikal
Paul Joseph Kattooikkaran
E.H. Devi
P.P. Vineeth
Faritha Ansari
M.N. Suresh Babu
T.K. Naveena Chandran

Jananeethi Project Team:

George Pulikuthiyil
N.N. Gokuldas
P.P. Vineeth
T.K. Naveena Chandran
Ms. Sini Saji
P.P. Francis
Joemon Francis

Project Support Team:

Dr. Francis Xavier
Advocate Jijo Paul
Advocate Saji Joseph
Advocate Faritha Ansari
Advocate P. Krishnakumar
Advocate Sojan Job
Ajayakumar Meleveettil
Advocate Seby J. Pullely
Mrs. K.K. Radhamani
M.N. Suresh Babu
Mrs. Sandhya S Suresh
Mrs. Ejayasree
K.K. Sudevan
Robin Chacko
M. Deva Prasad
B. Abith

Photography

Ajayakumar Meleveettil
Joemon Francis
K.K. Sudevan

Lay out & Printing

St. Mary’s, Thrissur - 680 001
26th December 2004: The Killer Tsunami Waves hitting the coastal belts of Kerala, devastating villages and bringing havoc into the lives of men and animals. The human casualties tolled over 230. The animals, birds and other domestic creatures were numerous.

29th, 30th and 31st Dec. 2004 Chairman of Jananeethi, Professor K.G.Sankara Pillai visited all the affected areas and made primary assessment of the situation. He also studied the scope of legal and right-based intervention in the area.

1st January 2005 An official condolence meeting was held at Jananeethi office to mourn the death of thousands of innocent men, women and children who were killed by the gigantic waves.

Professor K.G.Sankara Pillai appraised the post tsunami situations on the coastal areas and the neighbouring villages and the untold miseries of the people despite the enormity of humanitarian interventions. The meeting resolved that Jananeethi should step in and initiate legal aid and assistance and offer conflict resolution services to mitigate the tragic situations.

24th & 25th Jan. 2005 Mr.T.K.Naveena Chandran, Field Officer of Jananeethi was assigned to visit badly affected areas and collect first hand information on the reported communal aggressions and the risk involved in initiating right-based humanitarian services.

30th Jan. 2005 Mr.T.K.Naveena Chandran presented his observations and assessments with respect to the communal tensions. He also briefed the views and impressions of the local people on the relevance of Jananeethi plan of action in the areas. It was also resolved to send a high level team with office bearers of Jananeethi to the most affected areas and also to visit the civil, judicial and police authorities to apprise them regarding Jananeethi project for tsunami victims.

Last week in Jan. 2005 Joe Chenakkala sj presented Jananeethi project for Care and Support of tsunami victims in Kerala to Climate Alliance in Luxembourg through the goodwill of ASTM, Luxembourg.

4th and 5th February 2005 A 7 member team, including Prof. K.G.Sankara Pillai, chairman and Advocate George Pulikuthiyil, executive director, Dr.Francis Xavier, Jt.secretary, Dr.George Mathen, treasurer and members of office staff T.K.Naveena Chandran, K.K.Sudevan and Ajayakumar Meleveetil visited the district collector, district judge, district police superintendent and other civil authorities to explain to them jananeethi programmes of action and sought their support and co-operation. The team also visited the designated areas of intervention by Jananeethi and exchanged views with the people.
21st March 2005

Contract was signed between Jananeethi and the Climate Alliance, Luxembourg to implement the project ‘Jananeethi Programmes for Care and Support of Tsunami victims in Kerala’.

1st April 2005

Officially launched the project. Jananeethi camp office in the project area was opened at Karunagappilly.

4th April 2005

Lok Adalat conducted at Karunagappilly in Kollam district under the auspices of State Legal Services Authority. Around 3000 petitions were judicially screened and awards were declared.

5th – 8th April 2005

Project staff was selected. Orientation and skill training to staff were arranged both at Thrissur and Karunagappilly.

15th April 2005

Lok Adalat conducted at Alappuzha under the auspices of State Legal Services Authority and around 1500 petitions were considered and awards were declared.

22nd April 2005

Second Lok Adalat was conducted at Karunagappilly in Kollam district under the supervision of State Legal Services Authority and more than 2500 petitions were taken for disposal.

1st to 31st May, 2005

Jananeethi team visited all relief camps, hospitals and temporary shelters where the victims of tsunami were housed and also held talks with individuals and organizations engaged in relief activities.

8th May 2005

A third Lok Adalat was organized at Karunagappilly in Kollam district by State Legal Services Authority. More than 3500 petitions were examined by 35 judicial benches specially constituted for the purpose. Awards were declared and the State Government was given two months time to execute the Awards.

16th May, 2005

Jananeethi project team held formal meeting with members of the local council (the Alappad Panchayat Executive Council). Explained to them the objectives of Jananeethi intervention and ensured their full support and co-operation.

18th May, 2005

The project director called on the executive members of various Karayogams in the Alappad Panchayath. (Karayogam is a registered society of all families of the largest community, Arayas, in the project area. The management of the society is vested with an elected body that has absolute control on the life of the people). There are twelve Karayogams in the project area. They wielded major role in maintaining communal amity in the area.

24th May, 2005

The project director visited the office of Sevabharati at Karungappilly and held discussion with the chief functionaries. Sevabharathi is the communal outfit of the Hindu extremists. They had threatened many NGOs and forbid them from carrying out relief works in the tsunami affected areas. The visit of Jananeethi project director was part of our efforts to diffuse tensions and apprehensions of communal aggression.
27th May 2005
Organised a mass healing program aiming at the most agonizing men and women and their family members who had lost their beloved. More than 120 people assembled to share their woes and get strength and support from their equally sorrowful compatriots.

1st to 3rd June, 2005
Critical appraisal by the members of the team regarding our observations, views and experiences among the affected people. A clear action plan was mooted and strategy was drawn out.

5th June to 30th Sept. 2005
During this period, Jananeethi team in two batches visited house after house (house means a temporary hut made of palm leaves or bamboos) from Wards I to VII. There are fifteen Wards in Alappad Panchayath, but human casualties occurred only in I to VII Wards. They also visited relief camps. Long hours had been spent with the bereaved members of families where killer waves had taken one or more of their beloved ones.

15th June 2005
The project director meets the district collector and the Taluk authorities who were directly in charge of tsunami relief works. Apprised them of the immediate issues of drinking water, hygiene, sanitation, epidemics at the relief camps. Urged urgent actions.

25th June 2005
Project director having dialogue with civil authorities to step up reconstruction of damaged houses and restore drinking water connections and provision of essential commodities. Medical help to injured persons and care and support to terminally ill were also brought to attention of those in authority.

1st to 31st July 2005
The whole month was devoted to attend post traumatic cases. Many surviving spouses of the diseased, predominantly women, had to be personally attended. They were met either in person or in small groups both in their living surroundings and at the Jananeethi camp office. Befriending services were offered to them until they got reconciled to the harsh realities.

1st week in August 2005
A Writ Petition in the High Court of Kerala was filed by the State Legal Services Authority as first petitioner and others including Jananeethi invoking the urgent intervention by the court and order direction to the State Government to release the Adalat Award amounts to the recipients of the awards. This petition was finally disposed only in December 2005 due to the irresponsible attitude of the Government.

1st week in Sept. 2005
Special programmes were conducted in various schools in the project area specially targeting children who were psychologically affected by fear psychosis and nightmares.

5th October 2005
Mobilised and organized local leaders to form Tsunami Badhidha Karma Samiti (Action Group of Tsunami affected People) to effectively address the grievance of the victims through community participation.
11th October 2005  
A public meeting of aggrieved persons who were refused legitimate compensation in tsunami from Wards XII to XV was held at Gopi’s house to discuss future plan of action. Over 100 people attended.

12th October 2005  
Conducted fact-finding of cases that did not receive any compensation either in cash or in kind by the State. Filed individual complaints, took signatures and formed representative groups to present the cases before the Chief Minister of the State.

13th October 2005  
A public hearing was organized by Jananeethi at Bodhini Auditorium in Ward XIII to collect complaints of those aggrieved persons. Five booths were arranged to address large crowd that turned up seeking redress through Jananeethi. The full legal team of Jananeethi was present.

14th October 2005  
Public hearing was organized at Arattupuzha where three booths were arranged to examine over 300 petitions. Full team of Jananeethi law faculty attended the session.

20th October 2005  
Intervention in the controversial black sand mining issue and stopped illegal sand mining to save the seashore from becoming extinct. Supported Virudhha Samara Samithi (People’s Alliance against black sand mining) in their fight against preservation of eco-balancing of seashore and to make it livelihood friendly.

20th to 30th Oct. 2005  
Schools in the tsunami affected areas were visited by Jananeethi team. Had separate sessions with the teachers and children. Motivations and skill training was given to teachers how to identify children who needed help. Various programmes were organized in classes and in common for students to help them come out of the tsunami syndrome.

2nd November 2005  
A second public hearing was arranged at Arattupuzha in Alleppey district to address the aggrieved awardees of Lok Adalat held before. Again three booths were constituted to adequately address the complainants.

4th November 2005  
Jananeethi delegation with people’s representatives called on the Chief Minister and apprised him the explosive situations emerged from the dishonouring of Adalat Awards by concerned civil authorities.

18th November 2005  
A third public hearing was organized at Arattupuzha in Alleppey district to address the remaining petitioners who were refused their legitimate claims to tsunami compensation.

25th to 28th Nov. 2005  
Skill development training was given to women folk in project area in knitting nets and coir making in association with SHGs and Kudumbasree groups.

7th December 2005  
Jananeethi delegation again called on the Chief Minister at State capital Thiruvananthapuram and complained to him about the non-compliance of his instructions by the respective authorities. Order was immediately given for the release of defaulted monthly relief amounts to the victims of tsunami areas.
14th December 2005

Triumph at last: High Court orders the State Government to give compensation to the victims forthwith and to honour all Awards passed in the Adalats held in connection with.

26th Dec. 05 to 30th Jan 06

New houses and new hopes: Life limping back to normalcy as the newly constructed residential houses were handed over to the victims who lost houses and people resumed their profession and women ventured into newer ways of small scale industries.

15 to 18th February 2006

Meeting the beneficiaries of the Jananeethi programmes for care and support of tsunami victims at their own residential places and collecting their feedbacks. A survey was made among people as part of winding up the project on how they felt about the services rendered by Jananeethi.

15th to 30th March 2006

Preparations of making a video on the various activities of Jananeethi in the tsunami affected areas in Kerala and writing the final report of the project implementation.

Major Achievements:

- Presented individual complaints as well as mass petitions before the Chief Minister of the State. The following were the positive impacts of such direct petitions:
  - Relief camp inmates started receiving the Relief allowance of Rs 1000 every month per family with retrospective effect.
  - Speedy redressal on pending complaints regarding house allotment, allotment of fishing nets/boats, educational support for children was ordered.
  - Compensation was increased to Rs 1,00,000 from Rs 50,000 for the survivors of those who lost their children in Tsunami.
- Filed individual as well as mass petitions in the High Court of Kerala. Compensation to the tune of nearly Rs 3 crores (30 million) was distributed among the victims.
- Facilitated legal aid and assistance and enabled speedy and effective relief measures to benefit nearly 10,000 victims.
- Stopped illegal mining of black sand and thus restored the eco-balance of the place and people’s right for dwelling.
- Educational support to the tune of Rs 1,00,000 was arranged through individual donors for college going students.
- Could develop good net work and communal harmony among communities of different faith and religious practices.
- Could implant people’s faith and confidence in Rule of Law and in democratic principles.

Major Stumbling blocks:

- Lack of luster attitudes of the government officials and their callousness in dealing effectively with cases of Tsunami victims.
- Interference of extremist religious groups and their politicking for polarization among people that destabilized social re-constructions.
- Initial non co-operative attitude of the people as Jananeethi did not distribute anything in kind or in cash.
I. Introduction:

The Board of Directors and the Executive staff of JANANEETHI place on record their deep-felt gratitude and obligation to the members of the CLIMATE ALLIANCE LUXEMBOURG for their profound humane consideration of the project submitted by Jananeethi for the care and support of Tsunami Victims in Kerala. Their magnanimity was further expressed in availing the first instalment of the project amount, helping thereby the project activities being carried smoothly and without interruption.

This interim report is being placed before the CLIMATE ALLIANCE LUXEMBOURG in strict compliance with the terms and conditions of the contract signed between CLIMATE ALLIANCE and JANANEETHI.

Mapping:

Tsunami waves on 26-12-2004 hit on the western coast of Kerala, bringing havoc of destructions and damages to humans, animals and nature mostly in two coastal districts Kollam (Quilon) and Alappuzha (Alleppey). The highest catastrophe was recorded in Alappad panchayath of Kollam district and in Arattupuzha panchayath of Alappuzha district. Therefore Jananeethi programmes were visualized and were designed for these two panchayaths. In the first phase, Jananeethi was more confined to Alappad though we visited Arattupuzha on several occasions and have established contacts with people as a primary step for continued services.
Topography:

Alappad panchayath in Kollam district is an island connected to the main land by a single bridge at the South end of the island. It has the Arabian sea on its west and the back waters (T.S. Canal) on the east. 17 kilometer long and having a width ranging from 70 metres to 700 metres, Alappad panchayath has 5967 houses with a population of 12468 men and 12463 women.

People:

The people of Alappad belong to different communities like Arayas (Hindus), Ezhavas (Hindus), Latin Christians (Catholics), Pentecostal Christians (Protestants) and Muslims. The brutal majority belongs to Arayas who traditionally are fishing community. The entire population of Alappad are engaged in fishing profession. While men go to the sea for fishing, women attend house cores and children. Though many of them had their own houses before tsunami, there were a minority who had no land and no house as per official records. However, they had un-authenticated shelters or hutments on the costal belt where they along with their kith and kin lived for many generations.

One of the most popular and living icons of Hindu community, Matha Amritananda Mayi is a native of Alappad and she has her International office in the sixth ward of the Panchayath. People across the nations consider her as a divine person and she enjoys discipleship of tens of thousands of men and women from all nations and continents. Her Ashram has initiated post-tsunami re-construction works at many places in India and outside.

Our objectives:

Jananeethi’s project has the following objectives taking into account the dire need of the people and also the limited resources of Jananeethi.

(a) to provide free-legal aid, consultation, assistance and advocacy service.
(b) to ensure after-trauma care and emotional support aiming at the psychological rehabilitation of the people.
(c) to help victims/survivors to vindicate their legitimate rights through Jananeethi interventions.

Project Team : (L to R) N.N. Gokuldas, George Pulikuthiyil, Sini Saji, K.K. Sudevan, T.K. Naveena Chandran, P.P. Francis and P.P. Vineeth
II Launching the Project:

On April 1st, 2005 the Chairman of Jananeethi Prof. K.G. Sankara Pillai, Executive Director Adv. George Pulikuthiyil, Jr. Secretary Dr. Francis Xavier, Project officer T.K. Naveenachandran and Project Assistant K.K. Sudevan held consultations with the District Judge, District Collector and District Police Superintendent of Kollam district and ensured their co-operation in the execution of the project. The team also met the community leaders in Alappad and the President and Council members of the Local Civic Body (Panchayath) to explain to them regarding the project.

Further, a building at Karunagappilly town, about 15 kms away from the project area was rented out for the use of the project staff as office and their residence as well. Necessary arrangements were made in the building and on the vehicle as per needs of the project execution.

The following persons were appointed as the task force of the project for next one year:

1. Team Leader: Advocate George Pulikuthiyil M.A., LL.B.
2. Data Entry & Computer operation: P.P. Francis, Computer skills and experience.
3. Law Officer: Advocate P.P. Vineeth, B.A., LL.B.
4. Legal Assistant: Advocate (Ms) Sini Saji B.Sc., LL.B.
5. Psychiatric Social Worker: N.N. Gokuldas M.Sc. + 30 years experience
6. Grievance Officer: T.K. Naveenachandran, Metriculation + Experience
7. Field Assistant: K.K. Sudevan, S.S.L.C. + Experience

Early Steps:

Three months had gone after tsunami. People were suffering and were in agitation as they had lost every thing. Their dear ones had been killed by tsunami, houses had been washed off along with entire earnings of one’s life time, their boats, fishing nets and everything connected therewith had been lost/damaged, their cattle stocks including milking cows were dead and had perished and further good many of them were physically and mentally injured seriously and were under treatment at various hospitals.

Hence the most urgent service required was to address their grievances for basic amenities like food, shelter, clothing, healthcare and
prevention of epidemics. The project team of Jananeethi started visiting relief camps and temporary shelters and listened to their burning problems. In the mean time Jananeethi was in constant communication with the civil authorities with respect to the remedial measures of the problems. The law faculty of Jananeethi prepared petitions on behalf of the aggrieved and helped them to register such complaints to be considered in the Lok Adalat.

III. Lok Adalats:

The State Legal Services Authority in full co-operation of the Government of Kerala came forward to offer speedy justice through Lok Adalat. Lok Adalat is an alternate system of conflict resolution with people’s participation. It means resolving problems in a public function where thousands of petitions are dealt with by judicial officers with the help of social workers, legal activists and civil authorities. Lok Adalats were conducted on 8th and 14th of May 2005 at Karunagappilly and around 5000 complaints by the tsunami victims from Alappad alone were considered. Jananeethi was able to motivate the people to appear before the Adalats. It opened its office for people who returned from Adalat not fully satisfied. Such complaints will again be presented for review in weekly adalat in the district court. Because it is rather difficult to come to consensus with respect to damages to residential houses and work equipments like boats and fishing nets. This requires detailed investigations and judicious assessments.

We honestly believe that complaints by the affected people have been adequately addressed in the adalat programmes. The hazardous procedure of their implementation have been started since last month. Still there are unhappy people whose demands were only partly met. Jananeethi is taking stock of the situations through its contact programmes and would be negotiating with the concerned authorities for action.

75 % of genuine affected people have been considered in the Lok Adalats. The problems of damages to residential houses and work equipments like boats and fishing nets have been addressed in the adalat programmes and would be negotiated with the concerned authorities for action.
After-trauma care:

Alappad Panchayath is divided into 15 wards. Human casualties in tsunami happened in 1-7 wards only while heavy damages to buildings and establishments were all over. Among the 147 death cases, 76 were minor children including infants who were snatched away by tsunami waves from the hands of their mothers. Young men and women who lost their dear ones are really haunted by psychological problems and their healing will require long, sustained and personal attention.

After the first round of visit to the affected families, Jananeethi team has started the second round selective visits to those families where there are needy men and women who are still in sobs and tears. After a short while it was observed that some of the issues they raise had common grounds. Hence it was decided in their own small gatherings that a general session of those whose dear ones have been lost would do good. Therefore, a special common gathering was arranged on 27th of May at the Government Upper Primary School in the 4th ward where the highest number of human casualties took place. The meeting was attended by 90 people. They all were willingly taking part in the sharing session where they could pour out their feelings and emotions. As the entire participants were psychologically wounded and disturbed, they themselves were trying to heal their counterparts. It had a great impact in the community. Apart from the
Jananeethi team, there were representatives of the District Collector, Community leaders, and members of other voluntary organisations who declared their unfailing support to the victims.

IV. Next Stage:

The participants themselves have proposed to Jananeethi team how to reach them in the coming days. The young women who need psychological support and befriending would form small groups of 3 to 5 members. Jananeethi representatives will meet them in their living surroundings and will spend any amount of time as it would be required of. With respect to men, they preferred to have one-to-one talk and they themselves would contact the affected parties and would relate them to Jananeethi.

In addition to that Jananeethi team would visit schools (Schools have been reopened after summer holidays from 1st of June) and with the help of teachers would try to identify children who demonstrate symptoms of tsunami syndrome. Various programmes would be arranged for such children in the school itself and it could be organised as part of their normal curriculum with formal approval from respective authorities. Jananeethi has started working on the line.

Conclusion:

We, the Jananeethi team, are happy to report that our work is well taken by the people as well as the district civil authorities. We do get their cooperation and support as well. We are indeed very thankful to CLIMATE ALLIANCE LUXENBOURG AND ITS PARTNERS for the tremendous support and encouragements being extended to us.

Adv. George Pulikuthiyil
Exe. Director, JANANEETHI
life returns..