



Kranti v. Union of India & Ors

Appeal (civil) No. 2681/2007

Country: India

Region: Asia

Year: 2007

Court: Supreme Court

Health Topics: Diet and nutrition, Disasters and emergencies, Health systems and financing, Poverty, Water, sanitation and hygiene

Human Rights: Right to food, Right to water and sanitation

Facts

The plaintiffs were residents of a group of islands heavily affected by the 2004 tsunami. They argued that they were facing a number of problems which the local administration could take steps to mitigate and that the problems required immediate governmental action.

They argued that, while there were relief funds, these funds were not being used effectively. They stated that to provide proper relief to those who were affected, Lok Adalats (the local courts to which applications for relief are submitted) needed to be held on the affected islands, rather than in one particular port.

They also stated that the relief housing and shelter design was unsuitable to the islanders' needs, that fishermen needed new boats and cold storages for their catches, and that those whose agricultural land had been destroyed by flooding should be compensated. Moreover, there was a shortage of drinking water, health facilities, and food. The plaintiffs stated that the Administration needed to arrange for clean water and more doctors, and to continue to provide dry rations for a greater duration than was planned.

Decision and Reasoning

The Court held that the local administration should take immediate steps to collect and provide clean water for the island residents. The Court stated that this should be accomplished by constructing cemented tanks for capturing water during the monsoons, by cleaning the existing wells, and by digging new wells if required.

The Court further held that the dry rations that were being supplied to families were to be continued until October 2007, or until the appeal was heard. However, the Court also stated that the local administration could discontinue that supply to families if an enquiry was held and those families were found to no longer be in need of assistance.

The Court declined to order the local administration to provide additional doctors, additional cooking gas or cold-storages for the fishermen's catches, replace lost fishing boats, change the design of relief shelters, or hold Lok Adalats on affected islands. However, the Court suggested that these actions should be considered by the administration.

Decision Excerpts

“The submissions made on behalf of the appellant and the Local Government indicate that although the work of rehabilitation of the Tsunami victims has been taken up in all earnest, there is still a good deal which is required to be done to ameliorate the misery of the victims.” Para 20.

“Each of the problems elaborated by Mr. Gonsalves needs to be dealt with to enable the victims of the Tsunami families to cope with the disaster. The monsoons are due at any time to add to the misery of those who were rendered homeless by the Tsunami. Spread of diseases is a serious threat as also the spectrum of hunger.” Para. 21.