

REPORT No. 134474-IN

THE INSPECTION PANEL

REPORT AND RECOMMENDATION ON REQUESTS FOR INSPECTION

INDIA

RURAL WATER SUPPLY AND SANITATION PROJECT FOR LOW INCOME STATES (P132173)

FEBRUARY 12, 2019

**Report and Recommendation
on
Requests for Inspection**

India: Rural Water Supply and Sanitation Project for Low Income States (P132173)

A. Introduction

1. On September 21, 2018, the Inspection Panel (“the Panel”) received a Request for Inspection (“the first Request”) of the Rural Water Supply and Sanitation Project for Low Income States (“the Project” or “RWSSP”). The first Request was submitted by 104 Santhal tribal community members from a village in the state of Jharkhand (“the first Requesters”). The first Requesters asked for confidentiality. On October 9, 2018, they sent to the Panel a supplement to the first Request, explaining the alleged harm in further detail. The first Requesters are concerned about the construction of a water treatment plant (WTP)¹ in their village as part of the Bagbera multi-village scheme financed under the RWSSP. They question the location of the WTP and allege the plant is constructed on their community land, which has historical and cultural significance to them. They claim a loss of access to community resources and economic impact, including charges for drinking water. The first Requesters also allege a lack of analysis of alternatives, as well as inadequate environmental and social assessment, consultation and information disclosure. They additionally raise concerns about retaliation.

2. On December 12, 2018, the Panel received a second Request for Inspection of the same Project (“the second Request”) (hereinafter “the Requests” refer to both first and second Requests). The second Request was submitted by 130 Santhal and Ho tribal community members from another village in the state of Jharkhand (“the second Requesters”) (hereinafter “the Requesters” refer to both the first and second Requesters), who asked for confidentiality. They are concerned about the construction of an elevated storage reservoir (ESR) as part of the Chhotagovindpur multi-village scheme financed under the RWSSP. They contend that the ESR is being built on community land and is adversely affecting their historical and physical cultural resources. They also claim they will be impoverished by having to pay for water that is currently free of charge. They raise concerns about environmental impact, as well as lack of consultation and disclosure of information. The second Requesters also express fear of retaliation.

3. The Panel registered the first Request on November 5, 2018, and received the Management Response to this Request on December 11, 2018. On December 18, 2018, the Panel registered the second Request and received the Management Response to this Request on January 28, 2019. Since both Requests raise similar issues relating to the same Project, for efficiency purposes the Panel is processing them jointly.

¹ The first Request refers to the WTP even though technically the site in question includes two distinct structures, the WTP and an adjacent elevated water storage reservoir (ESR).

B. Description of the Project

4. The RWSSP (P132173) is a US\$1 billion Project, of which the International Development Association finances US\$500 million equivalent and the Government of India finances the rest. The Project was approved on December 30, 2013, and the closing date is March 31, 2020.

5. The Project's development objective is *"to improve piped water supply and sanitation services for selected rural communities in the target states through decentralized delivery systems and to increase the capacity of the Participating States to respond promptly and effectively to an Eligible Crisis or Emergency."*² The Project is being implemented in four states, namely Assam, Bihar, Jharkhand and Uttar Pradesh. It has four components: a) capacity building and sector development; b) infrastructure development; c) project management support; and d) contingency emergency response. The Request relates to component b.

6. The Project Appraisal Document (PAD) states that this component *"will support investments for improving water supply and sanitation coverage, including construction of new infrastructure and rehabilitation and augmentation of existing schemes."*³ Water supply investments include water source strengthening and catchment area protection activities. According to the PAD, whereas most habitations are expected to be served by single village schemes using local groundwater sources, multi-village schemes *"mainly relying on surface water sources, will be taken up for habitations where the local source is either not sustainable or not of acceptable quality."*⁴ The Project is currently implementing 919 schemes, of which 184 are located in the state of Jharkhand.⁵ Two of these 184 schemes are multi-village schemes, namely the Bagbera and Chhotagovindpur schemes, which are the subjects of the Requests.

7. The Project supports increased responsibility delegated to the Panchayat Raj Institutions at the district and village level for design and implementation of the schemes, and to the State and District Water and Sanitation Missions for policy and oversight.⁶ A National Project Implementation Unit was established at the Ministry of Drinking Water and Sanitation together with State Project Management Units (SPMUs) and District Project Management Units (DPMUs).

8. The Project was assigned an environmental category B and triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01); Natural Habitats (OP/BP 4.04); Forests (OP/BP 4.36); Indigenous Peoples (OP/BP 4.10); and Projects on International Waterways (OP/BP 7.50).

C. Summary of the Requests

9. The first and second Requests for Inspection are summarized below, and the full documents are attached to this report as Annex 1 and Annex 2, respectively.

² Project Appraisal Document, p.3.

³ Project Appraisal Document, p.5.

⁴ Project Appraisal Document, p.5.

⁵ Management Response to the Second Request for Inspection. p.vi. Out of the 919 schemes, 897 are single-village schemes and 22 are multi-village schemes.

⁶ Project Appraisal Document, p.6.

The First Request

10. The first Requesters raise concerns about the construction of a WTP as part of the Bagbera multi-village scheme. They claim that “*the way of life of the indigenous peoples of [their habitation] is inextricably linked to the site of the water treatment plant*” and that the Project “*disrespects and threatens the dignity, human rights, economy and cultures of Indigenous Peoples.*”⁷ They allege the harms described below.

11. **Environmental impact.** The first Requesters question the location of the Bagbera scheme. They argue the site selection did not properly assess Project alternatives that would have minimized adverse impact.

12. The first Requesters contend that an environmental and social assessment was prepared for the state of Jharkhand as a whole without specific environmental or social assessment for the Bagbera scheme. They express concern that the scheme will extract significant volumes of water from a nearby river, the Subarnarekha, and adversely impact the hydrology of the area. The first Requesters claim diversion of the water from the river, which they believe feeds groundwater, would affect local bodies of water in the villages⁸ and the ability of communities to access water. They also raise concern about the cumulative hydrological impact of this scheme, as well as other schemes that have been built in surrounding areas under the Project. The first Requesters also complain about the lack of information on sludge management and possible toxic contamination. In addition, they claim the Project was wrongly assigned an environmental category B instead of category A.

13. **Impact on culture and community resources.** The first Requesters allege the WTP is being built on their community land, which has historical and cultural significance for the Santhal tribe, thus “*destroying their way of life and culture.*” They claim this site is a sacred grove, or *Jaher*, inhabited by the spirits of their ancestors. According to them, the community worships at the sacred grove, in a cultural and spiritual practice called *Jantad Pooja*, and a series of festivals take place at this site. They contend there has been a graveyard and cremation ground on this site “*since time immemorial*” and “[t]here is deep anger in the affected communities that the resting place of their ancestors is being used as a site for the water treatment plant.”⁹

14. The first Requesters raise concerns about restriction of access to pasture land for their goats. They further point out that availability of certain herbs and shrubs used for medicinal purposes by the community, including for treating jaundice, blood clots and supplementing vitamin D, will be affected by the WTP. They also allege that red mud found at this location, which is used for painting their houses, cleaning and packing goods, will be affected, as well as plants used for fuel and fencing home gardens. They argue the Project should have triggered the Operational Policy on Physical Cultural Resources (OP 4.11) and that the lack of assessment of impact on physical cultural resources and related mitigation measures is in non-compliance with OP 4.11.

⁷ Supplement to the Request for Inspection, p.6.

⁸ A village might be comprised of one or several small settlements called habitations.

⁹ Supplement to the Request for Inspection., p.5.

15. The first Requesters contend that even though the Santhals are recognized as an *Adivasi*¹⁰ tribe under the national law and fulfill the Operational Policy on Indigenous Peoples (OP 4.10) criteria of indigenous peoples, there was no assessment conducted to specifically evaluate the impact of the Bagbera scheme on indigenous peoples or to examine Project alternatives. In addition, they claim the social assessment prepared for the state of Jharkhand incorrectly states that Project interventions would not affect indigenous communities. They allege the Project lacks a plan to mitigate the impact of the Bagbera scheme on indigenous peoples, in non-compliance with OP 4.10. They also argue that in light of the lack of appropriate consultation, important risks to indigenous peoples' resources and cultural heritage were overlooked.

16. **Expansion of the city limits.** The first Requesters fear the Bagbera scheme is part of a larger plan to expand the boundaries of the adjacent city of Jamshedpur and convert it into an urban area. They are concerned this would erode their legal protections related to control over land and water resources as a rural indigenous community. They explain that one of the key goals of the Draft Proposal Master Plan for Jamshedpur Urban Agglomeration is to establish an urban area with treated piped water supply, and thus the Bagbera scheme is a key component of this urbanization process.

17. **Economic impact.** The first Requesters question the need for piped water in their habitation as they claim they already have access to clean water free of charge and have independently verified its quality. They contend the “[s]cheme also threatens to make our already poverty-stricken communities more vulnerable by charging us for drinking water.”¹¹

18. **Consultations.** The first Requesters allege the Bagbera scheme “has been implemented by keeping [...] communities in the dark and excluding them from the decision-making process.”¹² They claim most community members only learned about the site location when the local government came to a neighboring village with the police to “reportedly coerce the villagers into giving their consent for use of their sacred grove for the water treatment plant.”¹³ The first Requesters further allege that women from their habitation were not involved in any consultation, even though one of the justifications for the Project is that women have to travel far to collect water.¹⁴ They state the lack of free, prior and informed consultation constitutes non-compliance with OP 4.10.

19. The first Requesters claim that, as an indigenous-majority area, their habitation enjoys special protections under national and state law, which requires the consent of the *Gram Sabha*¹⁵ to proceed with any development and any decision regarding community lands. They allege that the wrong *Gram Sabha* was consulted, and the relevant *Gram Sabha* has not consented to the construction of the WTP on the current site. Therefore, in their view, the Bagbera scheme is unconstitutional. They also state that the Santhal *Majhi-Pargana* governance tribal system was “completely sidestepped” in this process.¹⁶

¹⁰ Adivasi or tribal groups are considered to be the original inhabitants of India.

¹¹ Supplement to the Request for Inspection, p.1.

¹² Supplement to the Request for Inspection, p.18.

¹³ Supplement to the Request for Inspection, p.8.

¹⁴ Supplement to the Request for Inspection, p.8.

¹⁵ *Gram Sabha* is a community assembly.

¹⁶ Supplement to the Request for Inspection, p.19.

20. **Disclosure of information.** The first Requesters claim they have not been provided adequate information regarding the Bagbera scheme in a language they understand. According to them, some documents were available in English, but not in Hindi or Santhali. The first Requesters explain they were able to access certain Project documents after claiming the right to information but had to incur related expenses and were not given environmental or social assessments for the scheme.

21. **Retaliation.** The first Requesters allege that when construction works started in 2016, police officers accompanying the workers reacted to a peaceful protest by using force. They claim that community members, including women and children who tried to intervene, were beaten and several members suffered serious injuries and had to go to the hospital. In addition, for over two years now many community members have had difficulty obtaining character certificates, which are needed in India for various purposes, including securing employment.

22. **Moving Forward.** The first Requesters ask Management to take certain measures to address their concerns. These include, among others, stopping Project disbursement and construction of the scheme until a proper social and environmental assessment is conducted and affected people have been consulted, as well as disclosing all relevant Project documents in the local languages.¹⁷

The Second Request

23. The second Requesters raise concern about the construction of an ESR as part of the Chhotagovindpur multi-village scheme. They claim their “*collective cultural resources, livelihoods and autonomy*” have been affected by the Project.¹⁸ They allege the harms described below.

24. **Environmental impact.** The second Requesters claim the Project should have been assigned an environmental category A instead of category B, since it will have wide-ranging impact on the ecology, human health and safety, and the rights of indigenous peoples. They contend the Project did not conduct an adequate environmental assessment and that while an Environmental Assessment-Environmental Management Framework (EA-EMF) was prepared for the State of Jharkhand as a whole, it did not examine the potential adverse impact of subprojects. They consider the “*failure on the part of Bank management to monitor subprojects properly*” in non-compliance with OP 4.01.¹⁹

25. The second Requesters are concerned that the scheme will extract significant volumes of water from a nearby river and have an adverse impact on the hydrology of the area and the aquatic ecosystem. According to them, this will especially affect habitations where local bodies of water are a key component of many cultural practices. The second Requesters are also concerned about pollution from sludge generated from the water treatment process, which they fear it can be toxic, and claim that Project documents lack information on sludge management.

¹⁷ Supplement to the Request for Inspection, p.2.

¹⁸ Second Request for Inspection, p.1.

¹⁹ Second Request for Inspection, p.11.

26. **Impact on culture and community resources.** The second Requesters allege the Project “*threatens the continuation of essential cultural practices of the [i]ndigenous communities.*”²⁰ They explain that an ESR is being built on their community land, which has cultural significance for them. They explain that annual celebrations take place at this site as well as a sacrificial ceremony and feast held every five years.

27. The second Requesters contend that the ESR location is an important martyrdom site both for the community and for the state of Jharkhand in honor of three community members who sacrificed their lives in the struggle for Jharkhand’s statehood. Annual Martyrdom Day is observed by the community at the site. They explain that the Project in a culturally inappropriate manner put up busts of the martyrs in place of the traditional memorial stones or boulders that the contractor removed. The second Requesters argue that the Project should have triggered OP 4.11 and the lack of assessment of the impact of the scheme on physical cultural resources is in non-compliance with this policy.

28. The second Requesters claim it is unconstitutional for the state to transfer land from a recognized Scheduled Area²¹ to a corporation for the construction and operation of the Project. They allege that Project documents incorrectly concluded the scheme would be built on government land. According to them, these documents did not consider that the ESR was built on community land.

29. **Expansion of the city limits.** The second Requesters argue that the Project is a key component of the Draft Proposal Master Plan for Jamshedpur Urban Agglomeration and is being used to expand the city limits of the adjacent city. According to them, this expansion would have a “*disastrous impact on the indigenous community [...], including impacts on their culture, access to resources, and traditional governance practices.*”²² It would be a catalyst for dissolving the legal protections afforded their community as a Scheduled Area, and lead to further marginalization, they point out.

30. **Economic impact.** The second Requesters allege that they currently have adequate access to water free of charge and do not require piped water. They argue that after the Project they will have to pay for water and this will further impoverish their community.

31. **Consultations.** The second Requesters explain that while consultations for the EA-EMF, Social Assessment and Indigenous Peoples Plan were conducted at the level of Jharkhand state and for the Project as a whole, there were no consultations on the specific schemes. They state that “*little attempt has been made to take community views into account even though construction of a key component of the scheme is happening on land to which the community has deep historical and cultural ties.*”²³

²⁰ Second Request for Inspection., p.5.

²¹ Scheduled Areas refer to officially notified areas marked by significant presence of tribal population, geographic compactness as well as social and economic underdevelopment.

²² Second Request for Inspection, p.6.

²³ Second Request for Inspection, p.12.

32. The second Requesters point out that as a Scheduled Area, their habitation has special protections under national law and that a *Gram Sabha* resolution is a pre-condition for starting any development activity in their habitation. They allege that their *Gram Sabha* did not consent to the construction of the ESR in their habitation, and that they have passed several resolutions opposing it. According to them, tribal institutions were “*sidestepped*” during implementation of the scheme. The second Requesters allege that free, prior and informed consultations did not take place and no attempt was made to ascertain broad community support for the Project, which is in non-compliance with OP 4.10. They state that the scheme “*has been forced upon the communities despite their vehement opposition.*”²⁴

33. **Disclosure of Information.** The second Requesters contend that “*the implementing authority never provided any documents to the community.*”²⁵ They claim information about the scheme was neither disclosed locally nor on the Bank’s website, which only has information on the Project as whole. They explain the community was only able to access some Project documents that were shared by members from another village. Moreover, according to them, none of the documents were available in Hindi, Santhali or Ho languages.

34. **Retaliation.** The second Requesters state they “*fear there may be reprisals [...] for complaining about the Scheme.*”²⁶ They contend that community members were threatened with “*dire consequences*” when they tried to protest against the construction of the ESR on their land.²⁷

35. **Moving forward.** The second Requesters ask Management to implement some measures to address their concerns, including suspending Project disbursements and construction of the scheme until affected communities have been consulted, conducting a comprehensive environmental and social assessment, hiring an independent expert to look at cumulative hydrological impact and disclosing all relevant documents in the local languages.²⁸

D. Summary of the Management Responses

36. The two Management Responses are summarized below, and the full Responses are attached to this Report as Annex 3 and 4, respectively.

Management Response to the First Request

37. In its Response, Management acknowledges shortcomings in compliance with Bank safeguard policy requirements in the implementation of the Project component for the construction of the WTP in the vicinity of the first Requesters’ habitation. Management notes that the shortcomings “*pertain to weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, a non-objection to the initiation*

²⁴ Second Request for Inspection, p.14.

²⁵ Second Request for Inspection, p.12.

²⁶ Second Request for Inspection, p.1.

²⁷ Second Request for Inspection, p.2.

²⁸ Second Request for Inspection, p.2.

of works ahead of an approved Environmental Management Plan (EMP) and failure to apply OP 4.11.”²⁹

38. **Site selection and related consultations.** Management mentions there were significant efforts by the Project to ensure consultations among affected communities in the decision to build the Bagbera scheme and in its design. Management explains this scheme was demand-driven, and that demand is evidenced by the number of households that have chosen to join. Nevertheless, Management acknowledges that “*there appear to have been weakness in consultation and its documentation at the level of [the Requesters’] habitation.*”³⁰

39. Management explains that another site was initially selected for the WTP. Following opposition of local residents who claim to use the land as a place of worship, the district authorities changed the location to the current site. According to Management, new consultations were undertaken in February 2016 after the change of WTP location, and the *Gram Sabha* of the concerned *Gram Panchayat*³¹ (GP) endorsed the site selection. However, Management recognizes that local decision-making in tribal areas includes relevant units of local governance, not only through a *Gram Sabha* of the formally constituted *Gram Panchayat* but also by involving the *Gram Sabhas* of the habitations. In this case, Management acknowledges that the residents of the first Requesters’ habitation were not present at *Gram Sabha* meeting that endorsed the site. Management explains that there are conflicting accounts on whether they were formally invited to the meeting and is unable to confirm one way or another.³²

40. Management explains that in response to concerns from the first Requesters, the district government conducted three consultations with the first Requesters’ community, but these were not properly recorded through minutes and attendance sheets. Management states there remains significant disagreement among community groups about the site location. Given these divisions in the community and weaknesses in the documentation of the consultation process, Management explains it “*is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.*”³³

41. **Environmental impact.** Management explains that that the EA-EMF established procedures for screening of environmental impact and identification of mitigation measures. Given the potentially more significant environmental impacts of the Bagbera Scheme, the government was required to prepare a scheme-specific EMP with more detailed analysis on the environmental and health impacts. According to the implementation procedure, a draft EMP and an Environmental Data Sheet should have been enclosed in the Detailed Project Report to inform the bidding process. The Response acknowledges that this was not done. The EMP covering the two multi-village schemes was instead prepared by the contractor and submitted to the government for approval in July 2015. It was approved by the government in 2017. While the Project legal agreement requires the scheme-specific EMPs to be submitted to the Bank for review and approval

²⁹ Management Response to the First Request for Inspection, p.8.

³⁰ Management Response to the First Request for Inspection, p.9.

³¹ Gram Panchayat is a formally constituted local governing body.

³² Management Response to the First Request for Inspection, p.9.

³³ Management Response to the First Request for Inspection, p.15.

before the start of civil works, the Response states that “*this requirement was not met and Management acknowledges that the Bank did not follow up to ensure compliance.*”³⁴ The Response further states that the EMP is currently being updated to address shortcomings identified in the first Request.

42. Management in its Response acknowledges that no consultations with the directly affected habitations were held in the preparation of the EMP and that the EMP has not yet been publicly disclosed. Following its mission in November 2018, Management requested that the combined EMP be divided into separate ones for each of the two schemes and that the contractor, SMPU and DMPU undertake consultations on issues that can still be mitigated during the EMP update.³⁵

43. Regarding the impact of the scheme on local water hydrology and water supply, Management states that the amount of water extracted from the Subarnarekha River will be negligible compared to the river’s water flow, and that due to the intake 14.5 kilometers (km) upstream,³⁶ there will be no impact on the groundwater level where the first Requesters live. As to the sludge created in the WTP and its disposal, the Management Response explains that, according to water quality tests, the river water contains very low levels of heavy metals, almost at the level of the relevant Indian drinking water standard.³⁷ Management states it will request the authorities to ensure appropriate discharge sites and share water test results with the community.

44. **Impact on culture and community resources.** Management acknowledges that OP 4.11 should have been applied to the Project. However, it notes “*that efforts were made by the implementing agency to achieve objectives that are consistent with those of the policy.*”³⁸ Such steps include at least three consultations with the first Requesters’ habitation prior to the start of works to identify places of significance, albeit “*not documented to the extent required to ascertain compliance with the policy requirements.*”³⁹ The Response explains that the community reported there was a sacred tree, sacred stones and a congregation area at the hill, as well as burial sites. The Response points out that while there was no systematic assessment of cultural resources, certain mitigation measures were implemented, including a change in the dimension of the WTP site to avoid disturbance to burial grounds or worship places, and a minor adjustment in a boundary wall to save a sacred tree.⁴⁰ As to accessibility to the site, Management states that most of the land on the hill will remain available for goat pasture and access to plant and shrubs used by the local population as only 3.59 acres or 25 percent of the hill is used for the WTP.

45. **Expansion of the city limits of Jamshedpur.** Management states that it understands the first Requesters’ concerns about the urban expansion and the threat of tribal villages losing legal protections afforded to them as a Scheduled Area. Management argues, however, that while the

³⁴ Management Response to the First Request for Inspection, pvii.

³⁵ Management Response to the First Request for Inspection, p.12.

³⁶ The DPMU informed the Panel team that the intake was only approximately six km away from the WTP.

³⁷ Management Response to the First Request for Inspection, p.15.

³⁸ Management Response to the First Request for Inspection, p.13.

³⁹ Management Response to the First Request for Inspection, p.13.

⁴⁰ Management Response to the First Request for Inspection, p.13.

government is considering the expansion of city limits, there is no link between the Draft Master Plan for Jamshedpur Urban Agglomeration and this Project.⁴¹

46. **Economic impact.** With regard to the cost of piped water, Management explains that 19.1 percent of the households in the first Requesters' habitation have already decided to participate in the scheme.⁴² The Response also points out that community members can continue to use existing sources of water free of charge and the piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. The Response adds that consultations and information sharing about tariffs will intensify in the period ahead.

47. **Consultation and disclosure of information.** According to Management, during preparation of the EA-EMF, Social Management Framework (SMF) and Tribal Development Plan (TDP), national consultations were organized in four districts in Jharkhand. For the preparation of the TDP, consultations were held in 60 habitations and 30 Gram Panchayats, as well as with state, district and block officials. The documents were disclosed on the Ministry of Drinking Water and Sanitation's website in 2013, but the website changed in 2015 and the documents were not re-disclosed. Management explains that it has not been able to confirm the disclosure of the Jharkhand safeguards documents in Hindi.⁴³

48. **Confrontations at the Project site.** The Management Response mentions two incidents involving the police when works started in 2016, as well as press reports about another protest of tribal community members in front of the deputy commissioner's office. The Response adds that the Project's mid-term review flagged the constant opposition by tribal community members and the gaps in consultation during the planning of the alternative site to the WTP. Management recommended the DPMU at the time to engage with local residents to address their concerns. However, Management admits that *"more proactive actions with the Project authorities should have taken place to follow up on agreed actions and to appropriately understand and address what appears to be significant resistance to the construction of the WTP [...]."*⁴⁴

49. **Actions going forward.** Management states that since many members of the community have expressed interest in benefitting from the clean water supply that will be delivered by the Project, it is not feasible to stop Project works. Management adds that stopping the works could pose risks of retaliation, loss of employment and safety hazards.⁴⁵ Nevertheless, Management has identified several actions in response to community concerns and to address overall Project shortcomings. These include working with the government to conduct consultations, supported by experts in anthropology and cultural heritage, to better understand community concerns and identify compensatory measures. Management also committed to conducting consultations on the updated EMPs by the end of January 2019 and ensuring that executive summaries of safeguard documents be translated in Hindi. In addition, Management states it will undertake a review of safeguard

⁴¹ Management Response to the First Request for Inspection, p.8.

⁴² Management Response to the First Request for Inspection, p.9.

⁴³ Management Response to the First Request for Inspection, pp.6-7.

⁴⁴ Management Response to the First Request for Inspection, p.11.

⁴⁵ Management Response to the First Request for Inspection, p.viii.

compliance and prepare an action plan for implementation of remedial actions. Finally, Management explains that the Project will be restructured and OP 4.11 will apply to the Project.⁴⁶

Management Response to the Second Request

50. Management explains that once it received the e-mail from the second Requesters in October 2018, it asked the Project Management Unit (PMU) to follow up on the concerns raised and met with the second Requesters in October and December 2018. Based on its review and site visits, Management concludes that there were shortcomings with Bank safeguard policy requirements in the implementation of the Project component involving the construction of the ESR in the vicinity of the second Requesters' habitation. These shortcomings relate particularly to *"weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, non-objection of works ahead of an approved EMP and failure to apply the Bank's policy on Physical Cultural Resources (OP 4.11)."*⁴⁷

51. **Site selection and related consultations.** Management explains that the ESR is located on government land that was registered as *"uninhabited"* by the State of Jharkhand.⁴⁸ The ESR occupies less than 14 percent of the total area of the plot.

52. Management notes that there were significant efforts to ensure consultations among affected communities on the decision to develop the Chhotagovindpur multi-village scheme and this decision was driven by strong demand across the participating *Gram Panchayats*. Nevertheless, Management acknowledges that *"there appears to have been weaknesses in consultation and its documentation at the level of the [second Requesters' habitation]."*⁴⁹ It also acknowledges that *"no Gram Sabha (community assembly) was held at the Gram Panchayat⁵⁰ level to provide the community's 'no-objection' to the siting of the ESR."*⁵¹

53. Management explains that since DPMU officials learned about opposition to the siting of the ESR in 2015, they have organized several consultations with affected communities, but it is not clear whether residents of the second Requesters' habitation participated in these meetings. Despite these efforts, significant disagreements persist among members of the community and some residents of the second Requesters' habitation continue to oppose the ESR. Given these disagreements and weaknesses in the documentation of the consultation process, Management *"is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved."*⁵²

54. Management points out that the Project in its design made an effort to implement a demand-driven and community-based approach to service delivery and to devolve more decision-making authority to local institutions. However, in the case of the multi-village schemes in Jharkhand the

⁴⁶ Management Response to the First Request for Inspection, pp.16-18.

⁴⁷ Management Response to the Second Request for Inspection, p.vii.

⁴⁸ Management Response to the Second Request for Inspection, p.23.

⁴⁹ Management Response to the Second Request for Inspection, p.vii.

⁵⁰ In this case, the Gram Panchayat is comprised of eight habitations.

⁵¹ Management Response to the Second Request for Inspection, p.vii.

⁵² Management Response to the Second Request for Inspection, p.viii.

greater complexity of the assets “has served to perpetuate the top-down engineering approach that the Project has sought to change in favor of a community-driven approach to decision-making and asset management.”⁵³

55. **Environmental impact.** Management states that the size and impacts of the schemes financed under the Project justify the environmental categorization of the Project as “B.” The Response explains that the Project used a framework approach to address social and environmental risks because the location of the schemes was not known at the time of Project approval. As per the Project’s EA-EMF, an environmental screening of the schemes should be undertaken and for Category 2 schemes, with more significant environmental impacts, an EMP was required. While the Project Agreement required that scheme-specific EMPs be submitted to the Bank for approval, Management recognizes that “*this requirement was not met and Management acknowledges that the Bank did not follow-up to ensure compliance.*”⁵⁴ Management also acknowledges that the scheme-specific EMP should have been finalized prior to the start of works in October 2016. Management has requested the government to update, consult on and disclose the EMP.

56. Regarding the Project impact on groundwater, Management notes that the expected water abstraction will be negligible compared to the total river flow and that the water intake of the Chhotagovindpur multi-village scheme is located 7.8 km from the ESR.⁵⁵ Therefore, no impact on groundwater levels in the second Requesters’ habitation is expected. As to sludge pollution, Management points out that the ESR does not generate sludge, only the WTP that is not associated with the second Request. Management also mentions it has reviewed the water analysis conducted at the water-intake point and it shows low levels of heavy metal contamination. Management explains that the sludge will be handled appropriately and will have no direct impact on the second Requesters’ community.⁵⁶

57. **Impact on culture and community resources.** Management acknowledges that OP 4.11 was not applied to the Project. According to Management, the second Requesters told the Bank that the boulders in honor of the three martyrs were destroyed during construction works and that the contractor erected the busts without consultation with them. The contractor, on the other hand, reported that the ESR location contained no boulders and the community requested the contractor to finance the busts. Management points out that there are also different accounts related to the use of the ESR site. While the second Requesters indicated that the *Gota Pooja* and *Jaher Dangri* traditional festivals take place at the site, members of the multi-village water and sanitation committee maintained that these events take place at an adjacent location and that currently the site is used only for playing soccer and for open defecation in some parts. Management maintains that “*there is sufficient land available [...], even considering the presence of the ESR, to allow for the cultural uses described in the [second] Request for Inspection.*”⁵⁷

⁵³ Management Response to the Second Request for Inspection, pviii.

⁵⁴ Management Response to the Second Request for Inspection, p.viii.

⁵⁵ Management Response to the Second Request for Inspection, p.17.

⁵⁶ Management Response to the Second Request for Inspection, p.17.

⁵⁷ Management Response to the Second Request for Inspection, p.17.

58. **Expansion of the city limits of Jamshedpur.** According to the Response, Management understands the second Requesters' concerns about the urban expansion and the perceived threat of tribal habitations losing legal protections afforded to them as Scheduled Areas. However, Management states that there is no link between the Draft Master Plan for Jamshedpur Urban Agglomeration and the Project.⁵⁸

59. **Economic Impact.** Management explains that participation in the scheme is voluntary and access to existing local sources will not be affected by the Project, nor will the Project charge for the use of these sources. According to Management, community members can choose to benefit from piped water or decide not to opt in. For the households who choose to participate, a one-time community contribution of INR 225 (US\$3.20) for Scheduled households will be required.⁵⁹ The suggested minimum monthly charges will be INR 62 (US\$0.90) per household, but the exact tariffs will be decided by the responsible *Gram Panchayat*.⁶⁰ Management also explains that most of the households in the second Requesters' *Gram Panchayat* have already paid their contribution.

60. **Consultation and disclosure.** Management points out that it has conducted consultations during the preparation of the EA-EMF, SMF and TDP in 2013 at the national and district levels. Consultations on the TDP were also held in 30 *Gram Panchayats*, but the second Requesters' GP was not one of them.⁶¹ Nonetheless, Management acknowledges that consultation efforts should have been more comprehensive and undertaken earlier on in preparing the Chhotagovindpur scheme. While Management cannot confirm the disclosure of safeguard documents in Hindi, it explains that information about the scheme was disseminated in Hindi through brochures, wall writings and *Jal Sahiyas*, who are women community organizers.⁶²

61. **Actions going forward.** Management explains that the second Requesters' demand to stop construction works and remove the scheme is not practical, since the ESR is virtually completed and operational trial runs are ongoing.⁶³ Management adds that there is a strong demand for piped water from associated communities and stopping the works could pose risks of retaliation against those opposing the scheme. However, Management has agreed with the Borrower on several actions to address the second Requesters' concerns and overall Project shortcomings. These actions include: (i) consulting the second Requesters on possible remedial measures, which could entail developing the site in a culturally appropriate manner, shifting the boulders for the three martyrs to another sacred site, and providing culturally appropriate benefits to the community; (ii) updating the Information, Education and Communication materials and finalizing the versions in Santhali and Ho; (iii) consulting and disclosing the EMP; (iv) reviewing the process followed to document community "no-objection" to the siting of the two multi-village schemes; (v) hiring experts in anthropology and cultural heritage to support the Bank; (vi) hiring an agency to support the PMU in conducting consultations and training on social and environmental issues.⁶⁴

⁵⁸ Management Response to the Second Request for Inspection, p.11.

⁵⁹ The one-time community contribution charged to tribal households is half of the contribution charged to non-tribal households.

⁶⁰ Management Response to the Second Request for Inspection, p.14.

⁶¹ Management Response to the Second Request for Inspection, p.27.

⁶² Management Response to the Second Request for Inspection, p.26.

⁶³ Management Response to the Second Request for Inspection, p.18.

⁶⁴ Management Response to the Second Request for Inspection, p.x-xi.

E. Panel Review of the Requests and the Management Responses, and Eligibility Visit

62. Panel Chair Imrana Jalal, Panel Member Jan Mattsson and Research Assistant Rupes Dalai visited India from December 13 to 19, 2018. The Panel team held meetings in Delhi with representatives of the World Bank Country Office, as well as officials from the Ministry of Finance, the Ministry of Drinking Water and Sanitation and the National PMU. The Panel team traveled to Ranchi, Jharkhand, and met with officials from the SPMU, the State Drinking Water and Sanitation Department and the State Department of Social Welfare. In Jamshedpur, Jharkhand, the team held meetings with officials from the DPMU, as well as officials from the District administration. The team also visited the Project sites of both Requests and met with community members affected by the Bagbera and Chhotagovindpur multi-village water schemes. The Panel expresses its appreciation to all those mentioned above for providing valuable information and for sharing their views and extends special thanks to the World Bank Country Office staff in Delhi for its invaluable assistance with logistical arrangements.

63. The Panel's review is based on information presented in the Requests, the Management Responses, other documentary evidence, and information gathered through interviews before, during and following the visit to India. The review covers the Panel's determination of the technical eligibility of the Requests according to the criteria set forth in the 1999 Clarification and the Panel's review supporting the Panel's recommendation.⁶⁵

E.1. Determination of Technical Eligibility

64. The Panel is satisfied that the Requests meet all six technical eligibility criteria of paragraph 9 of the 1999 Clarifications. The Panel notes that its confirmation of technical eligibility, which is a set of verifiable facts focusing to a large extent on the content of the Requests as articulated by the Requesters, does not involve the Panel's assessment of the substance of the claims made in the Requests.

- Criterion (a): *"The affected party consists of any two or more persons with common interests or concerns and who are in the borrower's territory."* The first Request was submitted by Santhal community members who live in a village in Jharkhand, India, and allege harm from the Bagbera scheme financed by the Project. The second Request was submitted by Santhal and Ho community members from another village in Jharkhand, India, who allege harm from the Chhotagovindpur scheme financed by the Project. The Panel has met with the Requesters during its visit and considers this criterion met.
- Criterion (b): *"The Request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the Requester."* The first Request raises concern about adverse impact on the culture, community resources and environment of Santhal tribal members due to construction of a WTP on their community land. The second Request claims cultural, economic and environmental impact from the construction of an ESR on the community land of Santhal

⁶⁵ "1999 Clarification of the Board's Second Review of the Inspection Panel", April 1999 ("the 1999 Clarifications") available at <http://www.inspectionpanel.org/sites/ip-ms8.extcc.com/files/documents/ClarificationSecondReview.pdf>

and Ho tribal members. Both Requests also contend that the consultations and disclosure of Project documents were inadequate. The Panel is this satisfied that this criterion is met.

- Criterion (c): *“The Request does assert that its subject matter has been brought to Management's attention and that, in the Requester's view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures.”* In the case of the first Request, the Requesters provided evidence of correspondence with Bank Management in which they raise their concerns on April 6 and June 10, 2018, prior to the filing of the Request. In the case of the second Request, the Requesters shared with the Panel an e-mail to Bank Management from October 15, 2018, where they raised concerns about the Project. The Panel is satisfied that this criterion is met.
- Criterion (d): *“The matter is not related to procurement.”* The Requests do not raise issues of procurement and thus this criterion is met.
- Criterion (e): *“The related loan has not been closed or substantially disbursed.”* At the time of receipt of the Requests, the Project was 22 percent disbursed. Therefore, this criterion is met.
- Criterion (f): *“The Panel has not previously made a recommendation on the subject matter or, if it has, that the Request does assert that there is new evidence or circumstances not known at the time of the prior Request.”* This is the first time the Panel has received a Request on this subject matter and thus this criterion is met.

E.2. Panel Observations Relevant to its Recommendation

65. In making its recommendation to the Board and in line with its Operating Procedures, the Panel considers the following: whether there is a plausible causal link between the harm alleged in the Requests and the Project; whether the alleged harm and possible non-compliance by the Bank with its operational policies and procedures may be of a serious character; and whether Management has dealt appropriately with the issues, or has acknowledged non-compliance and presented a statement of remedial actions that address the concerns of the Requesters. Below, the Panel records its preliminary observations on the alleged harm and compliance, noting that in doing so, it is not making any definitive assessment of the Bank's compliance with its policies and procedures and any adverse material effect this may have caused.

The First Request

66. **Site selection.** The Panel notes that the site selection of the Bagbera scheme and its impact on the first Requesters' habitation is at the core of the first Request. The first Requesters told the Panel team they were not consulted on the site selection and they are unaware of how the new site, located in what they consider their community land, was selected. They explained they had not seen any analysis of alternatives prepared for this scheme. According to them, when they learned about the site location, they proposed alternative sites nearby to the local authority, but they were unsure whether these proposals had been considered.

67. The Panel team was told by district government officials that in 2012 another site in a nearby area had been initially chosen but the location was altered in 2016. This change was due to protests by local residents of that area as this land was a place of worship for them. In addition, the Panel team was informed that the initial plot was no longer large enough to build the WTP due to encroachment by migrants. The officials explained that the current site was selected because there was not much government land available between the intake in the Subarnarekha River and the WTP location. They added that the general practice in Jharkhand was to build WTPs on hills, even when, such as the case of this scheme, water is pumped from the river to a higher elevation.

68. During the Panel's visit, the first Requesters explained to the Panel team that the land where the WTP and reservoir is located is in a Scheduled Area and used for their communal and religious purposes. According to them, any development project in this location would require consultation and approval by the *Gram Sabha* of their habitation. They added that this *Gram Sabha* should be presided by the *Majhi* tribal leader, who in their view, is the legitimate decision maker at the habitation level.

69. Local government officials, on the other hand, stated that the *Gram Panchayat*, a local formal governing body that in this case represents four Santhal habitations, is the legitimate decision-making body to approve the siting of the WTP. Accordingly, a *Gram Sabha* held at the *Gram Panchayat* level approved the siting of the WTP on February 6, 2016. Moreover, the officials questioned the land use of the site by the first Requesters and explained the neighboring habitation was closer to the WTP. Therefore, in their view, the approval by the *Gram Sabha*, which took place and was attended by residents of this neighboring habitation, was sufficient to meet the requirements for deciding on the location of the WTP.

70. Management in its Response explains that according to the national law and the Project's TDP in Scheduled Areas, development projects need to be approved not only through a *Gram Sabha* of the formally constituted *Gram Panchayat*, but also by the *Gram Sabha* of the concerned habitations. Management acknowledges that a *Gram Sabha* was not held at the first Requesters' habitation and they were not present in the *Gram Sabha* held at the *Gram Panchayat* that endorsed the new site.⁶⁶ According to Management, whether residents of the first Requesters' habitation had been invited remains disputed. Management in its Response states that it is not possible to establish whether the WTP site lies within the informally agreed land usage area of the first Requesters' habitation or the neighboring one. Nevertheless, it acknowledges that the first Requesters' habitation is closer and most affected by the WTP, although the WTP is more visible from the neighboring habitation.⁶⁷

71. Furthermore, Management acknowledges significant disagreements among community groups related to the WTP and well-known opposition to the Project since 2016. In its Response, Management notes that given these differences and the weaknesses in the documentation of the consultation process, "*Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.*"⁶⁸

⁶⁶ Management Response to the First Request for Inspection, p.9.

⁶⁷ Management Response to the First Request for Inspection, Annex 1, p.1.

⁶⁸ Management Response to the First Request for Inspection, p.10.

72. **Impact on culture and community resources.** During the Panel team’s visit, community members explained that the Santhal religion, culture and way of life center on the worship of spirits. According to their beliefs, spirits inhabit the edge of the village in a place called *Jaher* or sacred grove. They pointed out that the WTP and reservoir were built in their sacred grove, where they conduct different cultural practices and where they go to seek spiritual guidance. They considered that a “sacrilege” and expressed concern about the spirits of their ancestors having been disturbed by the construction of the WTP and therefore rendered unable to protect them. They alleged that in these circumstances they would be unable to placate them with prayers and offerings. They also affirmed that this hill has been used as a burial site for many generations and explained that in their tradition some graves are marked with stones, but there are also some unmarked graves. Community members showed the Panel team some burial grounds marked with stones, sacred sites and a sacred tree on the hill, which are closely located to the boundaries of the WTP. The Panel team heard about an ancestor of a community member buried within the perimeter of the construction site. The first Requesters also told the Panel that the apex of the hill, where the WTP is located, is considered the most sacred part of the hill.

73. Local government authorities claimed that the land had never been used as a religious place or as a burial ground. The Panel team heard from authorities that the contractor had found no human remains, such as bones, on the building site.

74. While Management explained that only 25 percent of the land would be affected and that the community could continue with its cultural practices, community members reported that the whole hill is inhabited by the spirits of their forefathers and is therefore sacred to them. The Panel team observed that even though the WTP took up only 25 percent of the hill, it is located at the apex, where it dominates the hill in its prominent location and makes it difficult to use the rest of the hill.

75. As acknowledged by Management in its Response, OP 4.11 was not applied and a systematic assessment of physical cultural resources was not conducted.⁶⁹ The Panel understands that certain adjustments to the design of the WTP were made as result of protest and consultations following the decision of the site location. According to the first Requesters, this did not satisfactorily address the harm to their community. As for the red mud excavated from the WTP site, the Management Response states the contractor has confirmed it has been kept within or in the immediate vicinity of the site.⁷⁰ Nevertheless, community members with whom the Panel met, reported they were not aware of this, or where they could collect the red mud.

76. Members of the Santhal tribal groups told the Panel team they did not need the Project and mentioned their traditional dependence on “natural” water, such as in lakes, ponds and open wells. They expressed distrust of water from handpumps and piped water and they considered treated water as no longer “pure” and “natural” for their rituals. The authorities were familiar with such concerns from prior projects and expressed confidence they could be overcome through education, dialogue and practice.

⁶⁹ Management Response to the First Request for Inspection, Annex 1, p.29.

⁷⁰ Management Response to the First Request for Inspection, Annex 1, p.3.

77. **Expansion of city limits.** Community members with whom the Panel spoke expressed concern that the Bagbera scheme is part of the Master Plan for Jamshedpur Urban Agglomeration, which in their view, will integrate their habitation into Jamshedpur city area and erode the legal protections they currently enjoy as a Scheduled Area. They fear that this urbanization will lead to non-tribal settlers moving into their habitation and the taking of their land. They referred to this process as “*the beginning of the end*” as it would ultimately lead to the destruction of their way of life. Government authorities, on the other hand, told the Panel team that the Project had no link to the Master Plan for Jamshedpur Urban Agglomeration.

78. **Economic impact.** During the Panel’s visit, community members expressed concern about the water tariffs they have to pay under the Project and the potential increase over time beyond their control and capacity to pay. Although Management emphasized that the Project was demand-driven and the rates of participation were high, the Panel heard differing views about the voluntary nature of the scheme when it visited the State of Jharkhand. Management in its Response explains that community members could choose to benefit from the additional supply of clean piped water or decide not to opt in.⁷¹ Management, in addition, notes that community members could continue to use the current untreated water sources free of charge. Management explained to the Panel that a specific willingness to pay survey was not prepared for the Project, but the economic analysis assessed water tariffs.

79. **Environmental impact.** The first Requesters expressed concerns about the cumulative hydrological impact of the scheme and pollution caused by sludge from the WTP. In their view, because the Project was assigned an environmental category “B”, there was a lack of assessment of the specific social and environmental impact of the scheme. The Panel team was told by the DPMU and the SPMU that there was ample water in the Subarnarekha River and that neither surface nor underground water levels would be affected by the Bagbera scheme. With regards to sludge, DPMU staff told the Panel that the waste would normally be biological and could be used as fertilizer. They mentioned that the volume was expected to be low with an estimate of 4-5 cubic meters per day. They pointed out the quality of the sludge would be monitored for contaminants, including heavy metals, and appropriate actions taken for its safe disposal.

80. The Panel notes Management’s acknowledgement that, in spite of requirements, no site-specific EMP was prepared prior to the start of works to analyze the environmental impact of the Bagbera scheme and propose mitigation measures. As of the time of the Panel’s mission, the EMP had not yet been finalized and publicly disclosed even though the construction of the WTP was well under way and scheduled for completion by June 2019.

81. **Consultation and disclosure of information.** During its visit and discussions with community members, the Panel observed various consequences, such as lack of trust, caused by the alleged absence of consultations at critical stages of the Project and the continuing lack of access to relevant information. Community members told the Panel team that there was no proper consultation before and during the construction of WTP with the local tribal peoples and their traditional leaders. Management in its Response acknowledges weaknesses in the consultations conducted in the first Requesters’ habitation and that the required consultations did not take place

⁷¹ Management Response to the First Request for Inspection, p.14.

before approval of the EMP. Management also explains that it was not able to confirm that the safeguard documents for Jharkhand were translated into Hindi.⁷²

82. The Panel team conducted a separate meeting with women from the community to understand whether any separate consultation took place in the design and implementation of the Project considering that, according to Management, they are one of the main Project beneficiaries. They told the Panel team that no separate meetings took place with them. The Panel observed that despite understanding the significant gender-benefits of having piped water in their households, such as reducing the drudgery and time spent collecting water, women expressed a view similar to that of men in their community. They maintained that the WTP should be built elsewhere instead of on their sacred hill, and that they would be further impoverished by the Project by having to pay for connections and supply. The Panel team observed that for these women, the sacred hill and land prevailed over all other perceived benefits from the Project, as their main concern was maintaining their spiritual and cultural identity.

83. **Retaliation.** During the Panel's visit, community members expressed concern about retaliation. They alleged that when construction works started in 2016, they protested peacefully, but police forces responded disproportionately using violence against men, women and children. They stated that as a result several people suffered serious injuries and had to go to the hospital. Government authorities told the Panel team that police were deployed because community members were threatening to use bows and arrows against Project workers. Community members explained that the government opened police files against 39 people in 2016 but has not formally charged them to date. They stated that as a consequence they are not able to obtain character certificates, which are required for employment purposes, and explained that this has a direct negative impact on them being able to secure jobs and maintain livelihoods in a workplace environment that is already difficult for indigenous peoples. In their view, the authorities have not formally charged them or closed the police files to instill in the community a continuous fear of prosecution.

The Second Request

84. **Site Selection.** Community members told the Panel team they were not consulted about the decision to build the ESR on what they consider their community land. They explained the ESR was constructed in a martyrdom site with significance to their community and in a location where several cultural practices take place. They also pointed out that they were not aware of any alternative analysis prepared for the Project and they are unsure of how the ESR site was selected. Community members, including the *Munda* (Ho) and *Majhi* (Santhal) tribal leaders, told the Panel that a *Gram Sabha* did not take place in their habitation. In addition, they claimed that the elected representative at the Gram Panchayat, the Mukhiya, did not consult with them on the decision to build the ESR.

85. The *Mukhiya*, on the other hand, told the Panel team that she had given her approval to the ESR after consulting with community members. However, the community members noted that the *Mukhiya* does not have the authority to make this type of decision on behalf of the communities and that this decision should have been made by the *Gram Sabha* of their habitation led by the tribal leaders.

⁷² Management Response to the First Request for Inspection, p.7.

86. Management acknowledges that no *Gram Sabha* at the *Gram Panchayat* level was held to provide the community's no-objection to the siting of the ESR.⁷³ Management also acknowledges that there were significant disagreements among community groups and some members of the community had objections to the siting of the ESR. Given these differences and weaknesses in the documentation of the consultation, Management states it "*is not able to confirm unambiguously that broad community support was achieved as required by OP 4.10.*"⁷⁴

87. **Impact on culture and community resources.** During its visit, community members showed the Panel team the location of the ESR. They mentioned that the *Gota Pooja* annual celebrations take place at this site, as well as the *Jaher Dungri* sacrificial ceremony and feast, which is held every five years. The annual celebration includes the ritual of cows being herded by their owners to step on an egg, with the owner of the cow who first cracks an egg being the winner. This ritual, they claim, is intrinsically connected with the harvest and getting the largest crop. Community members also mentioned that they organize an annual soccer tournament in the same field and that, with the ESR partially constructed, they now have less space for community events.

88. Community members told the Panel the ESR was built on a martyrdom site, with significance for the community and the State of Jharkhand. The Panel team heard that the annual Martyrdom Day was observed by the community at the site. Community members explained they had placed in this location three stones in honor of three martyrs from this community who gave their lives to the struggle for Jharkhand's statehood. However, according to them, the stones were removed, and the martyrdom site is now inaccessible. The Panel team saw that the Project had built, as a mitigation measure, a small ceremonial shrine-like structure of the martyrs, which consisted of three busts. Community members, however, stated they had not been consulted about this and in their culture the deceased would be appropriately represented with the placing of stones. They do not believe in erecting busts for members who have died, which they regard as an alien practice.

89. The Management Response explains that while the second Requesters reported that the stones in honor of three martyrs were destroyed by the construction of the ESR, the contractor stated that there were no stones on the site when works started. According to the Management Response, the contractor also reported that the community requested the contractor to build the busts in honor of the martyrs. Management also points out that some community members maintained that the traditional practices reported by the second Requesters did not take place in the ESR location, but in an adjacent site. While Management acknowledges that OP 4.11 should have been applied to the Project, it states that there is still sufficient land available for the second Requesters to continue with their cultural uses.⁷⁵

90. **Expansion of city limits.** During the meeting with community members, they expressed concern that they may lose their cultural identity when their habitation is absorbed by the expansion of the city of Jamshedpur. According to them, piped water is part of the government's plan to urbanize the areas located in the outskirts of Jamshedpur, as in the case of their habitation. However,

⁷³ Management Response to the Second Request for Inspection, p.viii.

⁷⁴ Management Response to the Second Request for Inspection, p.14.

⁷⁵ Management Response to the Request for Inspection, p.17.

Management states that there is no link between the Master Plan for Jamshedpur Urban Agglomeration and the Project.⁷⁶

91. **Economic impact.** Community members maintained they currently have access to natural and potable water free of charge and do not require piped water. They stressed that they are already struggling to pay increasing electricity bills. They argue that because of the Project they will have to pay for water and this will further impoverish their community. Many community members also explained that they had not received information about the water tariffs that will be charged under the Project. Community members reported that due to the encroachment of non-native migrants into their habitation demand for water has increased. They allege that the local tribal peoples' interests were undermined in meeting the increased demand for water.

92. Community members informed the Panel that their livelihood is based on agriculture and that they depend on water from the nearby river for agriculture. They explained that in the summer the water level of the river decreases, and they fear that the Project will further reduce water levels and adversely affect their agricultural activities. Community members said that since no environmental assessment was done for the Project, they do not have information about potential Project impact on water levels and agriculture.

93. The Management Response explains that participation in the Project is entirely voluntary and the Project will not affect the local water sources, nor will it introduce a requirement to pay for the use of these sources. According to Management, community members can choose to benefit from clean water or decide not to opt in.⁷⁷

94. **Environmental impact.** The second Requesters told the Panel they are concerned about the environmental impact of the Project, especially as it relates to impact on ground and surface water levels and potential effects on their agricultural activities. They additionally raised concerns about sludge pollution and the lack of appropriate sludge management. They stated they had not seen an environmental assessment for the Chhotagovindpur scheme and they believe this was due to the fact that the Project was assigned an environmental category "B."

95. Management in its Response points out that the scheme would affect neither surface water nor groundwater levels. Regarding sludge disposal, Management mentions that the only infrastructure that generates sludge in the multi-village scheme is the WTP, which is located in Jamshedpur and is not associated with the second Request. Management adds that the sludge will be handled appropriately.⁷⁸ Management also recognizes that the scheme-specific EMP should have been finalized prior to the start of works in October 2016.⁷⁹

96. **Consultation and disclosure of information.** The second Requesters told the Panel that proper consultation with community members did not occur, even though the ESR was constructed on community land with deep historical and cultural ties for them. They stated they were not consulted or informed about the Project and only learned about it when a soil testing team visited

⁷⁶ Management Response to the Second Request for Inspection, p.11.

⁷⁷ Management Response to the Second Request for Inspection, p.14.

⁷⁸ Management Response to the Second Request for Inspection, p.17.

⁷⁹ Management Response to the Second Request for Inspection, p.viii

the site in 2015. They also reported that they were not invited to meetings with other communities. Additionally, community members informed the Panel team that Project documents had not been disclosed. They explained they were only able to access some documents in English shared by another village that had obtained them after evoking the access to information act.

97. Local government officials told the Panel that consultation meetings on the Project had taken place and information about the meeting was disseminated through the local *Dakua* system, which consists of a bicycle messenger who visits the different villages using placards and microphone.

98. Management in its Response explains that consultations were undertaken during the preparation of the safeguard instruments, but it acknowledges weaknesses in the consultation at the level of the second Requesters' habitation. The Response states that the safeguard documents had been disclosed at appraisal stage on a government website, but the website changed in 2015 and the documents were not re-disclosed. Management acknowledges that there is no evidence that the safeguard documents were disclosed in local languages.⁸⁰

99. **Retaliation.** During the Panel's visit, community members expressed concern about retaliation. They reported a police presence at some of the other meetings in the area, which created an atmosphere of intimidation. Management notes that it was not able to ascertain whether police were present at any of the meetings with the community.⁸¹

E.3. Panel Review of Requests

100. The Panel is cognizant of the importance of the Project as well as its complexity and innovative nature. The Project includes providing water and sanitation facilities to highly diverse groups of people in four states, most of them in low-income areas, and including tribal groups. Among the 919 schemes planned to be constructed under the Project, the Bagbera and Chhotagovindpur schemes, which are the subject of the Requests, are the only multi-village schemes implemented under the Project in rural villages in Jharkhand in areas recognized as Scheduled Areas. The Panel understands that the state of Jharkhand has the highest concentration of tribal people in India.⁸² While the Bagbera scheme is 70 percent completed, the Chhotagovindpur scheme is 95 percent finished.⁸³

101. The Panel understands the Project has experienced implementation challenges. As also noted in the Management Responses, the Panel heard about the weak capacity of State and District PMUs implementing the Project.⁸⁴ The contractor's lack of experience and community resistance to piped water were also mentioned to the Panel team during its visit as additional factors.

⁸⁰ Management Response to the Second Request for Inspection, p.10.

⁸¹ Management Response to the Second Request for Inspection, p.12.

⁸² Tribal Development Plan, p.16.

⁸³ Management Response to the Second Request for Inspection, p.3.

⁸⁴ Management Response to the Second Request for Inspection, p.4.

102. The Panel considers the selection of the locations of the WTP and ESR, in the vicinity of the Requesters' tribal habitations, without their participation in these decisions as central to the Requests. The Panel notes that the Project's Tribal Development Plan, approved by the Bank, explains that, according to national law, before projects are taken up for implementation by the *Panchayat* at the village level, it "*requires prior consultation and approval from the Gram Sabha of the concerned habitation.*"⁸⁵ In its two Responses, Management notes that a *Gram Sabha* was not held in the first Requesters' habitation and in the *Gram Panchayat* of the second Requesters' habitation and, as a result, their agreement to the development of the WTP and ESR was not sought.⁸⁶ The Responses acknowledge that in both cases Management "*was not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.*"⁸⁷ The Panel notes that achieving broad community support in projects affecting indigenous peoples is a key element of OP 4.10.

103. The Panel understands that there was serious opposition regarding the locations of the Bagbera WTP and Chhotagovindpur ESR since 2016 and 2015, respectively. Community protests about the location of the WTP were widely reported in the local media. The Panel also understands that Management was aware of opposition to WTP at the time. As noted in the Management Response to the first Request, in May 2016 Management carried out a compliance review of social safeguards and social development issues. This review flagged the "*constant opposition*" from local tribal community and noted that there were gaps in consultations during the planning of the alternative site for the WTP.⁸⁸ In spite of this, Management acknowledges that no formal communication from the Bank to suspend works pending resolution of these issues was sent. Management adds that it was not proactive enough to appropriately understand and address significant resistance to the WTP by tribal community members.⁸⁹ In its Response to the second Request, Management notes that they became aware of the opposition to the ESR only in October 2018.

104. The Panel recognizes the challenge of Bank supervision in a project implemented in several hundred locations compounded by the low implementation capacity of participating states. Management, in its Responses, acknowledges that Bank supervision efforts underestimated the complexity of the implementation of the multi-village schemes in tribal areas in Jharkhand.⁹⁰ On the other hand, the Panel notes that there were only two multi-village schemes in Jharkhand financed under the Project with potentially more significant environmental and social impact on tribal habitations.

105. The Panel observed the attachment of the Requesters and their communities to the sites where the WTP and ESR were constructed and the cultural significance these locations have to them. As acknowledged by Management, the Panel understands that OP 4.11 was not applied to the Project and there was no systematic assessment of the potential impact of the schemes on physical cultural resources. The Management Responses refer to efforts made by the contractor and district

⁸⁵ Tribal Development Plan, p.46.

⁸⁶ Management Response to the First Request for Inspection, p.9.

⁸⁷ Management Response to the First Request for Inspection, p.vi. and Management Response to the Second Request for Inspection, p.viii.

⁸⁸ Management Response to the First Request for Inspection, p.10.

⁸⁹ Management Response to the First Request for Inspection, p.10.

⁹⁰ Management Response to the Second Request for Inspection, p.vii.

authorities to address community concerns with respect to areas of significance during the construction. Management notes that these measures include modification of the footprint of the WTP site and constructing statues for the memorial boulders destroyed during the construction of the ESR. However, the Panel notes the Requesters' continued concern and disagreement with these measures.

106. The Panel notes that Management also acknowledges lapses in supervision with respect to environmental assessment of WTP and ESR. The Panel understands that the Project's environmental and social management is based on a framework approach and that an EA-EMF was prepared in 2013 for the State of Jharkhand, before the specific schemes had been identified. Management in its Responses acknowledges that important aspects of the environmental management process did not take place, including the preparation and disclosure of the scheme-specific EMPs for the multi-village schemes prior to construction.⁹¹ In the absence of these measures, it is not clear how the sites were selected and how the environmental concerns raised by the Requesters were assessed, and if necessary, mitigated by the Project.

107. The Panel has conducted an initial review of the Project's Social Management Framework and the Tribal Development Plan prepared for the State of Jharkhand in 2013. The documents conclude that no negative impact on tribal groups is expected. They state the main risk of the Project is the potential exclusion of these groups from Project benefits and therefore targeted measures are needed. Management in its Response explains that even though OP 4.10 was applicable, no scheme-specific social assessment was undertaken.⁹²

108. The Panel notes important weakness, as acknowledged by Management, in the consultation with affected people during the site selection of the schemes and assessments of its impacts. Management also acknowledges that there is no evidence that safeguard documents prepared for the state of Jharkhand were translated into Hindi. Given that most community members only speak Hindi or Santhali, it is not clear how community members were able to meaningfully contribute to the process. It appears that affected communities were left uninformed of various aspects of the Project and its impact and were unable to influence its design, location and mitigation measures.

109. The Requesters raise serious concerns about water affordability under the Project. The Management Responses explain that the one-time community contribution is lower for tribal areas.⁹³ It is not clear to the Panel whether adequate assessments were conducted to establish the economic impact of the Project on tribal areas. In addition, even though Management confirms the voluntary nature of the scheme, the Panel heard differing views regarding this issue during its visit.

110. The Panel recognizes that in its Responses, Management has proposed a set of actions to address the concerns raised in the Requests and Project shortcomings. Among these actions, Management states that it will support the Government of Jharkhand to consult with the communities to better understand their concerns and to identify and agree on possible measures to address Project-related impacts. Management proposes measures that might be implemented in response to each Request following these consultations. Other actions noted in the Management

⁹¹ Management Response to the Second Request for Inspection, p.33.

⁹² Management Response to the Second Request for Inspection, p.39.

⁹³ Management Response to the Second Request for Inspection, p.3.

Responses include translating Project documents into Hindi, conducting consultations with the affected communities on Project implementation progress as well as finalizing, consulting on, and disclosing the site-specific EMPs, reviewing the processes followed to document community no-objection to the siting of significant infrastructure and completing the Project restructuring.

111. The Panel understands that recently there was an attempt to conduct a new round of consultations with the Requesters, however, according to the Requesters, the meetings did not take place due to the short notice given to the Requesters. The Panel also understands that no meetings have taken place between the communities and Management since December 2018. The Panel notes that while the Requesters ask for the suspension of works before they meet with government authorities, Management does not find this request feasible since the schemes are virtually completed. In this context, it is not clear how the proposed actions will be implemented in the timeframe indicated in the Management Responses.

112. Based on its review, the Panel verified that the harms alleged in the Requests are of a serious nature and linked to the Project and its implementation. The Panel recognizes the acknowledgment by Management of several non-compliance issues as well as its intention to identify and implement measures to address Project-related impacts. While the Panel welcomes these actions and Management's intention to support consultations with the communities, it is not yet clear what specific remedial measures will be implemented to address the concerns of the communities. It is also not clear how Management's proposed actions will achieve compliance at this late stage of implementation of the Bagbera and Chhotagovindpur multi-village schemes.

F. Recommendation

113. The Panel considers the alleged harms reflected in the Requests to be linked to the Project, and that the Requests raise important issues of harm and policy non-compliance. The Requesters and the Requests meet the technical eligibility criteria set forth in the Resolution establishing the Inspection Panel and the 1999 Clarification. In its Responses, Management has acknowledged several shortcomings in Bank policy application.

114. The Panel therefore recommends carrying out an investigation into the alleged issues of harm and related potential non-compliance with Bank policies in the Requests. The Panel will reflect the progress in the implementation of Management's proposed actions in its investigation.

115. The Panel trusts Management will work closely with the government to put in place measures to prevent retaliation against the Requesters and community members.

116. If the Board of Executive Directors concurs with the Panel's recommendation, the Inspection Panel will inform the Requesters and Management accordingly.

Annex 1

First Request for Inspection

Establishment of rights received under article 13(3) C (self-Government system) and 5th schedule of article 244 / section (1) of Constitution of India regarding administration and control of scheduled areas

Letter No. 139/018

Date 20/9/018

Sender,

To,

Dilek Barlas
Executive Secretary, Inspection Panel
1818 H Street NW, Mail Stop: MC 10-1007
Washington, DC 20433

Through,

Subject : Complaint application to the Inspection Panel of The World Bank regarding the [REDACTED] water supply project

We, the villagers of [REDACTED] are affected by the [REDACTED] Water Supply Project. The abovementioned project is a part of Rural Water Supply for Low-Income States supported by the World Bank. We, through our [REDACTED], are requesting the Complaint Office (Inspection Panel) of the World Bank that inspection should be carried out of the adverse effects of the project, namely the Rural Water Supply for Low-Income States and the [REDACTED] Water Supply Project under it, on our tribal community.

Thanking you,

Yours Faithfully,

-Sd-

Gram Sabha Meeting

Date : [REDACTED]

Today, on [REDACTED], the [REDACTED] Gram Sabha Meeting was held on the premises of the school, which was attended by all the villagers and presided over by the Gram Sabha Chairman [REDACTED]. The purpose of the meeting was to protest and suggest alternatives against construction of water treatment plant on the sites of the cemetery and the worship place, by the World Bank, wherein, consensus was reached on the following issues.

1. Payment of the expenses spent on the project and all the construction activities of the [REDACTED] should be stopped until the affected communities are fully informed and consulted about the separate analysis of the details, effects, developments and relief measures and alternative designs.
2. The World Bank should assess the effects of the [REDACTED] on the local population along with its social assessment and environmental impact assessment.
3. Once the abovementioned documents are ready, other project-affected communities should also be consulted along with our community.
4. These documents should be translated into Hindi and Santhali.
5. After assessment of the effects, alternatives and preparing proper relief schemes, it should be decided whether or not to proceed with the [REDACTED]. The [REDACTED], in its present circumstances, is violating the policies of the World Bank and Indian and international laws. Hence, it should not be allowed to proceed like this any further.
6. If the [REDACTED] is environmentally viable, then it may be shifted to the alternative sites of the communities where water is actually insufficient instead of installing it in our community, which has preserved its water resources in spite of various challenges.
7. Being the affected people, we should be allowed to participate in the analysis of the probable alternatives and decision taking procedures. This treatment plant should be shifted and our ancestral cemetery and holy park should be restored.
8. We should be compensated for the damage caused by police crackdown and the false criminal charges imposed on us in response to our protest.
9. Finally, if these measures are taken, then we request that the base line study and future monitoring report should be accomplished with complete transparency and inclusion of the affected community, and the results of the same should be made public.

Names and signatures of the villagers present in the meeting:

October 9, 2018

Dilek Barlas
Executive Secretary, The Inspection Panel
1818 H Street NW, Mail Stop: MC10-1007
Washington, DC 20433
USA
Email: ipanel@worldbank.org

Submitted via electronic mail

Re: Supplement to Request for Inspection dated September 21, 2018 regarding Rural Water Supply and Sanitation Project for Low Income States (World Bank Project P132173)

Dear Ms. Barlas,

We are the *Adivasi* (Indigenous or original inhabitants) *Santhal* community of [REDACTED] district of the state of Jharkhand, India. Our common cultural resources, livelihood, and autonomy have been affected by the International Development Association supported IN Rural Water Supply and Sanitation Project for Low Income States (“RWSS-LIS”) (World Bank Project P132173), specifically its sub-project, the [REDACTED]. We are hereby filing a supplement to our Request for Inspection to the Inspection Panel dated September 21, 2018 through [REDACTED] traditional Indigenous village head for the *Santhal* tribe).¹ Please find enclosed a list of names and signatures of community members that have come together to file the complaint (in confidential Annexure Z).

[REDACTED] is directly affected by the [REDACTED] as a water treatment plant is being constructed on our common community land in the village. This land has deep historical and cultural significance for the community, and the Scheme will disrupt our way of life and customs. The [REDACTED] also threatens to make our already poverty-stricken communities more vulnerable by charging us for drinking water.

This letter sets out violations of the World Bank’s social and environmental safeguard policies in the implementation of the [REDACTED]. It documents that no adequate environmental or social assessment was done and that there was no proper assessment of impacts on physical cultural resources. It also documents failures to inform and consult with the affected community about the Scheme, including its design and planning.

This consultation failure violates not only World Bank policies, but also Indian law. As an Indigenous-majority area, [REDACTED] enjoys special protections under the Constitution of India and domestic legislation, which requires any development scheme, welfare plan

¹ *Santhal* villages have their own traditional governance and decision-making structures called the *Majhi Pargana Mahal*, as well as cultural and spiritual practices that are distinct from mainstream practices.

or decision regarding common community resources be taken by a relevant *Gram Sabha*. A *Gram Sabha* is a general assembly of all the people of a village, who have attained the age of 18 years, and whose name is registered in the electoral roll relating to a village.² A *Gram Sabha* resolution is a majority vote in favour of an issue. In this case, consent for this project by the *Gram Sabha* was not obtained. In fact, State administration and police authorities have used force to disperse peaceful community protests against the implementation of the Scheme and have filed false criminal charges against members of the village to pressure the community to withdraw their opposition. The community fears the [REDACTED] is part of a larger plan to expand the boundaries of the adjacent city, [REDACTED], which risks taking away the special legal protections afforded to the community as a rural Indigenous village in India.

We request the Inspection Panel to immediately conduct an investigation that affirms the violations of Bank policy described in this letter. The community trusts that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. In particular, the community requests the World Bank to:

- (i) immediately stop disbursement of the loan and suspend construction of various structures under the [REDACTED] until such time that a proper social and environmental assessment is done and all residents of [REDACTED] and other impacted villages have been fully informed and consulted about the [REDACTED], its impacts, and mitigation measures;
- (ii) appoint an independent hydrology expert to look at cumulative hydrological impacts of the [REDACTED] as well as other schemes that have been implemented in Jamshedpur and surrounding areas under RWSS-LIS;
- (iii) release all relevant documents from the World Bank and the Governments of India and Jharkhand, including Hindi and Santhali translations;
- (iv) provide due compensation and reparations for damage done to their traditional graveyard and sacred grove by the construction of a water treatment plant;
- (v) conduct an independent consultation with all the traditional heads and *Gram Sabhas* of impacted villages to assess if piped water is desired in these villages, and if so, shift project components to alternative sites to avoid impacts to [REDACTED] village's ancestral graveyard; and
- (vi) provide compensation for the harms suffered as a result of police violence and retaliatory criminal charges.

² Section 2(iii), Jharkhand Panchayati Raj Act, 2001, available at: <http://www.jharkhand.gov.in/documents/10179/54684/Panchayat%20Raj%20Act> annexed as ANNEXURE A.

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(1) The Rural Water Supply and Sanitation Project for Low Income States – Overview

The World Bank Board of Directors approved the Rural Water Supply and Sanitation Project for Low Income States on December 30, 2013, for US\$500 million.³ The Project aims to address water and sanitation needs of four states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh. The Jharkhand component of the project will reportedly be implemented in six selected districts of the state.⁴ The [REDACTED] is a sub-project in [REDACTED] district. One of the stated aims of the Project is to promote decentralised service delivery arrangements, with increased *Panchayati Raj* Institution (“PRI”) involvement and community participation.⁵ *Panchayati Raj* refers to the system of local self-governance in India introduced through constitutional amendments in 1992.

The [REDACTED] has two independent water supply schemes: the [REDACTED] that will supply water to 20 *Gram Panchayats*⁶ and the [REDACTED] that will supply water to 16 *Gram Panchayats* and Ghaghidih Central Jail.⁷ Each water supply scheme involves the construction of five overhead storage reservoirs, a pipe network, and a water treatment plant.⁸ For the [REDACTED] Water Supply Scheme, the water will be drawn upstream from the meeting point of the [REDACTED] and [REDACTED] rivers (at the point called ‘[REDACTED]’).⁹ The water will then be supplied to individual households for a fee.¹⁰ [REDACTED] construction, operation and management has been auctioned to [REDACTED]

³ IN Rural Water Supply and Sanitation Project for Low Income States (Financials), available at: <http://projects.worldbank.org/P132173/india-rural-water-supply-sanitation-project-low-income-states?lang=en&tab=financial>.

⁴ ENV Developmental Assistance Systems (India) Pvt Ltd, Environmental Assessment & Environmental Management Framework For the World Bank Assisted Water Supply Projects in Selected Districts of Jharkhand (Draft Final Report), March -2013, (*hereinafter* EA-EMF Report) *Introduction*, p. A, available at: <http://documents.worldbank.org/curated/en/369471468041971982/pdf/E41820v60EA0P10MF0JHARKHAND0Vol-0I.pdf>.

⁵ *Id.*

⁶ A *Gram Panchayat* is any local area comprising of a village or a group of contiguous villages/groups or tolas or part thereof to be a Gram Panchayat area with a population within its territory, as nearly as five thousand, that is declared so by orders of the Jharkhand Government. The Gram Panchayat is specified by the name of the village having the largest population. See Section 13(1)(2), Jharkhand Panchayati Raj Act, 2001, ANNEXURE A.

⁷ Drinking Water and Sanitation Division, Jamshedpur, Detailed Project Report for [REDACTED] Railway Line Group of Villages Water Supply Scheme, annexed as ANNEXURE B (*hereinafter*, [REDACTED] Detailed Project Report), p. 1-2.

⁸ [REDACTED] Detailed Project Report (ANNEXURE B), Executive Summary & Salient Features, *id.*

⁹ [REDACTED]

¹⁰ [REDACTED] Cost Estimates, 5.1.7.

¹¹ The Telegraph, “Site recce for water project”, April 9, 2015, available at: [REDACTED]

[REDACTED] annexed as ANNEXURE D1.

Implementation of the Scheme has been delayed, in part because of strong local opposition due to fear of its potential impacts on physical cultural heritage and collective resources.¹² Community response to the Scheme, including ongoing resistance, is described in greater detail in the next section.

In the concept stage Integrated Safeguards Data Sheet (“ISDS”), the World Bank Task Team listed the following safeguards as potentially applying to the Project¹³:

- Environmental Assessment OP/ BP 4.01;
- Forests OP/BP 4.36;
- Indigenous Peoples OP/BP 4.10; and
- Involuntary Resettlement OP/BP 4.12.

It is notable that the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11 to the Project.

(2) Local Experience with the CB Scheme

(a) Impacts on shared community resources and local culture

██████████ is a *Santhal* village. A characteristic feature of a *Santhal* village is a sacred grove (known as the *Jaher* or “*Santal Sthal*”) located on the edge of the village. It is believed that spirits live at this place, and as such a series of festivals take place at this site.¹⁴ One of the water treatment plants under the ██████████ is currently being constructed on a hill on the edge of ██████████ village, where the community’s *Jaher Sthal* is located. The hilltop is a community graveyard and cremation ground, and the community has been burying and cremating their dead on this hilltop since time immemorial.¹⁵ There is deep anger in the affected communities that the resting place of their ancestors is being used as a site for the water treatment plant. Furthermore, as per tradition, every five years, the community from ██████████ and surrounding villages

¹² The Pioneer, “Tribals protest against water plant”, July 27, 2016, available at: ██████████

Mail, “Tribals stage demonstration in protest of installation of water filtration plant”, July 26, 2016, available at: ██████████

██████████. Both newspaper articles collectively annexed as ANNEXURE D2 (colly.).

¹³ Integrated Safeguards Data Sheet Concept Stage, Report No.: ISDSC1405, “II. SAFEGUARD POLICIES THAT MIGHT APPLY”, Prepared on Nov. 2, 2012, available at: <http://documents.worldbank.org/curated/en/563001468251987727/pdf/ISDS-Print-P132173-11062012-1352260223338.pdf>, annexed as ANNEXURE E.

¹⁴ Kochar, V. K. “Village Deities of the Santal and Associated Rituals”, *Anthropos*, vol. 61, no. 1/2, 1966, pp. 241–257 (243, 256), JSTOR, available at: www.jstor.org/stable/40458237, annexed as ANNEXURE F1, Dey, Arup, “An Ancient History: Ethnographic Study of the Santhal”, *International Journal of Novel Research in Humanity and Social Sciences*, Vol. 2, Issue 4, 2015, pp: 31-38 (34), annexed as ANNEXURE F2.

¹⁵ Photographic evidence of grave sites around the water treatment plant on the hilltop, ANNEXURES G-1 to G-6, annexed as ANNEXURE G (colly.).

gathers on the hilltop and worships at the sacred grove or *Jaher*, in a cultural and spiritual practice called *Jantad Pooja*.

Various shrubs and herbs are found on the hilltop that are used by the community for different purposes. One plant is used for the treatment of jaundice.¹⁶ The oil from *sunum jada* plant is used in post-pregnancy massage, to help women recover quicker.¹⁷ *Buru saru* is a vegetable found on the hilltop and is consumed by people from the community all year long.¹⁸ There is a traditional medicinal plant that grows on the hilltop, that is used for treatment of clots after wounds.¹⁹ *Bindi jaada* is another bush that grows on the hilltop,²⁰ it is used as a Vitamin D supplement, especially in case of tooth infections or mouth ulcers. *Puru* is a shrub that grows widely on the hilltop, and its twigs are used as fuel for household fire as well as for fencing of home gardens. Community members are concerned that their access to these important plant resources will be blocked with the construction of the water treatment plant complex on the hill.

Additionally, many affected community members in [REDACTED] who used the hill as pasture land for their goats²¹ are concerned that the construction of the water treatment plant hinders access to pasture land. Further, the red mud soil found at the hill is used by the [REDACTED] community for many purposes such as painting their houses,²² cleaning, and packing goods. The way of life of the Indigenous people of [REDACTED] is inextricably linked to the site of the water treatment plant and has been an important focal point of culture and tradition for many generations of [REDACTED] residents. Taking the hill away threatens the culture and economic stability of the community.

The community is also concerned about the economic impacts of the whole water supply scheme, fearing that it will worsen already poor conditions in the region. Many of the households currently live below the poverty line.²³ They rely on local water resources, including wells and hand-pumps, for their water needs. Until now, this water has been available free of charge. However, after the implementation of the Scheme, they will have to pay for access to water.²⁴ They fear that this will further impoverish the community.

The community also fears the [REDACTED] is being used to expand the city limits of the adjacent city, [REDACTED] which could alter the fundamental nature of the area from a protected Indigenous area under the Constitution to an urban centre that would lack such

¹⁶ Photograph of plant found on the hilltop used for treatment of Jaundice annexed as ANNEXURE I-1.

¹⁷ Photograph of *sunum jada* annexed as ANNEXURE I-2.

¹⁸ Photograph of *buru saru* annexed as ANNEXURE I-3.

¹⁹ Photograph of medicinal plant used for clots annexed as ANNEXURE I-4.

²⁰ Photograph of *bindi jaada* annexed as ANNEXURE I-5.

²¹ Photographic evidence of goats using the hilltop as pasture land, ANNEXURES H-1 to H-4, annexed as ANNEXURE H (colly.).

²² The red mud is mixed with natural dyes and used for painting houses. Photographs of such houses in [REDACTED] annexed as ANNEXURE J.

²³ The poverty line in India is INR 32 per day for a person in a rural area and INR 47 per day for a person in an urban area. See Down to Earth, "New poverty line: Rs 32 for rural India, Rs 47 for urban India", August 17, 2015, available at: <https://www.downtoearth.org.in/news/new-poverty-line-rs-32-for-rural-india-rs-47-for-urban-india-45134>.

²⁴ [REDACTED] Preliminary Design Report, *supra* FN 10.

protections. According to the Draft Proposal Master Plan for Jamshedpur Urban Agglomeration, [REDACTED] – has been included within the new proposed Jamshedpur Urban Agglomeration.²⁵ This could have a disastrous impact on the Indigenous community of [REDACTED] and other surrounding villages, including impacts to their culture, access to resources and traditional governance practices. The *Santhal* community enjoys Indian Constitutional and legislative protections regarding rights over land and water resources. Expansion of city limits may dissolve those protections and further marginalise the Indigenous communities.

The [REDACTED], which has already been implemented by sidestepping traditional governance institutions, appears to be part of this expansion plan. According to the Draft Proposal Master Plan, one of the key goals of this urbanisation process is to establish an urban area with treated piped water supply.²⁶ The [REDACTED] is therefore a key component in furtherance of this urbanisation process. As such, the World Bank is complicit in undermining the Constitutional rights and protections of Indigenous communities through its support of this Scheme.

(b) Lack of consultation and failure to disclose information

The impacted communities were not provided, and have not ultimately been able to access, adequate information regarding the [REDACTED] in a language they understand. The World Bank Infoshop only carries baseline environmental and social impact assessments for Jharkhand as a whole, and that too, only in English. No sub-project level documents for the [REDACTED] are available on the Infoshop. As a result, the complainants had to file a Right to Information (“RTI”) application under the Right to Information Act, 2005 to request the Drinking Water and Sanitation Department (“DWSD”) to disclose the relevant Detailed Project Reports, Environment Assessment Report, Social Assessment Report, Site Plan, and Environment Data Sheets.²⁷ The complainants were only provided the Bidding Document, the Draft Detailed Project Reports and Preliminary Design Reports for the [REDACTED]. Further, the complainants were informed by the [REDACTED] who was dealing with the request that those were all the documents that the DWSD had regarding the [REDACTED]. These documents were made available after paying the photocopying fee of INR 5100 under the RTI Act,²⁸ and the affected community had to pool in money to get the amount. Even then, these documents did not contain environmental or social assessments, which was particularly absent for the [REDACTED] component. The access to information process, which should ideally be free of cost, has already consumed significant community financial resources.

²⁵ State of Jharkhand, Addendum to Master Plan for Jamshedpur Urban Agglomeration Master plan 2027: Draft Proposal, April 2017, p.9., available at: [http://www.jharkhand.gov.in/documents/10179/1704975/jamshedpur%20UA\(urban%20agglomeration\).pdf](http://www.jharkhand.gov.in/documents/10179/1704975/jamshedpur%20UA(urban%20agglomeration).pdf) (hereinafter Draft Master Plan Jamshedpur), annexed as ANNEXURE K.

²⁶ *Id.*, at p.62.

²⁷ Photograph of application made under Right to Information Act, 2005 to the Public Information Officer, Drinking Water and Sanitation Department, May 18, 2017 (ANNEXURE L-1) along with the demand draft submitted (ANNEXURE L-2). Both documents annexed as ANNEXURE L (colly.).

²⁸ Photograph of response received from the Public Information Officer, Department of Drinking Water and Sanitation, Jamshedpur annexed as ANNEXURE M.

Further, no consultation about the Project was held in [REDACTED] village, itself. A couple of years prior to work beginning on the ground, some community members received some information about the [REDACTED] from the previous administrative elected head at a meeting in neighbouring [REDACTED] village. The villagers asked the administration to conduct a similar meeting in [REDACTED] and properly consult them. However, that was never done. They were further assured in this meeting that nothing would happen without the [REDACTED] Gram Sabha's consent. Aside from the few community members who had attended that earlier meeting, most community members learned about the water treatment plant and the [REDACTED] about one month prior to work beginning on the ground, on [REDACTED] when the Sub-Divisional Officer ("SDO") came to neighbouring [REDACTED] village, along with members of the police force, to reportedly coerce the villagers into giving their consent for use of their sacred grove for the water treatment plant.²⁹ However, there cannot be a free and open consultation in such a coercive environment with the presence of police. Approximately one month later, on [REDACTED], they arrived in the village with massive police force and earth excavating machines.

All this time, women from [REDACTED] were never involved in the consultation process in other villages, even though one of the purported grounds for the Scheme is that women have to travel far and wide to collect water.³⁰

Project documents confirm the lack of appropriate consultations in [REDACTED]. The Detailed Project Reports do not list any public consultations apart from the meetings of the Village Water and Sanitation Committees (VWSC). For the baseline Environmental and Social Assessments as well as the Tribal Development Plan, consultations were done at the Jharkhand state level and not for the [REDACTED] in particular.

(c) Invalid Gram Sabha Resolution

[REDACTED] district is a Schedule V protected area under the Indian Constitution.³¹ The Panchayats (Extension to Scheduled Areas) Act, 1996 ("PESA") applies to all rural Schedule V protected areas.³² Under PESA, any development scheme or welfare plan to be implemented in a Schedule V area, or any decision regarding common community resources, should be taken with the consent of the village Gram Sabha.³³ Although

²⁹ *Infra* FN 43.

³⁰ IPE Global Pvt. Ltd., Social Assessment, Capacity Building and Communication Framework for the Rural Water Supply & Sanitation Project in Jharkhand, March 2013, available at: [https://mdws.gov.in/sites/default/files/Social Assesment Capacity Building and Communication Framework.pdf](https://mdws.gov.in/sites/default/files/Social%20Assesment%20Capacity%20Building%20and%20Communication%20Framework.pdf), (hereinafter Social Assessment Report) annexed as ANNEXURE N.

³¹ Scheduled Areas (State of Jharkhand) Order, 2007 available at <http://www.jharkhand.gov.in/documents/10179/2712021/Presidential%20Order%20for%20the%20Scheduled%20Areas%20of%20Jharkhand>, annexed as ANNEXURE O.

³² Schedule V refers to Fifth Schedule, Article 244(1) Constitution of India. See Part C, sub-part 6, Fifth Schedule. Available at: <https://www.mea.gov.in/Images/pdf1/S5.pdf>.

³³ Section 4(e), Panchayats (Extension to Scheduled Areas) Act 1996, (hereinafter PESA) available at: <https://tribal.nic.in/actRules/PESA.pdf>, annexed as ANNEXURE P.

██████████ is a hamlet within the larger revenue village of ██████████, it satisfies the definition of a village in PESA.³⁴

In the past, any development activity that has been implemented in the village, such as the construction of the primary school building, village roads, *Anganwadi* centre,³⁵ etc., has only been done after the ██████████ *Gram Sabha* passed a “No Objection” resolution.

The land on which the water treatment plant is being constructed falls under the jurisdiction of the ██████████ *Gram Sabha*. The land constitutes a common community resource for the ██████████ community, which is reinforced by the fact that the ██████████ *Santhal* Indigenous community has used the land as their graveyard since time immemorial. There are tomb stones near the water treatment plant site, belonging to ancestors of ██████████ residents.³⁶ Two of these tombstones have physical markings on them, which state:

1³⁷: ॐ



2³⁸:



These markings show that the land has been used as a graveyard by the ██████████ community, at the very least, for the past two and a half decades. Further, the site is also the place where a sacred grove is located. The community worships this sacred grove every five years, a practice called *Jantad Pooja* locally.

Despite reports to the contrary, the ██████████ *Gram Sabha* has never passed a “No Objection” (“NOC”) resolution regarding the water treatment plant. According to a media report dated ██████████ ██████████ village gave a “No Objection Certificate” for

³⁴ For the purposes of PESA, “a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.” See Section 4(b), PESA, ANNEXURE P. In other words, a village in a Scheduled V area can be smaller than the revenue village (which is comprised of hamlets). This has been acknowledged in the Tribal Development Plan, as well. See IPE GLOBAL, Jharkhand Tribal Development Plan, March 2013, available at: <http://documents.worldbank.org/curated/en/153061468041654030/pdf/IPP6290v20P1320C0disclosed04050130.pdf> (hereinafter Tribal Development Plan), annexed as ANNEXURE Q.

³⁵ An *Anganwadi* refers to rural day care centres for children in India.

³⁶ ANNEXURE G.

³⁷ Photographs of the tomb annexed as ANNEXURE R1, R2 as part of ANNEXURE R (colly.).

³⁸ Photograph of the tomb annexed as ANNEXURE R3, R4 as part of ANNEXURE R (colly.).

the construction of the water treatment plant.³⁹ For the record, our village never gave any such NOC. The then SDO,⁴⁰ along with Middle [REDACTED] Gram Panchayat Head, organised a *Gram Sabha* in [REDACTED] village instead.⁴¹ The *Majhi* of another village, [REDACTED] reportedly stated that he gave permission for the construction of the water treatment plant, naming [REDACTED] as the relevant village. However, the land belonging to [REDACTED] village is not the site where the water treatment plant is being constructed. The water treatment plant site is squarely within the jurisdiction of the [REDACTED] *Gram Sabha*. Without the consent from the correct *Gram Sabha*, the construction of the water treatment plant on the current site, which belongs to [REDACTED], is illegal and unconstitutional under Indian Law. The [REDACTED] *Gram Sabha* does not accept the decision of the [REDACTED] *Gram Sabha* about the use of land resources that fall within its jurisdiction and opposes any such resolution passed by them. The community is profoundly disturbed by the World Bank's support of a project that is in violation of Indian law, especially laws designed to protect the rights of Indigenous people.⁴²

(d) Use of threats, force, and intimidation tactics

Attempts have been made by the state administration to force the [REDACTED] community to withdraw its opposition to the [REDACTED]. On [REDACTED], the then SDO visited neighbouring [REDACTED] along with police to discuss the issue of *Gram Sabha* consent for the first time.⁴³ A few community members from [REDACTED] were in attendance, amongst people from various villages. The SDO asked about water requirements, and [REDACTED] community members who were present stated their satisfaction with the quality, quantity, and medium of the water supply in [REDACTED]. They stated not needing or wanting a piped water supply scheme, and opposed the spot selected for the construction of the water treatment plant because it is a traditional graveyard and sacred grove. Upon hearing this, the SDO stated that he would ensure the plant is constructed on that site using police force.⁴⁴ The community filed a criminal complaint against the SDO because of his threatened use of force and his insistence on getting the Project implemented in [REDACTED] through any means necessary, despite restrictions placed by PESA and the Constitution of India.⁴⁵

³⁹ Photograph of newspaper clipping dated [REDACTED] annexed as ANNEXURE D3, part of ANNEXURE D (colly.).

⁴⁰ Mr. Suraj Kumar was the SDO at that time.

⁴¹ Some members from [REDACTED] village were at the [REDACTED] meeting and that is how the community came to know about the meeting.

⁴² Section 4(e), PESA, ANNEXURE P, *supra* FN 33.

⁴³ The Telegraph, [REDACTED] available at:

[REDACTED], annexed as ANNEXURE D4.

⁴⁴ Photograph of newspaper clipping dated June 26, 2016 titled (translated) "Now Administration will start the work" annexed as ANNEXURE D5.

⁴⁵ Hindustan Times, Debashish Sarkar, "Sedition slap for SDO over water project", July 15 2016, annexed as ANNEXURE D6; Photographs of various newspaper clippings dated July 14, 2016 annexed as ANNEXURE D7; Petition by community members for filing criminal complaint against SDO in the Court of Chief Judicial Magistrate, Jamshedpur annexed as ANNEXURE S.

On [REDACTED], police officers⁴⁶ arrived at the site of the graveyard of [REDACTED] village accompanied by workers, earth extraction machines and leaders from semi-urban areas who reportedly support the [REDACTED]. When women from the village heard about this, they assembled together along with a few men. The police officers came in the afternoon, when most men had left for work. The women demanded to see the *Gram Sabha* resolution from [REDACTED] village showing consent for the construction work. When the police could not produce any such *Gram Sabha* resolution, the community members demanded the work be stopped and that the workers and police leave the site, and remove the machinery. In response to this peaceful protest, the police officers used batons to disperse the women, some even brandishing their service revolvers to scare the protestors. Several women and children were beaten by male police officers.⁴⁷ The men who tried to intervene were also beaten badly. Several villagers suffered serious injuries and had to go to hospital.⁴⁸ Media reports also indicate that unarmed women were beaten by male police officers.⁴⁹

The use of force was apparently pre-meditated. In a letter dated [REDACTED], [REDACTED] a request was made for the use of force to deal with villagers opposing the project.⁵⁰ The letter mentions that a “No Objection Certificate” was obtained from the concerned [REDACTED]. This is preceded by another similarly worded letter [REDACTED], [REDACTED] dated [REDACTED], requesting the use of force.⁵¹ It is notable that in an earlier letter dated [REDACTED], the [REDACTED], while granting the “No Objection Certificate” for the water treatment plant site, laid down the condition that construction work can only begin after permission is obtained from the concerned *Gram Sabha*.⁵² As already mentioned, this requirement was never fulfilled.

Minutes of a meeting dated [REDACTED] (the same day as the use of force against villagers), of [REDACTED] including police officers, reveal that the district administration decided to take criminal action against all those protesting land disputes.⁵³ These minutes and letters were obtained as part of the District Administration’s

⁴⁶ The police force included police teams from [REDACTED] and [REDACTED] police stations.

⁴⁷ Photograph of newspaper clipping sourced from Hindustan Times, titles “Water Wars”, dated July 16, 2016 annexed as Annexure D8; photograph of newspaper clipping from Prabhat Khabar dated July 16, 2016 titled (translated), “Opposition dampens. Villagers angry” annexed as ANNEXURE D9.

⁴⁸ Medical examination records of community members who suffered injuries because of use of force by the police annexed as ANNEXURE T.

⁴⁹ Photograph of newspaper clipping from [REDACTED] dated [REDACTED] titled (translated) “Villagers beaten with batons, women manhandled” annexed as ANNEXURE D10.

⁵⁰ Letter from Executive Engineer, Drinking Water and Sanitation Department, Jamshedpur to the Sub-Divisional Officer, [REDACTED], Jamshedpur in Reply filed by district administration to the National Commission for Schedule Tribes on the issue of use of force against the community (*hereinafter* NCST Reply) p. 6, annexed as ANNEXURE U.

⁵¹ NCST Reply, p.8, ANNEXURE U.

⁵² NCST Reply, p.10, ANNEXURE U.

⁵³ NCST Reply, p.55-56, ANNEXURE U.

reply to a community complaint to the National Commission for Scheduled Tribes in relation to use of force by local authorities.⁵⁴

The same day, [REDACTED] a complaint letter levelling false allegation against 39 members of the community was submitted in the [REDACTED] Police Station by the Assistant Sub-Inspector of Police.⁵⁵ The letter insinuates there was a violent mob that was involved in an altercation with police officers. Following this complaint, charges were registered against the 39 people under multiple sections⁵⁶ of the Indian Penal Code. The alleged offences are serious and range from rioting, kidnapping, and causing grievous hurt, to attempted murder. However, even after two years, no evidence has been filed in courts. Instead, these charges are regularly used to harass community members. It has consequently become difficult for [REDACTED] community members to obtain character certificates from the police station. These certificates are needed in India for various purposes, such as employment.

(3) Violations of World Bank Policies

(a) Operational Policy on Environmental Assessment OP 4.01

(i) Erroneous Project Categorization

This Project was wrongly categorised as a category B project, which lowered the required level of environmental assessment. Under the World Bank Policy on Environmental Assessment, a proposed project is classified as Category A "if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works."⁵⁷ A potential impact is considered "sensitive" if it may be irreversible (for example, lead to loss of a major natural habitat) or raise issues covered by OP 4.04, Natural Habitats; OP/BP

⁵⁴ The National Commission for Schedule Tribes is a body established under the Indian Constitution. Its functions include the duty to investigate complaints concerning rights and safeguards of Schedule Tribes. The communities submitted a complaint to the National Commission of Schedule Tribes dated July 15, 2016, regarding the use of force by the state administration on peaceful protestors.

⁵⁵ [REDACTED], annexed as ANNEXURE V.

⁵⁶ Sections 147 (Punishment for Rioting), 148 (Rioting, armed with deadly weapon), 149 (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 342 (Punishment for wrongful confinement), 323 (Punishment for voluntarily causing hurt), 325 (Punishment for voluntarily causing grievous hurt), 324 (Voluntarily causing hurt by dangerous weapons or means), 307 (Attempt to murder), 427 (Mischief causing damage to the amount of fifty rupees), 353 (Assault or criminal force to deter public servant from discharge of his duty), 364 (Kidnapping or abducting in order to murder), 120B (Punishment of Criminal Conspiracy) of Indian Penal Code, 1860, available at <http://www.advocatekhoj.com/library/bareacts/indianpenalcode/index.php?Title=Indian%20Penal%20Code,%201860>.

⁵⁷ The Environmental and Social Safeguard Policies (*hereinafter* ESSP), OP 4.01, Environmental Assessment, ¶ 8(a).

4.10, Indigenous Peoples; OP/BP 4.11, Physical Cultural Resources or OP 4.12, Involuntary Resettlement.⁵⁸

The [REDACTED] is one of the many large multi-village schemes that are being implemented under the Project.⁵⁹ In at least one state in which the Project is being implemented (i.e. Jharkhand), there will be wide ranging impacts on Indigenous Peoples, including issues covered under OP/BP 4.10. Moreover, construction of large multi-village schemes require infrastructure creation which often have diverse, wide ranging impacts on ecology, human health and safety, resources and rights of people. Further, the Project envisages monetizing access to drinking water for rural communities in India. This is likely to have unprecedented impacts on impoverished rural communities in all the four states, if they currently have free access to drinking water. Bank Management did not adequately consider the serious adverse impacts of these multi-village schemes on the impacted communities and their physical cultural and water resources at the time of project screening.

The [REDACTED], in particular, involves serious and multidimensional environmental concerns, as well as impacts on critical cultural and economic resources of the *Santhal* Indigenous community.⁶⁰ A large-scale infrastructure development project that has the potential to irreversibly destroy or damage a physical cultural resource, such as a traditional graveyard and sacred grove, must be considered a “sensitive” adverse environmental impact within the scope of the definition of a Category A project.

The impacts go beyond the physical structures in [REDACTED] and other villages. The [REDACTED] proposes to extract significant volumes of water from the [REDACTED] river, which is likely to have adverse impacts on the hydrology of the area. Most of the impacted villages are Indigenous villages where local bodies of water, like ponds and wells, form a key component of many cultural practices. Diversion of the water of the river, which feeds groundwater and other water reservoirs in the area, can have significant negative impacts on local bodies of water in these villages, thereby affecting the cultural practices and way of life of many Indigenous communities. The potential adverse impacts of the [REDACTED] on the hydrology of the region have the potential to be significant and irreversible.

Additionally, even though the World Bank is not directly funding the Jamshedpur Urban Agglomeration Plan, the fact is that the Bank-funded [REDACTED] is a key component of the proposed Urban Agglomeration Plan.⁶¹ As described above, this Plan will adversely impact several Indigenous villages. The urbanisation of the rural areas around Jamshedpur will also significantly increase the run-off into the [REDACTED] rivers surrounding these areas.⁶² The community fears that increased urban run-off to these rivers,

⁵⁸ ESSP, OP 4.01, Environmental Assessment.

⁵⁹ Project Information Document (PID) Concept Stage, p. 9, available at <http://documents.worldbank.org/curated/en/217221468771091447/pdf/PID0Print0P13217301025201201351185627617.pdf>

⁶⁰ See (2)(a) *Impacts on shared community resources and local culture*, p. 5.

⁶¹ Draft Master Plan Jamshedpur, p.62, ANNEXURE K.

⁶² United States Environment Protection Agency, Drinking Water Treatment Plant Residuals Management Technical Report (EPA 820-R-11-003) (*hereinafter* EPA report on WTP Residuals), p. 5-3, “The

accompanied by the mass abstraction of water from them, may lead to devastating impacts on the aquatic ecosystem, hydrology, hydro-geology, direction and nature of river flow and erosion patterns.

Given the potential for diverse, large-scale, unprecedented impacts on Indigenous communities in the region, the Scheme required a rigorous environmental assessment which should have been done as per Category A standards. The hydrology impacts alone of these large multi-village schemes should have required independent, internationally recognised hydrology experts as per the requirements of the Operational Policy on Environmental Assessment.⁶³

The Bank failed to do an adequate project screening, which in turn caused a failure to adequately assess the potential impacts of the RWSS-LIS and the various sub-projects under it. A proper and timely Category A Environmental Assessment for the [REDACTED] would have provided the necessary opportunity for the Bank to fully analyse risks and issues presented by the [REDACTED], and to identify alternative approaches that would have minimised adverse impacts and maximised possibilities to restore and improve the environment.

(ii) Absence of Environmental Assessment

In spite of the large-scale potential adverse impacts of the [REDACTED], it appears that no meaningful environmental assessment was carried out. The Baseline Environmental Assessment & Environmental Management Framework (“EA-EMF”) for the state of Jharkhand as a whole did not examine potential adverse impacts of sub-projects. Instead, it noted that for sub-projects, an Environment Data Sheet and categorisation into Category 1 or 2 was needed. In the case of Category 2 sub-projects, a detailed environmental appraisal was required.⁶⁴ There is no indication that these requirements were fulfilled in the case of the [REDACTED]. None of these documents are publicly available. As discussed above, when the community requested these documents through an RTI application,⁶⁵ they were instead provided with the Detailed Project Reports and Preliminary Design Reports, neither of which contain an environmental assessment.

The apparent failure to conduct an environmental assessment is a clear violation of the World Bank’s Safeguard Policy on Environmental Assessment. It indicates a failure on the part of Bank management to properly monitor various sub-projects and ensure compliance with the World Bank’s Safeguard Policies. The Bank’s supervision of the DWSD, Jamshedpur was insufficient and wanting, and as such in non-compliance with the requirements of OP 4.01.⁶⁶

industrialization and urbanization of rural land increases the amount of runoff into source water”, available at: <https://www.epa.gov/sites/production/files/2015-11/documents/dw-treatment-residuals-mgmt-tech-report-sept-2011.pdf>, annexed as ANNEXURE W.

⁶³ ESSP, OP 4.01, Environmental Assessment., ¶4.

⁶⁴ EA-EMF Report, p. 117.

⁶⁵ ANNEXURE L.

⁶⁶ ESSP, OP 4.01, Environmental Assessment., ¶9.

(iii) *Lack of a proper mechanism for sludge disposal*

A water supply scheme of this level will generate enormous amounts of sludge. It is therefore concerning that neither the Detailed Project Report nor the Preliminary Design provide any indication as to where the sludge will be disposed. On the contrary, the Detailed Project Report indicates that the sludge might be manually cleaned,⁶⁷ a practice that is banned under Indian law because of its harmful impacts on those doing the cleaning.⁶⁸

Residual sludge generated from water treatment processes can be toxic. It can have suspended solids, pathogens, and heavy metals. Such sludge, if not properly disposed of, can further contaminate the receiving waters and adversely impact aquatic ecosystems as well as water chemistry.⁶⁹ Such sludge is also likely to have heavy metal residuals, which can be toxic to phytoplankton and zooplankton and to higher aquatic plant and animal species, including fish.⁷⁰ Further, the community fears that the use of chlorine for water treatment⁷¹ can lead to chlorine residuals in the sludge, which can be highly toxic.⁷²

Given the potentially alarming levels of toxicity in the sludge that will be discharged, the Detailed Project Report and Preliminary Design Report should have discussed these risks and provided details about sludge disposal.⁷³ The fact that the reports lacked relevant and important information regarding sludge disposal should have been a cause of concern for the Bank. The Bank Task Team should have looked into these components before approving the reports and subsequently the [REDACTED] itself. Even a rudimentary environmental assessment for a water treatment project must include details about the project's sludge disposal process. Such an oversight by the Bank suggests that the scope and level of scrutiny employed by the Bank was deficient.

(iv) *Lack of Public Consultation*

Under the World Bank's Environment and Social Safeguard Policy ("ESSP"), the borrower is supposed to consult project affected groups about the Project's environmental impacts

⁶⁷ [REDACTED] Detailed Project Report (ANNEXURE B), Sludge removal (3.8.3.6), "Manual cleaning would be discouraged as far as possible".

⁶⁸ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, available at <http://nask.nic.in/sites/default/files/manualsca-act19913635738516382444610.pdf>.

⁶⁹ EPA report on WTP Residuals, p. 10-2, 10-3, ANNEXURE W.

⁷⁰ EPA report on WTP Residuals, p. 10-3, ANNEXURE W.

⁷¹ [REDACTED] Preliminary Design Report, 4.4.3 Treatment Process, p. 4-8.

⁷² EPA report on WTP Residuals, p. 10-4, ANNEXURE W.

⁷³ In the past, the Inspection Panel has found the Bank in violation of its policies for failure to properly address the issue of sludge disposal at the environment assessment stage. See Investigation Report-Colombia: Cartagena Water Supply, Sewerage and Environmental Management Project, June 24, 2005, p.44, available at: <http://documents.worldbank.org/curated/en/824481468770490508/pdf/320340ENGLISH01ationReport01PUBLIC1.pdf>

and take their views into account.⁷⁴ However, this Policy has been violated with respect to the [REDACTED].

As described above, many community members, especially women, only became aware of the Scheme on the day that machinery was brought to [REDACTED] to construct the water treatment plant in the presence of police. When community members expressed their reservations, they were threatened and beaten.⁷⁵

The Jharkhand Baseline EA-EMF claims that it was developed through broad consultations across Jharkhand.⁷⁶ The scope of these consultations was to assess the existing status of water supply, sanitation, public health, and personal and environmental hygiene.⁷⁷ It seems these consultations did not make a rigorous attempt to understand the impacts of planned components of the Project on project affected people. An environmental assessment as per the ESSP has to evaluate a project's potential environmental risks and impacts and examine project alternatives.⁷⁸ Public consultations related to an environmental assessment should therefore include consultations specifically regarding these aspects. The Bank should properly monitor and review the scope of an EA-EMF for all sub-projects, including scrutiny of the nature and extent of consultations.⁷⁹ The extremely narrow scope of the EA-EMF consultations falls short of the requirements for an EA-EMF and indicates a failure on the part of the Bank to properly appraise DWSD's work.⁸⁰

Specifically, regarding the [REDACTED], no proper consultation took place in [REDACTED] village. Little attempt has been made to take community views into account even though a key component of the Scheme is being constructed on land where the community's ancestors are buried. The community believes that the [REDACTED] does not fulfil the ESSP's requirements for public consultations.⁸¹

(v) *Inadequate Information Disclosure*

The World Bank has failed in this Project to ensure that its information disclosure requirements are fulfilled. Under World Bank policy, the borrower is supposed to provide relevant material in a timely manner prior to consultation and in a form and language understandable and accessible to project affected people.⁸² In the case of the [REDACTED], the implementing authority never provided any documents to the community. There is also no information about the Scheme on the World Bank's website. In fact, the World Bank's website only has documents for Jharkhand as a whole, which discuss the over-arching RWSS-LIS. The [REDACTED] community first realised the World Bank is funding the [REDACTED] through media reports.

⁷⁴ ESSP, OP 4.01, Environmental Assessment., ¶15.

⁷⁵ See 2(d) *Use of threats, force, and intimidation tactics*, p. 11.

⁷⁶ EA-EMF Report, p. 3.

⁷⁷ EA-EMF Report, p. 4.

⁷⁸ ESSP, OP 4.01, Environmental Assessment., ¶2.

⁷⁹ ESSP, BP 4.01, Environmental Assessment, ¶16.

⁸⁰ ESSP, OP 4.01, Environmental Assessment., ¶9.

⁸¹ ESSP, OP 4.01, Environmental Assessment., ¶14.

⁸² ESSP, OP 4.01, Environmental Assessment., ¶16.

As a result, the community filed an RTI application for documents related to the [REDACTED]. The already impoverished community collected INR 5100 to get access to the documents that were made available in response to the RTI application.⁸³ Several trips had to be made to the DWSD office to finally get the documents, consuming additional time and resources. Even then, the community was only given the bidding documents, Detailed Project Reports and Preliminary Design Reports, not all the documents they had requested. Moreover, the documents are largely in English and were not translated into Hindi or Santhali, the languages spoken by the project affected people. Thus the information disclosure for the [REDACTED] fell far short of meeting the ESSP requirements.⁸⁴

(b) Operational Policy on Indigenous Peoples OP 4.10

The Bank's Indigenous Peoples Policy OP 4.10 applies to the [REDACTED]'s implementation in [REDACTED]. Most of [REDACTED]'s population is comprised of the *Santhal* Indigenous community. The *Santhals* are an impoverished community in East and Central India that has suffered marginalisation because of rapid industrialisation at the cost of their ancestral land and resources. They identify as *Adivasis* and are recognised as a Scheduled Tribe under the Constitution of India.⁸⁵ As mentioned earlier, at the edge of every *Santhal* village is a *Jaher Sthal*, which is a common community resource and is believed to be the resting place for ancestral spirits. *Santhal* villages have their own traditional governance and decision-making structures called the [REDACTED], as well as cultural and spiritual practices that are distinct from mainstream practices. The *Santhals* speak Santhali. Based on these facts, it can be concluded that the *Santhals* in [REDACTED] are Indigenous communities for the purpose of the Indigenous Peoples Safeguard Policy.

Under the Policy, the Bank is supposed to ensure that Indigenous communities receive social and economic benefits in a culturally appropriate manner.⁸⁶ In light of the lack of appropriate consultation, risks to important Indigenous resources and cultural heritage, and the violent retaliation towards community members, the community believes that the Bank's actions with regard to planning and implementation of the RWSS-LIS, and specifically the [REDACTED], disrespect and threaten the dignity, human rights, economy, and cultures of Indigenous Peoples.

(i) Lack of free, prior, and informed consultation

According to the Bank's Policy on Indigenous Peoples:

⁸³ Response to RTI Application, *supra* FN 27.

⁸⁴ ESSP, OP 4.01, Environmental Assessment., ¶15.

⁸⁵ Bihar Schedules Areas Regulation, available at: <http://www.jharkhand.gov.in/documents/10179/54299/List%20Of%20Caste%20And%20SubCast%20under%20CNT%20ACT>. Scheduled Tribes is a term that refers to tribal groups that are recognised as such by the Constitution of India.

⁸⁶ ESSP, OP 4.10, Indigenous Peoples, ¶1.

A project proposed for Bank financing that affects Indigenous Peoples requires⁸⁷:

(a) screening by the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area...;

(b) a social assessment by the borrower...;

(c) a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project...;

(d) the preparation of an Indigenous Peoples Plan...or an Indigenous Peoples Planning Framework...; and

(e) disclosure of the draft Indigenous Peoples Plan or draft Indigenous Peoples Planning Framework...

Regrettably, the development of the [REDACTED] neglected most of these requirements. It bears repeating that the first time many community members learned about the [REDACTED] and the fact that a water treatment plant was being constructed on their sacred ancestral land was the day that machinery was brought to the village. When community members raised their concerns, they were beaten and threatened by police officers.⁸⁸

The [REDACTED] has been implemented by keeping [REDACTED] communities in the dark and excluding them from the decision-making process. The community was not asked if they required piped water or how they wanted water supplied. According to the Tribal Development Plan prepared for Jharkhand, the Detailed Project Report was to be approved and consulted on at the habitation level.⁸⁹ However, this did not take place, and the community could only access the Detailed Project Report after expending financial resources and time to get it from DWSD using the RTI Act.

Under the Policy on Indigenous Peoples, the Bank must undertake a screening to determine whether Indigenous Peoples have a collective attachment to project land.⁹⁰ It seems no such screening was done for the [REDACTED] because the project implementer continues to deny that the land is a traditional graveyard, despite ample proof. The Bank must consult with the affected Indigenous communities during the screening process,⁹¹ but the [REDACTED] community was not consulted on any aspect of the [REDACTED]. World Bank management failed to take steps to do a proper appraisal of risks to Indigenous communities.

The project documents do not disclose any attempts made to ascertain if the [REDACTED] has broad community support.⁹² According to the Tribal Development Plan for Jharkhand, self-selection by Indigenous communities from the habitation/village was supposed to be a central principle under the RWSS-LIS.⁹³ However, in the case of the [REDACTED], it has been forced upon the communities despite their vehement opposition.

⁸⁷ ESSP, OP 4.10, Indigenous Peoples, ¶6.

⁸⁸ See 2(d) *Use of threats, force, and intimidation tactics*, p.11

⁸⁹ Tribal Development Plan, ANNEXURE Q, p. 59.

⁹⁰ ESSP, OP 4.10, Indigenous Peoples, ¶8.

⁹¹ ESSP, OP 4.10, Indigenous Peoples, ¶8.

⁹² ESSP, OP 4.10, Indigenous Peoples, ¶11.

⁹³ Tribal Development Plan, ANNEXURE Q, p. 50.

As highlighted earlier, the [REDACTED] appears to be part of a larger process to urbanise constitutionally protected Indigenous areas. The Indigenous communities in the area do not require piped water supply. They have adequate access to good quality water in their village free of cost, and have independently verified its quality through scientific testing.⁹⁴ Instead, the demand for piped water is coming from irregular housing colonies of non-Indigenous communities that have emerged around [REDACTED] village, including residents of [REDACTED] colony, who have long been complaining about a shortage of water.⁹⁵ Using their Indigenous ancestral resources, the [REDACTED] is neither wanted nor needed, but is being imposed on the [REDACTED] community. These facts show that a process of free, prior, and informed consultations did not take place.

The Tribal Development Plan for Jharkhand acknowledges that traditional governance institutional systems have substantial influence in Indigenous areas and that “people often have more faith in these than PRIs and VWSCs”.⁹⁶ The Tribal Development Plan recognises that “inclusion of traditional tribal institutions will be critical as they have substantial influence in their respective tribes.”⁹⁷ The [REDACTED] village is organised under the [REDACTED] system. Yet, for the implementation of the [REDACTED], the [REDACTED] system was completely sidestepped. Moreover, when traditional leaders have asked for rights violations caused by implementation of the [REDACTED] to be remedied, they have been labelled as land mafia by administrative authorities and accused of serious criminal charges.

(ii) *No assessment of the negative impacts of [REDACTED] on Indigenous community resources*

The World Bank Policy on Indigenous Peoples makes clear that even for large projects which have multiple-sub-projects, if the screening of an individual program or subproject indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or subproject, the borrower must ensure that, before the individual program or subproject is implemented, a social assessment is carried out and an Indigenous Peoples Plan (IPP) is prepared.⁹⁸

The “issues for consideration” described in the Jharkhand Tribal Development Plan do not

⁹⁴ In May 2018, water from Giddhijhopri village’s hand pump and community well were sampled and sent to a laboratory for testing for arsenic, cobalt, iron, lead, manganese, and molybdenum. ANNEXURE Y contains results of this testing. Note that it is redacted to withhold the identity of the laboratory. A scientific expert was consulted to interpret the test results.

⁹⁵ The Telegraph, Water March to Capital, August 31, 2018, available at [REDACTED]

[REDACTED] Avenue Mail, Residents of [REDACTED]

The Business Standard, Jamshedpur Water Supply Dries Up As Tisco, Bihar Govt Clash, January 27, 2013, [REDACTED]

⁹⁶ Tribal Development Plan, ANNEXURE Q, p. 9.

⁹⁷ Tribal Development Plan, ANNEXURE Q, p. 10, 14.

⁹⁸ ESSP, OP 4.10, Indigenous Peoples, ¶14.

include issues arising out of community opposition to projects and their various components due to impacts on community resources.⁹⁹ Instead, they are limited to improving access to water and toilets. There is no indication that a social assessment was conducted to evaluate the [REDACTED]'s potential positive and adverse effects on Indigenous Peoples or "to examine project alternatives where adverse effects may be significant."¹⁰⁰ In fact, the Baseline Social Assessment for Jharkhand makes an incorrect assessment that the program interventions will not impact Indigenous communities.¹⁰¹ The World Bank Task Team appears to have overlooked these contraventions of the Safeguard Policy on Indigenous Peoples.

As described in detail above, the water treatment plant in [REDACTED] is being constructed on ancestral land that is tied to the community's way of life. It is the meeting point for important cultural practices, as ancestors are buried and cremated there. For many community members, the site has the last memories of their loved ones. A scared grove is located there and is worshipped every five years. The community also relies on the hill for grazing of livestock.

As mentioned earlier, the [REDACTED] is also closely tied to the Jharkhand Urban Agglomeration Plan that threatens to fundamentally change the nature of this Indigenous area and convert it into an urban zone. Thus, the social assessment should assess the negative impacts of the Proposed Urban Agglomeration Plan as well.

(iii) Absence of a mitigation plan to provide remedy for the negative impacts of the [REDACTED] on Indigenous communities

OP 4.10 requires that where adverse impacts are unavoidable, the borrower must minimise, mitigate, or compensate for such effects.¹⁰² The Detailed Project Report does not contain a mitigation plan to remedy the negative impacts that the [REDACTED] is likely to cause, nor have they been compensated for the harm already caused. Moreover, if the Scheme is completed, the community will be forced to pay money to access water.

(c) Operational Policy on Physical Cultural Resources OP 4.11

(i) Impacts on physical cultural resources not taken into account in the Project Design

The Bank's policy on Physical Cultural Resources requires a borrower to address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment process.¹⁰³ This is true even for projects involving sub-projects like the [REDACTED].¹⁰⁴ The Baseline and Impact Assessment should include: "(a)

⁹⁹ Tribal Development Plan, ANNEXURE Q, p. 40.

¹⁰⁰ ESSP, OP 4.10, Indigenous Peoples, ¶ 9.

¹⁰¹ Tribal Development Plan, ANNEXURE Q, p. 7.

¹⁰² ESSP, OP 4.10, Indigenous Peoples, ¶1, ¶12.

¹⁰³ ESSP, OP 4.11, Physical Cultural Resources, ¶4.

¹⁰⁴ ESSP, OP 4.1, Physical Cultural Resources, ¶14.

an investigation and inventory of physical cultural resources likely to be affected by the project; (b) documentation of the significance of such physical cultural resources; and (c) assessment of the nature and extent of potential impacts on these resources.”¹⁰⁵ The borrower is supposed to have extensive consultations with Project Affected groups for identifying physical cultural resources because they are often undocumented or unprotected by law.¹⁰⁶

In the [REDACTED] documents, there again is no indication that any steps were taken to identify physical cultural resources that will be impacted by the Project. In the Concept Stage ISDS for the Project, the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11 to the Project.¹⁰⁷ Management’s initial appraisal of the project design is weak and fails to adequately consider the true extent of impacts on Physical Cultural Resources. The Baseline EA-EMF also concludes that no existing cultural property will be damaged.¹⁰⁸ However, the EA-EMF does envisage “possible damage to places of cultural, heritage and recreational importance” as a construction stage environmental impact.¹⁰⁹

As mentioned, a characteristic feature of a *Santhal* village is a sacred grove (known as the *Jaher* or "*Santhal Sthal*") on the edge of the village. For the [REDACTED] community, the hill where the water treatment plant is currently being built is their *Jaher Sthal*, where the community gathers and worships at their sacred grove every five years, as well as a community graveyard and cremation ground where the community has been burying and cremating their dead. The impacts on the *Jaher* was not taken into account at any stage in the project.

(ii) *No steps to mitigate the impacts on community cultural heritage*

When physical cultural resources are impacted, the borrower is required under Bank policy to develop a physical cultural resources management plan that should include measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track the progress of these activities.¹¹⁰ Even for projects involving sub-projects, the Bank is supposed to ensure implementation of mitigation measures and monitor it during project implementation.¹¹¹

However, the Environmental Management Framework developed under the Baseline EA-EMF does not provide any measures to avoid or mitigate impacts on physical cultural resources. The hilltop is an important point of convergence for the [REDACTED] community’s cultural and spiritual activities. They are deeply connected to it from life to

¹⁰⁵ ESSP, BP 4.11, Physical Cultural Resources, ¶ 8.

¹⁰⁶ ESSP, BP 4.11, Physical Cultural Resources, ¶ 7.

¹⁰⁷ Integrated Safeguards Data Sheet Concept Stage, ANNEXURE E.

¹⁰⁸ EA-EMF Report, p. B.

¹⁰⁹ EA-EMF Report, p. 89.

¹¹⁰ ESSP, OP 4.11, Physical Cultural Resources, ¶ 9.

¹¹¹ ESSP, OP 4.11, Physical Cultural Resources, ¶ 14 read with OP 4.01, Environmental Assessment, ¶9.

death. Yet, rather than mitigating impacts to their ancestral land, the borrower's response has been one of denial.

(4) Violations of Indian and International Law

The Bank Policy OP 4.01 on Environmental Assessment requires that the environmental assessment consider “the country's overall policy framework, [and] national legislation...related to the environment and social aspects...” and “identify matters pertaining to the project's consistency with national legislation or international environmental treaties and agreements”.¹¹²

(a) Violation of Constitutional Provisions

Schedules V and VI of the Constitution of India provide for self-governance in tribal majority areas under Article 244.¹¹³ The object of Schedule V is to preserve the autonomy, culture, and economic empowerment of Indigenous or tribal peoples to ensure social, economic, and political justice in the scheduled area.¹¹⁴ Clause 5(2) of Schedule V even prohibits the state from transferring public/state land in Scheduled areas to non-tribals.¹¹⁵ The public policy rationale for this law is to preserve peace and safeguard the tribal way of life: if the Government transfers the public land to non-tribals, “peace would be disturbed, good governance in scheduled area would slip into the hands of the non-tribals who would drive out the tribals from scheduled area and create monopoly to the well-developed and sophisticated non-tribals....”¹¹⁶

This makes clear that it is illegal and unconstitutional for the state to transfer land in [REDACTED], a recognised scheduled area, to a corporation for the construction and operation of a water treatment plant. In this case, possession has been given to [REDACTED]

(b) Violation of PESA and Jharkhand Panchayati Raj Act (“JPRA”)

Under PESA, any plan or proposal that is presented by the *Gram Panchayat* has to receive prior approval, after consultation, from the *Gram Sabha*.¹¹⁷ The *Gram Sabha* has the power

¹¹² ESSP, OP 4.01, Environment Assessment, ¶ 3.

¹¹³ Constitution of India, Art. 244.: “Administration of Scheduled Areas and Tribal Areas (1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam Meghalaya, Tripura and Mizoram.”

¹¹⁴ *Samatha vs State Of Andhra Pradesh And Ors.*, 11 July, 1997, Appeal (civil) 4601-02 of 1997, available at <https://indiankanoon.org/doc/1969682/>.

¹¹⁵ Clause 5(2) Fifth Schedule, Article 244(1) Constitution of India, read with *Samatha vs State Of Andhra Pradesh And Ors.*

¹¹⁶ *Samatha vs State Of Andhra Pradesh And Ors.* *Supra* FN 114.

¹¹⁷ Section 4 (e)(i), PESA, ANNEXURE P.

to safeguard community resources.¹¹⁸ Its powers include managing natural resources like land, water, and forests falling within the limits of the village area.¹¹⁹

However, as mentioned above,¹²⁰ for the [REDACTED], *Gram Sabha* approval has not been provided in [REDACTED]. The Detailed Project Report shows that letters have been obtained from various VWSCs. The PESA requirement is a resolution from the whole *Gram Sabha*, i.e. all adult members in a village who are on electoral rolls and not just the VWSC. It should be noted that in a letter dated [REDACTED] the concerned Land Officer for this area, while granting the “No Objection Certificate” for the water treatment plant site, clearly laid down the condition that construction work can only begin after permission from the concerned *Gram Sabha* is obtained. This requirement was never fulfilled as the [REDACTED] *Gram Sabha* never passed a *Gram Sabha* resolution providing any such permission. It is worrying that a World Bank-funded scheme is violating domestic legislation meant for the protection of Indigenous communities and that Bank management has failed to adequately monitor compliance with safeguards and local laws by the borrower.

(c) Violation of the Polluter Pays Principle

The “polluter pays” principle is a well-accepted general principle of international law and is codified in international instruments.¹²¹ The principle is now also part of Indian environmental jurisprudence.¹²² The principle holds that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment.

It is well-documented that Jamshedpur and its surrounding areas has suffered considerable environmental degradation because of industrialisation and intense mining, including uranium mining.¹²³ The Baseline EA-EMF for Jharkhand acknowledges this environmental degradation,¹²⁴ noting that “metallic and dissolved toxic wastes from TISCO, Jamshedpur and HCL, Ghatsila and radioactive wastes from the uranium mill and tailings ponds of the UCIL at Jaduguda flow into Subarnarekha and its tributaries”¹²⁵.

¹¹⁸ Section 4 (d), PESA, ANNEXURE P.

¹¹⁹ S. 4(j), (m), ANNEXURE P. S. 10(xi), Jharkhand Panchayati Raj Act, ANNEXURE A.

¹²⁰ See 2(c) *Invalid Gram Sabha Resolution*, p.9.

¹²¹ Principle 16, Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I); 31 ILM 874 (1992).

¹²² Indian Council For Enviro-Legal Action Etc. vs Union Of India & Ors, 1996 AIR 1446, February 13, 1996, available at: <https://indiankanoon.org/doc/1818014/>; Vellore Citizens Welfare Forum vs Union Of India & Ors, AIR 1996 SC 2715, August 28, 1996, available at: <https://indiankanoon.org/doc/1934103/>. See also Satish C. Shastri, ‘The Polluter Pays Principle’ and the Supreme Court of India, Journal of the Indian Law Institute, 42 JILI (2000) available at: http://14.139.60.114:8080/jspui/bitstream/123456789/17813/1/027_The%20Polluter%20Pays%20Principle%20and%20the%20Supreme%20Court%20of%20India%20%28108-116%29.pdf?source=app.

¹²³ See, e.g., [REDACTED]. Who’s responsible?”, [REDACTED] available at: [REDACTED]

¹²⁴ EA-EMF Report, p. C.

¹²⁵ EA-EMF Report, p. 86.

The Indigenous communities in the region have tried to preserve their water and land resources despite this rapid industrialisation. Yet, the [REDACTED] will in effect put the burden on the Indigenous communities, instead of the polluters, by making communities pay for access to drinking water, which is presently free. This is not consistent with the polluter pays principle. [REDACTED] village's water is safe and fit for drinking, which has been proven through scientific testing. Hypothetically, even if it was not, the community should not be made to pay to treat water they did not pollute in the first place.

(5) Prior Attempts to Resolve Problems with the World Bank

On behalf of the [REDACTED] sent a letter to the World Bank [REDACTED] by electronic mail dated [REDACTED],¹²⁶ raising various grievances of the [REDACTED] community regarding the [REDACTED]. The letter is enclosed. In a response dated April 13, 2018, also enclosed, Mr. [REDACTED] assured the community that he will ask the State Project Implementation Unit to look into these grievances.¹²⁷

Despite the passage of over four months, no tangible steps have been taken to solve the issues raised. Following [REDACTED]'s response, the *Majhi* was contacted by the local police asking him to withdraw community opposition to the [REDACTED] in exchange for withdrawal of criminal charges filed against 39 members of the community. On [REDACTED] [REDACTED] officials [REDACTED] visited [REDACTED] with only a few hours' notice. These DWSD officials did not visit the traditional graveyard at the water treatment plant site, despite requests to do so from the community members present. Community members raised their grievances about the [REDACTED] with these officials, but have not received any satisfactory response from them.

On [REDACTED] another e-mail was sent to [REDACTED] notifying him about the lack of any assurance or concrete steps from the State Project Implementation Unit to remedy the harms caused.¹²⁸

On October 6, 2018, after the community sent a Request for Inspection to the Inspection Panel, the [REDACTED] sent an electronic mail, stating that the Bank is following up on the points raised.¹²⁹

The [REDACTED] community's issues regarding the [REDACTED], which concern their autonomy as an Indigenous community, their culture, and their economic resources, remain unresolved. Despite repeated attempts to reach out to World Bank Management, the response has been inadequate. Meanwhile, construction of the water treatment plant continues.

¹²⁶ E-mail to [REDACTED] annexed as ANNEXURE X1.

¹²⁷ Reply from [REDACTED], annexed as ANNEXURE X2.

¹²⁸ E-mail to [REDACTED], dated June 10, 2018, annexed as ANNEXURE X3.

¹²⁹ Reply from [REDACTED] dated October 6, 2018, annexed as ANNEXURE X4.

(6) Requested Next Steps

The [REDACTED] community, through fellow Complainant and community representative *Majhi* [REDACTED], requests that the Inspection Panel conduct an immediate investigation to confirm the violations of Bank policy described above. The Complainants trust that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. The Complainants strongly urge the World Bank to:

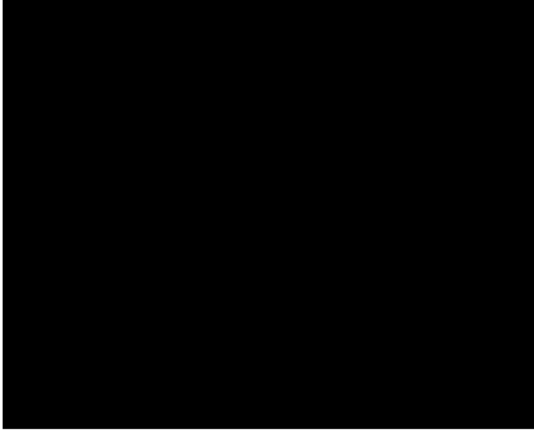
- (i) Immediately stop disbursements to the RWSS-LIS and all construction activity on the [REDACTED], until such time that affected communities have been fully informed and consulted about the details of the [REDACTED], including its impacts, remedy and mitigation measures, and an independent analysis of alternative designs, in which the rights and needs of our community are made the priority. The [REDACTED] in its current form is violating World Bank policies, as well as Indian and international law. Therefore, it should not be allowed to proceed further the way it is;
- (ii) Conduct a complete environmental impact assessment of the [REDACTED], including a social assessment as well as an assessment of the impacts of the [REDACTED] on Indigenous populations;
- (iii) Appoint an independent hydrology expert to look at cumulative hydrological impacts of the [REDACTED], as well as other schemes that have been implemented in Jamshedpur and surrounding areas under RWSS-LIS;
- (iv) Once prepared, translate all assessment documents into Hindi and Santhali and disclose them through culturally appropriate consultations with our community, as well as other project affected communities;
- (v) Allow us, as affected people, to participate in the analysis and decision-making process for possible alternatives. The water treatment plant should be relocated, and our ancestral graveyard and sacred grove should be restored to its original form. If it is environmentally feasible, the [REDACTED] could be implemented in alternative sites to benefit communities that actually require water, rather than imposing it on our community, which has preserved its water resources despite various challenges;
- (vi) Make reparations to our community for the harms suffered because of false criminal charges and police violence in response to our protests;
- (vii) Conduct all future baseline studies and monitoring reports with full transparency and participation of affected communities and make the results public.

Please note we are attaching a Hindi translation of this supplement, however, please treat the English version as authoritative.

Please do not hesitate to contact us through *Majhi* [REDACTED] with any questions you may have. Please send correspondence to [REDACTED] both the Hindi and English languages via electronic email: [REDACTED]. Please also copy all communications to our advisor and supporter [REDACTED] at [REDACTED].

We look forward to hearing from you.

Sincerely,



Attachments to the Request for Inspection
(Available upon request to the Inspection Panel)

Annex A:	Jharkhand Panchayati Raj Act
Annex B:	Detailed Project Report – Bagberra
Annex C:	Preliminary Design Report – Bagberra
Annex D:	Newspaper clippings
Annex E:	Integrated Safeguard Data Sheet – Concept Stage
Annex F:	Village Deities of Santhal and Associated Rituals and An Ancient History: Ethnographic Study of the Santhal
Annex G:	Pictures of Project site
Annex H:	Pictures of the Project site
Annex I:	Pictures of Herbs and plants near the Project site
Annex J:	Pictures of household paintings
Annex K:	Jamshedpur Urban Agglomeration Plan
Annex L:	Supporting documents
Annex M:	Supporting documents
Annex N:	Social Assessment, Capacity Building and Communication Framework for the Rural Water Supply & Sanitation Project in Jharkhand
Annex O:	The Gazette of India Notification on Schedule Areas
Annex P:	Provisions of the Panchayats (Extensions to the Scheduled Areas)
Annex Q:	Jharkhand Tribal Development Plan
Annex R:	Images of burial sites
Annex S:	Judicial documents
Annex T:	Medical Documents
Annex U:	Correspondences to National Commission for Scheduled Tribes
Annex V:	Correspondences submitted to local authorities
Annex W:	EPA- Drinking Water Treatment Plant Residuals Management Technical Report
Annex X:	Email Exchanges
Annex Y:	Water testing results
Annex Z:	Gram Sabha Resolutions

Annex 2

Second Request for Inspection

December 12, 2018

Dilek Barlas
Executive Secretary, The Inspection Panel
1818 H Street NW, Mail Stop: MC10-1007
Washington, DC 20433
USA
Email: ipanel@worldbank.org

Submitted via electronic mail

**Re: Request for Inspection regarding Rural Water Supply and Sanitation
Project for Low Income States (World Bank Project P132173)**

Dear Ms. Barlas,

We are the *Adivasi* (Indigenous or original inhabitants) community of [REDACTED] the state of Jharkhand, India. Our collective cultural resources, livelihood, and autonomy have been affected by the International Development Association supported IN Rural Water Supply and Sanitation Project for Low Income States (“RWSS-LIS”) (World Bank Project P132173), specifically its sub-project, the [REDACTED] [REDACTED]. The aggrieved community comprises of people belonging to *Santhal* and *Ho* tribes. We are hereby filing a Request for Inspection to the Inspection Panel through representatives from our traditional governance system. Please find enclosed a list of names and signatures of community members that have come together to file the complaint (in confidential Annexure A). We fear there may be reprisals [REDACTED] [REDACTED] for complaining against the [REDACTED] Scheme. Therefore, we request the Inspection Panel to keep the names and identities of the complainants confidential.

[REDACTED] is directly affected by the [REDACTED] [REDACTED]. An elevated storage reservoir (ESR) is being constructed on our common community land in the village. This land has profound historical and cultural significance for the community, and the ESR will disrupt our way of life and customs. The [REDACTED] Scheme also threatens to make our already poverty-stricken communities more vulnerable by charging us for drinking water.

This letter sets out violations of the World Bank’s social and environmental safeguard policies in the implementation of the [REDACTED] Scheme. It documents that the environmental assessment done was inadequate and did not include a proper assessment of impacts on physical-cultural resources. It also records failures to inform and consult with the affected community about the Scheme, including its design and planning.

This consultation failure violates not only World Bank policies, but also Indian law. As an Indigenous-majority area, [REDACTED] enjoys special protections under the Constitution of India and domestic legislation, which requires any development scheme, welfare plan or

decision regarding common community resources be taken by a relevant *Gram Sabha*. A *Gram Sabha* is a general assembly of all the people of a village, who have attained the age of 18 years, and are registered in the electoral roll relating to a village.¹ A *Gram Sabha* resolution is a majority vote in favour of an issue. In this case, the project did not receive *Gram Sabha* consent. [REDACTED] threatened community members of dire consequences when they tried to protest [REDACTED], outside of [REDACTED] office against the forceful illegal construction of the ESR on their common property. The community fears the [REDACTED] Scheme is part of a larger plan to expand the boundaries of the adjacent city, [REDACTED], which risks taking away the special legal protections afforded to the community as a rural Indigenous village in India.

We request the Inspection Panel to immediately conduct an investigation that affirms the violations of Bank policy described in this letter. The community trusts that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. In particular, the community requests the World Bank to:

- (i) immediately stop disbursement of the loan and suspend construction of various structures under the [REDACTED] Scheme until such time that the relevant authorities undertake comprehensive social and environmental assessment and fully inform and consult all residents of [REDACTED] and other impacted villages about the [REDACTED] Scheme, its impacts, and mitigation measures;
- (ii) appoint an independent hydrology expert to look at cumulative hydrological implications of the [REDACTED] Scheme as well as other schemes planned for [REDACTED] and surrounding areas under RWSS-LIS;
- (iii) release all relevant documents from the World Bank and the governments of India and Jharkhand, including Hindi, Ho and Santhali translations;
- (iv) provide due compensation and reparations for damage done to their cultural site and martyrdom site;
- (v) request Jharkhand Government to take strict action against government servants responsible for the irregular land acquisition of our common community resource; and
- (vi) conduct an independent consultation with all the traditional heads and *Gram Sabhas* of impacted villages to assess if piped water is desired in these villages, and if so, shift project components to alternative sites to avoid impacts to our common cultural site.

¹ Section 2(iii), Jharkhand Panchayati Raj Act, 2001, available at: <http://www.jharkhand.gov.in/documents/10179/54684/Panchayat%20Raj%20Act> annexed as ANNEXURE B.

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(1) The Rural Water Supply and Sanitation Project for Low Income States – Overview

The World Bank Board of Directors approved the Rural Water Supply and Sanitation Project for Low Income States on December 30, 2013, for US\$500 million.² The Project aims to address water and sanitation needs of four states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh. The Jharkhand component of the project will reportedly be implemented in six selected districts of the state.³ The [REDACTED] Scheme is a sub-project in [REDACTED] district being implemented by the Drinking Water and Sanitation Department (DWSD). One of the stated aims of the Project is to promote decentralised service delivery arrangements, with increased *Panchayati Raj* Institution (“PRI”) involvement and community participation.⁴ *Panchayati Raj* refers to the system of local self-governance in India introduced through constitutional amendments in 1992.

The [REDACTED] Scheme has two independent water supply schemes: the [REDACTED] Scheme that will supply water to 20 *Gram Panchayats*⁵ and the [REDACTED] Scheme that will supply water to 16 *Gram Panchayats* and Ghaghidih Central Jail.⁶ Each water supply scheme involves the construction of five elevated storage reservoirs, a pipe network, and a water treatment plant.⁷ For the [REDACTED] Supply

² IN Rural Water Supply and Sanitation Project for Low Income States (Financials), available at: <http://projects.worldbank.org/P132173/india-rural-water-supply-sanitation-project-low-income-states?lang=en&tab=financial>.

³ ENV Developmental Assistance Systems (India) Pvt Ltd, Environmental Assessment & Environmental Management Framework For the World Bank Assisted Water Supply Projects in Selected Districts of Jharkhand (Draft Final Report), March -2013, (*hereinafter* EA-EMF Report) *Introduction*, p. A, available at: <http://documents.worldbank.org/curated/en/369471468041971982/pdf/E41820v60EA0P10MF0JHARKHAND0Vol-0I.pdf>.

⁴ *Id.*

⁵ A *Gram Panchayat* is any local area comprising of a village or a group of contiguous villages/groups or tolas or part thereof to be a Gram Panchayat area with a population within its territory, as nearly as five thousand, that is declared so by orders of the Jharkhand Government. The Gram Panchayat is specified by the name of the village having the largest population. See Section 13(1)(2), Jharkhand Panchayati Raj Act, 2001, ANNEXURE B.

⁶ Drinking Water and Sanitation Division, [REDACTED] Detailed Project Report for [REDACTED], [REDACTED] Water Supply Scheme, annexed as ANNEXURE C (*hereinafter*, [REDACTED] Detailed Project Report), p. 1-2.

⁷ [REDACTED] Detailed Project Report (ANNEXURE C), Executive Summary & Salient Features, *id.*

Scheme, the water will be drawn upstream from the [REDACTED] river near village [REDACTED].⁸ A tariff will be imposed for access to drinking water under this scheme.⁹ The Scheme's construction, operation, and management have been auctioned to [REDACTED].¹⁰

In the concept stage Integrated Safeguards Data Sheet ("ISDS"), the World Bank Task Team listed the following safeguards as potentially applying to the Project:¹¹

- Environmental Assessment OP/ BP 4.01;
- Forests OP/BP 4.36;
- Indigenous Peoples OP/BP 4.10; and
- Involuntary Resettlement OP/BP 4.12.

It is notable that the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11 to the Project.

(2) Impacts of the [REDACTED] Scheme on the community

(a) Harms caused to community's physical cultural resources and traditions

Construction of the ESR threatens the continuation of essential cultural practices of the Indigenous community. The state authorities are constructing the ESR on community land, locally called [REDACTED]. The popular local name is [REDACTED]. The [REDACTED] is a common cultural resource of the residents of [REDACTED]. Every year, after Diwali, the community has [REDACTED] celebrations. One of the community customs associated with [REDACTED] used to happen at [REDACTED]. This is an old community tradition where villagers keep an egg in the middle of the ground, and all the cattle in the village are let loose. The person whose cow breaks the egg first is the winner. The community can no longer practice this tradition associated with [REDACTED] because common community land was grabbed for the construction of an ESR under the [REDACTED] Scheme.

⁸ Drinking Water and Sanitation Department, Detailed Project Report (Volume -1) for Preparation of DPR for Drinking Water Supply System for Part 1 i.e. [REDACTED],

[REDACTED], annexed as ANNEXURE D (*hereinafter* [REDACTED] Detailed Project Report), p. 12.

⁹ [REDACTED] Detailed Project Report (ANNEXURE D), p.46.

¹⁰ The Telegraph, "[REDACTED]", April 9, 2015, available at:

[REDACTED], annexed as ANNEXURE E.

¹¹ Integrated Safeguards Data Sheet Concept Stage, Report No.: ISDSC1405, "II. SAFEGUARD POLICIES THAT MIGHT APPLY", Prepared on Nov. 2, 2012, available at: <http://documents.worldbank.org/curated/en/563001468251987727/pdf/ISDS-Print-P132173-11062012-1352260223338.pdf>, annexed as ANNEXURE F.

Furthermore, every five years, the community has a sacrificial ceremony called [REDACTED], which is followed by a traditional feast. Villagers invite relatives from far and wide and everyone partakes in a mass community feast at the ground. With the ESR coming up on the ground, there is no space to hold this customary practice anymore.

During the construction of the ESR, a martyrdom site was also razed. This martyrdom site commemorated [REDACTED] from the community who gave their life to the struggle for statehood for Jharkhand. Boulders were placed at that site in their memory. Every year, on [REDACTED], the community would observe their martyrdom day at that site. This martyrdom site was an important physical, historical and cultural resource of both the community and Jharkhand. They razed the boulders to construct the ESR. A statue with busts of the [REDACTED] martyrs was placed adjacent to the ESR by the project implementors. The community does not believe in having statues of community members who have died. Stones or boulders are placed in their memory instead. The community was never consulted on this issue.

The site of the ESR [REDACTED] has strong bonds with the way of life, culture, traditions, and history of the Indigenous people of [REDACTED]. Taking the ground away from the community is an attack on its traditions, culture, and history.

(b) Economic impacts and impacts on community autonomy

The community is also concerned about the economic impacts of the whole water supply scheme, fearing that it will worsen already poor conditions in the region. Many of the households currently live below the poverty line.¹² They rely on local water resources, including wells and hand-pumps, for their water needs. Until now, this water has been available free of charge. However, after the implementation of the Scheme, they will have to pay for access to water.¹³ They fear this will further impoverish the community.

The community also fears the [REDACTED] Scheme is being used to expand the city limits of the adjacent city, [REDACTED]. This could alter the fundamental nature of the area, from a protected Indigenous area under the Constitution to an urban centre that would lack such protections. According to the Draft Proposal Master Plan for [REDACTED] Urban Agglomeration, the new proposed expansion of [REDACTED].¹⁴ Such an expansion could have a disastrous impact on the Indigenous community of [REDACTED] and other surrounding villages, including impacts on their culture, access to resources, and traditional governance practices. The *Santhal* and *Ho* communities enjoy

¹² The poverty line in India is INR 32 per day for a person in a rural area and INR 47 per day for a person in an urban area. See Down to Earth, "New poverty line: Rs 32 for rural India, Rs 47 for urban India", August 17, 2015, available at: <https://www.downtoearth.org.in/news/new-poverty-line-rs-32-for-rural-india-rs-47-for-urban-india-45134>.

¹³ [REDACTED] Preliminary Design Report, *supra* FN 6.

¹⁴ State of Jharkhand, Addendum to Master Plan for [REDACTED] Agglomeration Master plan 2027: Draft Proposal, April 2017, p.5., available at:

[REDACTED]
(hereinafter Draft Master Plan [REDACTED]), annexed as ANNEXURE G.

Indian Constitutional and legislative protections regarding rights over land and water resources. Expansion of city limits may dissolve those protections and further marginalise the Indigenous communities.

The [REDACTED] Scheme, which has already been implemented by sidestepping traditional governance institutions, appears to be part of this expansion plan. According to the Draft Proposal Master Plan, one of the key goals of this urbanisation process is to establish an urban area with treated piped water supply.¹⁵ The [REDACTED] Scheme is, therefore, a key component in furtherance of this urbanisation process. As such, the World Bank is complicit in undermining the Constitutional rights and protections of Indigenous communities through its support of this Scheme.

(c) Lack of information disclosure and community consultations

Besides the harmful impacts of the project on its customs, and physical cultural resources, the community is also aggrieved by the lack of information disclosure and consultation for this project. Documents pertaining to the [REDACTED] Scheme are not available on the World Bank info-shop. The community only got access to the Detailed Project Reports, and the Preliminary Design reports for the [REDACTED] Scheme after the [REDACTED] of another impacted village, [REDACTED], shared it with the [REDACTED]. The [REDACTED] got hold of these documents after going through a strenuous process under the Right to Information Act. World Bank management and the implementing authorities never consulted the [REDACTED] about this project. In [REDACTED], a team from the [REDACTED] came to the site in the village, for inspection. When members of the community asked them questions, the inspection team told them they were doing a soil examination. The team assured the community no construction would happen in the village without *Gram Sabha* consent.

Another [REDACTED] team visited the site [REDACTED]. This team came with machinery for the construction of the ESR. The community opposed any proposed construction and held protests. The administration again gave the community an assurance that no construction activity would take place without a *Gram Sabha* resolution and the team left.

Project documents confirm the lack of appropriate consultations in [REDACTED]. The Detailed Project Reports do not list any public consultations apart from the meetings of the Village Water and Sanitation Committees (VWSC). For the baseline Environmental and Social Assessments as well as the Tribal Development Plan, consultations were done at the [REDACTED] level and not for the [REDACTED] Scheme in particular.

(d) Invalid Gram Sabha Resolution

¹⁵*Id.*, at p.62.

██████████ is a Schedule V protected area under the Indian Constitution.¹⁶ The Panchayats (Extension to Scheduled Areas) Act, 1996 (“PESA”) applies to all rural Schedule V protected areas.¹⁷ Under PESA, any development scheme or welfare plan to be implemented in a Schedule V area, or any decision regarding common community resources, should be taken with the consent of the village *Gram Sabha*.¹⁸

The land on which they are constructing the ESR in ██████████ under the jurisdiction of the ██████████ is an independent *Gram Sabha* of ██████████. The land constitutes a common community resource for the village community. Therefore, a *Gram Sabha* resolution is a pre-condition for starting any development activity in the village.

In ██████████, traditional leaders from ██████████ were in Delhi to participate in a program on traditional governance. Taking advantage of the absence of traditional leadership, the construction work for the water tank started. The Indigenous residents of ██████████ have passed several resolutions opposing construction of an ESR in their village.

The community is profoundly disturbed by the World Bank’s support of a project that violates Indian law, especially laws designed to protect the rights of Indigenous people.¹⁹

(3) Violations of World Bank Policies

(a) Operational Policy on Environmental Assessment OP 4.01

(i) Erroneous Project Categorisation

Bank management has wrongly categorised this project as a category B project, which lowered the required level of environmental assessment. Under the World Bank Policy on Environmental Assessment, a proposed project is classified as Category A "if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works."²⁰ A potential impact is considered "sensitive" if it may be irreversible (for example, lead to loss of a major natural habitat) or raise issues covered by OP 4.04,

¹⁶ Scheduled Areas (State of Jharkhand) Order, 2007 available at <http://www.jharkhand.gov.in/documents/10179/2712021/Presidential%20Order%20for%20the%20Scheduled%20Areas%20of%20Jharkhand>, annexed as ANNEXURE H.

¹⁷ Schedule V refers to Fifth Schedule, Article 244(1) Constitution of India. See Part C, sub-part 6, Fifth Schedule. Available at: <https://www.mea.gov.in/Images/pdf1/S5.pdf>.

¹⁸ Section 4(e), Panchayats (Extension to Scheduled Areas) Act 1996, (*hereinafter* PESA) available at: <https://tribal.nic.in/actRules/PESA.pdf>, annexed as ANNEXURE I.

¹⁹ Section 4(e), PESA, ANNEXURE I, *id.*

²⁰ The Environmental and Social Safeguard Policies (*hereinafter* ESSP), OP 4.01, Environmental Assessment, ¶ 8(a).

Natural Habitats; OP/BP 4.10, Indigenous Peoples; OP/BP 4.11, Physical Cultural Resources or OP 4.12, Involuntary Resettlement.²¹

The [REDACTED] scheme is one of the many large multi-village schemes that are being implemented under the Project.²² In at least one state in which the Project is being implemented (i.e., Jharkhand), there will be wide-ranging impacts on Indigenous Peoples, including issues covered under OP/BP 4.10. Moreover, construction of large multi-village schemes requires infrastructure creation which often has diverse and wide-ranging impacts on ecology, human health and safety, resources, and rights of people. Furthermore, the Project envisages monetising access to drinking water for rural communities in India. This is likely to have unprecedented impacts on impoverished rural communities in all four states if they currently have free access to drinking water. Bank management did not adequately consider the serious adverse impacts of these multi-village schemes on the impacted communities and their physical cultural and water resources at the time of project screening.

The [REDACTED] Scheme, in particular, involves serious and multidimensional environmental concerns, as well as impacts on critical cultural and economic resources of Indigenous communities.²³ A large-scale infrastructure development project that has the potential to irreversibly destroy or damage a physical cultural resource, such as the martyrdom spot, must be considered a “sensitive” adverse environmental impact within the scope of the definition of a Category A project.

The impacts go beyond the physical structures in [REDACTED] and other villages. The [REDACTED] Scheme proposes to extract significant volumes of water from the [REDACTED] river, which is likely to have adverse impacts on the hydrology of the area. Most of the impacted villages are Indigenous villages where local bodies of water, like ponds and wells, form a key component of many cultural practices. Diversion of the water of the river, which feeds groundwater and other water reservoirs in the area, can have significant negative impacts on local bodies of water in these villages, thereby affecting the cultural practices and way of life of many Indigenous communities. The potential adverse impacts of the [REDACTED] Scheme on the hydrology of the region have the potential to be significant and irreversible.

Additionally, even though the World Bank is not directly funding the [REDACTED] Urban Agglomeration Plan, the reality is that the Bank-funded [REDACTED] Scheme is a key component of the proposed Urban Agglomeration Plan.²⁴ As described above, this Plan will adversely impact several Indigenous villages. The urbanisation of the rural areas around [REDACTED] will also significantly increase the run-off into the [REDACTED] rivers surrounding these areas.²⁵ The community fears that increased urban run-off to these rivers,

²¹ ESSP, OP 4.01, Environmental Assessment.

²² Project Information Document (PID) Concept Stage, p. 9, available at <http://documents.worldbank.org/curated/en/217221468771091447/pdf/PID0Print0P13217301025201201351185627617.pdf>

²³ See (2)(a) Harms caused to community’s physical cultural resources and traditions, (2)(b) Economic impacts and impacts on community autonomy, p. 5-6.

²⁴ Draft Master Plan [REDACTED], p.62, ANNEXURE G.

²⁵ [REDACTED]

accompanied by the mass abstraction of water from them, may lead to devastating impacts on the aquatic ecosystem, hydrology, hydro-geology, direction and nature of river flow, and erosion patterns.

Given the potential for diverse, large-scale, and unprecedented impacts on Indigenous communities in the region, the Scheme required a rigorous environmental assessment which should have been done as per Category A standards. The hydrology impacts alone of these large multi-village schemes should have required independent, internationally recognised hydrology experts as per the requirements of the Operational Policy on Environmental Assessment.²⁶

The Bank failed to do an adequate project screening, which in turn caused a failure to adequately assess the potential impacts of the RWSS-LIS and the various sub-projects under it. A proper and timely Category A Environmental Assessment for the [REDACTED] Scheme would have provided the necessary opportunity for the Bank to fully analyse risks and issues presented by the [REDACTED] Scheme, and to identify alternative approaches that would have minimised adverse impacts and maximised possibilities to restore and improve the environment.

(ii) *Inadequate Environmental Assessment*

The implementing authority did not do an adequate environmental assessment for the [REDACTED] component of the [REDACTED] Scheme, despite large-scale potential adverse impacts. The Baseline Environmental Assessment & Environmental Management Framework (“EA-EMF”) for the state of Jharkhand as a whole did not examine potential adverse impacts of sub-projects. Instead, it noted that for sub-projects, an Environment Data Sheet and categorisation into Category 1 or 2 was needed. In the case of Category 2 sub-projects, a detailed environmental appraisal was required.²⁷ There is no indication that these requirements were fulfilled in the case of the [REDACTED] Scheme. None of these documents are publicly available. We were told that when the [REDACTED] requested these documents through an RTI application, he was instead provided with the Detailed Project Reports and Preliminary Design Reports. The Detailed Project Reports for the [REDACTED] component does contain an environment study, however it is lacking on several fronts.

A large infrastructure project of this scale requires a comprehensive environmental assessment. The environment study done for the [REDACTED] component does not fulfil that requirement. The environment study wrongly concludes that the proposed structures will be on governmental land and will not impact private land.²⁸ It does not take into account the structures constructed on common community land. There has been no

industrialization and urbanization of rural land increases the amount of runoff into source water”, available at [REDACTED]

[REDACTED] annexed as ANNEXURE J.

²⁶ ESSP, OP 4.01, Environmental Assessment., ¶4.

²⁷ EA-EMF Report, p. 117.

²⁸ [REDACTED] Detailed Project Report (ANNEXURE D), p.43

assessment of the impacts of the [REDACTED] Scheme on Indigenous communities, their autonomy, and physical cultural resources. It does not assess the impacts of the [REDACTED] Scheme on the hydrology of the area. This study does not include an Environment Data Sheet or information about sub-project categorisation. It also fails to assess alternative ESR locations.

The apparent failure to conduct a proper environmental assessment is a clear violation of the World Bank's Safeguard Policy on Environmental Assessment. It indicates a failure on the part of Bank management to monitor sub-projects properly and ensure compliance with the World Bank's Safeguard Policies. The Bank's supervision of the DWSD, [REDACTED] was insufficient and wanting, and as such violates the requirements of OP 4.01.²⁹

(iii) Lack of a proper mechanism for sludge disposal

A water supply scheme of this level will generate enormous amounts of sludge. It is, therefore, concerning that neither the Detailed Project Report nor the Preliminary Design provide any indication as to where the sludge will be disposed. The Detailed Project Reports merely give a vague outline of the process for sludge disposal.³⁰ However, the environment study does not do an objective assessment of the sludge that will be produced through the [REDACTED] Scheme and the process for disposing it. Furthermore, the location where such sludge will be disposed of, has not been disclosed.

Residual sludge generated from water treatment processes can be toxic. It can have suspended solids, pathogens, and heavy metals. Such sludge, if not properly disposed of, can further contaminate the receiving waters and adversely impact aquatic ecosystems as well as water chemistry.³¹ Such sludge is also likely to have heavy metal residuals, which can be toxic to phytoplankton and zooplankton and to higher aquatic plant and animal species, including fish.³² The community fears that the use of chlorine for water treatment can lead to chlorine residuals in the sludge, which can be highly toxic.³³

Given the potentially alarming levels of toxicity in the discharged sludge, the Detailed Project Report and Preliminary Design Report should have discussed these risks and provided details about sludge disposal.³⁴ The fact that the reports lacked relevant and important information regarding sludge disposal should have been a cause of concern for the Bank. The Bank Task Team should have looked into these components before approving the reports. Even a rudimentary environmental assessment for a water treatment

²⁹ ESSP, OP 4.01, Environmental Assessment., ¶9.

³⁰ [REDACTED] Detailed Project Report (ANNEXURE D), p.55

³¹ [REDACTED], p. 10-2, 10-3, ANNEXURE J.

³² [REDACTED], p. 10-3, ANNEXURE J.

³³ [REDACTED], p. 10-4, ANNEXURE J.

³⁴ In the past, the Inspection Panel has found the Bank in violation of its policies for failure to properly address the issue of sludge disposal at the environment assessment stage. See Investigation Report-Colombia: Cartagena Water Supply, Sewerage and Environmental Management Project, June 24, 2005, p.44, available at: <http://documents.worldbank.org/curated/en/824481468770490508/pdf/320340ENGLISH01ationReport01PUBLIC1.pdf>

project must include details about the project's sludge disposal process, where such sludge will be disposed of, and the environmental feasibility of the same. Such an oversight by the Bank suggests that the scope and level of scrutiny employed by the Bank was deficient.

(iv) *Lack of Public Consultation*

Under the World Bank's Environment and Social Safeguard Policy ("ESSP"), the borrower is supposed to consult project-affected groups about the project's environmental impacts and take their views into account.³⁵ However, this Policy has been violated with respect to the [REDACTED] Scheme.

As described above, no proper consultation took place with the [REDACTED], [REDACTED] residents. The Jharkhand Baseline EA-EMF claims that it was developed through broad consultations across Jharkhand.³⁶ The scope of these consultations was to assess the existing status of water supply, sanitation, public health, and personal and environmental hygiene.³⁷ It seems these consultations did not make a rigorous attempt to understand the impacts of planned components of the Project on project-affected people. An environmental assessment as per the ESSP has to evaluate a project's potential environmental risks and impacts and examine project alternatives.³⁸ Public consultations related to an environmental assessment should, therefore, include consultations specifically regarding these aspects. The Bank should properly monitor and review the scope of an EA-EMF for all sub-projects, including scrutiny of the nature and extent of consultations.³⁹ The extremely narrow scope of the EA-EMF consultations falls short of the requirements for an EA-EMF and indicates a failure on the part of the Bank to appraise DWSD's work properly.⁴⁰

Little attempt has been made to take community views into account even though construction of a key component of the Scheme is happening on land to which the community has deep historical and cultural ties. The community believes that the [REDACTED] Scheme does not fulfil the ESSP's requirements for public consultations.⁴¹

(v) *Inadequate Information Disclosure*

The World Bank has failed to ensure fulfilment of its information disclosure requirements in this Project. Under World Bank policy, the borrower is supposed to provide relevant material in a timely manner prior to consultation and in a form and language understandable and accessible to project affected people.⁴² In the case of the [REDACTED] Scheme, the implementing authority never provided any documents to the community. There is also

³⁵ ESSP, OP 4.01, Environmental Assessment., ¶15.

³⁶ EA-EMF Report, p. 3.

³⁷ EA-EMF Report, p. 4.

³⁸ ESSP, OP 4.01, Environmental Assessment., ¶2.

³⁹ ESSP, BP 4.01, Environmental Assessment, ¶16.

⁴⁰ ESSP, OP 4.01, Environmental Assessment., ¶9.

⁴¹ ESSP, OP 4.01, Environmental Assessment., ¶14.

⁴² ESSP, OP 4.01, Environmental Assessment., ¶16.

no information about the Scheme on the World Bank's website. In fact, the World Bank's website only has documents for Jharkhand as a whole, which discuss the over-arching RWSS-LIS. The community, first realised the World Bank is funding the [REDACTED] Scheme through media reports. The information disclosure for the [REDACTED] Scheme falls far short of meeting the ESSP requirements.⁴³

(b) Operational Policy on Indigenous Peoples OP 4.10

The Bank's Indigenous Peoples Policy OP 4.10 applies to the [REDACTED] Scheme's implementation in [REDACTED]. Most of [REDACTED] population comprises of the *Santhal* and *Ho* Indigenous communities. The *Santhal* and *Ho* are impoverished communities in East and Central India that have suffered marginalisation because of rapid industrialisation at the cost of their ancestral land and resources. They identify as *Adivasis* and are recognised as Scheduled Tribes under the Constitution of India.⁴⁴ Both, *Santhal* and *Ho* communities have their own traditional governance, and decision-making structures, as well as cultural and spiritual practices that are distinct from mainstream practices. The *Santhal* traditional governance system is called the *Majhi Pargana Mahal* and the *Ho* traditional governance system is called *Munda-Manaki* system. The *Santhals* speak Santhali and members of *Ho* community speak Ho language. Based on these facts, it can be concluded that the *Santhal* and *Ho* residents of [REDACTED] are Indigenous communities for the purpose of the Indigenous Peoples Safeguard Policy.

Under the Policy, the Bank is supposed to ensure that Indigenous communities receive social and economic benefits in a culturally appropriate manner.⁴⁵ The lack of appropriate consultation, risks to important Indigenous resources and cultural and historical heritage, and the manner in which the ESR is being constructed on the community's common property resource is worrisome. The community believes that the Bank's actions with regard to planning and implementation of the RWSS-LIS, and specifically the [REDACTED] Scheme, disrespect and threaten the dignity, human rights, economy, and cultures of Indigenous Peoples.

(i) Lack of free, prior, and informed consultation

According to the Bank's Policy on Indigenous Peoples:

A project proposed for Bank financing that affects Indigenous Peoples requires⁴⁶:

⁴³ ESSP, OP 4.01, Environmental Assessment., ¶15.

⁴⁴ [REDACTED] Areas Regulation, available at: <http://www.jharkhand.gov.in/documents/10179/54299/List%20Of%20Caste%20And%20SubCast%20under%20CNT%20ACT>. Scheduled Tribes is a term that refers to tribal groups that are recognised as such by the Constitution of India.

⁴⁵ ESSP, OP 4.10, Indigenous Peoples, ¶1.

⁴⁶ ESSP, OP 4.10, Indigenous Peoples, ¶6.

- (a) screening by the Bank to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area...;
- (b) a social assessment by the borrower...;
- (c) a process of free, prior, and informed consultation with the affected Indigenous Peoples' communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project...;
- (d) the preparation of an Indigenous Peoples Plan...or an Indigenous Peoples Planning Framework...; and
- (e) disclosure of the draft Indigenous Peoples Plan or draft Indigenous Peoples Planning Framework...

Regrettably, the development of the [REDACTED] Scheme neglected most of these requirements. The communities in [REDACTED] were kept in the dark and excluded from the decision-making process for the implementation of the [REDACTED] Scheme. The community was not asked if they required piped water or how they wanted water supplied. According to the Tribal Development Plan prepared for Jharkhand, the Detailed Project Report was to be approved and consulted on at the habitation level.⁴⁷

The Indigenous communities in [REDACTED] takes all the decisions after rigorous consultation processes involving the whole *Gram Sabha*. [REDACTED], [REDACTED] residents, have passed numerous resolutions opposing the construction of the ESR at [REDACTED]”.⁴⁸ The community also raised their grievances with the Project through letters to local authorities.

Under the Policy on Indigenous Peoples, the Bank must undertake a screening to determine whether Indigenous Peoples have a collective attachment to project land.⁴⁹ It seems there was no such screening for the [REDACTED] Scheme. The Bank must consult with the affected Indigenous communities during the screening process,⁵⁰ but the [REDACTED] community was not consulted on any aspect of the [REDACTED] Scheme. This suggests that World Bank management failed to take steps to do a proper appraisal of risks to Indigenous communities.

The project documents do not disclose any attempts made to ascertain if the [REDACTED] Scheme has broad community support.⁵¹ According to the Tribal Development Plan for Jharkhand, self-selection by Indigenous communities from the habitation/village was supposed to be a central principle under the RWSS-LIS.⁵² However, in the case of the [REDACTED] Scheme, it has been forced upon the communities despite their vehement opposition.

⁴⁷ See IPE GLOBAL, Jharkhand Tribal Development Plan, March 2013, available at: <http://documents.worldbank.org/curated/en/153061468041654030/pdf/IPP6290v20P1320C0disclosed04050130.pdf> (hereinafter Tribal Development Plan), annexed as ANNEXURE K. p. 59.

⁴⁸ [REDACTED]

⁴⁹ ESSP, OP 4.10, Indigenous Peoples, ¶8.

⁵⁰ ESSP, OP 4.10, Indigenous Peoples, ¶8.

⁵¹ ESSP, OP 4.10, Indigenous Peoples, ¶11.

⁵² Tribal Development Plan, ANNEXURE K, p. 50.

As highlighted earlier, the [REDACTED] Scheme appears to be part of a larger process to urbanise constitutionally protected Indigenous areas. The Indigenous communities in the area do not require piped water supply. They have adequate access to water in their village free of cost. Instead, the demand for piped water is coming from irregular housing colonies of non-Indigenous communities that have emerged around [REDACTED] and other Indigenous villages, who have long been complaining about a shortage of water. Using their Indigenous ancestral resources, the [REDACTED] Scheme is neither wanted nor needed, but is being imposed on the [REDACTED] community. These facts show that a process of free, prior, and informed consultations did not take place.

The Tribal Development Plan for Jharkhand acknowledges that traditional governance institutional systems have substantial influence in Indigenous areas and that “people often have more faith in these than PRIs and VWSCs.”⁵³ The Tribal Development Plan recognises that “inclusion of traditional tribal institutions will be critical as they have substantial influence in their respective tribes.”⁵⁴ [REDACTED] village is organised under the *Majhi-Pargana* as well as the *Munda-Manaki* system. Yet, for the implementation of the [REDACTED] Scheme, the *Majhi-Pargana* and the *Munda-Manaki* systems were sidestepped.

(ii) *No assessment of the negative impacts of [REDACTED] Scheme on Indigenous community resources*

The World Bank Policy on Indigenous Peoples makes clear that even for large projects which have multiple sub-projects, if the screening of an individual program or sub-project indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or sub-project, the borrower must ensure that, before the individual program or sub-project is implemented, a social assessment is carried out, and an Indigenous Peoples Plan (IPP) is prepared.⁵⁵

The “issues for consideration” described in the Jharkhand Tribal Development Plan do not include issues arising out of community opposition to projects and their various components due to impacts on community resources.⁵⁶ Instead, they are limited to improving access to water and toilets. There is no indication that a social assessment was conducted to evaluate the [REDACTED] Scheme’s potential positive and adverse effects on Indigenous Peoples or “to examine project alternatives where adverse effects may be significant.”⁵⁷ In fact, the Baseline Social Assessment for Jharkhand makes an incorrect assessment that the program interventions will not impact Indigenous communities.⁵⁸ The World Bank Task Team appears to have overlooked these contraventions of the Safeguard Policy on Indigenous Peoples.

⁵³ Tribal Development Plan, ANNEXURE K, p. 9.

⁵⁴ Tribal Development Plan, ANNEXURE K, p. 10, 14.

⁵⁵ ESSP, OP 4.10, Indigenous Peoples, ¶14.

⁵⁶ Tribal Development Plan, ANNEXURE K, p. 40.

⁵⁷ ESSP, OP 4.10, Indigenous Peoples, ¶ 9.

⁵⁸ Tribal Development Plan, ANNEXURE K p.7.

As described in detail above, the ESR is being constructed on common community property of the community. This land has deep historical significance for the community and is deeply tied to their traditions and cultural practices. The [REDACTED] Scheme is also closely linked to the Jharkhand Urban Agglomeration Plan that threatens to fundamentally change the nature of this Indigenous area and convert it into an urban zone. Thus, the social assessment should assess the negative impacts of the Proposed Urban Agglomeration Plan as well.

(iii) *Absence of a mitigation plan to provide remedy for the negative impacts of the [REDACTED] Scheme on Indigenous communities*

OP 4.10 requires that where adverse impacts are unavoidable, the borrower must minimise, mitigate, or compensate for such effects.⁵⁹ The Detailed Project Report does not contain a mitigation plan to remedy the negative impacts that the [REDACTED] Scheme is likely to cause Indigenous communities, nor have they been compensated for the harm already caused. Moreover, after the completion of the scheme, the community will be forced to pay money to access water. The only mitigatory step undertaken by the Project implementing authorities was the construction of a statue of the martyrs as a replacement of the [REDACTED] (martyrdom site). However, no consultation was done with the community before placing these statues and razing the original martyrdom site. Had there been a consultation, the community would have been able to communicate it to the Project implementing authorities that their community does not believe in erecting statues.

(c) *Operational Policy on Physical Cultural Resources OP 4.11*

(i) *Impacts on physical cultural resources not taken into account in the project design*

The Bank's policy on Physical Cultural Resources requires a borrower to address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment process.⁶⁰ This is true even for projects involving sub-projects like the [REDACTED] Scheme.⁶¹ The Baseline and Impact Assessment should include: "(a) an investigation and inventory of physical cultural resources likely to be affected by the project; (b) documentation of the significance of such physical cultural resources; and (c) assessment of the nature and extent of potential impacts on these resources."⁶² The borrower is supposed to have extensive consultations with project affected groups for identifying physical cultural resources because they are often undocumented or unprotected by law.⁶³

In the [REDACTED] Scheme documents, there again is no indication that any steps were taken to identify physical cultural resources that will be impacted by the project. In the Concept

⁵⁹ ESSP, OP 4.10, Indigenous Peoples, ¶1, ¶12.

⁶⁰ ESSP, OP 4.11, Physical Cultural Resources, ¶4.

⁶¹ ESSP, OP 4.1, Physical Cultural Resources, ¶14.

⁶² ESSP, BP 4.11, Physical Cultural Resources, ¶ 8.

⁶³ ESSP, BP 4.11, Physical Cultural Resources, ¶ 7.

Stage ISDS for the Project, the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11.⁶⁴ Management's initial appraisal of the project design is weak and fails to adequately consider the true extent of impacts on physical cultural resources. The Baseline EA-EMF also concludes that no existing cultural property will be damaged.⁶⁵ However, the EA-EMF does envisage "possible damage to places of cultural, heritage and recreational importance" as a construction stage environmental impact.⁶⁶

As mentioned, the site of the ESR in [REDACTED] is a common cultural resource of the community. They use this space for various cultural practices including customary practices associated with [REDACTED] and the customary feast after [REDACTED]. It is also a memorial site in the memory of [REDACTED] men who gave their life for the struggle for Jharkhand's statehood. The impacts on the common community resources was not taken into account at any stage in the project.

(ii) No steps to mitigate the impacts on community cultural heritage

Bank policy requires the borrower to develop a physical cultural resources management plan if there are impacts on physical cultural resources. Such a management plan should include measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track the progress of these activities.⁶⁷ Even for projects involving sub-projects, the Bank is supposed to ensure implementation of mitigation measures and monitor them during project implementation.⁶⁸

However, the Environmental Management Framework developed under the Baseline EA-EMF does not provide any measures to avoid or mitigate impacts on physical cultural resources. The environment study for the [REDACTED] component of the Scheme does not consider impacts on physical cultural resources. As already mentioned, the supposed mitigatory step undertaken by constructing the statue of martyrs was done without any consultation with the community. The community does not believe in having statues. Bank management's supervision with respect to impacts on physical cultural resources has been especially lacking.

(4) Violations of Indian and International Law

The Bank Policy OP 4.01 on Environmental Assessment requires that the environmental assessment consider "the country's overall policy framework, [and] national legislation...related to the environment and social aspects..." and "identify matters pertaining to the project's consistency with national legislation or international

⁶⁴ Integrated Safeguards Data Sheet Concept Stage, ANNEXURE F.

⁶⁵ EA-EMF Report, p. B.

⁶⁶ EA-EMF Report, p. 89.

⁶⁷ ESSP, OP 4.11, Physical Cultural Resources, ¶ 9.

⁶⁸ ESSP, OP 4.11, Physical Cultural Resources, ¶ 14 read with OP 4.01, Environmental Assessment, ¶ 9.

environmental treaties and agreements.”⁶⁹

(a) Violation of Constitutional Provisions

Schedules V and VI of the Constitution of India provide for self-governance in tribal majority areas under Article 244.⁷⁰ The object of Schedule V is to preserve the autonomy, culture, and economic empowerment of Indigenous or tribal peoples to ensure social, economic, and political justice in the scheduled area.⁷¹ Clause 5(2) of Schedule V prohibits the state from transferring public/state land in Scheduled areas to non-tribals.⁷² The public policy rationale for this law is to preserve peace and safeguard the tribal way of life: if the Government transfers the public land to non-tribals, “peace would be disturbed, good governance in scheduled area would slip into the hands of the non-tribals who would drive out the tribals from scheduled area and create monopoly to the well-developed and sophisticated non-tribals...”⁷³

This makes clear that it is illegal and unconstitutional for the state to transfer land in [REDACTED] a recognised scheduled area, to a corporation for the construction and operation of a water treatment plant. In this case, [REDACTED] and [REDACTED], was given possession of the common community property.

(b) Violation of PESA and Jharkhand Panchayati Raj Act (“JPRA”)

Under PESA, any plan or proposal that is presented by the *Gram Panchayat* has to receive prior approval, after consultation, from the *Gram Sabha*.⁷⁴ The *Gram Sabha* has the power to safeguard community resources.⁷⁵ Its powers include managing natural resources like land, water, and forest falling within the limits of the village area.⁷⁶

However, as mentioned above,⁷⁷ for the [REDACTED] Scheme, valid *Gram Sabha* approval has not been provided in [REDACTED]. The Detailed Project Report shows that letters have been obtained from various VWSCs through the elected Panchayat head. The PESA requirement is a resolution from the whole *Gram Sabha*, i.e. all adult members in a village who are on electoral rolls and not just the VWSC.

⁶⁹ ESSP, OP 4.01, Environment Assessment, ¶ 3.

⁷⁰ Constitution of India, Art. 244.: “Administration of Scheduled Areas and Tribal Areas (1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam Meghalaya, Tripura and Mizoram.”

⁷¹ *Samatha vs State Of Andhra Pradesh And Ors.*, 11 July, 1997, Appeal (civil) 4601-02 of 1997, available at <https://indiankanoon.org/doc/1969682/>.

⁷² Clause 5(2) Fifth Schedule, Article 244(1) Constitution of India, read with *Samatha vs State of Andhra Pradesh And Ors.*

⁷³ *Samatha vs State Of Andhra Pradesh And Ors.* *Supra* FN 73.

⁷⁴ Section 4 (e)(i), PESA, ANNEXURE I.

⁷⁵ Section 4 (d), PESA, ANNEXURE I.

⁷⁶ S. 4(j), (m), ANNEXURE I; S. 10(xi), Jharkhand Panchayati Raj Act, ANNEXURE B.

⁷⁷ *See 2(d) Invalid Gram Sabha ResolutionInvalid Gram Sabha Resolution*, p.7.

It is worrying that a World Bank-funded scheme is violating domestic legislation meant for the protection of Indigenous communities and that Bank management has failed to adequately monitor compliance with safeguards and local laws by the borrower.

(c) Violation of the Polluter Pays Principle

The “polluter pays” principle is a well-accepted general principle of international law and is codified in international instruments.⁷⁸ The principle is now also part of Indian environmental jurisprudence.⁷⁹ The principle holds that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment.

It is well-documented that [REDACTED] and its surrounding areas have suffered considerable environmental degradation because of industrialisation and intense mining, including uranium mining.⁸⁰ The Baseline EA-EMF for Jharkhand acknowledges this environmental degradation,⁸¹ noting that “metallic and dissolved toxic wastes from [REDACTED], [REDACTED] and radioactive wastes from the uranium mill and tailings ponds of the [REDACTED] and its tributaries.”⁸²

The Indigenous communities in the region have tried to preserve their water and land resources despite this rapid industrialisation. Yet, the [REDACTED] Scheme will in effect put the burden on the Indigenous communities, instead of the polluters, by making communities pay for access to drinking water, which is presently free. This is not consistent with the polluter pays principle.

(5) Prior Attempts to Resolve Problems with the World Bank

On behalf of the [REDACTED] [REDACTED] sent a letter to the then World Bank Task Team leader, [REDACTED] by electronic mail dated [REDACTED] raising various grievances of the community

⁷⁸ Principle 16, Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (vol. I); 31 ILM 874 (1992).

⁷⁹ Indian Council For Enviro-Legal Action Etc. vs Union Of India & Ors, 1996 AIR 1446, February 13, 1996, available at: <https://indiankanoon.org/doc/1818014/>; Vellore Citizens Welfare Forum vs Union Of India & Ors, AIR 1996 SC 2715, August 28, 1996, available at: <https://indiankanoon.org/doc/1934103/>. See also Satish C. Shastri, ‘The Polluter Pays Principle’ and the Supreme Court of India, Journal of the Indian Law Institute, 42 JILI (2000) available at: http://14.139.60.114:8080/jspui/bitstream/123456789/17813/1/027_The%20Polluter%20Pays%20Principle%20and%20the%20Supreme%20Court%20of%20India%20%28108-116%29.pdf?source=app.

⁸⁰ See, e.g., [REDACTED], 2016 available at [REDACTED].

⁸¹ EA-EMF Report, p. C.

⁸² EA-EMF Report, p. 86.

⁸³ Chain of e-mails between [REDACTED] and World Bank Management, p. 1/12, annexed as ANNEXURE M.

regarding the [REDACTED] Scheme. [REDACTED] forwarded the letter to the current Task Team Leader, Mr. [REDACTED].⁸⁴

A team of individuals led by [REDACTED], [REDACTED], visited the [REDACTED] without notice on [REDACTED]. The [REDACTED] shared all the concerns of the community with [REDACTED]. While acknowledging those concerns, [REDACTED] told the [REDACTED] that there is not much that can be done at this stage since construction is almost complete and the [REDACTED] should try to explain that to the community.

In an electronic mail dated [REDACTED] [REDACTED] stated that he had forwarded the community letter to the [REDACTED]. [REDACTED] The management is trying to organise a visit to the communities.⁸⁶ However, so far no tangible steps have been taken to solve the issues raised.

[REDACTED] community's issues regarding the [REDACTED] Scheme, which concern their autonomy as an Indigenous community, culture, and economic resources, remain unresolved. Despite repeated attempts to reach out to World Bank management, the response has been inadequate. Meanwhile, construction of the ESR continues.

(6) Requested Next Steps

[REDACTED], requests that the Inspection Panel conduct an immediate investigation to confirm the violations of Bank policy described above. The Complainants trust that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. The Complainants strongly urge the World Bank to:

- (i) Immediately stop disbursements to the RWSS-LIS and all construction activity on the [REDACTED] Scheme, until such time that affected communities have been fully informed and consulted about the details of the [REDACTED] Scheme, including its impacts, remedy, and mitigation measures, and an independent analysis of alternative designs, in which the rights and needs of our community are made the priority. The [REDACTED] Scheme in its current form is violating World Bank policies, as well as Indian and international law. Therefore, it should not be allowed to proceed further the way it is;
- (ii) Conduct a comprehensive environmental impact assessment of the [REDACTED] Scheme, including a social assessment as well as an assessment of the impacts of the [REDACTED] Scheme on Indigenous populations;

⁸⁴ *Id.* at p. 1/12, ANNEXURE M.

⁸⁵ *Supra*, FN 83, p. 2/12..

⁸⁶ *Supra*, FN 83, p. 3/13-12/12.

- (iii) Appoint an independent hydrology expert to look at cumulative hydrological impacts of the [REDACTED] Scheme, as well as other schemes that have been implemented in [REDACTED] and surrounding areas under RWSS-LIS;
- (iv) Once prepared, translate all assessment documents into Hindi and Santhali and disclose them through culturally appropriate consultations with our community, as well as other project affected communities;
- (v) Allow us, as affected people, to participate in the analysis and decision-making process for possible alternatives. The ESR should be removed, and our [REDACTED] restored to its original state. If it is environmentally feasible, the [REDACTED] Scheme could be implemented in alternative sites to benefit communities that actually require water, rather than imposing it on our community, which has preserved its water resources despite various challenges;
- (vi) Conduct all future baseline studies and monitoring reports with full transparency and participation of affected communities and make the results public.

Please note we are attaching a Hindi translation of this supplement, however, please treat the English version as authoritative.

Please do not hesitate to contact us through [REDACTED] with any questions you may have. Please send correspondence to [REDACTED] in both the Hindi and English languages via [REDACTED]. Please also copy all communications to our advisor and supporter [REDACTED] [REDACTED] [REDACTED] [REDACTED]

We look forward to hearing from you.

Sincerely,

[REDACTED] (See ANNEXURE A for a list of complainants)

Attachments to the Request for Inspection
(Available upon request to the Inspection Panel)

Annex A: Gram Sabha Resolution

Annex B: Jharkhand Panchayati Raj Act

Annex C: Detailed Project Report - Bagbera

Annex D: Detailed Project Report - Chhotagovindpur

Annex E: Newspaper Article- The Telegraph India – Site recce for Water Project

Annex F: Integrated Safeguards Data Sheet – Concept Stage

Annex G: Jamshedpur Urban Agglomeration – Draft Proposal

Annex H: The Gazette of India Notification – Scheduled Area

Annex I: The Provisions of the Panchayats (Extension to the Scheduled Areas) Act- PESA

Annex J: WTP Report- EPA- Drinking Water Treatment Plant Residuals Management
Technical Report

Annex K: Jharkhand Tribal Development Plan

Annex L: Community Resolutions against the Construction of Project

Annex M: Email Exchange

Annex 3

Management Response First Request for Inspection

**MANAGEMENT RESPONSE TO
REQUEST FOR INSPECTION PANEL REVIEW OF THE
INDIA: RURAL WATER SUPPLY AND SANITATION PROJECT FOR LOW INCOME
STATES (P132173)**

Management has reviewed the Request for Inspection of the India: Rural Water Supply and Sanitation Project for Low Income States (P132173), received by the Inspection Panel on September 21, 2018 and registered on November 5, 2018 (RQ18/06). Management has prepared the following response.

December 10, 2018

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Annexes

Annex 1. Claims and Responses

Annex 2. Project Consultation Process - Documentation

Annex 3. Scheme Synoptic, Maps, Photos

Annex 4. Project Timeline

Map

Map 1. IBRD No. 44042

ABBREVIATIONS AND ACRONYMS

ASHA	Accredited Social Health Activist
BP	Bank Procedure
CB	Chhotagovindpur and Bagbera
DBOT	Design-Build-Operate-Transfer
DPMU	District Project Management Unit
DPR	Detailed Project Report
DWSD	Drinking Water and Sanitation Department (Jharkhand)
EA-EMF	Environmental Assessment-Environmental Management Framework
EDS	Environmental Data Sheet
EMP	Environmental Management Plan
GoI	Government of India
GP	Gram Panchayat
IDA	International Development Association
IEC	Information, Education, Communication
IPN	Inspection Panel
LIS	Low Income States
MVS	Multi-Village Scheme
NOC	No Objection Certificate
NRDWP	National Rural Drinking Water Program
O&M	Operation and maintenance
OP	Operational Policy
PESA Act	Panchayat Extension to Scheduled Areas Act
RWSS	Rural Water Supply and Sanitation
RWSSP	Rural Water Supply and Sanitation
SDO	Sub-Divisional Officer
SMF	Social Management Framework
SPMU	State Project Management Unit
SSP	Sr. Superintendent of Police
SVS	Single Village Scheme
TDIP	Tribal Development Implementation Plan
TDP	Tribal Development Plan
UP	Uttar Pradesh
VWSC	Village Water and Sanitation Committee
WSC	Water and Sanitation Committee
WTP	Water treatment plant

Currency Unit

As of November 27, 2018

US\$1.00 = INR70.87

INR 1 = US\$0.014

EXECUTIVE SUMMARY

The Project

- i. **Development Objective.** The development objective of the India: Rural Water Supply and Sanitation Project for Low Income States Project (RWSSP-LIS) is to improve piped water supply and sanitation services for selected rural communities in four low income states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh. The Project currently supports rural water supply and sanitation programs in 33 districts in the four states and is expected to directly benefit about 7.8 million rural people, including tribal populations and about 3.8 million women.
- ii. The RWSSP-LIS is the first large project in the low-income states that aims to improve access to sustainable water and sanitation services for the rural poor, using a decentralized approach to ensure inclusion and equity. The Project targets states with a very low level of access to tap-supplied drinking water; as of the 2011 census, tap water coverage is only 3.7 percent in Jharkhand, the state concerned by the Request, compared to 32 percent for the country as a whole.
- iii. **Components.** The Project is supported by a US\$500 million IDA Credit. It has four components, including capacity building and sector development; infrastructure development; project management support; and contingency emergency response. *Component B: Infrastructure Development* (US\$860 million total; IDA contribution US\$430 million) supports investments for improving water supply and sanitation coverage, including construction of new infrastructure and rehabilitation and augmentation of existing schemes. Multi-Village Schemes (MVSs), which mainly rely on surface water sources, are developed for large service areas encompassing habitations where local water sources are not sustainable or not of acceptable quality. The Project is currently implementing 551 drinking water schemes, of which 184 are in Jharkhand (182 single village schemes, or SVSs, and two MVSs). The two MVSs in Jharkhand, Chhotagovindpur and Bagbera, are together designed to supply a total of 445,000 rural people across 38 Gram Panchayats (GPs) with 24/7 piped water supply.
- iv. **Project Status.** The Project was approved by the Bank's Board on December 30, 2013 and is scheduled to close on March 31, 2020. The Project has disbursed 22 percent.

Request for Inspection

- v. On November 5, 2018, the Inspection Panel registered a Request for Inspection (IPN Request RQ18/06) concerning the Project. The Request was submitted by 104 Santhal tribal community members from a village in the State of Jharkhand. The Request relates to the construction of the water treatment plant (WTP) for the Bagbera MVS, which is being built (now 65 percent complete) in the vicinity of Giddhi Jhopri, one of four tribal habitations of the Madhya Ghaghidih GP. The Requesters allege, among other things, that they have not been appropriately consulted regarding the selection of the WTP site on government land and that the assessment of the site, which they have been using for a number of community functions, was insufficient. They further allege that environmental impacts of the construction and operation of the WTP have not been sufficiently studied. The Request demands a stop to construction and the removal of the WTP.

Management Response

- vi. Management has carefully reviewed the claims that were raised in the Request, which were also raised in two separate communications to the Bank in April and June 2018. Management requested the Project Management Unit to follow up on the concerns and in October and November 2018 Management met with the Requesters and the community to better understand their concerns and discuss ways to address them. ***Based on its own review and site visits, Management has concluded that there have been shortcomings with regard to compliance with Bank safeguard policy requirements in the implementation of the Project component involving construction of the WTP in the vicinity of Giddhi Jhopri.*** These shortcomings pertain to weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, non-objection to the initiation of works ahead of an approved Environmental Management Plan (EMP), and failure to apply the Bank's policy on Physical Cultural Resources (OP 4.11).
- vii. ***Consultations for scheme site selection.*** Management notes that there were significant efforts by the Project and by state and district authorities to ensure consultations among affected communities with respect to the decision to develop the Bagbera MVS and its design. The decision to construct the scheme was driven by strong demand across the 17 participating GPs. Continuing local demand is evidenced by the number of households that have opted to participate in the scheme to obtain clean and safe drinking water.
- viii. Management acknowledges, however, that there appear to have been weaknesses in consultation and its documentation at the level of Giddhi Jhopri habitation. The selection of the current WTP site was duly endorsed by the responsible GP of Madhya Ghaghidihi on February 6, 2016. However, the residents of Giddhi Jhopri habitation were not represented in this Gram Sabha. There are conflicting accounts regarding whether or not Giddhi Jhopri inhabitants were formally invited. While the Request states that Giddhi Jhopri inhabitants were not invited, representatives of the other habitations claim that all habitations were invited. Management does not have independent evidence to confirm one way or another.
- ix. Management also notes that District Project Management Unit (DPMU) and district officials carried out three subsequent consultations with Giddhi Jhopri community members at the WTP site in an effort to discuss and address their concerns. However, despite these efforts, it is evident that significant disagreement between some community groups persist and that some members of the community have objections to the siting of the WTP. It is also apparent from various media accounts that other members of the community are in favor of the WTP and have been concerned by the delays in the construction process. Given these differences and the weaknesses in documentation of the consultation process, Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.
- x. ***EMP preparation and consultations.*** In line with the Project's Environmental Assessment-Environmental Management Framework (EA-EMF), the responsibility to develop the EMP rests with the district government. In the case of MVSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government authorities. As per agreed implementation procedure, however, a draft EMP should have been enclosed in the Detailed Project Report (DPR) to inform the bidding process, in addition to the Environmental Data Sheet (EDS, also required under the EA-EMF). This was not done, and the Bank missed an opportunity to ensure that it was developed before providing its "no objection" as part of the procurement process of the contract for the MVSs.

- xi. A single EMP for the Chhotagovindpur and Bagbera schemes was prepared by the contractor. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. The Project agreement between the Bank and the Government of Jharkhand also requires that scheme-specific EMPs be submitted to the Bank for prior review and approval. In this case, this requirement was not met and Management acknowledges that the Bank did not follow up to ensure compliance.
- xii. ***Management acknowledges that no consultations with the directly impacted habitations took place for the preparation of the scheme-specific EMP, prior to its approval by district authorities.*** While district authorities, the DPMU, and the contractor met three times with the Giddhi Jhopri community at the proposed WTP site to discuss the upcoming works, these discussions were not properly recorded through minutes and attendance sheets, which did not satisfy the requirements. Management acknowledges that the EDS and EMP have not been publicly disclosed to date.
- xiii. ***Management further acknowledges that the scheme-specific EMP should have been finalized prior to the start of the works in July 2016.*** The contractor prepared the scheme-specific EMP and submitted a draft EMP to the DPMU for approval on July 23, 2015. However, the EMP was not finalized before the start of the civil works in July 2016. A revised EMP was submitted on May 26, 2017, which reflected a change in the WTP site (2016) and a change of intake site (February 2017). This EMP is currently being updated to address identified weaknesses.
- xiv. These shortcomings in consultations also appear to have contributed to distrust and opposition by some members of the Giddhi Jhopri community. These were exacerbated by incorrect assumptions that (i) the Project is part of a broader plan to annex the tribal areas into Jamsshedpur; (ii) the Project will negatively impact the volume of local water sources; and (iii) these local water sources that are now used by the community for free would no longer be available without charge.
- xv. ***Physical Cultural Resources.*** Management acknowledges that OP 4.11 was not applied to the Project but notes that efforts were made by the State and District PMUs to achieve objectives consistent with those of the policy. Prior to the start of works, there were discussions between district authorities, the contractor and local residents. These latter expressed concern about the WTP's impact on places of cultural and religious significance to them, and this led the district authorities to modify the WTP's footprint to avoid disturbing these places. Management will ensure that OP 4.11 is applied to the Project as part of an upcoming restructuring.
- xvi. ***Environmental concerns.*** The Requesters raised two main environmental concerns: (i) impact on groundwater level; and (ii) potential contamination in the sludge generated by the operation of the WTP. Management notes that no impacts from the WTP on the groundwater levels in Giddhi Jhopri are expected. The water intake point is too far away, and the amount of water abstracted is negligible compared to the flow of the Subarnarekha River, from which the water will be drawn. With regard to sludge from the WTP, the analysis performed at the WTP water intake shows very low levels of heavy metals in the raw water, which suggests that the sludge should not be considered as a toxic waste. District authorities have been requested to advise the contractor on an appropriate sludge discharge site.
- xvii. Management notes that the Request also raises issues pertaining to the Indian Constitution and laws, about which the Bank is not competent to respond. Some concerns also go beyond the

scope and objective of the Project, such as the concerns about expansion of Jamshedpur's city limits.

- xviii. ***Management regrets the shortcomings in Project design and implementation support and is working closely with the Borrower, state and district authorities to help address the issues.*** Management has reviewed the demand in the Request that construction be stopped and the WTP removed. Based on the information available to it, Management has determined that, while broad community support cannot be confirmed, many members of the community have expressed interest in benefitting from the clean water supply that will be delivered by the Project, including members from the Giddhi Jhopri habitation. Furthermore, in Management's view, stopping Project works could pose risks of (i) retaliation against those opposing the scheme from the larger GPs that are supportive of and expecting the scheme to begin providing piped water soon; (ii) loss of employment by community members employed by the scheme; and (iii) safety hazards resulting from leaving the site idle at an advanced stage of construction. Management is committed to support the Government of Jharkhand in discussing options with the concerned community to achieve a satisfactory resolution.

- xix. Management commits to the following specific actions:

In direct response to community concerns:

- By mid-January 2019: Management will support the Government of Jharkhand to consult with the Giddhi Jhopri on the Bagbera MVSs with the aim to better understand their concerns and to identify and agree on possible compensatory measures to address Project related impacts. Management will hire experts in anthropology and cultural heritage with local experience to assist in this process. The compensatory measures may include support for the following:
 - ensuring access to the hilltop site (outside WTP perimeter);
 - establishing new congregation / cremation areas;
 - relocating or constructing replacement shrines;
 - ensuring access to and preservation of traditional plants for community use;
 - undertaking an assessment of physical cultural resources, including steps to preserve/salvage/relocate any such resources identified;
 - undertaking reburial of mortal remains if any are found;
 - retaining red mud soil excavated from the WTP site for the community's use, as was requested;
 - providing other culturally appropriate benefits to the community.
- By end-January 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and Chhotagovindpur MVSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution and water tariffs, in addition to responding to people's queries.

- By end-December 2018: Management will complete a review of the draft updated EMP for the Bagbera and Chhotagovindpur MVSSs, which the DPMU has committed to submit to the Bank for review by mid-December 2018.
- By end-January 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP will also reflect the feedback from the above-cited detailed consultations with the Giddhi Jhopri community.
- By end-January 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP.

To address overall project shortcomings:

- By end-December 2018: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor.
- By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance for the Category 2 schemes supported by the Project and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Bagbera and Chhotagovindpur MVSSs and any remedial action pertaining to these MVSSs will be addressed before the respective WTP starts operation.
- By end-February 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure appropriate monitoring of EMP implementation, staffing, and application of safeguards instruments.
- By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them.
- By end-February 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects.

I. INTRODUCTION

1. On November 5, 2018, the Inspection Panel registered a Request for Inspection, IPN Request RQ18/06 (hereafter referred to as “the Request”), concerning the India: Rural Water Supply and Sanitation Project for Low Income States (RWSSP-LIS, P132173), financed by the International Development Association (the Bank).

2. **Structure of the Text.** The document contains the following sections: Section II presents the Request; Section III provides background information on the Project, and Section IV contains Management’s response. Annex 2 is documentation on the Project consultation process, including photos and video links. Annex 3 contains photographs, a map and other graphic documentation of the local government structure and Project site. Annex 4 presents a timeline of Project related events.

II. THE REQUEST

3. The Request for Inspection was submitted by 104 Santhal tribal community members from a village in the State of Jharkhand, India (“the Requesters”). The Requesters have asked for confidentiality.¹

4. The Request relates to the construction of the water treatment plant (WTP) for the Bagbera Multi-Village Scheme (MVS), which is being built in the vicinity of Giddhi Jhopri, one of four tribal habitations of the Madhya Ghaghidi Gram Panchayat (GP, rural government). The Requesters allege, among other things, that they were not appropriately consulted regarding the selection of the WTP site on government land which they have been using for a number of community functions, and that the assessment of the site was insufficient. They further allege that environmental impacts of the construction and operation of the WTP have not been sufficiently studied. The Request demands a stop to construction and the removal of the WTP.

5. No further materials were received by Management in support of the Request.

III. PROJECT BACKGROUND

6. **Project Objectives.** The Project development objective is to improve piped water supply and sanitation services for selected rural communities in target (low-income) states through decentralized delivery systems and to increase the capacity of the participating states to respond promptly and effectively to an eligible crisis or emergency.

7. **Project Components.** The US\$500 million Project is to be implemented over a six-year period. It supports the implementation of the National Rural Drinking Water Program (NRDWP)

¹ Management notes that while the Requesters asked the Inspection Panel for confidentiality, the Requesters also raised the same claims in two separate communications directly to the Bank in April and June 2018. Therefore, the text of the Request on which this response is based is not the redacted version that accompanied the Notice of Registration but that received directly from the Requesters.

of the Ministry of Drinking Water and Sanitation, Government of India (GoI) for improving piped water and sanitation coverage nationwide. The Ministry has prioritized the Bank Project to support NRDWP implementation in four low income states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh (UP). These states were selected based on: (i) low levels of rural piped water coverage; (ii) water quality problems; and (iii) number of districts afflicted with Acute Encephalitis Syndrome and Japanese Encephalitis. The Project comprises the following components:

- (a) *Component A: Capacity Building and Sector Development (Cost US\$93 million; IDA contribution US\$46 million).* This component supports the building of institutional capacity for implementing, managing and sustaining Project activities, along with sector development studies to inform policy decisions.
- (b) *Component B: Infrastructure Development (Cost US\$860 million; IDA contribution US\$430 million).* This component supports investments for improving water supply and sanitation coverage, including construction of new infrastructure and rehabilitation and augmentation of existing schemes. Water supply investments include water source strengthening and catchment area protection activities. Most habitations (sub-GP-level hamlet) are served by Single Village Schemes (SVS) using local groundwater sources. Multi-Village Schemes (MVSSs), mainly relying on surface water sources, are developed for large service areas encompassing habitations where the local source is either not sustainable or not of acceptable quality. The sanitation component supports the Swachh Bharat Mission-Gramin (Rural), which is the rural part of the Clean India Campaign, through activities including soak-pits, drain and lane improvements, and community awareness programs for improving sanitation and hygiene practices. The Project promotes 24/7 and metered water supply and the introduction of the use of solar energy in the RWSS sector.
- (c) *Component C: Project Management Support (Cost US\$47 million; IDA contribution US\$24 million).* This component includes Project management support to the various entities at the national, state, district, and village levels for implementing the Project, including staffing, consultancy and equipment costs, and internal and external financial audits.
- (d) *Component D: Contingency Emergency Response (Cost US\$0 million).* Following an adverse natural event that causes a major natural disaster, the Government may request the Bank to re-allocate Project funds to support emergency response and reconstruction. This component has not been mobilized to date.

8. The Project has a Grievance Redress Mechanism in place at the national level; all state-level PMUS (SPMUs) use multiple modes of grievance redress. In Jharkhand, people can submit their grievances through a toll-free number, through a website² or verbally or in writing to the Village Water and Sanitation Committee (VWSC), the Mukhiya or the Jal Sahiya.³ However, the

² State level GRM through toll-free number (181) or website <http://cmjansamvad.jharkhand.gov.in/>

³ Jal Sahiya are women volunteers selected from the community to work on water and sanitation, often helping the VWSCs.

State-level GRM is new and not well known in rural areas and local GRMs are insufficiently monitored and coordinated.

9. **Project Financing.** The Bank is providing half of the funding for the Project. The counterpart funds are being provided as follows: GoI US\$330 million from the NRDWP, participating states US\$162 million in matching funds, per NRDWP guidelines, and community contributions of US\$8 million). To demonstrate ownership for the schemes, participating households will contribute a one-time “community contribution” towards capital costs in the amount of Rs450 (US\$6.40) or Rs225 (US\$3.20) for Scheduled Caste or Scheduled Tribe households. A minimum monthly operation and maintenance (O&M) tariff of Rs62 (US\$0.90) will be charged; GPs have the discretion to charge more. Participation in the scheme is voluntary at the community and household levels.

10. **Project Status.** The Project was approved by the Bank's Board on December 30, 2013. It is scheduled to close on March 31, 2020. The Project has disbursed 22 percent of the funds to date. The Bank performed its 9th Implementation Support Mission in October 2018. The Project is currently implementing 551 drinking water schemes: 529 SVSs and 22 MVSs, of which 182 SVSs and 2 MVSs are in the State of Jharkhand. The 182 SVS are about 75 percent completed. The two MVSs are Chhotagovindpur (85 percent completed) and Bagbera (65 percent completed). These two distinct MVSs are implemented through a single US\$32 million Design, Build, Operate and Transfer (DBOT) contract for their construction. Jointly, the two MVSs are designed to supply a total of 445,000 rural people across 38 GPs with 24/7 piped water supply, consistent with Project design for all MVSs. The Bagbera MVS is expected to supply over 100,000 rural people across 17 GPs. The Chhotagovindpur MVS is expected to begin operations in December 2018 and the Bagbera MVS by March 31, 2019.

11. **Project Beneficiaries.** The Project currently supports rural water supply and sanitation programs in 33 districts in Assam, Bihar, Jharkhand, and UP, and is expected to directly benefit about 7.8 million rural people, including tribal populations and about 3.8 million female beneficiaries. The Project will improve the “access and usage” of the water supply and sanitation facilities created in the Project area. Women and children will benefit significantly from the Project interventions as they currently bear a disproportionate burden of securing daily water supplies and dealing with illnesses resulting from poor water and sanitation facilities. The rural population is expected to benefit from Information-Education-Communication (IEC) and Behavior-Change-Communication (BCC) programs, which will promote the adoption of improved sanitation and hygiene practices, including latrine usage. Rural women will be empowered to have voice and choice through membership in the Water and Sanitation Committees (WSCs) to be created to monitor water scheme implementation and operation.

12. **Project Context.** The Request relates to the construction of the WTP for the Bagbera MVS. The plant will process water drawn from the Subarnarekha river, 14.5 km away from the plant site, and will supply a service area located in the vicinity of the city of Jamshedpur (population 1.34 million, as of 2011 census), the main town of the East Singhbhum district and the largest urban agglomeration in Jharkhand. Jamshedpur has a continuous water supply (also known as “24x7”) in a substantial part of the city; the water supply scheme under the RWSSP-LIS was conceived to provide water to unserved rural areas, which have been asking to receive the same level of services for their communities.

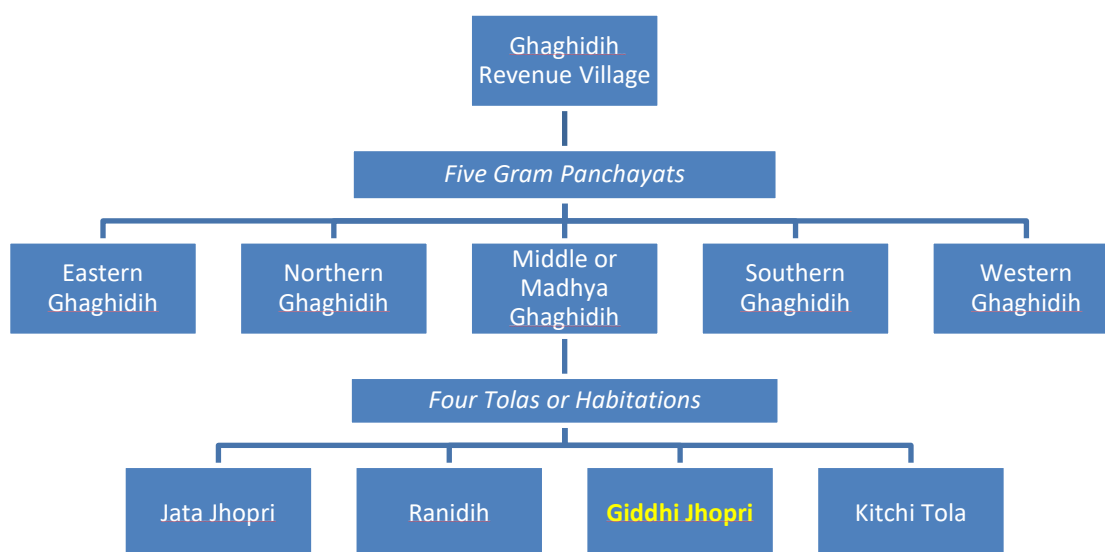
13. ***Addressing the Low Level of Access to Drinking Water and Sanitation in the Project States.*** The RWSSP-LIS is the first large project in the low-income states that aims to improve access to sustainable water and sanitation services for the rural poor, using a decentralized approach to ensure inclusion and equity, promoting a high level of service through house connections and introducing new management models for service delivery. This Project has targeted the most underdeveloped and low-income states with a very low level of access to tap-supplied drinking water. As per the 2011 census, tap water coverage was only 2.6 percent in Bihar, 3.7 percent Jharkhand, 6.8 percent in Assam and 20.2 percent UP, whereas coverage in the country as a whole was more than 32 percent. Bihar, Jharkhand and UP also lagged significantly in sanitation, as more than 75 percent of rural households lacked access to latrines on their premises.

14. Groundwater in many locations in Jharkhand has levels of arsenic, iron, fluoride and nitrates that are detrimental to human health. Poor water quality, including fluoride and iron contamination, is one of the major concerns of local communities. Groundwater in the Jamshedpur area shows iron and nitrate contamination, and isolated cases of radioactivity.

15. ***This Project is promoting 24/7 piped water services to rural areas where such services are now non-existent.*** It targets poor populations, areas where water sources are contaminated, and areas with high tribal populations. The MVSS introduce a new service level in rural areas, with 24/7 availability, water meters, and a new management model, based on public-private partnerships for design, construction and O&M for a period of five years. At the state level, the Project is supporting the state government in putting in place policies for sustainable O&M of water supply and sanitation in rural areas.

16. ***Local Context of the WTP site.*** For purposes of this Management Response, it is important to understand the hierarchy of settlements in the Project area. As noted above, the WTP that will supply the Bagbera MVSS is being built on government land in the vicinity of Giddhi Jhopri and other habitations, the inhabitants of which use the land for various purposes. The Giddhi Jhopri habitation is part of the Madhya Ghaghidih GP, one of the five GPs within the Ghaghidih revenue village. The GPs, which are the rural local governing bodies, have at least 5,000 inhabitants each.

17. According to district statistics, the population of the Madhya Ghaghidih GP is about 45 percent tribal. Within Madhya Ghaghidih, there are four Santhal tribal communities, called habitations, namely Giddhi Jhopri, Ranidih, Jata Jhopri and Kitchi Tola. While Figure 1 below shows the structure of the Ghaghidih revenue village, the WTP supported by the Project will actually serve a total of 17 GPs, including the five GPs of the Ghaghidih revenue village.

Figure 1. Organigram of Ghaghidih Revenue Village Structure

18. ***Safeguard Approach of the Project.*** The Project is categorized as a Category B project. Five World Bank safeguard policies were determined to be applicable to the Project. Of particular relevance to the Request are OP 4.01 on Environmental Assessment and OP 4.10 on Indigenous Peoples. OP 4.11 on Physical Cultural Resources was not applied to the Project as the Environmental Assessment–Environmental Management Framework (EA-EMF) for Jharkhand (see below) or any of the other three states did not identify any project-induced risks or impacts related to the presence of physical cultural resources As discussed below in paragraph 47, Management is now of the view that OP 4.11 should have been applied to the Project.

19. To date, the Project includes a total of 551 piped water schemes across the four states, in what is referred to as Batch I schemes (to be followed by 500+ Batch II schemes that are under implementation or bidding stage). Given the large number of schemes and the fact that most of them had not yet been identified at the time of Project preparation, the Project was designed using a framework approach for safeguards. For each of the participating states, management frameworks covering environmental and social issues were developed, consulted upon at state, district and GP levels, and publicly disclosed in April 2013. These included:⁴

- EA-EMF Report for each state, including Jharkhand;
- Social Management Framework (SMF) Report for each state and for the overall Project; and

⁴ In September 2013 a revised version of the EA-EMF for UP was prepared and published on the Department website. In January 2016, a TDP for Assam was prepared by the Borrower. It was approved by the Bank and publicly disclosed on the state line department's website in 2016.

- Tribal Development Plan (TDP) for Jharkhand.

20. **Jharkhand TDP.** The State of Jharkhand was created in 2000 out of the southern part of the State of Bihar. The state has a high percentage (28 percent of the population) of Scheduled Tribes.⁵ About half of this tribal population lives below the poverty line, whereas overall state and national averages are 40 and 30 percent, respectively. Four of the six Project districts have significant tribal populations, and these districts are administratively termed as “Scheduled Areas,”⁶ which are subject to special constitutional and legislative provisions designed to protect tribal interests. The East Singhbhum district, where the subject of the Request is located, lies in a Scheduled Area, under the Fifth Schedule of the Constitution of India, with the Santhal tribe the predominant tribal community.

21. The tribal communities in Jharkhand affected by the Project are considered Indigenous Peoples under OP 4.10. Accordingly, during Project preparation a TDP was prepared for the Jharkhand portion of the Project. Consultations on the draft TDP were held in February 2013 in 60 habitations spread over 30 GPs in five districts, in addition to consultations with state, district and block officials. The TDP was disclosed locally and submitted to the Bank in March 2013. It includes provisions intended to ensure that tribal settlements are given particular consideration in the targeting of Project benefits, and that informed consultations leading to the identification of demand-driven schemes in tribal areas take place in culturally appropriate ways.

22. As set forth in the TDP, institutional arrangements for local decision-making in Scheduled Areas are governed by a number of legal enactments. To address the omission of Scheduled Areas from the 73rd Constitutional Amendment (1993), which gave constitutional identity and decentralized responsibilities to the Panchayati Raj Institutions, the Panchayat Raj (Extension to Scheduled Areas) Act, or PESA, was enacted in 1996. Following the creation of the State of Jharkhand, the Jharkhand Panchayat Raj Act was passed in 2001. According to the TDP, under these Acts, in tribal areas the relevant units of governance include the formally constituted GP, and development projects affecting habitations are also to be discussed and approved at the *Gram Sabha* (community assembly) of the concerned habitation(s).

23. Subsequent to the finalization of the TDP, and to provide more detail on its operationalization, the SPMU prepared a Tribal Development Implementation Plan, involving extensive consultations of tribal experts, academics and tribal representatives. Its finalization was delayed due to the absence of a Tribal Development Specialist in the SPMU for close to two years. The Plan, which was approved in August 2018, is at a state-wide level rather than scheme-specific and provides additional details and guidance on how schemes in tribal areas, including schemes involving both tribal and non-tribal communities, should be selected, designed and governed.

24. **Disclosure.** In Jharkhand, the EA-EMF, the SMF, the TDP, and their executive summaries in English were disclosed on a website of the Drinking Water and Sanitation Department (DWSD), as well as at the World Bank’s InfoShop. The website of the DWSD experienced a security breach

⁵ To protect the interests of the tribal population, specific schedules were added to the Constitution of India in 1949 under its article 244 (2). The term “Scheduled Tribes” refers to the protection provided to tribal populations under these schedules, which concern specific areas. In Jharkhand, 15 districts out of 24 are listed in the “Fifth Schedule.”

⁶ “Scheduled Areas” refer to officially notified areas marked by significant presence of tribal population, geographic compactness as well as social and economic backwardness.

around the end of 2015, after which the website was taken offline and DWSD decided not to renew the contract with the website hosting company. The Bank has requested the SPMU to republish the documents on the new DWSD website. According to the Appraisal-stage Integrated Safeguard Data Sheet, summaries of the EA-EMF, SMF and TDP were translated into local languages and disclosed. In the course of preparing this Management Response, the Bank confirmed the disclosure of the EA/EMF in Bihar and the EA/EMF/SMF in Uttar Pradesh but was not able to confirm disclosure of the analogous documents in other states.

25. ***Consultations at the National and Regional Level.*** Consultations on the EA-EMF, the SMF and the TDP in Jharkhand were conducted in Hindi. A Hindi version of the EA-EMF executive summary was circulated to panchayat (elected village council) members, self-help groups, line department staff, etc., in advance of regional and national consultation workshops, which were held respectively in Khunti, Garhwa, Jamshedpur and Dumka on May 6, 8, 10 and 12, 2013 and in Ranchi on June 26, 2013.

26. ***Consultations at the Local Level.*** As discussed above, for the State of Jharkhand, consultations on the draft TDP were held in February 2013 in 60 habitations spread over 30 GPs in five districts in addition to consultations with state, district and block officials. The TDP was adopted in March 2013 and publicly disclosed in April 2013. It includes provisions to ensure that tribal-specific practices are adequately taken into consideration in the Project, and that informed consultations regarding schemes affecting tribal populations take place in culturally appropriate ways.

IV. MANAGEMENT'S RESPONSE

27. The Requesters' claims, accompanied by Management's detailed responses, are provided in Annex 1.

28. Management has carefully reviewed the claims that were raised in the Request, many of which were also raised in two separate communications to the Bank in April and June 2018. In response to the latter, Management had requested in April the PMU to follow up on these concerns and a PMU mission was fielded to the community to discuss concerns. However, in June, Management received a communication expressing the view that the concerns were still not addressed. Management followed up with the PMU on the efforts undertaken to address the matter. In October and November 2018, the Bank team⁷ met with the Requesters and the community to better understand their concerns and discuss ways to address them.

29. ***Based on its own review and site visits, Management has concluded that there have been shortcomings with regard to compliance with Bank safeguard policy requirements in the implementation of the Project component involving construction of the WTP in the vicinity of Giddhi Jhopri.*** These shortcomings pertain to weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, non-objection for the initiation of works ahead of an approved Environmental Management Plan (EMP), and failure to apply OP 4.11.

30. ***Management acknowledges these shortcomings in Project implementation support and is working closely with the Borrower, state and district authorities to help address the issues.*** In the sections that follow, Management would like to clarify specific issues raised in the Request and the proposed way forward. Actions to address concerns raised in the Request are presented in paragraph 61.

Community Concerns about Expansion of the City Limits of Jamshedpur

31. ***Management understands the Requesters' concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city.*** Giddhi Jhopri is located on the fringes of Jamshedpur city, the largest urban center of the State of Jharkhand and India's 36th-largest urban agglomeration. Management understands that the Government is considering the expansion of city limits for purposes of regional planning and integration. However, there is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place for Project preparation. Information gathered from the District Project Management Unit (DPMU) notes of the meetings held on February 4 and 20, 2016, and on March 11, 2016, and the soundtracks of the video clips refer to the anxiety of the Giddhi Jhopri community that this scheme will attract "settlers" and that their habitation will be classified as an urban service area by the state (see Annex

⁷ A Bank Team consisting of the Lead Social Development Specialist, Senior Communications Officer, and Social Development Specialist visited Jamshedpur on October 15, 2018. Another mission composed of the Operations Manager for India; Project Task Team Leaders, Senior Communications Officer, Lead Social Development Specialist, Social Development Specialist; Lead Environmental Specialist; and the Security Specialist went to Jharkhand on November 16 and 17, 2018.

2). It appears that the explanations provided by state and district authorities did not manage to dispel this concern.

Selection of WTP Site and Community Consultations

32. ***Management notes that there were significant efforts by the Project and by state and district authorities to ensure consultations among affected communities with respect to the decision to develop the Bagbera MVS and its design.*** The decision to construct the scheme was driven by strong demand across the 17 participating GPs. Continuing local demand is evidenced by the number of households that have opted to participate in the scheme to obtain clean and safe drinking water; to date, 23 of the 120 households in Giddhi Jhopri (19.1 percent), have already paid their “community contribution.” The analogous figure for the Madhya Ghaghidih GP is 80 households out of a total of 1,500, or 5.3 percent. The selection of the WTP site itself was duly endorsed by the responsible GP. Nevertheless, Management acknowledges that there appear to have been weaknesses in consultation and its documentation at the level of Giddhi Jhopri habitation.

33. ***Initial local consultations concerning the selection of the WTP site commenced in 2012.*** The site originally selected for the WTP, as listed in the Detailed Project Report (DPR) was on government land in the Purvee (or East) Ghaghidih GP, next to the Ghaghidih jail. The Gram Sabha of that GP was held on June 15, 2012⁸ and a no-objection certificate to use the land was issued on August 24, 2012. However, district authorities decided to change the site following opposition of local residents, who claimed that they used the land as a place of worship. Following this, the district authorities identified the current WTP site, which is located on government land on a hillside near the Giddhi Jhopri habitation.

34. The decision to shift the WTP site required new consultations and approval by relevant local community institutions. The Gram Sabha of the affected GP, Madhya Ghaghidih, was held on February 6, 2016 at the GP headquarters in Ranidih (which, along with Giddhi Jhopri, is one of the four tribal habitations within Madhya Ghaghidih), to discuss the scheme and the proposed location of the WTP. Consistent with the provisions of the Panchayat Raj Act 2001 related to Scheduled Areas, it was chaired by a tribal leader from a habitation under the GP. The Madhya Ghaghidih Gram Sabha endorsed the scheme and the current site of the WTP, on government land.

35. Management notes that in accordance with the TDP, local decision-making in tribal areas includes relevant units of local governance, not only through a Gram Sabha of the formally constituted GP but also by involving the Gram Sabhas of the habitation(s). Although the site selection was endorsed by the February 6, 2016 Gram Sabha that was held at the level of the Madhya Ghaghidih GP (which includes Giddhi Jhopri), the Requesters’ demand for a Gram Sabha to be organized at Giddhi Jhopri to seek the habitation’s endorsement of the use of the nearby government land to build the WTP was not fulfilled. Moreover, the residents of Giddhi Jhopri habitation were not represented at the February 6, 2016 Madhya Ghaghidih Gram Sabha. There are conflicting accounts regarding whether or not Giddhi Jhopri inhabitants were formally invited. While the Request states that Giddhi Jhopri inhabitants were not invited, the *Mukhiya* (the elected

⁸ The Gram Sabha resolution refers to the WTP and water reservoir to be located at an appropriate place so that all in the GP can get water. It does not however refer to the specific land plot listed in the Land no-objection certificate.

head of the GP) and the *Gram Pradhans* (non-elected leaders) of the other habitations claim that all habitations were invited.⁹

36. In response to concerns from Giddhi Jhopri community members, DPMU and district officials carried out one consultation with members of that community two days before the Gram Sabha (Annex 3) and two subsequent consultations at the WTP site, in an effort to address concerns (see also paragraph 49). However, despite these efforts, it is evident that significant disagreement between some community groups persisted and that some members of the community have objections to the siting of the WTP, as noted by Bank Missions and as manifested in confrontations at the WTP site that occurred in 2016 (see paragraph 37 below). It is also apparent from various media accounts that other members of the community are in favor of the WTP and have been concerned by the delays in the construction process. Given these differences and the weaknesses in documentation of the consultation process, Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved. The incidents at the WTP site in 2016 should have further alerted Management to the need to review the question of this required support.

Reported Confrontations at the Project Site

37. ***Management understands that there have been two incidents that involved police action at the time works started at the WTP site, one on June 6, 2016, the other on July 15, 2016.*** In addition, on July 27, 2016, the press reported a protest in front of the Deputy Commissioner's office by tribal community members against the construction of the WTP in the vicinity of Giddhi Jhopri, during which protesters also expressed concern about an allegation that numerous GPs would be integrated into the Jamshedpur Urban Agglomeration. Management has reached out to the district authorities as well as to the community to better understand the nature and sequence of events. Details are provided in Annex 1.

38. In May 2016, a compliance review of social safeguards and social development issues was carried out to inform the Mid-Term Review, which took place from July 25 to August 5, 2016. This compliance review focused on social aspects, visited the site and recorded that *"there is constant opposition with frequent disruptions to start work from local tribals, as they fear construction of project facilities at this location may lead to usurping their land by non-locals and eventual domination of settlers."* This text was repeated in the Mid-Term Review Aide-Memoire that was issued in November 2016 (Annex 8 on Jharkhand). The compliance review noted there were gaps in consultations during the planning of the alternative site for the WTP construction. The compliance review recommended that the DPMU, along with the district administration, engage with local residents at Bagbera to address their concerns and enhance support for the Project. The compliance review also recommended that the DPMU make appropriate arrangements to redress community grievances. While there was follow-up by email and phone by

⁹ Management understands that all tribal leaders of Madhya Ghaghidih have confirmed that the invitation for the Gram Sabha on Feb. 6, 2016 in Ranidih was extended to the entire Panchayat through the traditional method of drum beating and announcement (Dakuwa). In addition, the Gram Pradhan of Madhya Ghaghidih stated that he personally went to each tola (habitation) to invite the respective Gram Pradhan and villagers, including Giddhi Jhopri. In addition, pictures of the February 4, 2016 meeting, which took place in Giddhi Jhopri two days before the Gram Sabha, show the Mukhiya of Madhya Ghaghidih discussing the scheme with residents of Giddhi Jhopri.

the Bank team on these written recommendations, no formal communication from the Bank indicating that work on the scheme should be suspended pending resolution of these issues.

39. Management acknowledges that in light of the above events, more proactive action with the Project authorities should have taken place to follow up on agreed actions and to appropriately understand and address what appeared to be significant resistance to construction of the WTP by Giddhi Jhopri community members.

Shortcomings in the Preparation and Supervision of the EMP

40. **EA-EMF.** The EA-EMF for Jharkhand sets forth procedures and criteria for screening schemes and for addressing potential environmental impacts identified through that screening. According to the EMF, the initial screening involves public consultation with the relevant community, a preliminary identification of environmental issues and completion of an Environmental Data Sheet (EDS). Based on the EDS, the scheme in question is classified as either Category 1 or Category 2 depending on the significance of the potential environmental impacts. For Category 1 schemes, no separate environmental appraisal is required. For Category 2 schemes, given their potentially more significant environmental implications (albeit within the context of Category B projects), a detailed environmental appraisal is required, including an evaluation of environmental and public health impacts, risk assessment and the design of mitigation measures. This environmental appraisal is to be prepared by the district level environmental expert using the EDS and a scheme screening tool to determine the scheme-specific environmental category and therefore the level of appraisal required. Tools to carry out the scheme-specific environmental appraisal are set out in Annexures 18 and 19 of the EA-EMF.¹⁰ The results are consolidated in an EMP, also prepared by the district level environmental expert, as per the provisions of the Jharkhand EA-EMF.¹¹

41. **EMP for the WTP.** The Bagbera MVS was classified as a Category 2 scheme, requiring a detailed environmental appraisal to be included in and inform an EMP. Management notes that under the EMF, the responsibility to develop the EMP rests with the district government. In the case of MVSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government authorities. As per agreed implementation procedures, however, a draft EMP should have been enclosed in the DPR to inform the bidding process, in addition to the EDS. This was not done, and the Bank missed an opportunity to ensure that it was developed upfront before providing its “no objection” as part of the procurement prior review process of the DBOT contract.

42. A single EMP for the Chhotagovindpur and Bagbera schemes was prepared by the contractor, which includes a completed EDS and an overview of environmental impacts and proposed mitigation measures. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. The Project agreement between the Bank and the Government of Jharkhand also requires that scheme-specific EMPs be submitted to the Bank for prior review and approval. In this case, this requirement was not met and Management

¹⁰ In May 2015, the Bank team prepared a guideline document entitled “Environmental Management: Procedures and Tools,” to respond to counterparts’ request for further guidance to facilitate environmental safeguard implementation and monitoring. The Bank team promoted its use and referred to it in subsequent missions.

¹¹ Pages 186-192 and Table 29, pages 92 and 93.

acknowledges that the Bank did not follow up. This EMP is currently being updated to address identified weaknesses.

43. ***Local-level Consultations for EMP preparation.*** Prior informed consultations with the directly impacted habitations should have taken place as part of the EDS and DPR preparation and a summary of the consultations and main points raised should have been reflected in the EMP, prior to its approval by district authorities. While district authorities, the DPMU, and the contractor met three times with the Giddhi Jhopri community on or around the proposed WTP site to discuss the upcoming works, these discussions were not properly recorded through minutes and attendance sheets, which did not satisfy the requirements. Management acknowledges that these documents have not been publicly disclosed to date.

44. ***Management acknowledges that the scheme-specific EMP should have been finalized prior to the start of the works in July 2016.*** The contractor prepared the scheme-specific EMP and submitted a draft to the DPMU for approval on July 23, 2015. However, the EMP was not finalized before the start of the civil works in July 2016. The November 2015 and July-August 2016 Bank missions recommended preparation of an updated EMP to take into account various environmental management issues for these two MVSs. During the February 2017 mission, the Bank team requested that the draft EMP be shared with the Bank, so that the Bank could review it and provide comments. On March 3, 2017, the DPMU requested the contractor to revise the EMP to address the Bank's comments.¹² A revised EMP was submitted on May 26, 2017, which reflected a change in the WTP site (2016) and a change of intake site (February 2017). The Bank team reviewed the updated version in June 2017.

45. The version of the EMP that was submitted to the District Executive Engineer on August 2, 2017, incorporating comments from the SPMU and DWSD, was approved by the district authorities on October 5, 2017. This information was not shared with the Bank team, who provided additional comments to the SPMU during the November 2017 technical visit to Jharkhand. The November 2017 technical visit addressed some of the issues later raised by the Requesters, specifically the need to restore excavated material to its original condition and the need to find a solution to wastewater management issues likely to arise in the course of WTP operations.

46. Following the November 2018 mission, the Bank team requested the counterpart to require the contractor to: (i) update the EMP; (ii) bring it into compliance with the EA-EMF; (iii) separate the combined EMP into one EMP each for the Chhotagovindpur MVS and the Bagbera MVS; and (iv) reflect relevant issues raised in the Request in the updated EMP. The contractor has committed to incorporating the comments and submitting the updated and separated EMPs to the district authorities, who will convey the documents for the Bank's review by mid-December 2018. In addition, the Bank team required that monitoring and reporting of EMP implementation be strengthened and advised the contractor, SPMU and DPMU of the need to undertake consultations on issues (included in the Action Plan, for completion by end-January 2019) that can still be managed and/or mitigated satisfactorily during the update of the EMP, to document such

¹² Comments provided on the EMP focus on debris/excavated material management and disposal, topsoil recovery, proper sanitation and management of sewage and sullage; security on worksite including dug/cut slope protection, full site restoration at end of construction, sludge management and disposal arrangements during O&M phase, detailed cost estimates, assignment of responsibilities and EMP monitoring.

consultations in the EMP and to publicly disclose the approved and updated EMP in all GPs and habitations concerned, as well as at the DPMU and contractor's offices.

Impacts on Shared Community Resources and Physical Cultural Resources

47. ***Management acknowledges that OP 4.11 was not applied to the Project. Management notes, however, that efforts were made by the implementing agency to achieve objectives that are consistent with those of the policy.*** Although at least three documented (see Annex 2) rounds of consultations by the DPMU, district authorities and a Bank mission team took place with Giddhi Jhopri inhabitants prior to the start of the works, these are not documented to the extent required to ascertain compliance with the policy requirements.

48. In terms of cultural resources, the Giddhi Jhopri habitation reportedly has a sacred tree, sacred stones and a congregation area at the highest point of the hill, which is now immediately adjacent to the WTP boundary wall. Giddhi Jhopri and Jata Jhopri habitations also claim to have burial sites on the hill. Giddhi Jhopri's site is indicated by unmarked boulders under vegetation on the southeastern side of the hill and two tombstones located under a tree, 115 meters away from the WTP southeastern corner wall; Jata Jhopri's burial ground was reported to be on the southwestern part of the hill at the top, next to three small shrines, marked by a few boulders and stones.

49. ***While no systematic assessment of physical cultural resources took place, the contractor and district authorities made concerted efforts to jointly identify with the community areas of significance to the community prior to starting the works.*** The following discussions, comprising district authorities, the DPMU and the contractor were held on and near the alternative site identified on the dates noted below. They are documented through pictures and video recordings.

- February 4, 2016 with the GP Mukhiya (elected village leader) and villagers;
- February 20, 2016 with members of the Giddhi Jhopri community (including the Requesters); and
- March 11, 2016 with members of the Giddhi Jhopri community (including the Requesters).

50. These meetings took into consideration the existence of sacred sites, potential burial grounds and cremation sites, as well as the community's use of the public land, and developed mitigation measures. In addition, earlier meetings with local residents who expressed concern about the WTP's impact on places of significance led to the modification of the footprint of the WTP site, originally designed as 120m x 120m, to 180m x 80m, in order to avoid disturbances to the identified places of significance, in particular burial grounds or worship places. The contractor adapted the WTP design to fit in the new site dimensions and made a U-shape in the boundary wall alignment to accommodate a sacred tree located within a meter of the plot boundary. Moreover, as members of the local community requested that the excavated material not be taken away, the contractor has kept it within or in the immediate vicinity of the site.

51. Management has also sought to better understand the pre-construction situation on the Giddhi Jhopri hilltop by analyzing satellite images, as well as photographs and a video of the site within the five months prior to construction (see Annex 2). No distinctive artefacts could be identified on the WTP site based on the analysis of the pictures and video. Satellite images, current and historical, show three shrines were in place adjacent to the proposed WTP site prior to the start of the works. However, the typical physical characteristics of Santhal burial sites (located under vegetation) and cremation grounds, described by the Requesters, do not allow these images or pictures to be used to fully confirm their presence or non-presence at the site. Discussions between the DPMU, the GP Mukhiya and members of the Giddhi Jhopri habitation, on February 4 and 20, 2016 focused on informing the community about the scheme and answering their questions, and records from the DPMU and sound recordings of these two meetings do not mention the community raising these issues. A site inspection on March 11, 2016, jointly with the Giddhi Jhopri community, did not identify any burial ground or worship place inside the WTP perimeter.

52. Bank missions visited the site in October and November 2018. In the Bank team's interactions with the habitations of Giddhi Jhopri, Jata Jhopri and Ranidih, there were no claims of gravesites located within the footprint of the WTP site. A few community members asserted that they had seen bones and a skull during construction excavations, but this was not confirmed by other community members and was refuted by the contractor.

Site Accessibility for Community Use

53. ***Management notes that the WTP in question is built on government land and remains accessible to the community for assembly, grazing livestock or foraging plants.*** The WTP plot is 3.59 acres, or 25 percent of the government land (total area 14.5 acres). Only the WTP boundary has been fenced. The DPMU has confirmed that community members will continue to have access to the land outside the perimeter of the WTP on which they can pasture their livestock, forage for plants, bury their dead¹³ and use the congregation area next to the sacred tree to worship per tribal rites. The WTP site itself is fenced for safety reasons and to ensure that the perimeter is clearly marked. Access to the remaining available land is unrestricted and will remain so.

Concerns about Potential Impacts of Water Supply Scheme

54. Community access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for use of these sources. The WTP will source water from the *Subarnarekha river* at an intake point 14.5km away. Moreover, it is not expected that the Project will impact or diminish the locally available water sources in flow, quality or quantity. Community members may continue to use those sources free of charge if they so desire. The surface-water-fed and treated piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. However, these free groundwater sources are most likely an unsafe source of water due to widespread existing contamination in the area and ensuing health impacts, as documented in the EA-EMF (see below). Community members can choose to benefit from the additional supply of clean piped water that the Project will make available or decide not to opt in. Management recognizes that there is a need for additional information about the Project and its benefits to be provided to the beneficiary

¹³ Cremation is the practice nowadays for this Santhal population.

population. The SPMU and DPMU are launching a new round of consultations in all GPs of the MVSs to provide scheme information, clarify these aspects, and respond to people's queries.

Concerns about the Project's Potential Environmental Impacts

55. ***Alleged impacts on local hydrology and water supply.*** No impact from the river water abstraction on the groundwater levels in Giddhi Jhopri is expected. The amount of water abstracted (37 megaliters per day) is negligible compared to the river's water flow. Groundwater impacts are usually limited to sources located close to the river and where the volume abstracted represents a significant share of the water flow. The water intake, located upstream of Domuhani, 14.5km away, is too far away to have any impact on the groundwater levels in Giddhi Jhopri.

56. ***Concerns about sludge disposal.*** The raw water intake is located at a point where the water is least expected to contain heavy metals. Management has reviewed the water analysis performed in the last 12 months at the water intake of the WTP, which shows very low levels of heavy metals in the raw water, almost at the level of Indian Standard IS 10500 2012 on Drinking Water Specifications. The WTP is designed to be able to remove heavy metals and other contaminants to ensure that the drinking water is delivered according to standard. The specific approach to sludge management and disposal will be in place by the time the WTP begins operation, planned for March 31, 2019. It will be detailed in the updated EMP and will be supervised by the DWSD of the State of Jharkhand. The low levels of heavy metal contaminants suggest that the sludge should not be considered as a toxic waste. Management will request district authorities to advise the contractor on an appropriate discharge site for the water treatment sludge and will request the DPMU to share the water testing results with the community.

57. ***While water quality at the WTP intake point is within acceptable limits, groundwater in many locations in Jharkhand has high levels of arsenic, iron, fluoride and nitrates that are detrimental to human health.*** The TDP mentions that poor groundwater quality, including fluoride and iron contamination, is one of the major concerns of the community. The EA-EMF refers to iron and nitrate contamination as predominant in the groundwater in the Jamshedpur area, and notes also that isolated cases of radioactivity exist. A survey carried out by the contractor during the summer of 2015 for all households in the Chhotagovindpur and Bagbera MVSs, showed that 318 out of 319 respondents in Giddhi Jhopri reported the quality of the water they use to be bad (160) or average (158). Only one respondent reported water to be of good quality (Annex 2).

Interactions with the Requesters

58. During the October 2018 mission, the Bank team met with five households in Giddhi Jhopri, as well as the Mukhiya of the GP and other members of the Ranidih community. The Gram Pradhan of Giddhi Jhopri was not available to meet with the team that day as, due to security concerns, the mission was not authorized to provide prior notice of the visit. The team then spoke with the Gram Pradhan of Giddhi Jhopri over the telephone on October 27 and 29, 2018.

59. Following a request for a discussion with the larger village community, a Bank team led by the Operations Manager of the India Country Office and the Bank Task Team Leader met with the Giddhi Jhopri community on November 17, 2018. About 250 people attended this meeting.

60. With regard to the Requesters' demand that construction works on the WTP scheme be immediately stopped and the scheme removed altogether, Management notes that this demand was not shared by the broader community that attended the meetings with the Bank team and expressed interest in benefitting from the clean water supply that will be delivered by the Project. As noted earlier, 19.1 percent of Giddhi Jhopri households have already paid their "community contribution" required for participation in the scheme, which is high compared to the average for Madhya Ghagidih GP (5.3 percent). Media accounts have reported on support for the scheme by some members of the community.¹⁴ In Management's view stopping Project works could pose risks of (i) retaliation against those opposing the scheme from the larger GPs that are supportive of and expecting the scheme to begin providing piped water soon; (ii) loss of employment by community members employed by the scheme; and (iii) safety hazards resulting from leaving the site idle at an advanced stage of construction. Management is committed to support the Government of Jharkhand in discussing options with the concerned community to achieve a satisfactory resolution.

Actions Going Forward

61. Based on discussions with the community, Management will initiate the following actions, all of which have been discussed and agreed with the Borrower and the state and district counterparts:

In direct response to community concerns:

- By mid-January 2019: Management will support the Government of Jharkhand to consult with the Giddhi Jhopri on the Bagbera MVSs with the aim to better understand their concerns and to identify and agree on possible compensatory measures to address Project related impacts. Management will hire experts in anthropology and cultural heritage with local experience to assist in this process. The compensatory measures may include support for the following:
 - ensuring access to the hilltop site (outside WTP perimeter);
 - establishing new congregation / cremation areas;
 - relocating or constructing replacement shrines;
 - ensuring access to and preservation of traditional plants for community use;
 - undertaking an assessment of physical cultural resources, including steps to preserve/salvage/relocate any such resources identified;
 - undertaking reburial of mortal remains if any are found;
 - retaining red mud soil excavated from the WTP site for the community's use, as was requested;

¹⁴ See, for example:

<https://www.avenuemail.in/jamshedpur/delay-in-bagbera-drinking-water-project-irks-residents/119592/>
<https://www.telegraphindia.com/states/jharkhand/delayed-water-project-only-half-ready/cid/1372701>
<https://www.avenuemail.in/jamshedpur/residents-bagbera-meet-dc-water-woes/105958/>
<https://timesofindia.indiatimes.com/city/ranchi/Jamshedpur-colony-faces-water-crisis/articleshow/22277756.cms>

- providing other culturally appropriate benefits to the community.
- By end-January 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and Chhotagovindpur MVSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution and water tariffs, in addition to responding to people's queries.
- By end-December 2018: Management will complete a review of the draft updated EMP for the Bagbera and Chhotagovindpur MVSs, which the DPMU has committed to submit to the Bank for review by mid-December 2018.
- By end-January 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP will also reflect the feedback from the above-cited detailed consultations with the Giddhi Jhopri community.
- By end-January 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP.

To address overall project shortcomings:

- By end-December 2018: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor.
- By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance for the Category 2 schemes supported by the Project and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Bagbera and Chhotagovindpur MVSs and any remedial action pertaining to these MVSs will be addressed before the respective WTP starts operation.
- By end-February 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure appropriate monitoring of EMP implementation, staffing, and application of safeguards instruments.
- By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them.

- By end-February 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects.

Annex 1. Claims and Responses

No.	Claim	Response
1.	<p>Local Experience with the [Chhotagovindpur and Bagbera, CB] Scheme</p> <p><i>Impacts on shared community resources and local culture</i></p> <p>Giddhijhopri is a <i>Santhal</i> village. A characteristic feature of a <i>Santhal</i> village is a sacred grove (known as the <i>Jaher</i> or "<i>Santhal Sthal</i>") located on the edge of the village. It is believed that spirits live at this place, and as such a series of festivals take place at this site. One of the water treatment plants under the CB Scheme is currently being constructed on a hill on the edge of Giddhijhopri village, where the community's <i>Jaher Sthal</i> is located. The hilltop is a community graveyard and cremation ground, and the community has been burying and cremating their dead on this hilltop since time immemorial. There is deep anger in the affected communities that the resting place of their ancestors is being used as a site for the water treatment plant. Furthermore, as per tradition, every five years, the community from Giddhijhopri and surrounding villages gathers on the hilltop and worships at the sacred grove or <i>Jaher</i>, in a cultural and spiritual practice called <i>Jantad Pooja</i>.</p>	<p>Local Context of the WTP site. For purposes of this Management Response, it is important to understand the hierarchy of settlements in the Project area. The WTP that will supply the Bagbera MVS is being built on government land in the vicinity of the <i>Giddhi Jhopri habitation</i> and other habitations, the inhabitants of which use the land for various purposes. The <i>Giddhi Jhopri habitation</i> is part of the <i>Madhya Ghaghidihi GP</i>, which is one of the five GPs within the <i>Ghaghidihi Revenue Village</i>. A revenue village is a small administrative region in India with defined borders. The GPs, which are the rural local governing bodies, have at least 5,000 inhabitants each. There are no administrative maps below the revenue village level, and therefore no recorded limits between usage and influence areas of each habitation.</p> <p>As of the 2011 Census data, in <i>Madhya Ghaghidihi</i> there were 6,041 people, of which 2,725 (45 percent) were tribal (in majority <i>Santhals</i>) and 3,316 non-tribal. Within <i>Madhya Ghaghidihi</i>, there are four <i>Santhal</i> tribal communities, called habitations, namely <i>Giddhi Jhopri</i>, <i>Ranidih</i>, <i>Jata Jhopri</i> and <i>Kitchi Tola</i> (see the organigram in Annex 2).</p> <p>As per the Jharkhand Panchayat Raj Act 2001 and the 1996 PESA, the definitions of "village" and "Gram Sabha" in scheduled areas are broad: the revenue village, GP and habitations all qualify as "villages." The Request refers to "habitation" as "village." For clarity, the term "habitation" is used in this Management Response.</p> <p>According to the TDP, under these Acts, in tribal areas the relevant units of governance include the formally constituted GP, and development projects affecting habitations are also to be discussed and approved at the Gram Sabha of the concerned habitation.</p> <p>WTP location. The WTP of the Bagbera MVS is located on a hilltop north of the <i>Giddhi Jhopri</i> habitation and southwest of the <i>Ranidih</i> habitation (see situational map in Annex 3). Land cadaster maps only exist up to the revenue village level. In the absence of sub-level maps, it is not possible to clearly identify whether the site lies within the informally-agreed land usage area of <i>Giddhi Jhopri</i> or <i>Ranidih</i>. <i>Giddhi Jhopri</i> is closer and most affected by the WTP, although the plant is on the other side of the hill and is therefore</p>

No.	Claim	Response
		<p>more visible by the Ranidih habitation.</p> <p>Sacred grove or Jaher. The Giddhi Jhopri habitation reportedly has a sacred tree, sacred stones and a congregation area at the highest point of the hill, which is now immediately adjacent to the WTP southern boundary wall.</p> <p>Burial/cremation grounds. Giddhi Jhopri and Jata Jhopri habitations also claim to have burial sites on the hill. Giddhi Jhopri's site is indicated by unmarked boulders under vegetation on the southeastern side of the hill and two tombstones located under a tree, 115 meters away from the WTP southeastern corner wall. Jata Jhopri's burial ground was reported to be on the southwestern part of the hill at the top, next to three small shrines, marked by a few boulders and stones.</p> <p>Management has sought to better understand the pre-construction situation on the Giddhi Jhopri hilltop by analyzing satellite images, as well as photographs and a video of the site within the last five months prior to construction (see Annex 3). No distinctive artefacts could be identified on the WTP site based on the analysis of the pictures and video. Satellite images, current and historical, show three shrines were in place adjacent to the proposed WTP site prior to the start of the works. However, the typical physical characteristics of Santhal burial sites (located under vegetation) and cremation grounds do not allow these images or pictures to be used to fully confirm their presence or non-presence at the site. Discussions between the DPMU, the GP Mukhiya (elected village leader) and villagers on February 4 and 20, 2016 and a site inspection on March 11, 2016 did not identify any burial ground or worship place inside the WTP perimeter.</p> <p>Bank missions visited the site in October and November 2018. In the Bank team's interactions with the habitations of Giddhi Jhopri, Jata Jhopri and Ranidih, no burial grounds or worship places were identified within the footprint of the WTP site. A few community members asserted that they had seen bones and a skull during construction excavations, but this was not confirmed by other community members and was refuted by the contractor. The contractor also indicated that areas of tribal significance were jointly identified with the community prior to starting the works. Based on this, the site originally selected for the WTP in the Purvee, or East, Ghaghidih GP was changed to the current location due to the opposition of local residents, who claimed that they used the hill as a place of worship. The DPR documents that a Gram</p>

No.	Claim	Response
		<p>Sabha was held on June 15, 2012¹⁵ in Purvee Ghaghidih that a Land no objection certificate was issued on August 24, 2012 for the initially selected government land. The Purvee Ghaghidih Gram Sabha resolution refers to the WTP and water reservoir to be located at an appropriate place so that all in the GP can get water but does not refer to the specific land plot listed in the Land No-Objection Certificate (NOC).</p> <p>At the alternative WTP site near Giddhi Jhopri, district authorities modified the footprint of the WTP site, originally designed as 120m x 120m, to 180m x 80m, in order to avoid disturbances to the identified places of significance. The contractor adapted the WTP design to fit in the new site dimensions and made a U-shape in the boundary wall alignment to accommodate a sacred tree located within a meter of the plot boundary.</p> <p>Shrines. The Bank mission visit noted the presence of three shrines, located 65m, 70m, and 75m, respectively, from the western boundary of the WTP site. Satellite images from 2016 also showed the existence of these shrines. The discussions with the representatives of the community with whom the Bank team met did not mention any particular significance of these shrines. There was no mention of spirits living at this place or of festivals taking place on the hill.</p>
2.	<p>Various shrubs and herbs are found on the hilltop that are used by the community for different purposes. One plant is used for the treatment of jaundice. The oil from <i>sunum jada</i> plant is used in post-pregnancy massage, to help women recover quicker. <i>Buru saru</i> is a vegetable found on the hilltop and is consumed by people from the community all year long. There is a traditional medicinal plant that grows on the hilltop, that is used for treatment of clots after wounds. <i>Bindi jaada</i> is another bush that grows on the hilltop; it is used as a Vitamin D supplement, especially in case of tooth infections or mouth ulcers. <i>Puru</i> is a shrub that grows widely on the hilltop, and its twigs are used as fuel for household fire as well as for fencing of home gardens. Community members are concerned that their access to these important plant resources will be blocked with the construction of the water treatment plant complex on the hill.</p>	<p><i>Most of the land in question remains accessible to the community for foraging plants. Only the WTP boundary has been fenced.</i></p> <p>Access to the government land is unrestricted, except within the boundary of the WTP, which is and will remain fenced for safety reasons.</p> <p>The SPMU confirmed that the community has and will continue to have access to the remainder of the site and thus to the plants and shrubs that are important to them. Since the WTP occupies less than 25 percent of the area, it is unlikely that the plants in question are exclusive to the WTP site.</p> <p>During the November 2018 visit, the Bank witnessed the use of the hill as pasture and selected herbs being cut by the tribal population.</p> <p>The first draft of the EMP notes “no important species present in the area” under “Site Clearance, fauna and flora”, and the EMP adopted on October 5, 2017 does not discuss the ecological value of the hill. Management recognizes that this EMP does not meet the requirements of the agreed EMF in this regard as well as other aspects. An update is underway to address</p>

¹⁵ The.

No.	Claim	Response
		these issues.
3.	<p>Additionally, many affected community members in Giddhijhopri who used the hill as pasture land for their goats are concerned that the construction of the water treatment plant hinders access to pasture land. Further, the red mud soil found at the hill is used by the Giddhijhopri community for many purposes such as painting their houses, cleaning, and packing goods. The way of life of the Indigenous people of Giddhijhopri is inextricably linked to the site of the water treatment plant and has been an important focal point of culture and tradition for many generations of Giddhijhopri residents. Taking the hill away threatens the culture and economic stability of the community.</p>	<p><i>Most of the land in question remains accessible to the community for grazing livestock and for the use of red mud soil. Only the WTP boundary has been fenced.</i></p> <p><i>Grazing.</i> The WTP plot is 3.59 acres, or 25 percent of government land on the hill (total area 14.5 acres). The DPMU has confirmed that community members will continue to have access to the land outside the perimeter of the WTP, on which they can pasture their livestock.</p> <p>The WTP site is fenced for safety reasons and to ensure that the perimeter is clearly marked. Access to the remaining available land is not restricted and will remain so.</p> <p><i>Excavated earth.</i> The contractor has confirmed that none of the excavated earth has been taken away, but rather, has been kept within or in the immediate vicinity of the site.</p> <p>During the Bank team visit on November 17, 2018 the Gram Pradhan of the Giddhi Jhopri habitation maintained that initially earth and rocks were sold but that subsequently, following concerns expressed by the Ranidih community, the contractor has kept the excavated material adjacent to the construction area. The DPMU stated that the District DWSD officials requested the District Mining official to organize an auction of the excavated material. The District Mining official sought the necessary approval from the State Mining Department. No response was received to date. The Bank team is following up with the SPMU and the DWSD to ensure that affected communities are consulted and any solution is mutually agreed with them, to ensure that the red mud soil remains available to them.</p>
4.	<p>The community is also concerned about the economic impacts of the whole water supply scheme, fearing that it will worsen already poor conditions in the region. Many of the households currently live below the poverty line. They rely on local water resources, including wells and hand-pumps, for their water needs. Until now, this water has been available free of charge. However, after the implementation of the Scheme, they will have to pay for access to water. They fear that this will further impoverish the community.</p>	<p><i>Community access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for use of these sources.</i> Moreover, it is not expected that the Project will impact or diminish the locally available water sources that the community currently uses free of charge. However, these free water sources are most likely an unsafe source of water due to widespread existing contamination and ensuing health impacts, as documented in the EA-EMF. The rationale for the Project is to supply clean and safe drinking water as an alternative to these unsafe sources.</p> <p><i>Local water sources.</i> The WTP will supply water to the entire Bagbera MVS, which covers 17 GPs and over 100,000 people, including those in Madhya</p>

No.	Claim	Response
		<p>Ghaghidihi. The WTP is fed by water from the Subarnarekha river, 14.5 km away from the WTP site. A synoptic of the scheme is attached in Annex 3.</p> <p>Local water sources will not be affected by the Project in flow, quality or quantity. Community members may continue to use those sources free of charge if they so desire. The surface-water-fed and treated piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. Community members can choose to benefit from the additional supply of clean piped water that the Project will make available or decide not to opt in. The Bagbera MVS will provide a 24/7 delivery service.</p> <p>Although there were consultations in Giddhi Jhopri, including on February 4, 2016, February 20, 2016 and March 11, 2016 as discussed below, Management recognizes that there is a need for additional information about the Project and its benefits to be provided to the beneficiary population.</p> <p><i>The SPMU and DPMU are launching a new round of consultations in all GPs of the MVs to provide scheme information, clarify these aspects and respond to people's queries.</i></p> <p><i>Tariffs for piped water.</i> The Project is among the first in rural Jharkhand to bring safe piped water to people in their homes. It is being implemented in low income states and selects schemes based on public demand and criteria including, inter alia, poverty level and groundwater pollution.</p> <p>The Bank team is supporting the four Project states and the GoI in setting up O&M Policies for Rural Water Supply, which provide guidance on tariff setting and other technical and financial responsibilities to the GPs. The Project is among the first to support GPs to take responsibility in the management of piped water services, either through direct management by VWSC (in the case of SVSs in Jharkhand) or through delegated management to private operators through DBOT contracts. The policy will provide guidance to GPs to ensure sustainability and affordability as they set the tariffs, while keeping GPs accountable for long-term service delivery.</p> <p><i>Pollution.</i> Groundwater in many locations in Jharkhand has levels of arsenic, iron, fluoride and nitrates that are detrimental to human health. The TDP mentions that poor water quality, including fluoride and iron contamination, is one of the major concerns of the community. The EA-EMF refers to iron and nitrate contamination as predominant in the Jamshedpur area,</p>

No.	Claim	Response
		and notes also that isolated cases of radioactivity exist. A survey carried out by the contractor during the summer of 2015 for all households in the Chhotagovindpur and Bagbera MVSSs, showed that 318 out of 319 respondents in Giddhi Jhopri reported the quality of the water they use to be bad (160) or average (158). Only one respondent reported water to be of good quality.
5.	<p>The community also fears the CB Scheme is being used to expand the city limits of the adjacent city, Jamshedpur, which could alter the fundamental nature of the area from a protected Indigenous area under the Constitution to an urban centre that would lack such protections. According to the Draft Proposal Master Plan for Jamshedpur Urban Agglomeration, Ghaghidih area – in which Giddhijhopri is located – has been included within the new proposed Jamshedpur Urban Agglomeration. This could have a disastrous impact on the Indigenous community of Giddhijhopri and other surrounding villages, including impacts to their culture, access to resources and traditional governance practices. The <i>Santhal</i> community enjoys Indian Constitutional and legislative protections regarding rights over land and water resources. Expansion of city limits may dissolve those protections and further marginalise the Indigenous communities.</p> <p>The CB Scheme, which has already been implemented by sidestepping traditional governance institutions, appears to be part of this expansion plan. According to the Draft Proposal Master Plan, one of the key goals of this urbanisation process is to establish an urban area with treated piped water supply. The CB Scheme is therefore a key component in furtherance of this urbanisation process. As such, the World Bank is complicit in undermining the Constitutional rights and protections of Indigenous communities through its support of this Scheme.</p>	<p><i>Management understands the Requesters’ concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city.</i> However, urbanization and urban expansion in India are significant and driven by many factors. There is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place for Project preparation. Information gathered from the DPMU notes of the meetings held on February 4 and 20, 2016, and on March 11, 2016, and the soundtracks of the video clips refer to the anxiety of the Giddhi Jhopri community that this scheme will attract “settlers” and that their habitation will be classified as an urban service area by the state. It appears that the explanations provided by state and district authorities did not manage to dispel this concern.</p> <p>Giddhi Jhopri is located on the fringes of Jamshedpur city, the largest urban center of the state of Jharkhand. According to the 2011 census of India, Jamshedpur (East Singhbhum and Seraikela-Kharsawan) district had a population of 1.3 million inhabitants. The Jamshedpur urban agglomeration is the country’s 36th-largest urban agglomeration and is home to the world’s tenth largest steel manufacturing company. The city is clearly visible from the WTP site, (see picture in Annex 3).</p> <p><i>Master plan.</i> Management understands that the Government is considering the expansion of city limits for purposes of regional planning and integration. The district magistrate and deputy commissioner mentioned that a plan is in preparation but is not finalized.</p> <p><i>Water schemes under the Project.</i> The location of the drinking water supply schemes included in the Project are driven by defined selection criteria of water quality and quantity, focus on poor areas, and rural location. The Project is an integral part of the wider NRDWP of the GoI, the objective of which is to provide 80 percent of the rural population with piped water supply by 2022. The GoI and the Bank are financing similar piped water schemes in villages</p>

No.	Claim	Response
		<p>across India.</p> <p>Water supply schemes under the Project, such as the Bagbera MVS, were chosen based on public demand, documented by district authorities through the approval of the water scheme by Gram Sabha held in each GP prior to the start of the works. The Gram Sabha was held on February 6, 2016 in Madhya Ghaghidih.</p> <p>This was reaffirmed during the recent Bank mission visit to the site, in particular by women in the Jata Jhopri and Ranidih habitations, who were eager to have clean, reliable drinking water made available in their homes.</p>
6.	<p><i>Lack of consultation and failure to disclose information</i></p> <p>The impacted communities were not provided, and have not ultimately been able to access, adequate information regarding the CB Scheme in a language they understand. The World Bank Infoshop only carries baseline environmental and social impact assessments for Jharkhand as a whole, and that too, only in English. No sub-project level documents for the CB Scheme are available on the Infoshop. As a result, the complainants had to file a Right to Information (“RTI”) application under the Right to Information Act, 2005 to request the Drinking Water and Sanitation Department (“DWSD”) to disclose therelevant Detailed Project Reports, Environment Assessment Report, Social Assessment Report, Site Plan, and Environment Data Sheets. The complainants were only provided the Bidding Document, the Draft Detailed Project Reports and Preliminary Design Reports for the CB Scheme. Further, the complainants were informed by the RTI Nodal Officer who was dealing with the request that those were all the documents that the DWSD had regarding the CB Scheme. These documents were made available after paying the photocopying fee of INR 5100 under the RTI Act, and the affected community had to pool in money to get the amount. Even then, these documents did not contain environmental or social assessments, which was particularly absent for the Bagbera component. The access to information process, which should ideally be free of cost, has already consumed significant community financial resources.</p>	<p><i>Management recognizes that while consultation and disclosure of Project documents was broadly satisfactory at the state- and revenue-village level, there have been weaknesses in consultation and disclosure at the level of this habitation.</i></p> <p>This Project was structured using a framework approach for safeguards, which confers the responsibility of review and approval of scheme-specific EMPs to state and district counterparts. Detailed agreements on the process and plan for consultation and information sharing were agreed with the counterparts and outlined in the Project safeguard documents and in the Project Implementation Plan.</p> <p>The EA-EMF for Jharkhand sets forth procedures and criteria for screening schemes and for addressing potential environmental impacts identified through that screening. According to the EMF, the initial screening involves public consultation with the relevant community, a preliminary identification of environmental issues and completion of an EDS. Based on the EDS, the scheme in question is classified as either Category 1 or Category 2 depending on the significance of the potential environmental impacts. For Category 1 schemes, no separate environmental appraisal is required. For Category 2 schemes, given their potentially more significant environmental implications (albeit with the context of Category B projects, as noted earlier), a detailed environmental appraisal is required, including an evaluation of environmental and public health impacts, risk assessment and the design of mitigation measures. This environmental appraisal is to be prepared by the district level environmental expert using the EDS and a scheme screening tool to determine the scheme-specific environmental category and therefore the level of appraisal required. Tools to carry out the scheme-specific environmental appraisal are set out in Annexures 18 and 19 of the EA-EMF. The results are consolidated in an EMP, also prepared by the district</p>

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		<p>environmental expert, as per the provisions of the Jharkhand EA-EMF, pages 186-192 and Table 29, pages 92 and 93.</p> <p>The common practice in India is to prepare and disclose safeguard documentation in English, translate executive summaries in the predominant local language and distribute IEC material such as brochures and leaflets as necessary.</p> <p><i>Project safeguard documents and disclosure – in English.</i> For each of the participating states, management frameworks covering environmental and social issues were developed, consulted at state, district and GP levels and publicly disclosed (on the websites of the line Departments in each state and website of the Ministry of Drinking Water and Sanitation) and published in the InfoShop (links are provided in Annex 2) in April 2013:</p> <ul style="list-style-type: none"> • EA-EMF Report for each state; • SMF Report for all states and for the overall Project; • TDP for Jharkhand. <p>In addition, the Project's Integrated Safeguard Data Sheet, was disclosed in the InfoShop at concept and appraisal stages.</p> <p>In Jharkhand, the EA-EMF, the SMF, the TDP and their executive summaries in English were disclosed on a DWSD website via a hosting company in Jharkhand as well as at the World Bank's InfoShop. The DWSD website experienced a security breach around the end of 2015, after which the website was taken offline and DWSD decided not to renew the contract with the company. Management acknowledges that the Bank did not ensure that the safeguard documents related to Jharkhand were republished on a new website. The Bank has requested the SPMU to republish the documents on the new DWSD website. According to the Appraisal-stage Integrated Safeguard Data Sheet, summaries of the EA-EMF, SMF and TDP were translated into local languages and disclosed. In the course of preparing this Management Response, the Bank confirmed the disclosure of the EA/EMF in Bihar and the EA/EMF/SMF in Uttar Pradesh but was not able to confirm disclosure of the analogous documents in other states.</p> <p><i>Project safeguard documents and disclosure – in local languages.</i> Consultations on the EA-EMF, the SMF and the TDP in Jharkhand were conducted in Hindi. A Hindi version of the EA-EMF executive summary was circulated to panchayat members, self-help groups, line department staff, etc., in advance of</p>

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		<p>the regional and national consultation workshops, which were held respectively in Khunti, Garhwa, Jamshedpur and Dumka on May 6, 8, 10, and 12, 2013 and in Ranchi on June 26, 2013.</p> <p>The Bank team submitted for publication in the InfoShop:</p> <ul style="list-style-type: none"> • The final version of the EA-EMF for Jharkhand (published Nov. 13, 2018), • Assamese and Bengali translations of the executive summaries of the EA-EMF for Assam (published Nov. 15) and • A consolidated version of the EA-EMF for the four states (published Nov. 15). • Hindi translation of the executive summaries of the EA-EMF for Bihar (published Nov. 19) and UP (published Nov. 27). <p>The Bank team will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the DWSD's website, at the head office of each GP and at the offices of the contractor.</p> <p><i>Scheme-specific EMP.</i> The Chhotagovindpur and the Bagbera MVSs are implemented through a single contract, which was awarded to the Chhotagovindpur and Bagbera Drinking Water Supply Project Limited (in this document, the contractor), a dedicated company created as a joint venture of Infrastructure Leasing and Financial Services (IL&FS), as lead partner (51 percent), and IL&FS Water Limited (49 percent). The contract was signed on May 25, 2015.</p> <p>The Bagbera MVS was classified as a Category 2 scheme, requiring a detailed scheme-specific environmental appraisal to be included in and inform an EMP.</p> <p>Management notes that under the EMF the responsibility to develop the EMP rests with the district government. In the case of MVSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government authorities. As per agreed implementation procedures, however, a draft EMP should have been enclosed in the DPR to inform the bidding process, in addition to the EDS. This was not done, and the Bank missed an opportunity to ensure that it was developed upfront before providing its "no objection" as part of the procurement prior review process of the DBOT contract.</p> <p>A single EMP for the Chhotagovindpur and Bagbera schemes was prepared by the contractor,</p>

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		<p>which includes a completed EDS and an overview of environmental impacts and proposed mitigation measures. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. The Project agreement between the Bank and the Government of Jharkhand also requires that scheme-specific EMPs be submitted to the Bank for prior review and approval (Section I.A.2.c.ii). In this case, this requirement was not met and Management acknowledges that the Bank did not follow up. This EMP is currently being updated to address identified weaknesses.</p> <p><u>Bank monitoring</u> of safeguard implementation and discussions with counterparts led to the conclusion that there was a need to clarify how to practically implement the TDP and EA-EMF, and how to prepare an EMP. The Bank team compiled and issued in May 2015 a comprehensive guideline titled “Environmental Management: Procedures and Tools,” to facilitate environmental safeguards implementation and monitoring under the Project. The Bank team promoted its use and referred to it in subsequent missions.</p> <p>The contractor prepared the scheme-specific EMP and submitted a draft to the DPMU for approval on July 23, 2015. However, the EMP was not finalized before the start of the civil works in July 2016. The November 2015 and July-August 2016 Bank missions recommended preparation of an updated EMP to take into account various environmental management issues for these two MVSSs. During the February 2017 mission, the Bank team requested that the draft EMP be shared, so that the Bank could review it. On March 3, 2017, the DPMU requested the contractor to revise the EMP to address the Bank’s comments.¹⁶ The contractor submitted a revised EMP on May 26, 2017, which reflected a change in the WTP site (2016) and a change of intake site (February 2017). The Bank team reviewed the updated version in June 2017. The version of the EMP that was submitted to the District Executive Engineer on August 2, 2017 incorporating comments from the SPMU and DWSD, was approved by the district authorities on October 5, 2017. This information was not shared with the Bank team, who provided additional comments to the SPMU during the November 2017 technical visit to Jharkhand.</p> <p>Management notes that as per the EA-EMF, the EMP should have been prepared by the government; instead its preparation was delegated to the contractor through</p>

¹⁶ Comments provided on the EMP focus on debris/excavated material management and disposal, topsoil recovery, proper sanitation and management of sewage and sullage; security on worksite including dug/cut slope protection, full site restoration at end of construction, sludge management and disposal arrangements during O&M phase, detailed cost estimates, assignment of responsibilities and EMP monitoring.

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		<p>the DBOT contract. Management acknowledges that no systematic and documented consultations were held during the preparation of the EDS and DPR and that these documents have not been publicly disclosed to date. Management also acknowledges that the scheme-specific EMP should have been finalized by the counterpart prior to the start of the works in July 2016. Prior informed consultations should have taken place as part of the EDS and DPR preparation and a summary of the consultations and main points raised should have been reflected in the EMP, prior to its approval by district authorities. While district authorities, the DPMU and the contractor met three times with the Giddhi Jhopri community on or around the proposed WTP site to discuss the upcoming works, these discussions were not properly recorded through minutes and attendance sheets, which did not satisfy the required format and procedure. Management acknowledges that these documents have not been publicly disclosed to date.</p> <p>The Bank team requested the counterpart to require the contractor to: (i) update the EMP; (ii) bring it into compliance with the EA-EMF; (iii) separate the combined EMP into one EMP each for the Chhotagovindpur MVS and the Bagbera MVS; and (iv) reflect, inter alia, relevant issues raised in the Request in the updated EMP. The contractor has committed to incorporating the comments and to submitting the updated and separated EMPs for Bank review by mid-December 2018. In addition, following the November 16-17, 2018 site visits, the Bank team required that monitoring and reporting of EMP implementation be strengthened, and advised the contractor, SPMU and DPMU of the need to undertake consultations on issues (included in the Action Plan, for completion by end-January 2019) that can still be managed and/or mitigated satisfactorily during the update of the EMP, to document such consultations in the EMP and to publicly disclose the approved and updated EMP in all GPs and habitations concerned, as well as at the DPMU and contractor's offices.</p>
7.	<p>Further, no consultation about the Project was held in Giddhijhopri village, itself. A couple of years prior to work beginning on the ground, some community members received some information about the CB Scheme from the previous administrative elected head at a meeting in neighbouring Ranadih village. The villagers asked the administration to conduct a similar meeting in Giddhijhopri and properly consult them. However, that was never done.</p>	<p><i>Consultation about the Project were held at the level of the revenue village but were weaker at the level of Giddhi Jhopri.</i></p> <p>It is not clear which meeting the Request is referring to as having taken place about two years before the start of the works, i.e., around July 2014.</p> <p><i>Jharkhand-specific Consultations during Project preparation:</i></p> <ul style="list-style-type: none"> • <i>Consultations for the EA-EMF Jharkhand.</i> Public consultations were organized at three levels

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		<p>to inform the EA-EMF. First, as part of the environmental screening survey, which included focus group discussions carried out in January 2013 in 24 sample habitations (2 per districts in 12 districts); second, through four regional consultations; and third, through a state-level consultation. In East Singhbhum, the two habitations selected were Bathondh and Potka. A regional consultation in Jamshedpur was held on May 10, 2013 and gathered 74 participants, including villagers, members and office bearers of Panchayati Raj Institutions, Engineers executing the Project, Deputy Development Commissioner of Jamshedpur and other officers of the Government of Jharkhand. The state-level consultation took place on June 6, 2013 in Ranchi, comprising 130 participants, including senior officers of the Jharkhand government and the State Drinking Water & Sanitation Department, consultants, and representatives from various GPs and villages. Detailed attendance lists were not attached to the final EA-EMF, so the presence of representatives from Madhya Ghaghidih or Giddhi Jhopri could not be confirmed.</p> <ul style="list-style-type: none"> • Consultations for TDP Jharkhand. Community consultations through focus group discussions were organized in 60 habitations spread across 30 GPs covering five districts in February 2013, in addition to consultations with state, district and block officials. The need for piped water supply was raised at each meeting and people expressed willingness to pay for piped water provided a regular supply was assured. Madhya Ghaghidih was not among the 30 GPs, so representatives from Giddhi Jhopri would not have been present. <p>Consultations during Project implementation.</p> <ul style="list-style-type: none"> • To date, the Project includes a total of 551 piped water schemes across the four states, 529 SVSs and 22 MVSs, in what is referred to as Batch I schemes (to be followed by 500+ Batch II schemes that are under preparation). In Jharkhand, piped water schemes are at an advanced stage of construction in 182 SVSs and the 2 MVSs. Altogether, for Jharkhand alone, these cover 239 GPs and 3,503 habitations, 92,000 households or about 445,000 people, of which 100,000 through the Chhotagovindpur and Bagbera MVSs. Management acknowledges that, although information was made publicly available, it is possible that the initial consultation may not have reached out to all. • Gram Sabha. The village community assembly or

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		<p>Gram Sabha is where information is shared and decisions affecting the community are made, including agreement to join a piped water scheme or approval to have infrastructure developed in the GP territory.</p> <ul style="list-style-type: none"> • Scheme-specific consultations took place through the Gram Sabhas organized in each of the 17 GPs to be served by the Bagbera MVS. A Gram Sabha meeting was held on February 6, 2016 in the Madhya Ghaghidih GP, which endorsed the scheme development in the GP and agreed to the construction of the WTP on government land located in between Ranidih and Giddhi Jhopri. • Management notes that in accordance with the TDP, local decision-making in tribal areas includes relevant units of local governance, not only through a Gram Sabha of the formally constituted GP but also by involving the Gram Sabhas of the habitation(s). Although the site selection was endorsed by the February 6, 2016 Gram Sabha that was held at the level of the Madhya Ghaghidih GP (which includes Giddhi Jhopri), the Requesters' demand for a Gram Sabha to be organized at Giddhi Jhopri to seek the habitation's endorsement of the use of the nearby government land to build the WTP was not fulfilled. Moreover, the residents of Giddhi Jhopri habitation were not represented at the February 6, 2016 Madhya Ghaghidih Gram Sabha. Management notes that there are conflicting accounts regarding whether or not Giddhi Jhopri inhabitants were formally invited. While the Request states that Giddhi Jhopri inhabitants were not invited, the Mukhiya and the Gram Pradhans of the other habitations claim that all habitations were invited.¹⁷ • In response to concerns from Giddhi Jhopri community members, DPMU and district officials carried out one consultation with members of that community two days before the Gram Sabha and two subsequent consultations at the WTP site, in an effort to address concerns. However, despite these efforts, it is evident that significant disagreement between some community groups persisted and that some members of the community have objections to the siting of the WTP., as noted by Bank Missions and as

¹⁷ Management understands that all tribal leaders of Madhya Ghaghidih have confirmed that the invitation for the Gram Sabha on Feb. 6, 2016 in Ranidih was extended to the entire Panchayat through the traditional method of drum beating and announcement (Dakuwa). In addition, the Gram Pradhan of Madhya Ghaghidih stated that he personally went to each tola (habitation) to invite the respective Gram Pradhan and villagers, including Giddhi Jhopri.

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		<p>manifested in confrontations at the WTP site that occurred in 2016. It is also apparent from various media accounts that other members of the community are in favor of the WTP and have been concerned by the delays in the construction process. Given these differences and the weaknesses in documentation of the consultation process, Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved. The incidents at the WTP site in 2016 should have further alerted Management to the need to review the question of this required support.</p> <ul style="list-style-type: none"> • There is indication of community interest for the water scheme in Giddhi Jhopri. Bank missions in November 2017, and October and November 2018 witnessed support for the scheme by many residents of the Jata Jhopri and Ranidih habitations, and note that, to date, 23 households (19 percent) in Giddhi Jhopri have already paid the community contributions and thereby agreed to be connected to the WTP. See Item 19 below. • Information and communication material. The DPMU social specialist informed the Bank team that the DPMU distributed about 8,000 leaflets and 250 brochures with the information about the scheme across the 17 GPs covered under the Chhotagovindpur and Bagbera MVS (Annex 2). The DPMU also declared that it had carried out specific consultations in Giddhi Jhopri. There is evidence, through photographs or videos, of three meetings (held on February 4 and 20, and March 11, 2016) (Annex 2). A meeting was held on February 4, 2016 with a few community members in Giddhi Jhopri, at which the above-mentioned brochure can be seen. Another meeting held on March 11, 2016 on the hillside where the WTP was to be built. The DPMU informed that the picture shows a discussion with the Requester in the presence of the Executive Engineer, the Circle Officer of Jamshedpur, the Sub-Divisional officer (SDO), the Social Specialist of the DPMU and members of the Giddhi Jhopri habitation. Although details of the meeting were not recorded in meetings minutes, the DPMU stated that the meeting focused on presenting the technical and financial aspects of the schemes and answering people's questions. • The Aide-Memoire of the Mid-Term Review singled out Jharkhand as having done well with respect to IEC activities. It records a total of 1,789 events with a total participation of 71,690 persons

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		<p>as an achievement at the grassroots level. It refers printed IEC campaign materials, including (i) Brochure on Project Highlights, (ii) Folder on frequently asked questions (iii) Folder on roles and responsibilities of VWSC, (iv) Poster on features of NNP among other things. It also refers to interpersonal communication activities at village level, including (a) competition of school children and school-level meetings, (b) meeting with GP members, (c) VWSC meeting, (d) Gram Sabha and village meetings, and (e) Village Contact Drive (FGD, Community meeting, Mapping).</p> <ul style="list-style-type: none"> • The DPMU social specialist also shared a video of a community meeting held on February 20, 2016, at the joint request of the Ranidih and Giddhi Jhopri habitations. The meeting was held near the WTP site on the northern side of the hill. The participants included DWSD/SPMU, the SDO, a Junior Engineer, the contractor and DPMU members. In an email dated November 23, 2018, the DPMU reported that the meeting provided detailed information about the Project and answered queries raised by the community such as: “What will be built on the selected site? Will outsiders will stay here? Will it provide jobs for the community? Why is the MVS named after Bagbera and not Middle Ghaghidih or Ghaghidih?” The DPMU further reported that participants acknowledged the need for water and toilets, but voiced their fear that, due to the water supply scheme, this area would become classified as part of the urban water service area (“Nagar nigam area”) by the state. A link to the video is attached in Annex 2. • Following the formation, in August 2017, of the multi-village WSC for the management of the Bagbera scheme, consultations were held once every month with communities across the 17 GPs. Such consultations are recorded in the multi-village WSC registers. • In December 2017, two wall writings with different messages on water were done on the walls of the Giddhi Jhopri Primary School. A picture of one of them and the certificate of satisfactory completion, signed by the Mukhiya, are attached in Annex 2. • The DPMU informed the Bank of another consultation held in Giddhi Jhopri on October 28, 2018 and the Bank has requested the report.
8.	They were further assured in this meeting that nothing would happen without the	<i>Management understands that there have been two incidents that involved police action at the time works</i>

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	<p>Giddhijhopri <i>Gram Sabha</i>'s consent. Aside from the few community members who had attended that earlier meeting, most community members learned about the water treatment plant and the CB Scheme about one month prior to work beginning on the ground, on June 6, 2016, when the Sub-Divisional Officer ("SDO") came to neighbouring Ranadih village, along with members of the police force, to reportedly coerce the villagers into giving their consent for use of their sacred grove for the water treatment plant. However, there cannot be a free and open consultation in such a coercive environment with the presence of police. Approximately one month later, on July 15, 2016, they arrived in the village with massive police force and earth excavating machines.</p>	<p><i>started at the WTP site, one on June 6, 2016 and the other on July 15, 2016. Management has reached out to the district authorities as well as to the community to better understand the nature and sequence of events.</i></p> <p>It is not possible for the Bank to confirm or refute any such reported events. Moreover, it is neither the Bank's role nor within its purview to do so.</p> <p>According to the report provided by the Sr. Superintendent of Police (SSP) of the district, two incidents occurred in 2016 that prompted police action:</p> <ul style="list-style-type: none"> On June 6, 2016, a visit of Water and Sanitation officials to inspect the site prior to the start of construction. This visit included discussions with the villagers about Project benefits. According to the police, the discussion deteriorated and resulted in "misbehavior and assault" against the officials who left the construction site to avoid further confrontation. This led to a police investigation against some community members. On July 15, 2016, the Water and Sanitation Department's Engineer, accompanied by the police,¹⁸ visited the site to supervise the initiation of the works. According to the police, a group of 40-50 individuals interrupted the works and attacked the police and administrative officials. The police filed a case against 39 villagers but no arrests were made or charge sheets issued against the villagers in this case. These cases have not been closed since. <p>The perception in the community is that the cases are being kept open deliberately as a means of exercising control over the community. They maintain that the pending cases impede their ability to secure employment or access other government facilities that require verification of bona fides/character certificates. The community also referred to other unspecified threats of coercion, but Management has no evidence of these.</p> <p>The SSP also reported that on the day of the confrontation (July 15, 2016), the villagers also filed a case in the court against the use of police force at the construction site. The SSP said that in response to a court order, a police investigation was undertaken and a report submitted, which did not mention any adverse situation. The SSP has no information on whether the</p>

¹⁸ Twenty out of 24 districts in Jharkhand, including East Singhbhum, are affected by left-wing extremism, which targets police and government officials and was responsible for many homicides. It is usual that government officials are escorted by police as they travel within affected districts.

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		<p>court has closed this case or not.</p> <p>The SSP also mentioned that a case filed at the same time by the villagers under section 124A (which relates to sedition) against the Sub-Divisional Officer had been dismissed by the courts as frivolous.</p> <p>Police protection for the WTP site was provided after that incident in June and July 2016 for the first few weeks of the construction period, to allow the contractors to begin work.</p> <p>Earlier opposition. In May 2016, a Bank mission focused on social aspects visited the site and noted that “<i>there is constant opposition with frequent disruptions to start work from local tribals, as they fear construction of project facilities at this location may lead to usurping their land by non-locals and eventual domination of settlers.</i>” The mission noted there were gaps in consultations during the planning of the scheme. The mission recommended that the DPMU, along with the district administration, engage with local residents at Bagbera to address their concerns and enhance support for the Project. The mission also recommended that the SPMU advise the DPMU to make appropriate arrangements for the redressal of grievances.</p> <p>July 2016 protest. On July 27, 2016, the press reported a protest in front of the Deputy Commissioner’s office by tribal community members against the construction of the WTP in the vicinity of Giddhi Jhopri, during which protesters also expressed concern about an allegation that numerous GPs would be integrated into the Jamshedpur Urban Agglomeration. This took place at the time of the Project’s Mid-Term Review mission, but no specific field visit went on site to assess the issue and discuss with concerned parties. The mission reiterated the recommendations of the May 2016 mission and visit to the site and urged the relevant staff of the SPMU and DPMU to get a clear understanding of applicable state land acts, procedures to be followed, identification of traditional and customary land users and their rights, and also stressed the importance of the SPMU’s support for the DPMUs in this regard.</p> <p>The head contractor reported that protests ceased shortly after the start of the works. The WTP is currently 65 percent completed and the scheme is expected to start its operations on March 31, 2019.</p> <p>Follow up in 2017. A field visit in early January 2017 recorded complaints from the GP Water Supply Committee and some from within Madhya Ghaghidih on the lack of information about progress and the schedule of works. Following the creation of the multi-</p>

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		<p>village WSC in August 2017, it was agreed that the DPMU would conduct a community meeting once every month (25th at Bagbera and 28th at Chhotagovindpur) to provide information on the scheme. The DPMU social specialist would conduct the meetings with the help of the Executive Engineer, technical specialists and contractor representatives. During the November 2018 mission, the DPMU and contractor confirmed that 19 monthly meetings were held until and including October 2018. Handwritten minutes kept at the DPMU record that the MVWSC meetings had representatives of GPs, the contractor and DPMU (details in Annex 2).</p> <p>Management acknowledges that in light of the above events, a more proactive follow-up with the Project authorities should have taken place to appropriately understand and address what appeared to be significant resistance to Project implementation.</p>
9.	<p>All this time, women from Giddhijhopri were never involved in the consultation process in other villages, even though one of the purported grounds for the Scheme is that women have to travel far and wide to collect water.</p>	<p>According to the attendance lists for the Madhya Ghaghidih Gram Sabha held on February 6, 2016 in Ranidih, 35 out of 80 participants from the community were women (44 percent).</p> <p>However, as stated above, there are no records of representatives from Giddhi Jhopri at that meeting.</p>
10.	<p>Project documents confirm the lack of appropriate consultations in Giddhijhopri. The Detailed Project Reports do not list any public consultations apart from the meetings of the Village Water and Sanitation Committees (VWSC). For the baseline Environmental and Social Assessments as well as the Tribal Development Plan, consultations were done at the Jharkhand state level and not for the CB Scheme in particular.</p>	<p>Information on consultations held during preparation and implementation are noted in Section 7 above.</p>
11.	<p>Invalid Gram Sabha Resolution</p> <p>East Singhbhum district is a Schedule V protected area under the Indian Constitution. The Panchayats (Extension to Scheduled Areas) Act, 1996 (“PESA”) applies to all rural Schedule V protected areas. Under PESA, any development scheme or welfare plan to be implemented in a Schedule V area, or any decision regarding common community resources, should be taken with the consent of the village <i>Gram Sabha</i>. Although Giddhijhopri is a hamlet within the larger revenue village of Ghaghidih, it satisfies the definition of a village in PESA.</p> <p>In the past, any development activity that has been implemented in the village, such as</p>	<p>See Item 1 above for a discussion of the government structure at the local level.</p> <p>In Jharkhand, the local governments or Panchayati Raj institutions work in tandem with the traditional tribal structures. Hence, a GP Gram Sabha, while convened by the elected head or Mukhiya, is presided over by the local tribal leader or Majhi. A Gram Pradhan is the (non-elected) community leader at the habitation level.</p> <p>Issues between habitations related to influence or land use areas are handled through traditional practices; as noted earlier, there are no maps at the sub-revenue village level. It is up to the Mukhiya, elected head of the GP, to determine in which habitation the Gram Sabha is to be held, based on the potential impacts.</p> <p>The District Circle Officer had provided a Land NOC on January 20, 2016 for the WTP, along with a hand-</p>

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	<p>the construction of the primary school building, village roads, <i>Anganwadi</i> centre, etc., has only been done after the Giddhijhopri <i>Gram Sabha</i> passed a “No Objection” resolution.</p> <p>The land on which the water treatment plant is being constructed falls under the jurisdiction of the Giddhijhopri <i>Gram Sabha</i>. The land constitutes a common community resource for the Giddhijhopri community, which is reinforced by the fact that the Giddhijhopri <i>Santhal</i> Indigenous community has used the land as their graveyard since time immemorial. There are tomb stones near the water treatment plant site, belonging to ancestors of Giddhijhopri residents. Two of these tombstones have physical markings on them, which state:</p> <p>1: ॐ NAME DATE OF BIRTH 11.11.1969 DATE OF EXPIRED 18.8.1987</p> <p>2: NAME DATE OF BIRTH 03.09.1969 DATE OF [DEATH] 18.08.1987</p> <p>These markings show that the land has been used as a graveyard by the Giddhijhopri community, at the very least, for the past two and a half decades. Further, the site is also the place where a sacred grove is located. The community worships this sacred grove every five years, a practice called <i>Jantad Pooja</i> locally.</p> <p>Despite reports to the contrary, the Giddhijhopri <i>Gram Sabha</i> has never passed a “No Objection” (“NOC”) resolution regarding the water treatment plant. According to a media report dated February 23, 2016, Giddhijhopri village gave a “No Objection Certificate” for the construction of the water treatment plant. For the record, our village never gave any such NOC. The then SDO, along with Middle Ghaghidih Gram Panchayat Head, organised a <i>Gram Sabha</i> in Ranadih village instead. The <i>Majhi</i> of another village, Gultujhopri, reportedly stated that he gave permission for the construction of the water treatment plant, naming Ranadih as the relevant village. However, the land belonging to Ranadih village is not the site where the water treatment plant is being constructed.</p>	<p>drawn map. The NOC notes that the construction can start after the approval of the concerned Gram Sabha has been obtained. In a letter to the Bank dated November 8, 2018, the District Circle Officer clarified that “the construction site is located on the northern slope of the hillock and, as a result, it seems that the site would be in Ranidih Hamlet. Giddhi Jhopri is located on the southern side of the hillock, which is on the opposite side from the WTP construction site.”</p> <p>In this case, the Mukhiya called the Gram Sabha to be held at the GP’s headquarter in Ranidih on February 6, 2016. It was presided over by the then Majhi of the Jata Jhopri habitation, who has since passed away.</p> <p>The Gram Sabha attendance list attached to the resolution does not record the presence of any Giddhi Jhopri representatives at the Gram Sabha meeting.</p> <p>During the October 2018 mission, the Mukhiya said that the Gram Sabha was advertised five days in advance of the February 6 date, and that all habitations in the GP were invited, using standard practices of verbal invitation and drum beating. During the November 2018 mission, the Giddhi Jhopri community maintained that they had not been invited to the February 6, 2016 Gram Sabha.</p> <p>Details on the Gram Sabha resolution and attendance list can be found in Annex 2. This Gram Sabha was also photographed and filmed, suggesting that the attendance may have been higher than the 80 persons listed in the resolution (Annex 2).</p> <p>It is also not clear why the Gram Pradhan and Majhi of the Giddhi Jhopri habitation did not call a Gram Sabha meeting in Giddhi Jhopri to discuss the water scheme and the location of the WTP and issue a resolution at the habitation level summarizing the habitation’s view.</p> <p>The November 2018 mission highlighted the complexity of the joint governance structure in Scheduled Areas, which requires clarification to ensure a clear basis for monitoring of community endorsement and decision-making process going forward.</p>

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	<p>The water treatment plant site is squarely within the jurisdiction of the Giddhijhopri <i>Gram Sabha</i>. Without the consent from the correct <i>Gram Sabha</i>, the construction of the water treatment plant on the current site, which belongs to Giddhijhopri, is illegal and unconstitutional under Indian Law. The Giddhijhopri <i>Gram Sabha</i> does not accept the decision of the Ranadih <i>Gram Sabha</i> about the use of land resources that fall within its jurisdiction and opposes any such resolution passed by them. The community is profoundly disturbed by the World Bank's support of a project that is in violation of Indian law, especially laws designed to protect the rights of Indigenous people.</p>	
12.	<p><i>Use of threats, force, and intimidation tactics</i></p> <p>Attempts have been made by the state administration to force the Giddhijhopri community to withdraw its opposition to the CB Scheme. On June 6, 2016, the then SDO visited neighbouring Ranadih along with police to discuss the issue of <i>Gram Sabha</i> consent for the first time. A few community members from Giddhijhopri were in attendance, amongst people from various villages. The SDO asked about water requirements, and Giddhijhopri community members who were present stated their satisfaction with the quality, quantity, and medium of the water supply in Giddhijhopri. They stated not needing or wanting a piped water supply scheme, and opposed the spot selected for the construction of the water treatment plant because it is a traditional graveyard and sacred grove. Upon hearing this, the SDO stated that he would ensure the plant is constructed on that site using police force. The community filed a criminal complaint against the SDO because of his threatened use of force and his insistence on getting the Project implemented in Giddhijhopri through any means necessary, despite restrictions placed by PESA and the Constitution of India.</p> <p>On July 15, 2016, police officers arrived at the site of the graveyard of Giddhijhopri village accompanied by workers, earth extraction machines and leaders from semi-urban areas who reportedly support the CB Scheme. When women from the village heard about this, they assembled together along with a few men. The police officers came in the</p>	<p>Please see Item 8 on events which took place on June 6, 2016 and July 15, 2016.</p> <p>Please see Items 7 and 11 for information on the <i>Gram Sabha</i>.</p>

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	<p>afternoon, when most men had left for work. The women demanded to see the <i>Gram Sabha</i> resolution from Giddhijhopri village showing consent for the construction work. When the police could not produce any such <i>Gram Sabha</i> resolution, the community members demanded the work be stopped and that the workers and police leave the site, and remove the machinery. In response to this peaceful protest, the police officers used batons to disperse the women, some even brandishing their service revolvers to scare the protestors. Several women and children were beaten by male police officers. The men who tried to intervene were also beaten badly. Several villagers suffered serious injuries and had to go to hospital. Media reports also indicate that unarmed women were beaten by male police officers.</p> <p>The use of force was apparently pre-meditated. In a letter dated May 25, 2016, from the Executive Engineer, DWSD, Jamshedpur to the SDO, Dhalbhum Subdivision, a request was made for the use of force to deal with villagers opposing the project. The letter mentions that a “No Objection Certificate” was obtained from the concerned Land Officer. This is preceded by another similarly worded letter from the Assistant Executive Engineer, DWSD, to SDO Dhalbhum Subdivision dated April 23, 2016, requesting the use of force. It is notable that in an earlier letter dated January 20, 2016, the Land Officer, while granting the “No Objection Certificate” for the water treatment plant site, laid down the condition that construction work can only begin after permission is obtained from the concerned <i>Gram Sabha</i>. As already mentioned, this requirement was never fulfilled.</p> <p>Minutes of a meeting dated July 15, 2016 (the same day as the use of force against villagers), of District Level Officers of Jamshedpur, including police officers, reveal that the district administration decided to take criminal action against all those protesting land disputes. These minutes and letters were obtained as part of the District Administration’s reply to a community complaint to the National Commission for Scheduled Tribes in relation to use of force by local authorities.</p> <p>The same day, July 15, 2016, a complaint</p>	

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	<p>letter levelling false allegation against 39 members of the community was submitted in the Bagbera Police Station by the Assistant Sub-Inspector of Police. The letter insinuates there was a violent mob that was involved in an altercation with police officers. Following this complaint, charges were registered against the 39 people under multiple sections of the Indian Penal Code. The alleged offences are serious and range from rioting, kidnapping, and causing grievous hurt, to attempted murder. However, even after two years, no evidence has been filed in courts. Instead, these charges are regularly used to harass community members. It has consequently become difficult for Giddhijhopri community members to obtain character certificates from the police station. These certificates are needed in India for various purposes, such as employment.</p>	
	<p>Operational Policy on Environmental Assessment OP 4.01</p>	
13.	<p><i>Erroneous Project Categorization</i></p> <p>This Project was wrongly categorised as a category B project, which lowered the required level of environmental assessment. Under the World Bank Policy on Environmental Assessment, a proposed project is classified as Category A "if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works." A potential impact is considered "sensitive" if it may be irreversible (for example, lead to loss of a major natural habitat) or raise issues covered by OP 4.04, Natural Habitats; OP/BP 4.10, Indigenous Peoples; OP/BP 4.11, Physical Cultural Resources or OP 4.12, Involuntary Resettlement.</p> <p>The CB scheme is one of the many large multi-village schemes that are being implemented under the Project. In at least one state in which the Project is being implemented (i.e. Jharkhand), there will be wide ranging impacts on Indigenous Peoples, including issues covered under OP/BP 4.10. Moreover, construction of large multi-village schemes require infrastructure creation which often have diverse, wide ranging impacts on ecology, human health and safety, resources and rights of people. Further, the Project</p>	<p><i>In Management's view the size of the individual schemes supported under the Project justifies the categorization of the Project as Category B.</i></p> <p><i>Categorization.</i> Based on the information available at the time of preparation, the Project was placed in environmental screening Category B because it was not expected to have significant adverse environmental or social impacts (Project Appraisal Document, p.43).</p> <p>As the Project involved numerous schemes, the locations of which were not known at the time of Project approval, it was also decided to use a framework approach to address environmental and social risks and impacts.</p> <p>The Project Appraisal Document also noted that upfront environmental screening of the schemes would be carried out to identify potential negative impacts and mitigation measures, in accordance with the EMF and SMF. Management confirms that the Environmental Category B is adequate for this Project.</p> <p>OP 4.10 on Indigenous Peoples is applicable to the Project, and a Tribal Development Framework was prepared consistent with the requirements of the policy. However, no scheme-specific social assessment towards preparation of a TDP was undertaken.</p> <p>Management recognizes that there have been shortcomings in the application of OP 4.01 and OP 4.10, especially with respect to consultations and</p>

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	<p>envisages monetizing access to drinking water for rural communities in India. This is likely to have unprecedented impacts on impoverished rural communities in all the four states, if they currently have free access to drinking water. Bank Management did not adequately consider the serious adverse impacts of these multi-village schemes on the impacted communities and their physical cultural and water resources at the time of project screening.</p> <p>The CB Scheme, in particular, involves serious and multidimensional environmental concerns, as well as impacts on critical cultural and economic resources of the <i>Santhal</i> Indigenous community. A large-scale infrastructure development project that has the potential to irreversibly destroy or damage a physical cultural resource, such as a traditional graveyard and sacred grove, must be considered a “sensitive” adverse environmental impact within the scope of the definition of a Category A project.</p> <p>The impacts go beyond the physical structures in Giddhijhopri and other villages. The CB Scheme proposes to extract significant volumes of water from the Subarnarekha river, which is likely to have adverse impacts on the hydrology of the area. Most of the impacted villages are Indigenous villages where local bodies of water, like ponds and wells, form a key component of many cultural practices. Diversion of the water of the river, which feeds groundwater and other water reservoirs in the area, can have significant negative impacts on local bodies of water in these villages, thereby affecting the cultural practices and way of life of many Indigenous communities. The potential adverse impacts of the CBScheme on the hydrology of the region have the potential to be significant and irreversible.</p> <p>Additionally, even though the World Bank is not directly funding the Jamshedpur Urban Agglomeration Plan, the fact is that the Bank-funded CB Scheme is a key component of the proposed Urban Agglomeration Plan. As described above, this Plan will adversely impact several Indigenous villages. The urbanisation of the rural areas around Jamshedpur will also significantly increase the run-off into the Kharkai and Subarnarekha rivers surrounding these areas. The community</p>	<p>public disclosure in local languages.</p> <p>Water abstraction. No impact from the river water abstraction on the groundwater levels in Giddhi Jhopri is expected. The water that will be treated by the WTP is from the Subarnarekha River, which is the only source for the Baghera MVS. The amount of water withdrawn (37 megaliters per day) is negligible compared to the river’s water flow.</p> <p>Groundwater and other water reservoirs may be affected only in the major river bed, and such impacts are usually limited to sources located close to the river and where the volume abstracted represents a significant share of the water flow, <i>which is not the case here.</i></p> <p>The water intake, located upstream of Domuhani, 14.5km away, is too far to have any impact on the groundwater levels in Giddhi Jhopri. However, the possible increase in water consumption as a result of having piped water at home requires appropriate wastewater management systems to avoid contamination of local rivers and groundwater.</p> <p>The Project has provisions to develop wastewater collection and treatment and solid waste management. During the November mission, the Bank team noticed kitchen wastewater discharges in Ranidih and observed that open defecation was practiced in some areas, including on the hill where the WTP is being built. The Bank team is encouraging the SPMU to use the Project component related to solid and liquid waste management to address these concerns. The Bank team encouraged the DPMU to perform water quality analyses in wells currently used for water supply across the MVS, and especially around the WTP site, including for heavy metals, and to make the results publicly available in the concerned communities.</p> <p>Jamshedpur plan. The Project is not related to the cited Jamshedpur plan.</p> <p>EMP. As noted above, the Project was categorized as Category B and the MVSs require the preparation of an EMP. See Item 6 for details on the EMP.</p>

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	<p>fears that increased urban run-off to these rivers, accompanied by the mass abstraction of water from them, may lead to devastating impacts on the aquatic ecosystem, hydrology, hydro-geology, direction and nature of river flow and erosion patterns.</p> <p>Given the potential for diverse, large-scale, unprecedented impacts on Indigenous communities in the region, the Scheme required a rigorous environmental assessment which should have been done as per Category A standards. The hydrology impacts alone of these large multi-village schemes should have required independent, internationally recognised hydrology experts as per the requirements of the Operational Policy on Environmental Assessment.</p> <p>The Bank failed to do an adequate project screening, which in turn caused a failure to adequately assess the potential impacts of the RWSS-LIS and the various sub-projects under it. A proper and timely Category A Environmental Assessment for the CB Scheme would have provided the necessary opportunity for the Bank to fully analyse risks and issues presented by the CB Scheme, and to identify alternative approaches that would have minimised adverse impacts and maximised possibilities to restore and improve the environment.</p>	
14.	<p><i>Absence of Environmental Assessment</i></p> <p>In spite of the large-scale potential adverse impacts of the CB Scheme, it appears that no meaningful environmental assessment was carried out. The Baseline Environmental Assessment & Environmental Management Framework (“EA-EMF”) for the state of Jharkhand as a whole did not examine potential adverse impacts of sub-projects. Instead, it noted that for sub-projects, an Environment Data Sheet and categorisation into Category 1 or 2 was needed. In the case of Category 2 sub-projects, a detailed environmental appraisal was required. There is no indication that these requirements were fulfilled in the case of the CB Scheme. None of these documents are publicly available. As discussed above, when the community requested these documents through an RTI application, they were instead provided with the Detailed Project Reports and Preliminary Design Reports, neither of which contain an</p>	<p><i>See Item 6 above.</i></p>

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	<p>environmental assessment.</p> <p>The apparent failure to conduct an environmental assessment is a clear violation of the World Bank's Safeguard Policy on Environmental Assessment. It indicates a failure on the part of Bank management to properly monitor various sub-projects and ensure compliance with the World Bank's Safeguard Policies. The Bank's supervision of the DWSD, Jamshedpur was insufficient and wanting, and as such in non-compliance with the requirements of OP 4.01.</p>	
15.	<p><i>Lack of a proper mechanism for sludge disposal</i></p> <p>A water supply scheme of this level will generate enormous amounts of sludge. It is therefore concerning that neither the Detailed Project Report nor the Preliminary Design provide any indication as to where the sludge will be disposed. On the contrary, the Detailed Project Report indicates that the sludge might be manually cleaned, a practice that is banned under Indian law because of its harmful impacts on those doing the cleaning.</p> <p>Residual sludge generated from water treatment processes can be toxic. It can have suspended solids, pathogens, and heavy metals. Such sludge, if not properly disposed of, can further contaminate the receiving waters and adversely impact aquatic ecosystems as well as water chemistry. Such sludge is also likely to have heavy metal residuals, which can be toxic to phytoplankton and zooplankton and to higher aquatic plant and animal species, including fish. Further, the community fears that the use of chlorine for water treatment can lead to chlorine residuals in the sludge, which can be highly toxic.</p> <p>Given the potentially alarming levels of toxicity in the sludge that will be discharged, the Detailed Project Report and Preliminary Design Report should have discussed these risks and provided details about sludge disposal. The fact that the reports lacked relevant and important information regarding sludge disposal should have been a cause of concern for the Bank. The Bank Task Team should have looked into these components before approving the reports and subsequently the CB Scheme itself. Even a rudimentary environmental assessment for a water</p>	<p><i>The low levels of heavy metal contaminants in the raw water at the intake of the WTP suggest that the sludge should not be considered as a toxic waste.</i></p> <p>The raw water intake is located at a point where the water is least expected to contain heavy metals. Management has reviewed the water analysis performed in the last 12 months at the water intake of the WTP, which shows very low levels of heavy metals in the raw water, almost at the level of Indian Standard IS 10500 2012 on Drinking Water Specifications. The WTP is designed to be able to remove heavy metals and other contaminants to ensure that the drinking water is delivered according to standard. The specific approach to sludge management and disposal will be in place by the time the WTP begins operation, planned for March 31, 2019. It will be detailed in the updated EMP and will be supervised by the DWSD of the State of Jharkhand. The low levels of heavy metal contaminants suggest that the sludge should not be considered as a toxic waste. Management will request district authorities to advise the contractor on an appropriate discharge site for the water treatment sludge and will request the DPMU to share the water testing results with the community.</p>

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	treatment project must include details about the project's sludge disposal process. Such an oversight by the Bank suggests that the scope and level of scrutiny employed by the Bank was deficient.	
16.	<p><i>Lack of Public Consultation</i></p> <p>Under the World Bank's Environment and Social Safeguard Policy ("ESSP"), the borrower is supposed to consult project affected groups about the Project's environmental impacts and take their views into account. However, this Policy has been violated with respect to the CB Scheme.</p> <p>As described above, many community members, especially women, only became aware of the Scheme on the day that machinery was brought to Giddhijhopri to construct the water treatment plant in the presence of police. When community members expressed their reservations, they were threatened and beaten.</p> <p>The Jharkhand Baseline EA-EMF claims that it was developed through broad consultations across Jharkhand. The scope of these consultations was to assess the existing status of water supply, sanitation, public health, and personal and environmental hygiene. It seems these consultations did not make a rigorous attempt to understand the impacts of planned components of the Project on project affected people. An environmental assessment as per the ESSP has to evaluate a project's potential environmental risks and impacts and examine project alternatives. Public consultations related to an environmental assessment should therefore include consultations specifically regarding these aspects. The Bank should properly monitor and review the scope of an EA-EMF for all sub-projects, including scrutiny of the nature and extent of consultations. The extremely narrow scope of the EA-EMF consultations falls short of the requirements for an EA-EMF and indicates a failure on the part of the Bank to properly appraise DWSD's work.</p> <p>Specifically, regarding the CB Scheme, no proper consultation took place in Giddhijhopri village. Little attempt has been made to take community views into account even though a key component of the Scheme is being constructed on land where the community's</p>	<p><i>Please refer to Item 7 for consultations related to Project preparation and Item 6 for consultations on the safeguard instruments.</i></p> <p>The EA-EMF carried out during preparation was reviewed and cleared by the Regional Safeguards Advisor, consistent with Bank policies.</p> <p>The Bank team has been working with PMU staff to support the implementation of the EA-EMF for all schemes.</p>

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	ancestors are buried. The community believes that the CB Scheme does not fulfil the ESSP's requirements for public consultations.	
17.	<p><i>Inadequate Information Disclosure</i></p> <p>The World Bank has failed in this Project to ensure that its information disclosure requirements are fulfilled. Under World Bank policy, the borrower is supposed to provide relevant material in a timely manner prior to consultation and in a form and language understandable and accessible to project affected people. In the case of the CB Scheme, the implementing authority never provided any documents to the community. There is also no information about the Scheme on the World Bank's website. In fact, the World Bank's website only has documents for Jharkhand as a whole, which discuss the over-arching RWSS-LIS. The Giddhijhopri community first realised the World Bank is funding the CB Scheme through media reports.</p> <p>As a result, the community filed an RTI application for documents related to the CB Scheme. The already impoverished community collected INR 5100 to get access to the documents that were made available in response to the RTI application. Several trips had to be made to the DWSD office to finally get the documents, consuming additional time and resources. Even then, the community was only given the bidding documents, Detailed Project Reports and Preliminary Design Reports, not all the documents they had requested. Moreover, the documents are largely in English and were not translated into Hindi or Santhali, the languages spoken by the project affected people. Thus the information disclosure for the CB Scheme fell far short of meeting the ESSP requirements.</p>	<p><i>See Item 6 on information disclosure.</i></p>
	<p>Operational Policy on Indigenous Peoples OP 4.10</p>	
18.	<p>The Bank's Indigenous Peoples Policy OP 4.10 applies to the CB Scheme's implementation in Giddhijhopri. Most of Giddhijhopri's population is comprised of the <i>Santhal</i> Indigenous community. The <i>Santhals</i> are an impoverished community in East and Central India that has suffered marginalisation because of rapid industrialisation at the cost of their ancestral land and resources. They identify as <i>Adivasis</i> and are recognised as a</p>	<p><i>Consistent with the requirements of OP 4.10, the TDP was prepared during Project preparation, consulted upon and adopted in March 2013 for the State of Jharkhand. It includes provisions to ensure that tribal-specific practices are adequately taken into consideration in the Project, and that informed consultations regarding schemes affecting tribal populations take place in culturally appropriate ways.</i></p> <p>Key provisions proposed in the TDP (Page 47-57)</p>

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	<p>Scheduled Tribe under the Constitution of India. As mentioned earlier, at the edge of every <i>Santhal</i> village is a <i>Jaher Sthal</i>, which is a common community resource and is believed to be the resting place for ancestral spirits. <i>Santhal</i> villages have their own traditional governance and decision-making structures called the <i>Majhi Pargana Mahal</i>, as well as cultural and spiritual practices that are distinct from mainstream practices. The <i>Santhals</i> speak Santhali. Based on these facts, it can be concluded that the <i>Santhals</i> in Giddhijhopri are Indigenous communities for the purpose of the Indigenous Peoples Safeguard Policy.</p> <p>Under the Policy, the Bank is supposed to ensure that Indigenous communities receive social and economic benefits in a culturally appropriate manner. In light of the lack of appropriate consultation, risks to important Indigenous resources and cultural heritage, and the violent retaliation towards community members, the community believes that the Bank's actions with regard to planning and implementation of the RWSS-LIS, and specifically the CB Scheme, disrespect and threaten the dignity, human rights, economy, and cultures of Indigenous Peoples.</p>	<p>include:</p> <ol style="list-style-type: none"> Habitation level DPR, a technical document informing the tender process, to be endorsed by both the VWSC and the GP. Once the GP approves the plan, it is forwarded for sanction to the DPMU who in turn seeks approvals from DWSD/SPMU. Support Organizations to provide community organization and capacity building support. Convergence with other government schemes. Training of stakeholders, exposure visits. Developing of cadre functionaries (Jal Sahiyas). Training of local masons and plumbers. Involvement of Accredited Social Health Activist (ASHA) workers.¹⁹ Consultations during implementation (implementation of the IEC/ Communication plan for awareness creation) Community contribution from Scheduled Castes and Scheduled Tribes at INR 225/- (US\$3) and INR 450/- (US\$6) for others. <p>In terms of implementation, Management acknowledges a deficit of consultation with and information disclosure to tribal populations in the case of Madhya Ghaghidih.</p> <p>With respect to application of the TDP, information available show that:</p> <ol style="list-style-type: none"> The DPR for the contract of the Chhotagovindpur and Bagbera MVSSs was not endorsed by every one of the 38 concerned VWSCs and GPs (resolutions from 10 out of 17 GPs were attached to the DPR for the Bagbera MVS). The provisions of the TDP referred to this endorsement in singular, thus presumably only in the context of SVSSs (one VWSC, one GP). Additionally, during the Project preparation period and even before the establishment of DPMUs in 2014, there was a specialized agency hired as the District Project Management Committee to support DPMUs. Its role included: "Supporting village communities in holding village meetings or Gram Sabhas to inform and agree on (a) water supply scheme and sending a proposal to the department for the same; (b) communities indicating desire to have household level pipe

¹⁹ These are community level health workers instituted by the GoI's Ministry of Health and Family Welfare.

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		<p>connections; (c) communities agreeing to provide land for the scheme; (d) discussion relating to O&M of the scheme; (e) agreeing to the connection charges.”</p> <p>iii. Support Organizations were hired for an initial period of nine months in 2016-17 to undertake baseline surveys and training programs, but were subsequently discontinued as this model proved unsatisfactory.</p> <p>iv. In May 2018, Community Organizers were in place for mobilization and sensitization on the scheme and CAPEX and OPEX collection.</p> <p>v. Multi-village WSC at Bagbera were formed in August 2017. One four-day event on formation and functioning of MVS took place.</p> <p>vi. Cadre functionaries: Jal Sahiyas have been operational across the state including in this area.</p> <p>vii. Involvement of ASHA workers: Jal Sahiyas instead of ASHA workers are active here.</p> <p>viii. Consultation during implementation: Related IEC material is being improved.</p> <p>ix. Collection of community contributions is in progress.</p> <p>The Aide-Memoire of the first implementation support mission in June 2014 refers to initiating the preparation of a Tribal Development Implementation Plan (TDIP), to complement the TDP with specific actions and processes to facilitate its implementation. The TDIP was prepared through several rounds of district-level consultations with tribal leaders, members of civil society and academicians, and through workshops held at state level. It was reviewed by the Bank several times. The finalization of the TDIP was stalled by the departure of the Tribal Development Expert from the SPMU. The post remained vacant for about two years but was filled again in February 2018, which led to the finalization of the TDIP. The Bank provided comments in March and May 2018. It was approved by the executive committee of the Project on August 9, 2018, after which the SPMU started its implementation.</p> <p>The TDIP also includes renovation of traditional water sources, IEC dissemination in local languages, convergence of Government schemes with toilet construction, and exposure visits for traditional tribal leaders/tribal VWSC members to successful water schemes.</p> <p>See Item 8 on related events and the police reports</p>

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19.	<p><i>Absence of a mitigation plan to provide remedy for the negative impacts of the CB Scheme on Indigenous communities</i></p> <p>OP 4.10 requires that where adverse impacts are unavoidable, the borrower must minimise, mitigate, or compensate for such effects. The Detailed Project Report does not contain a mitigation plan to remedy the negative impacts that the CB Scheme is likely to cause, nor have they been compensated for the harm already caused. Moreover, if the Scheme is completed, the community will be forced to pay money to access water.</p>	<p><i>As stated above, community access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for the use of these sources. Discussions with state government on O&M policy will ensure that poor households who wish to use the clean and safe piped drinking water are offered affordable tariffs.</i></p> <p><i>Paying for water.</i> During the community consultations at the time of preparation of the TDP, people expressed their willingness to pay for piped water provided a regular and safe supply was assured. The distribution pipes have been laid in Giddhi Jhopri habitation and are being laid elsewhere in Madhya Ghaghidih. To date, 19 percent of households in Giddhi Jhopri have paid the community contribution to participate in the scheme. Across the Bagbera MVS, 24 percent of households contributed. The share is 5 percent in Madhya Ghaghidih overall. The contribution rate correlates with the progress of distribution pipe layout.</p> <p><i>Mitigation measures.</i> The main purpose of the DPR is to provide information on upcoming procurement. The Bank team confirms that the contract requires preparation of an EMP per Bank policy, as well as requirements for implementation and monitoring of the EMP during Project construction and implementation phases. Please refer to Item 6 for aspects related to the EMP.</p>
	Operational Policy on Physical Cultural Resources OP 4.11	
20.	<p><i>Impacts on physical cultural resources not taken into account in the Project Design</i></p> <p>The Bank's policy on Physical Cultural Resources requires a borrower to address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment process. This is true even for projects involving sub- projects like the CB Scheme. The Baseline and Impact Assessment should include: "(a) an investigation and inventory of physical cultural resources likely to be affected by the project; (b) documentation of the significance of such physical cultural resources; and (c) assessment of the nature and extent of potential impacts on these resources." The borrower is supposed to have extensive consultations with Project Affected groups for identifying physical cultural resources because they are often</p>	<p><i>Management acknowledges that OP 4.11 was not applied to the Project, and is now of the view that it should have. Management notes, however, that efforts were made by the implementing agency to achieve objectives that are consistent with those of the policy.</i></p> <p>Although at least three documented (see Annex 2) rounds of consultations by the DPMU, district authorities and a Bank mission team took place with Giddhi Jhopri inhabitants prior to the start of the works, these are not documented to the extent required to ascertain compliance with the policy requirements.</p> <p>While no systematic assessment of physical cultural resources took place, the contractor and district authorities made concerted efforts to jointly identify with the community areas of significance to the community prior to starting the works. These meetings took into consideration the existence of sacred sites, potential burial grounds and cremation sites, as well as the community's use of the public land, and developed</p>

No.	Claim	Response
	<p>undocumented or unprotected by law.</p> <p>In the CB Scheme documents, there again is no indication that any steps were taken to identify physical cultural resources that will be impacted by the Project. In the Concept Stage ISDS for the Project, the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11 to the Project. Management's initial appraisal of the project design is weak and fails to adequately consider the true extent of impacts on Physical Cultural Resources. The Baseline EA-EMF also concludes that no existing cultural property will be damaged. However, the EA-EMF does envisage "possible damage to places of cultural, heritage and recreational importance" as a construction stage environmental impact.</p> <p>As mentioned, a characteristic feature of a <i>Santhal</i> village is a sacred grove (known as the <i>Jaher</i> or "<i>Santal Sthal</i>") on the edge of the village. For the Giddhijhopri community, the hill where the water treatment plant is currently being built is their <i>Jaher Sthal</i>, where the community gathers and worships at their sacred grove every five years, as well as a community graveyard and cremation ground where the community has been burying and cremating their dead. The impacts on the <i>Jaher</i> was not taken into account at any stage in the project.</p>	<p>mitigation measures. In addition, earlier meetings with local residents who expressed concern about the WTP's impact on places of significance led to the modification of the footprint of the WTP site, originally designed as 120m x 120m, to 180m x 80m, in order to avoid disturbances to the identified places of significance, in particular burial grounds or worship places. The contractor adapted the WTP design to fit in the new site dimensions and made a U-shape in the boundary wall alignment to accommodate a sacred tree located within a meter of the plot boundary. Moreover, as members of the local community requested that the excavated material not be taken away, the contractor has kept it within or in the immediate vicinity of the site.</p>
	Violations of Indian and International Law	
21.	<p>The Bank Policy OP 4.01 on Environmental Assessment requires that the environmental assessment consider "the country's overall policy framework, [and] national legislation...related to the environment and social aspects..." and "identify matters pertaining to the project's consistency with national legislation or international environmental treaties and agreements".</p> <p><i>Violation of Constitutional Provisions</i></p> <p>Schedules V and VI of the Constitution of India provide for self-governance in tribal majority areas under Article 244. The object of Schedule V is to preserve the autonomy, culture, and economic empowerment of Indigenous or tribal peoples to ensure social, economic, and political justice in the scheduled area. Clause 5(2) of Schedule V</p>	<p>The Bank has no role in opining on compliance with Indian law or the constitution.</p>

No.	Claim	Response
	<p>even prohibits the state from transferring public/state land in Scheduled areas to non-tribals. The public policy rationale for this law is to preserve peace and safeguard the tribal way of life: if the Government transfers the public land to non-tribals, “peace would be disturbed, good governance in scheduled area would slip into the hands of the non-tribals who would drive out the tribals from scheduled area and create monopoly to the well-developed and sophisticated non-tribals ”</p> <p>This makes clear that it is illegal and unconstitutional for the state to transfer land in Giddhijhopri, a recognised scheduled area, to a corporation for the construction and operation of a water treatment plant. In this case, possession has been given to Chhota Gobindpur and Bagbera Drinking Water Supply Project Limited, an entity of Infrastructure Leasing and Financial Services Limited.</p>	
22.	<p><i>Violation of PESA and Jharkhand Panchayati Raj Act (“JPRA”)</i></p> <p>Under PESA, any plan or proposal that is presented by the <i>Gram Panchayat</i> has to receive prior approval, after consultation, from the <i>Gram Sabha</i>. The <i>Gram Sabha</i> has the power to safeguard community resources. Its powers include managing natural resources like land, water, and forests falling within the limits of the village area.</p> <p>However, as mentioned above, for the CB Scheme, <i>Gram Sabha</i> approval has not been provided in Giddhijhopri. The Detailed Project Report shows that letters have been obtained from various VWSCs. The PESA requirement is a resolution from the whole <i>Gram Sabha</i>, i.e. all adult members in a village who are on electoral rolls and not just the VWSC. It should be noted that in a letter dated January 20, 2016, the concerned Land Officer for this area, while granting the “No Objection Certificate” for the water treatment plant site, clearly laid down the condition that construction work can only begin after permission from the concerned <i>Gram Sabha</i> is obtained. This requirement was never fulfilled as the Giddhijhopri <i>Gram Sabha</i> never passed a <i>Gram Sabha</i> resolution providing any such permission. It is worrying that a World Bank-funded scheme is violating domestic legislation meant for the protection of</p>	<p>The Bank has no role in opining on compliance with Indian law or the constitution.</p>

No.	Claim	Response
	Indigenous communities and that Bank management has failed to adequately monitor compliance with safeguards and local laws by the borrower.	
23.	<p><i>Violation of the Polluter Pays Principle</i></p> <p>The “polluter pays” principle is a well-accepted general principle of international law and is codified in international instruments. The principle is now also part of Indian environmental jurisprudence. The principle holds that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment.</p> <p>It is well-documented that Jamshedpur and its surrounding areas has suffered considerable environmental degradation because of industrialisation and intense mining, including uranium mining. The Baseline EA-EMF for Jharkhand acknowledges this environmental degradation, noting that “metallic and dissolved toxic wastes from TISCO, Jamshedpur and HCL, Ghatsila and radioactive wastes from the uranium mill and tailings ponds of the UCIL at Jaduguda flow into Subarnarekha and its tributaries”.</p> <p>The Indigenous communities in the region have tried to preserve their water and land resources despite this rapid industrialisation. Yet, the CB Scheme will in effect put the burden on the Indigenous communities, instead of the polluters, by making communities pay for access to drinking water, which is presently free. This is not consistent with the polluter pays principle. Giddhijhopri village’s water is safe and fit for drinking, which has been proven through scientific testing. Hypothetically, even if it was not, the community should not be made to pay to treat water they did not pollute in the first place.</p>	<p><i>This does not pertain to compliance with Bank Policy.</i></p> <p>The issue of environmental degradation in Jamshedpur has no linkage to the Project.</p> <p>The Bank team understands that groundwater contamination in the Project area is naturally-occurring, which may be related to the presence of numerous minerals, but not their extraction processes.</p>
24.	<p>Prior Attempts to Resolve Problems with the World Bank</p> <p>On behalf of the Giddhijhopri community, the Giddhijhopri <i>Majhi</i> sent a letter to the World Bank Task Team leader, [TTL...] by electronic mail dated April 6, 2018, raising various grievances of the Giddhijhopri community regarding the CB Scheme. The letter is enclosed. In a response dated April 13, 2018, also enclosed, [The TTL] assured the community that he will ask the State Project Implementation Unit to look into these</p>	<p>In response to the complaint received in April 2018, the Bank team followed up with authorities on the issues raised in the complaint and informed the complainant. A second complaint was received by the Bank in June 2018. The team followed up numerous times to obtain information requested from the DPMU and SPMU. A response was received during its October 2018 mission.</p> <p>The October 2018 mission visited the WTP site and met with five households in Giddhi Jhopri, as well as the Mukhiya of the GP and other members of the Ranidih community. The Gram Pradhan of Giddhi</p>

No.	Claim	Response
	<p>grievances.</p> <p>Despite the passage of over four months, no tangible steps have been taken to solve the issues raised. Following [the TTL]'s response, the <i>Majhi</i> was contacted by the local police asking him to withdraw community opposition to the CB Scheme in exchange for withdrawal of criminal charges filed against 39 members of the community. On May 29, 2018, officials from the DWSD visited Giddhijhopri with only a few hours' notice. These DWSD officials did not visit the traditional graveyard at the water treatment plant site, despite requests to do so from the community members present. Community members raised their grievances about the CB Scheme with these officials, but have not received any satisfactory response from them.</p> <p>On June 10, 2018, another e-mail was sent to [the TTL], notifying him about the lack of any assurance or concrete steps from the State Project Implementation Unit to remedy the harms caused.</p> <p>On October 6, 2018, after the community sent a Request for Inspection to the Inspection Panel, the Lead Water and Sanitation Specialist, [...] sent an electronic mail, stating that the Bank is</p> <p>following up on the points raised.</p> <p>The Giddhijhopri community's issues regarding the CB Scheme, which concern their autonomy as an Indigenous community, their culture, and their economic resources, remain unresolved. Despite repeated attempts to reach out to World Bank Management, the response has been inadequate. Meanwhile, construction of the water treatment plant continues.</p>	<p>Jhopri was not available to meet with the team that day as, due to security concerns, the mission had been advised not to provide prior notice of the visit. The team then spoke with the Gram Pradhan over the telephone on October 27 and 29, 2018. Following a request for a discussion with the larger village community, a Bank team led by the Operations Manager of the India Country Office met with the Giddhi Jhopri community on November 17, 2018. About 250 people attended this meeting.</p> <p>The team's observations and conclusions are reflected in this Management Response.</p>
25.	<p>Requested Next Steps</p> <p>The Giddhijhopri community, through fellow Complainant and community representative <i>Majhi</i>, requests that the Inspection Panel conduct an immediate investigation to confirm the violations of Bank policy described above. The Complainants trust that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. The Complainants strongly urge the World Bank to:</p> <p>i. Immediately stop disbursements to</p>	<p><i>Management met with the Requesters and members of the community on November 17, 2018 to better understand the community's concerns. Based on those discussions, Management will initiate the following actions, all of which have been discussed and agreed with the Borrower and the state and district counterparts:</i></p> <p><i>In direct response to community concerns:</i></p> <ul style="list-style-type: none"> By mid-January 2019: Management will support the Government of Jharkhand to consult with the Giddhi Jhopri on the Bagbera MVSs with the aim to better understand their concerns and to identify

No.	Claim	Response
	<p>the RWSS-LIS and all construction activity on the CB Scheme, until such time that affected communities have been fully informed and consulted about the details of the CB Scheme, including its impacts, remedy and mitigation measures, and an independent analysis of alternative designs, in which the rights and needs of our community are made the priority. The CB Scheme in its current form is violating World Bank policies, as well as Indian and international law. Therefore, it should not be allowed to proceed further the way it is;</p> <p>ii. Conduct a complete environmental impact assessment of the CB Scheme, including a social assessment as well as an assessment of the impacts of the CB Scheme on Indigenous populations;</p> <p>iii. Appoint an independent hydrology expert to look at cumulative hydrological impacts of the CB Scheme, as well as other schemes that have been implemented in Jamshedpur and surrounding areas under RWSS-LIS;</p> <p>iv. Once prepared, translate all assessment documents into Hindi and Santhali and disclose them through culturally appropriate consultations with our community, as well as other project affected communities;</p> <p>v. Allow us, as affected people, to participate in the analysis and decision-making process for possible alternatives. The water treatment plant should be relocated, and our ancestral graveyard and sacred grove should be restored to its original form. If it is environmentally feasible, the CB Scheme could be implemented in alternative sites to benefit communities that actually require water, rather than imposing it on our community, which has preserved its water resources despite various challenges;</p> <p>vi. Make reparations to our community for the harms suffered because of false criminal charges and police violence in response to our protests;</p> <p>vii. Conduct all future baseline studies and monitoring reports with full transparency and participation of affected communities and make the results public.</p>	<p>and agree on possible compensatory measures to address Project related impacts. Management will hire experts in anthropology and cultural heritage with local experience to assist in this process. The compensatory measures may include support for the following:</p> <ul style="list-style-type: none"> ○ ensuring access to the hilltop site (outside WTP perimeter); ○ establishing new congregation / cremation areas; ○ relocating or constructing replacement shrines; ○ ensuring access to and preservation of traditional plants for community use; ○ undertaking an assessment of physical cultural resources, including steps to preserve/salvage/relocate any such resources identified; ○ undertaking reburial of mortal remains if any are found; ○ retaining red mud soil excavated from the WTP site for the community's use, as was requested; ○ providing other culturally appropriate benefits to the community. <ul style="list-style-type: none"> • By end-January 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and Chhotagovindpur MVSSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution and water tariffs, in addition to responding to people's queries. • By end-December 2018: Management will complete a review of the draft updated EMP for the Bagbera and Chhotagovindpur MVSSs, which the DPMU has committed to submit to the Bank for review by mid-December 2018. • By end-January 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP will also reflect the feedback from the above-cited

No.	Claim	Response
		<p>detailed consultations with the Giddhi Jhopri community.</p> <ul style="list-style-type: none"> By end-January 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP. <p><i>To address overall project shortcomings:</i></p> <ul style="list-style-type: none"> By end-December 2018: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor. By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance for the Category 2 schemes supported by the Project and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Bagbera and Chhotagovindpur MVSs and any remedial action pertaining to these MVSs will be addressed before the respective WTP starts operation. By end-February 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure appropriate monitoring of EMP implementation, staffing, and application of safeguards instruments. By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them. By end-February 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects. <p>With regard to the Requesters' demand that construction works on the WTP scheme be</p>

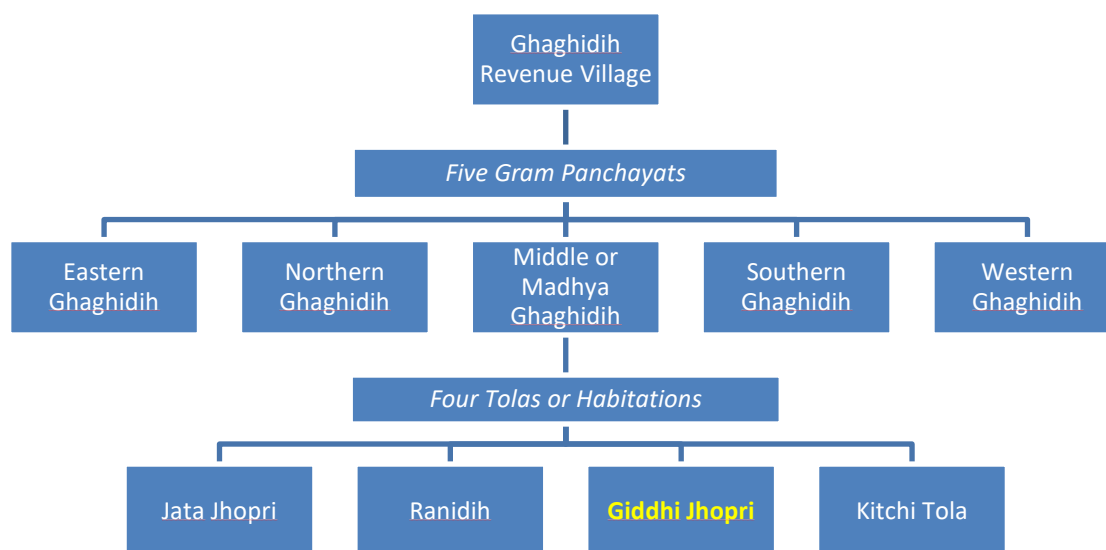
No.	Claim	Response
		<p>immediately stopped and the scheme removed altogether, Management notes that this demand was not shared by the broader community that attended the meetings with the Bank team and expressed interest in benefitting from the clean water supply that will be delivered by the Project. As noted in paragraph 32 in the main text, 19.1 percent of Giddhi Jhopri households have already paid their “community contribution” required for participation in the scheme, which is high compared to the average for Madhya Ghagidih GP (5.3 percent). Media accounts have reported on support for the scheme by some members of the community. In Management’s view stopping Project works could pose risks of retaliation against those opposing the scheme from the larger GPs that are supportive of and expecting the scheme to begin providing piped water soon (some have already paid their fees to be connected to the water supply); (ii) loss of employment by community members employed by the scheme; and (iii) safety hazards resulting from leaving the site idle at an advanced stage of construction. Management is committed to support the Government of India Jharkhand in discussing options with the concerned community to achieve a satisfactory resolution.</p>

Annex 2.
Project Consultation Process –
Documentation

Document Description	Final Version	Date disclosed	Link to publicly disclosed version	File name and link
Project Information Document/ Integrated Safeguards Data Sheet - PCN stage	Yes	7-Nov-12	WB Portal	Project Information Document/ Integrated Safeguards Data Sheet - PCN stage
PID/ISDS - Appraisal stage	Yes	24-Jul-13	WB Portal	PID/ISDS - Appraisal stage
Social Management Framework (SMF)	Yes	5-Apr-13	WB Portal	SR51 v3: Project Social Management Framework
Indigenous Peoples Plan - Jharkhand	Yes	5-Apr-13	WB Portal	IPP629 v2 Jharkhand Tribal Development Plan
State Specific Social Assessment - Jharkhand	Yes	30-Nov-18	WB Docs	Social Assessment, Capacity Building and Communication Strategy - Jharkhand - Final Report
		24-Jul-13	In-Country	
State Specific Social Assessment - Bihar	No	5-Apr-13	WB Portal	SR51-v1: Social Assessment, including capacity building and communication strategy – Bihar: Intermediate Status Report V2
State Specific Social Assessment - Assam	No	5-Apr-13	WB Portal	SR51-v2: Social Assessment, including capacity building and communication framework – Assam: Draft Final Report
State Specific Tribal Development Plan	No	Jan-16	In-Country	Tribal Development Plan - Assam - Draft Final
State Specific Social Assessment - UP	Yes	5-Apr-13	WB Portal	SR51 v4: Social Assessment, Capacity Building and Communication Strategy – Final Report
		5-Apr-13	In-Country	
		24-Jul-13	In-Country	Social Assessment – Executive Summary English
		24-Jul-13	In-Country	Social Assessment – Executive Summary Hindi
State Specific Environmental Assessment (EA) - Assam	No	3-Apr-13	WB Portal	E4182 v1: Draft Final Report Vol. I: Environmental Assessment
				E4182 v2: Draft Final Report Vol. II Annexures
				E4182 v3: Executive Summary of the EA
	Yes	13-Nov-18	WB Portal	SFG4803: Executive Summary in Assamese
	Yes			SFG4803: Executive Summary in Bengali
State Specific EA and Environmental Management Framework - Bihar	No	3-Apr-13	WB Portal	E4182 v4: Draft Final Report (Version 2)
				E4182 v5: Executive Summary of the EA and EMF for the State of Bihar
	No	25-Mar-13	In-Country	Hindi version of the Executive Summary of the EA and EMF for Bihar: Local disclosure April 2013 -

Document Description	Final Version	Date disclosed	Link to publicly disclosed version	File name and link
				Infoshop
	No	19-Nov-18	WB Portal	Hindi version of the Executive Summary of the EA and EMF for Bihar: Local disclosure April 2013 - Infoshop
State Specific EA and EMF - Jharkhand	No	3-Apr-13	WB Portal	E4182 v6: Draft Final Report
				E4182 v7: Draft Final Report – Annexures
				E4182 v8: Executive Summary of the EA-EMF
	Yes	13-Nov-18	WB Portal	Draft Final Report
State Specific EA and EMF - UP	Yes	5-Apr-13	WB Portal	E4182 v9: EA-EMF - Final Report
		5-Apr-13	In-Country	
		30-Nov-18	WB Portal	E4182 v10: EA-EMF - Executive Summary - English
		24-Jul-13	In-Country	
		27-Nov-18	WB Portal	SFG4803: Executive Summary of the EMF in Hindi
		24-Jul-13	In-Country	
		30-Nov-18	WB Portal	Revised EA-EMF UP - Final Report
		6-Dec-13	In-Country	
Environmental Assessments (EA); Environmental Management Framework (EMF); and an initial Environmental Management Plan (EMP)	Yes	27-Dec-17	WB Portal	EMPs for projects sites are not filed as per email correspondence dating December 27, 2017
EA-EMF Executive Summaries consolidated LIS-RWSS Project	Yes	13-Nov-18	WB Portal	EA-EMF Executive Summary consolidated LIS-RWSS Project
Scheme-specific EMPs	No	-	-	-
E&S Monitoring/progress reports	No	-	-	-

Administrative Structure of Ghaghidih Revenue Village:



Modalities for holding Gram Sabhas:

- For multi-habitation *gram panchayats* such as Madhya Ghaghidih, a *gram sabha* or village-level meeting can be held in any habitation depending on the relevance of the issue under consideration. A *gram sabha* is convened by the Mukhiya, who is the elected head of the *gram panchayat*, and chaired by the traditional tribal community leader or the Majhi. For Madhya Ghaghidih, while the Majhi of Jata Jhopri who presided over the meeting of February 2016 has passed away, the Mukhiya is still in office.
- In the absence of sub-Revenue Village level land records/maps, the Circle Officer relied on a field visit to assess whether the land identified for the WTP lay within the jurisdiction of Ranidih village or that of Giddhi Jhopri. This “local enquiry” (as the process is termed) led to the decision by the Circle Officer to seek the No Objection from Ranidih village and not Giddhi Jhopri.
- As the *gram sabha* for allowing a development project is convened at the request of the administration, the Bank team has requested the administration for a copy of the letter to the Mukhiya sent in this regard.
- The standard practice for convening a *gram sabha* is to post a notice in the GP office and to disseminate the information through traditional methods such as drum-beating. The district administration assumes the same procedures were followed in this case as well.

Government-owned Land:

- Types of *Ghair Mazurwa* Land
 - *Ghair Mazurwa Aam* Land – the Government does not issue an NOC as the community uses the land; development works can be initiated only if the *gram sabha* issues a resolution

- *Ghair Mazurwa Khas* Land – Government issues an NOC and then seeks a resolution from the *gram sabha*
- For government land, the *Khatiyan* (or document recording right over land) usually records any use being made of the land by the local community, e.g., for a grave-yard (*kabristan*) or sacred uses (*sarna*). No such community use of the land is mentioned on the *khatiyan* for the WTP land.

Annex 3: Consultations held at or near Giddih Jhopri

Consultation details: DPMU notes.

Consultation Detail				
SL.No	Agenda of Meeting	Persons attended the meeting	Date	Meeting Location
1	Meeting at giddihjhopri <ul style="list-style-type: none"> About project overview information shearing Called on demand of Giddihjhopri Villagers About the area Need of water etc. 	<ul style="list-style-type: none"> Assist. Eng Contractor CCDS Community of Giddihjhopri 	02/04/2016	Near the house of [REDACTED] (after several message he did not participated in the meeting)
2	Meeting with Gindihjhopri and Ranidih Community <ul style="list-style-type: none"> Meeting called on demand of Gidhihompri community in which and Ranidih Community also participated Detail discussion about the project About WTP acquired area Regarding Toilet construction Problems faced by the villagers in summer season About the water availability. About fear that out sider will acquire the land etc. 	<ul style="list-style-type: none"> Assist. Eng Contractor CCDS Community of Giddihjhopri and ranidih (Meeting was headed by MR. [REDACTED]) 	11/03/2016	In front of WTP proposed site
3	Meeting with Mr. [REDACTED] <ul style="list-style-type: none"> How NOC given explained by Circle Officer and EE, Jamshedpur Discussion about land they are using [REDACTED] About the area to be used for WTP Benefits of the project ect. 	<ul style="list-style-type: none"> Circle officer EE, DW&S Division Jamshedpur AsstEng. Contractor CCDS, DPMU Villagers 	20/02/2016	Meeting at proposed WTP Site
4	Gram Sabha <ul style="list-style-type: none"> Discussed about the project over view What to be constructed on the land Community participation Role of Community etc 	<ul style="list-style-type: none"> Gram pradhan Mukhiya Asstt. Eng CCDS Contractor Villagers. 	06/02/2016	In PanchyatMandap
5	Consultation meeting in West Bagbera <ul style="list-style-type: none"> About CAPEX collection Project Overview Expected date of completion 	<ul style="list-style-type: none"> Community of that colony JalSahiya CCDS 	19/05/2016	Community hall

	<ul style="list-style-type: none"> • Structure of the scheme (What to be constructed) • Wa • About Monthly charges 			
6	Project Orientation during VWSC reformation <ul style="list-style-type: none"> • Capex collection • Different aspects of NNP • Role of JalSahiya • Role of VWSC • Capacity Building process • Institutional strengthening etc. 	<ul style="list-style-type: none"> • Mukhiya • VWSC members • Villagers • Block Coordinator • CCDS, DPMU 	27/01/2016	PanchayatMandapKarandih
7	Project Orientation during VWSC reformation <ul style="list-style-type: none"> • Capex collection • Different aspects of NNP • Role of JalSahiya • Role of VWSC • Capacity Building process • Institutional strengthening etc. 	<ul style="list-style-type: none"> • Mukhiya • VWSC members • Villagers • Block Coordinator • CCDS, DPMU 	04/03/2016	PanchayatMandapPurbiGaghi dih
8	Bagbera MVWSC meeting (Monthly Basis) <ul style="list-style-type: none"> • Issues based discussion of respective panchayat • Capex Collection • Pipe Line distribution etc. 	<ul style="list-style-type: none"> • President • Vice President • Treasurer • All Mukhiya • All JalSahiya of respective panchayat/ VWSC • Asstt. Eng/ JE • CCDS • Contractor 	Every Month	In different panchayats of Bagbera.

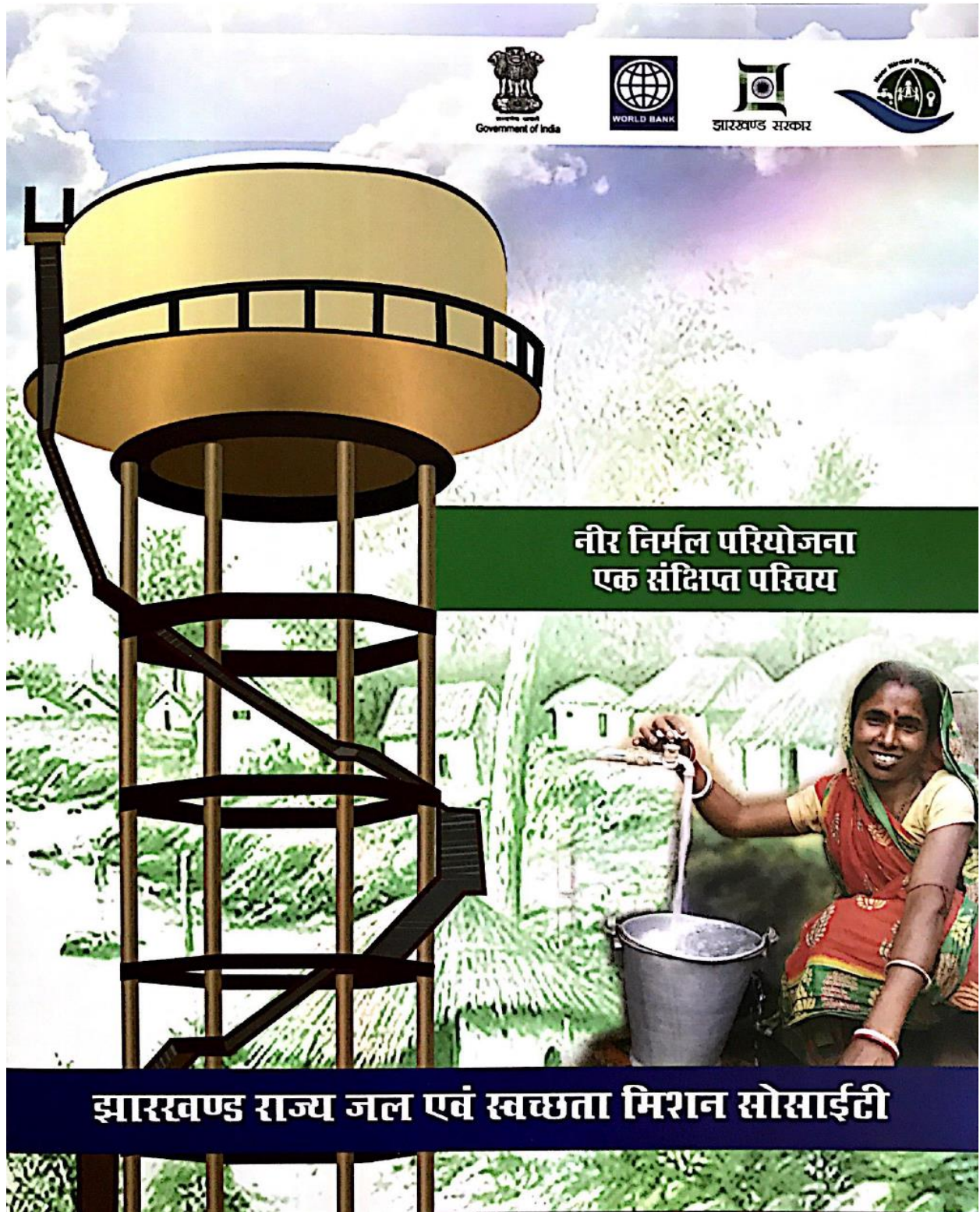
The annex as provided to the Inspection Panel and the Board contained pages with photographs from the following events:

- February 4th, 2016 Consultations Giddhi Jhompri
- February 6th, 2016 Gram Sabha
- February 9th, 2016: Groundbreaking event at the Site where the WTP is being built
- February 20th, 2016: Community meeting Ranidih and Giddih Jhopri habitations
- March 11, 2016: Site inspection / meeting with Giddhi Jhopri community on WTP site
- June 6, 2016: meeting called by the District Administration at Giddih Jhopri

The publicly available annex has been redacted to protect the privacy of the individuals shown in the photographs.

Communication leaflets (FAQs) and Brochures, often seen in pictures and videos

Brochure: 200 to 250 at State level



नीर निर्मित परियोजना - एक संक्षिप्त परिचय

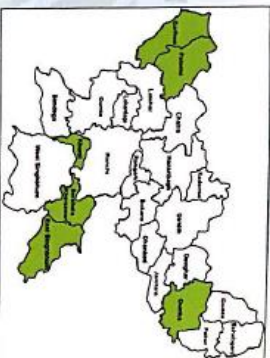
विश्व बैंक एवं भारत सरकार के विदेशी एवं तकनीकी सहयोग से "ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना" राष्ट्रीय ग्रामीण पेयजल कार्यक्रम एवं 'स्वच्छ भारत मिशन (ग्रामीण)' के अंतर्गत संघालित तथा झारखण्ड सरकार के पेयजल एवं स्वच्छता विभाग के अन्धीन क्रियान्वित है। यह परियोजना "नीर निर्मित परियोजना" के नाम से जाना जाता है। परियोजना की कुल अवधि 6 वर्षों (अप्रैल 2014 से मार्च 2020) की है।

परियोजना के उद्देश्य

नीर निर्मित परियोजना (ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना) का उद्देश्य 'विकेन्द्रीकृत विवरण प्रणाली के माध्यम से वसूचित ग्रामीण समुदायों में पाईप द्वारा शुद्ध जलापूर्ति एवं स्वच्छता सेवाएं उपलब्ध कराना है।'

परियोजना के आच्छादन

- परियोजनांतर्गत जिला - 6 जिला (दुमका, पूर्वी सिंहभूम, खूंटी, सरायकेला - खरसावाँ, गदवा, पलामू)।
- ग्राम पंचायत - 530
- वासियाँ - 3304 (Approx)
- जनसंख्या - लगभग 11 लाख
- अनुसूचित जनजाति - लगभग 4 लाख
- कुल जलापूर्ति योजना - 751 लघु एवं बृहद योजनाएं।
- कुल लागत - 900 करोड़



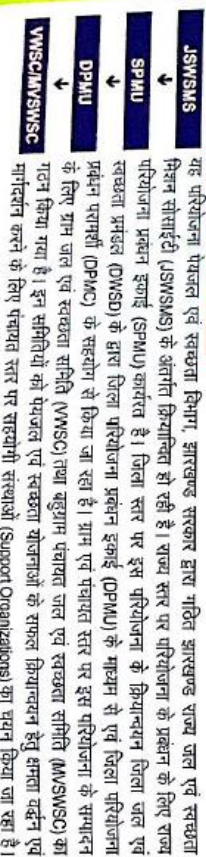
घटकवार परियोजना बालत

परियोजना के घटक	लागत रु. (करोड़ों में)	कुल प्रतिशत
समाप्त चर्चन एवं संस्थागत विकास	99	11%
जोयागत विकास	750	83%
परियोजना प्रबंधन	51	6%
कुल योग	900	100%

परियोजना का सिखांत

- नीर निर्मित परियोजना के उद्देश्यों की प्राप्ति के लिए निम्नलिखित सिद्धांतों को मुख्य आधार बनाया गया है।
- जलापूर्ति एवं स्वच्छता हेतु समेकित अवधारणा
 - परियोजना लागत तथा संचालन व रखरखाव में सामुदायिक अंशदान
 - विकेन्द्रीकरण माध्यम से योजनाओं का क्रियान्वयन
 - संचालन एवं जवाबदेही का विकेन्द्रीकरण
 - सार्वजनिक निजी भागीदारी
 - विश्व बैंक सहायित अन्य पेयजल एवं स्वच्छता परियोजना क्रियान्वित राज्यों के साथ दिवनिग
 - मौल आधारित आपूर्ति
 - वित्तियार अवधारणा

परियोजना क्रियान्वयन की संरचना



परियोजना अंतर्गत जलापूर्ति योजनाओं का प्रकार:

छ: वर्ग के परियोजना अवधि में झारखण्ड में कुल 751 लघु एवं बृहद - नई एवं जीर्णोद्धार जलापूर्ति योजनाओं का क्रियान्वयन किया जाना है।

निम्नलिखित प्रकार की योजनाएं

- एकल बसावट / टोला योजना:- गाँव के किसी व्यक्ति बसावट / टोला में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- एकल ग्राम पंचायत योजना:- किसी पंचायत के वसूचित एक से ज्यादा बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- लघु बहुग्रामीण योजना:- 2 से 3 पंचायत के किसी व्यक्ति बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- बृहद बहुग्रामीण योजना:- 3 पंचायत से अधिक किसी व्यक्ति बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।

जिलावार परियोजना अवधि में कुल जलापूर्ति योजनाओं का वितरण

जलापूर्ति योजनाओं के प्रकार	खूंटी	गदवा	पूर्वी सिंहभूम	पलामू	सरायकेला	दुमका	कुल
एकल बसावट योजना / एकल ग्राम पंचायत योजना	80	219	127	0	90	141	657
लघु एवं बृहद बहुग्रामीण योजना	19	3	3	2	12	28	67
एकल बसावट योजना / एकल ग्राम पंचायत योजना	4	2	2	0	2	12	22
लघु एवं बृहद बहुग्रामीण योजना	0	2	1	0	2	0	5
कुल	103	226	133	02	106	181	751

जिलावार बैंक - 1 जलापूर्ति योजनाओं का वितरण

जलापूर्ति योजनाओं के प्रकार	खूंटी	गदवा	पूर्वी सिंहभूम	पलामू	सरायकेला	दुमका	कुल
एकल बसावट योजना / एकल ग्राम पंचायत योजना	41	87	64	0	38	96	326
लघु एवं बृहद बहुग्रामीण योजना	2	1	2	1	2	1	9
कुल	43	88	66	1	40	97	335

परियोजना अंतर्गत स्वच्छता संबंधी कार्य

परियोजना अंतर्गत निम्नलिखित स्वच्छता संबंधी कार्य की जाएंगी।

- व्यक्तिगत शौचालय का निर्माण।
- संस्थागत एवं सामुदायिक शौचालय का निर्माण।
- टोप एवं तरल कचरा का प्रबंधन।
- समुदाय में जागरूकता लाने हेतु विभिन्न स्तरों पर प्रचार-प्रसार करना (IEC) एवं लोगों में व्यावहारिक परिवर्तन उत्पन्न करना।

आदिवासी विकास क्रियान्वयन योजना

विश्व बैंक की सामाजिक सुरक्षा नीति के अन्तर्गत परियोजना अंतर्गत आदिवासी विकास क्रियान्वयन योजना प्रारूप तैयार किया गया है। इस योजना के तहत अनुसूचित जनजातियों एवं आदिम जनजातियों को शामिल करके और उनकी सार्वजनिक धरोहरों की सुरक्षा करते हुए ऐसे समुदायों एवं उनके परंपरागत संरचनाओं को संरक्षण प्रदान करने, समान एवं सारल जलापूर्ति और स्वच्छता सुविधा उपलब्ध कराना है।

WMSC के द्वारा सहयोगी संस्था के सहयोग से रखा जायेगा।

प्रश्न 21. जलापूर्ति योजनाओं के निर्माण कार्य की अवधि कितनी है?

उत्तर - एकल बसावट/एकल ग्राम पंचायत योजना की निर्माण अवधि 6-12 माह है, जबकी लघु बहु ग्राम योजना की निर्माण अवधि 18-24 माह तथा बृहद् बहु ग्राम योजना की निर्माण अवधि 24-36 माह है।

प्रश्न 22. योजना का निर्माण कौन करेगा?

उत्तर - योजना का निर्माण WMSC द्वारा चयनित संवेक के द्वारा की जायेगी।

प्रश्न 23. इस योजना में एक व्यक्ति को प्रतिदिन कितना पानी मिलेगा?

उत्तर - इस योजना के अन्तर्गत एक व्यक्ति को प्रतिदिन 70 लीटर पानी मिलेगा।

प्रश्न 24. योजना के लिए यदि कहीं से प्राप्त होगा ?

उत्तर - योजना के लिए यदि आवश्यकतानुसार जिला के पंचायत एवं स्वच्छता प्रमर्दल के जिला परियोजना प्रबंधन ईकाई (DPMU) से प्राप्त होगी।

प्रश्न 25. जलापूर्ति का समय/प्रतिदिन कितने घण्टे के लिए है?

उत्तर - यह योजना स्तर पर प्राप्त जल एवं स्वच्छता समिति (WMSC) द्वारा/ग्रामीणों द्वारा तय होगी।

प्रश्न 26. इस परियोजना में जल जाँच करने की क्या प्रक्रिया है?

उत्तर - इस परियोजना के तहत जल जाँच F.A.T. तथा बिना एवं अन्य स्तरीय प्रयोगशाला द्वारा की जायेगी।

प्रश्न 27. अपने जलस्रोत की जाँच कैसे कर सकते हैं?

उत्तर - अपने जलस्रोत की प्रारंभिक जाँच संबंधित ग्राम पंचायत की जल सहाय, जिन्हें विभागा द्वारा F.A.T. दिया गया है, उनसे करावा सकते हैं।

प्रश्न 28. योजना के पूर्ण हो जाने पर, कौन योजना का संचालन करेगा?

उत्तर - योजना के पूर्ण हो जाने पर ग्राम जल एवं स्वच्छता समिति (WMSC) योजना का संचालन करेगी।

प्रश्न 29. योजना क्षतिग्रस्त पावे जाने पर कौन इसकी मरम्मत करवायेगा?

उत्तर - योजना के निर्माण के उपरान्त पहले वर्ष में संवेक द्वारा मरम्मत की जिम्मेवारी सी जाएगी और इसके

उपरांत ग्राम जल एवं स्वच्छता समिति (WMSC) योजना का रख-रखाव करेगी।

प्रश्न 30. एकल/बहुग्राम योजना के अन्तर्गत पंप ऑपरेटर का चयन कौन करेगा?

उत्तर - पंप ऑपरेटर सहित अन्य सभी कर्मियों का चयन WMSC के द्वारा होगा। पंप गृह/जलमीनार एवं अन्य अवयव जिस किसी के निजी जमीन पर बना हो, उस निजी जमीन के मू-स्वामी के परिवार के किसी एक अधिकृत व्यक्ति को ऑपरेटर के रूप में चयन किया जाएगा।

प्रश्न 31. ऑपरेटर को भुगतान कौन करेगा ?

उत्तर - ऑपरेटर एवं अन्य कर्मियों का भुगतान WMSC वसुला किये गये जल के मासिक शुल्क से करेगा।

प्रश्न 32. विद्युत का निवेशन किस के नाम पर होगा ?

उत्तर - विद्युत निवेशन WMSC के नाम पर होगा।

प्रश्न 33. विद्युत निवेशन के लिए का भुगतान कौन करेगा?

उत्तर - विद्युत निवेशन के लिए का भुगतान WMSC करेगा।

प्रश्न 34. एका अधिक ग्राम पंचायतों को आच्छादित करने वाली योजना किस समिति द्वारा संचालित होगी ?

उत्तर - ऐसी योजना बहु ग्राम जल एवं स्वच्छता समिति के द्वारा संचालित होगी।

प्रश्न 35. बहु ग्राम एवं स्वच्छता समिति के मुख्य पदाधिकारी कौन होंगे ?

उत्तर - सबसे अधिक आच्छादित (जल संयोजन) ग्राम पंचायत के मुखिया अध्यक्ष, इसके अधिक आच्छादित ग्राम पंचायत के मुखिया/उपमुखिया समिति के सचिव, अध्यक्ष द्वारा मनोनीत जल सहाय समिति की संयोजक सह-कोषाध्यक्ष होती है।

प्रश्न 36. बहु ग्राम जल एवं स्वच्छता समिति के बैंक खाता का परिचालन किसे द्वारा किया जाता है ?

उत्तर - इस बैंक खाते का संचालन समिति के अध्यक्ष, सचिव या कोषाध्यक्ष में से किसी दो के हस्ताक्षर से होता है।

प्रश्न 37. क्या इस परियोजना अन्तर्गत पंचायत एवं स्वच्छता समिति को कोई सर्वेक्षण होगा ?

उत्तर - हाँ, इस परियोजना अन्तर्गत घट-पर सर्वेक्षण सहित गाँव एवं पंचायत स्तर पर सर्वेक्षण होगा।

प्रश्नोत्तरी

झारखण्ड राज्य जल एवं स्वच्छता मिशन सोसाईटी

नगर निर्मल परियोजना

(ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना)

राज्य परियोजना प्रबंधन ईकाई


पंचायत एवं स्वच्छता विभाग

झारखण्ड सरकार, राँची

चौथा तल्ला, सिटीडेल टावर,

मेन रोड, राँची - 834 001 (झारखण्ड)

दूरभाष : 0651-2330334



प्रश्न 1. ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना क्या है?

उत्तर - यह परियोजना विश्व बैंक एवं भारत सरकार के वित्तीय एवं तकनीकी सहयोग से 'राष्ट्रीय ग्रामीण पेयजल कार्यक्रम' एवं 'स्वच्छ भारत मिशन' के अंतर्गत संचालित तथा श्रावण्ड सरका पेयजल एवं स्वच्छता विभाग के द्वारा क्रियान्वित की जा रही है। इस परियोजना को 'नगर निर्मल परियोजना' के नाम से भी जाना जाता है।

प्रश्न 2. यह परियोजना श्रावण्ड के किन जिलों में क्रियान्वित होगी?

उत्तर - यह परियोजना श्रावण्ड के दुमका, पूर्वी सिंहभूम, बूढ़ी, सरावकला-खरसावा, गढ़वा एवं पलामू जिलों में क्रियान्वित होगी।

प्रश्न 3. इस परियोजना में कुल कितनी जलापूर्ति योजनाएँ हैं?

उत्तर - इस परियोजना में 751 लघु एवं बृहद् जलापूर्ति योजनाएँ हैं।

प्रश्न 4. इस परियोजना अन्तर्गत स्वच्छता सम्बंधित कौन-कौन से कार्य होंगे?

उत्तर - यह परियोजना पेयजल एवं स्वच्छता के समेकित अर्थधारणा पर केन्द्रित है। इस परियोजना के तहत घर-घर शौचालय निर्माण, संस्थागत शौचालय निर्माण तथा ठोस कचड़ा प्रबंधन का कार्य स्वच्छ भारत मिशन- ग्रामीण (SBMG) के सहयोग से होगा।

प्रश्न 5. क्या यह स्वच्छता कार्य सिर्फ जिन टोले/गाँवों में पेयजलापूर्ति योजना है, वहीं क्रियान्वित होगी?

उत्तर - नहीं, भले पेयजलापूर्ति परियोजना सिर्फ एक टोले/गाँव के लिए हो, पर स्वच्छता का कार्य पूरे ग्राम पंचायत में क्रियान्वित होगी।

प्रश्न 6. इस परियोजना अन्तर्गत आदिवासी विकास योजना क्या है?

उत्तर - इस परियोजना अन्तर्गत आदिवासी विकास हेतु एक विशेष प्रारूप तैयार किया गया है जिसके तहत आदिवासी एवं जमीन जनजातियों को सहभागिता सुनिश्चित करायी जाएगी। उनकी पहचान, गरिमा एवं संस्कृति व धार्मिक धरोहरों को सुशोध रखते हुए उनके परम्परागत संस्थाओं को सशक्त करते हुए सतत जलापूर्ति एवं स्वच्छता सुविधा उपलब्ध

करायी जाएगी।

प्रश्न 7. परियोजना अन्तर्गत किनसे आदिवासी एवं आदिम जाति के लोग लाभान्वित होंगे?

उत्तर - इस परियोजना से आदिवासी एवं आदिम जाति समुदाय के लगभग 4 लाख लोग लाभान्वित होंगे।

प्रश्न 8. ग्राम स्तर पर इस परियोजना का क्रियाव्ययन किनके द्वारा किया जाएगा?

उत्तर - ग्राम स्तर पर गठित ग्राम जल एवं स्वच्छता समिति के द्वारा इस परियोजना का क्रियाव्ययन किया जाएगा।

प्रश्न 9. ग्राम जल एवं स्वच्छता समिति में कितने सदस्य होंगे?

उत्तर - ग्राम जल एवं स्वच्छता समिति में 9 से 12 सदस्य होंगे।

प्रश्न 10. ग्राम जल एवं स्वच्छता समिति की कोषाध्यक्ष कौन होंगी?

उत्तर - जल सहायि ग्राम जल एवं स्वच्छता समिति की कोषाध्यक्ष होंगी।

प्रश्न 11. जल सहायि की कितने वेतन का प्रावधान है?

उत्तर - जल सहायि को वेतन का प्रावधान नहीं है परन्तु शौचालय निर्माण, शौचालय इस्तेमाल और रख-रखाव यशिर की वसुली इत्यादि पर प्रोत्साहन यशिर देने का प्रावधान है।

प्रश्न 12. ग्राम स्तर पर इस परियोजना के अंतर्गत जलापूर्ति हेतु लाभान्वित परिवारों का घर-घर पाईप के कनेक्शन लेने के लिए कितनी यशिर एकमुश्त जमा करनी होगी?

उत्तर - ग्राम स्तर पर इस परियोजना के अंतर्गत जलापूर्ति हेतु लाभान्वित परिवारों को घर-घर पाईप के कनेक्शन लेने के लिए किसी भी तरह की यशिर नहीं देय होगी, परन्तु सामुदायिक अंशदान स्वरूप प्रति घर कुल 450 रु (सामान्य जाति के लिए) एवं 225 रु (अनुसूचित जाति एवं जनजाति के लिए) एकमुश्त जमा करना होगा।

प्रश्न 13. इस परियोजना अन्तर्गत सामुदायिक अंशदान की यशिर किसके पास जमा करनी है?

उत्तर - इस परियोजना अन्तर्गत सामुदायिक अंशदान की यशिर ग्राम जल एवं स्वच्छता समिति की कोषाध्यक्ष जल सहायि के पास जमा करनी है जो इस यशिर को ग्राम जल एवं स्वच्छता समिति के बैंक खाता में

जमा करेगी।

प्रश्न 14. बैंक खाता किसके नाम से खोला जाएगा?

उत्तर - बैंक खाता ग्राम जल एवं स्वच्छता समिति (ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना) (गाँव का नाम) पर खोला जाएगा।

प्रश्न 15. बैंक खाता में कौन-कौन प्रदत्त रहेंगे?

उत्तर - बैंक खाता में मुखिया, अध्यक्ष, उप मुखिया/वार्ड सदस्य, उपाध्यक्ष और जलसहायि कोषाध्यक्ष होंगे, जमा एवं निकाली किसी दो परधारियों के हस्ताक्षर से होगी।

प्रश्न 16. सामुदायिक अंशदान को छोड़कर सामुदायिक और किस प्रकार की यशिर देय होगी?

उत्तर - सामुदायिक अंशदान को छोड़कर सामुदायिक को प्रति घर प्रतिमाह रु. 50-70 के बीच में (ग्रामीणों के द्वारा तय की गयी) यशिर देय होगी जो ग्राम जल एवं स्वच्छता समिति के बैंक खाते में जमा होगी। यह यशिर योजना के संचालन एवं रख-रखाव में खर्च होगी।

प्रश्न 17. जलापूर्ति से संबंधित शिकायतों का निवारण कैसे किया जाएगा?

उत्तर - जलापूर्ति से संबंधित शिकायतों को जल सहायि के द्वारा VMSC से प्रमाणित शिकायत पत्रों में अंकित किया जाएगा और अधिकतम तीन कार्य दिवसों के अंदर VMSC के द्वारा उम्मा शिकायतों का निवारण किया जाएगा।

प्रश्न 18. पाईप जलापूर्ति योजनाओं के लिए शिकायतों का निवारण कैसे करेगा?

उत्तर - पाईप जलापूर्ति योजनाओं के लिए शिकायतों का निवारण संबंधित VMSC के द्वारा पेयजल एवं स्वच्छता विभाग तथा सहायि संचालन के द्वारा से किया जाएगा।

प्रश्न 19. पाईप जलापूर्ति योजनाओं के लिए शिकायतों का निवारण कैसे करेगा?

उत्तर - पाईप जलापूर्ति योजनाओं के लिए शिकायतों का निवारण संबंधित VMSC के द्वारा पेयजल एवं स्वच्छता विभाग तथा सहायि संचालन के द्वारा से किया जाएगा।

प्रश्न 20. क्रेय की गरी कोषाध्यक्ष के द्वारा शिकायतें रखेगी?

उत्तर - क्रेय की गरी कोषाध्यक्ष के द्वारा शिकायतें रखेगी।

Baghbera Scheme – Details of MVWSC meetings

Key points:

1. After an initial meeting in April 2017, MVWSC was constituted in Bagbera scheme in August 2017.
2. Since then there have regular monthly meetings.
3. In total 19 meetings since MVWSC creation in August 2017.
4. Topics discussed were essentially technical in nature, including:
 - Laying of pipelines,
 - restoration of roads/drains,
 - resolution of grievances relating to aspects of delay in pipelines,
 - road restoration works,
 - ensuring safety of workers at construction site;
 - application to Member of Parliament to request Railways to provide NOC for laying pipelines for household living on railway land.
5. Meetings mostly included Mukhiyas, Jal-Shahiyas (Government community motivators at GP level)
6. Representatives from DPMU participated in 10 of the 19 meetings
7. Representatives from Contractor participated in 9 of the 19 meetings
8. None of these minutes mention any issues of Contractor facing any kind of difficulty or opposition to the scheme.

Mentions of Giddhi Jhopri referred to

- **Power supply connection to be requested for Intake Well and WTP situated at Giddhi Jhopri and**
- **Absence or delays of pipe laying in two other locations in Giddhi Jhopri.**

Details of MVWSC meetings		
Date & Location	Participants	Topics, Issues discussed, agreements
17/4/2018 (North Ghaghidih)	Total – 6 Mukhiyas – 3 Jal Shahiya – 3	<ul style="list-style-type: none"> In areas, where pipelines, drains have been already laid to be done restoration of roads to be done asap Laying of pipelines to be urgently done in Colonies, Habitations where it is not laid yet (e.g. Royal, Adarsh, Pradhan)
26/08/2017 (Conference Hall DPMU, East Singhbhum)	Total 26 Mukhiyas – 19 Jal Shahiya – 1 DPMU – 1 Assistant Engineer	<ul style="list-style-type: none"> Formation of MVWSC by consensus Making holding of MVWSC meetings is mandatory on 15th of every month at 11 am
15/09/2017 (Madhya Ghaghidih)	Total – 12 Mukhiyas – 7 Jal Shahiya – 5	<ul style="list-style-type: none"> About laying of pipelines, completion of laying of pipelines in many panchayats About laying of pipelines in Madhya Ghaghidih Providing MVWSC with a map of the scheme Providing numbers of contractors to ensure carrying out of works wherever taking place
13/10/2017 (Madhya Ghaghidih)	Total 15 Mukhya – 8 Jal Shahiya – 4 DPMU – 1 Contractor -1	<ul style="list-style-type: none"> About accelerating the laying of pipelines in many panchayats Repair of roads broken while laying of pipelines

Details of MVWSC meetings		
Date & Location	Participants	Topics, Issues discussed, agreements
17/11/2017 (Madhya Ghaghidih)	Total – 15 Mukhya – 5 Jal Shahiya - 9 DPMU AE – 1	<ul style="list-style-type: none"> Complaint will be made to Higher officials against those officials senior officials of the MVWSC who will not attend the next meeting MVWSC members of all those GPs where works are going on /not going on should be present in the next meeting. Also VWSC workers should be present List those areas where pipelines have not yet been laid Road repair works should be undertaken
22/11/2017 (West Bagbera)	Total 13 President (Bagbera colony -1 Mukhya – 5 Jal Shahiya – 3 DPMU – 2 Contractor -1	<ul style="list-style-type: none"> Contractor will provide detailed maps of the 5 Elevated Storage Reservoir (ESRs) to the MVWSC Contractor promised to visit those panchayats along with Mukhiya wherever there are issues of pipelines to resolve Issues raised in the VWSC meeting should be brought up to the MVWSC meetings World Bank Team had visited to the WTP and informed that all members of the MVWSC should be taken to Maharashtra for exposure visit to similar schemes Regarding laying of pipelines for households in Railway land, a letter will be sent to the Member of Parliament and Executive Engineer
14/12/2017 (North Kitadih)	Total -19 Mukhyas – 8 Jal Shahiya – 8 Contractor – 2 Pradhan - 1	<ul style="list-style-type: none"> All issues discussed right from the first meeting Some issues of Panchayats got resolved Regarding laying of pipelines for households in Railway land, special meeting will held on 20th Contractor informed that in those panchayats where water testing had been completed, roads works are being undertaken Contractor provided maps for all five zones Areas which were not in the maps were surveyed with the Contractor
20/01/2018 (East Ghaghidih)	Total - 20 Mukhyas – 9 Jal Shahiya – 9 DPMU – 1 Contractor – 1	<ul style="list-style-type: none"> Technical Specialist of DPMU will provide information on the scheme Present details of areas where pipelines are not laid – these should be endorsed by VWSC to MVWSC Mention was made of the demonstration held in Railway office regarding measurement of the land for those living on railway land; though called twice Executive Engineer was called but he did not come
17/02/2018 (Bagbhera Colony Panchayat Bhawan)	Total - 16 DPMU -1 Jal Shahiya – 6 Mukhya – 9	<ul style="list-style-type: none"> Water table was going as summers were approaching; hence repair of drains be taken earliest For holding meetings of MVWSC there needs to be a building; hence request is made to Circle office, MWWSC to provide land

Details of MVWSC meetings		
Date & Location	Participants	Topics, Issues discussed, agreements
01/03/2018 (South Bagbhera)	Total – 18 DPMU – 1 Jal Shahiya – 8 Mukhya – 9	<ul style="list-style-type: none"> • Power supply connection to be requested for Intake Well and WTP situated at Giddhi Jhopri • List of Panchayats where pipelines are yet to be laid was presented • Constraints/Difficulties faced by Panchayats to be endorsed by VWSC to be forwarded to MVWSC
24/03/2018 (North Ghaghidih)	Total – 14 Mukhya – 9 Jal Shahiya - 5	<ul style="list-style-type: none"> • About pipelines that are yet to be laid including in areas of Madhya Ghaghidih GP
17/04/2018 (West Ghaghidih)	Total -6 Mukhya – 3 Jal Shahiya – 3	<ul style="list-style-type: none"> • Restoration of roads and drains where broken needs to be taken at the earliest
23/05/2018 (North Ghaghidih)	Total – 14 Mukhyas & Jal Shahiya - 10 DPMU – 2 Contractor - 2	<ul style="list-style-type: none"> • About laying of pipelines • About resolving issues such as areas not coming in surveys carried out
20/06/2018 (West Kitadih)	Total -8 Mukhya – 3 Jal Shahiya – 3 Contractor – 2	<ul style="list-style-type: none"> • Contractor saw areas where pipelines had not been laid in different zones • Engineer will go to each Panchayat to see problems relating to pipelines and will resolve them • Areas not covered in the maps will be noted • MVWSC members asked Contractor to ensure safety of labor while undertaking construction works
11/07/2018 (North Ghaghidih)	Total -14 Mukhya – 6 Jal Shahiya – 6 Contractor – 2	<ul style="list-style-type: none"> • Communities expressed happiness on receiving NOC from Railways • Contractor confirmed that work to lay 23 km of pipelines will commence at the earliest in this railway area; • Jal Shahiyas were asked to intensify work of CAPEX collection
21/08/2018 (North Ghaghidih)	Total -20 Mukhya – 9 Jal Shahiya – 9 Contractor - 2	Communities wanted to go to the WTP site to see the construction progress Information to be provided regarding the pipeline laying on railway land
26/09/2018 (North Ghaghidih)	Total -13 Mukhya – 9 Jal Shahiya – 9 Contractor – 3	Jal Shahiyas presented list of house connections Discussions on CAPEX collection
13/10/2018 (Bagbhera colony)	Total – 9 Mukhya – 9 Jal Shahiya – 1	Quorum not complete; hence meeting postponed

Details of MVWSC meetings		
Date & Location	Participants	Topics, Issues discussed, agreements
24/10/2018 (West Ghaghidih)	Total – 9 Jal Shahiya – 2 Mukhya - 5 DPMU - 2	About laying of pipelines in areas in South and West Ghaghidih in areas that are not on map Some habitations in West Ghaghidih are not in the map
27/10/2018 (Madhya Ghaghidih)	Total -35 Mukhya – 11 Jal Shahiya -6 Community organizers - 11 DPMU -6 Circle officer - 1	About hydro testing About submitting list of balance areas where pipelines are to be laid Discussions on CAPEX amount of Rs. 450/- and Rs. 225/- About laying of pipelines Laying of pipelines in Naya (New) Basti in Giddhi Jhopri and other balance pipelines in the area

Chronological imagery of the WTP site

January 1st 2015



March 12th 2015





January 9th 2016



March 3rd 2016



January 12th 2017



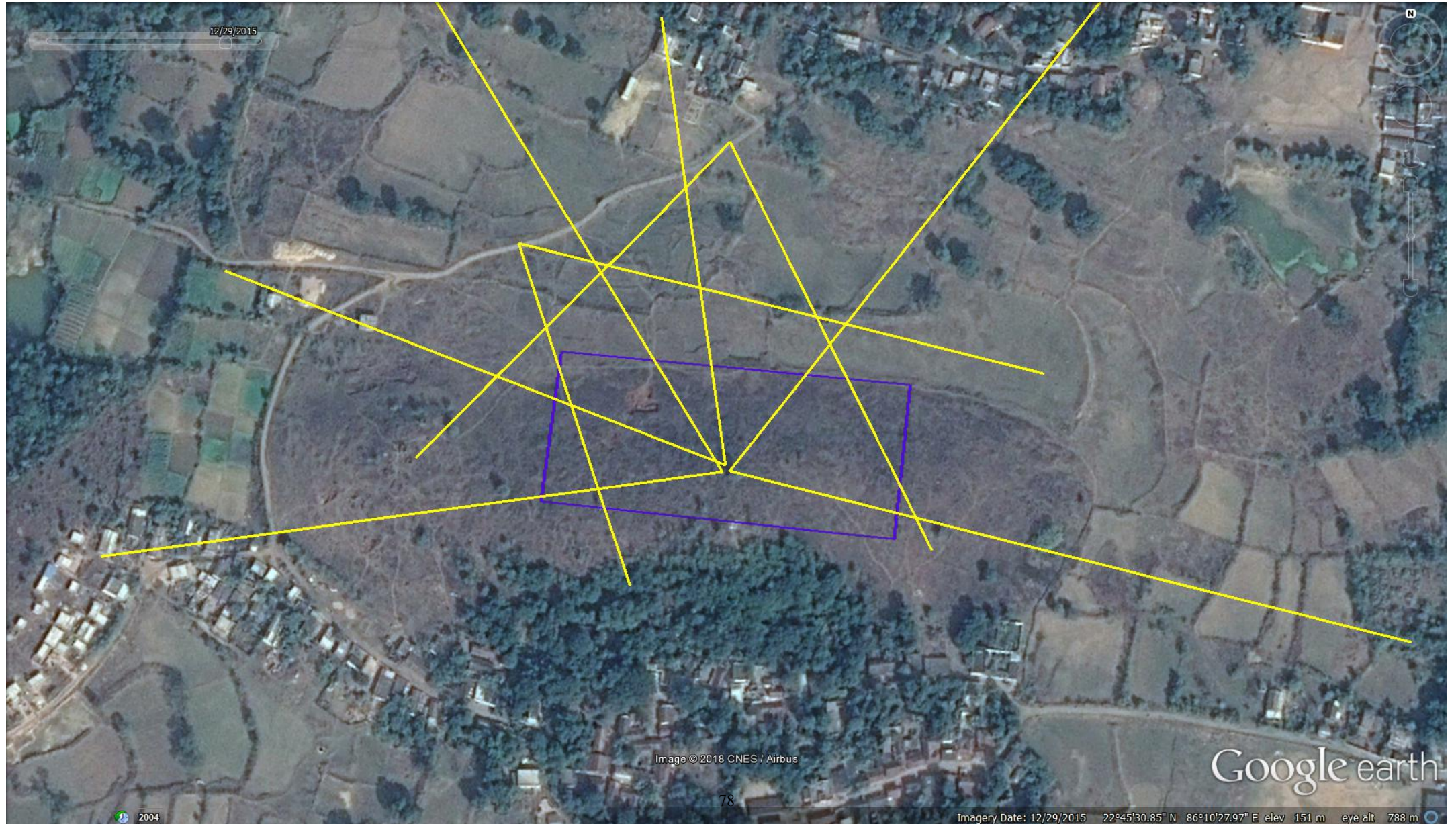


February 27th 2018



July 6th 2015 field visit photos and their December 29th 2015 situation on the map

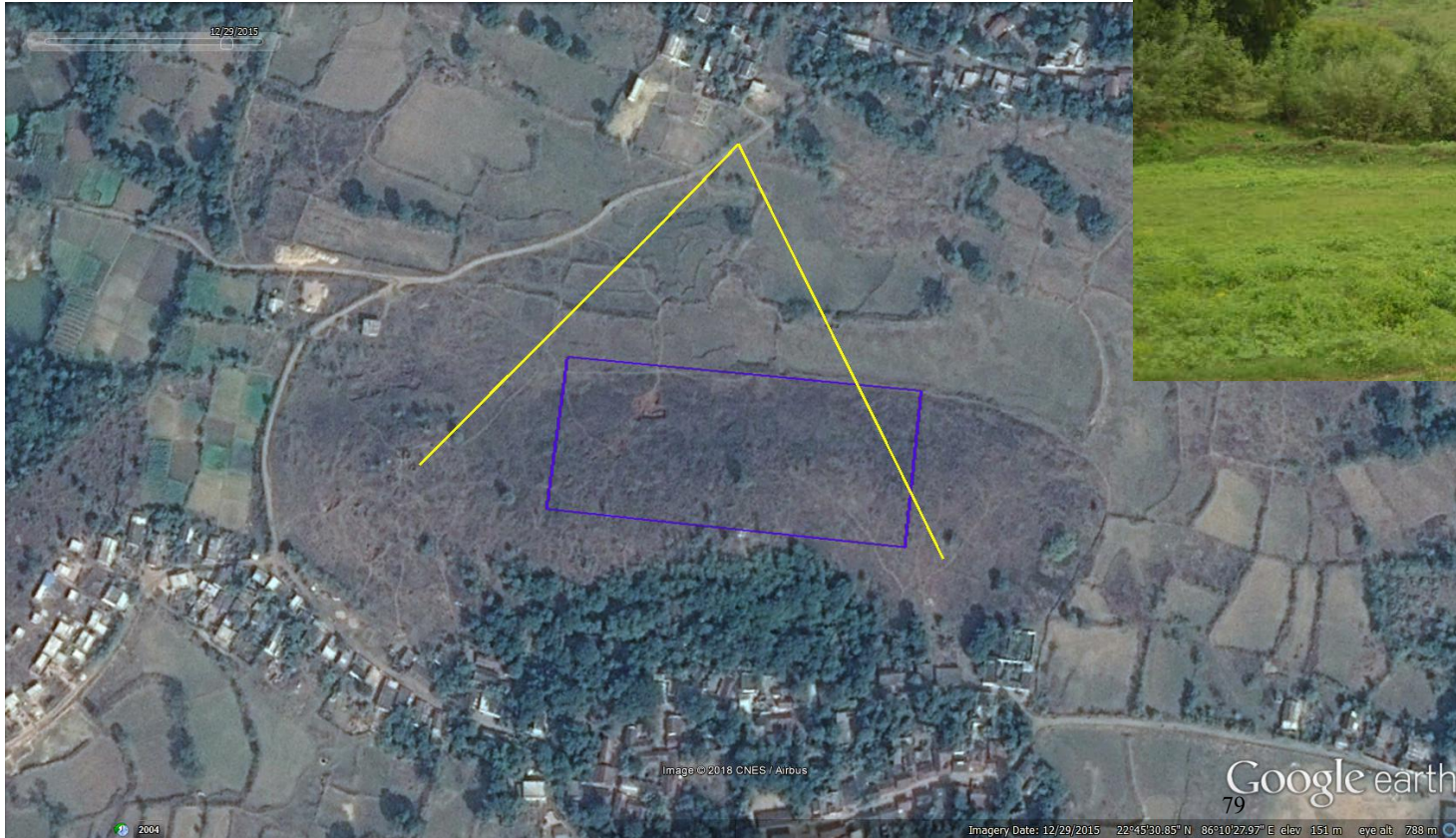
February 27th 2018



India

Picture taken by WTP contractor on July 6, 2015

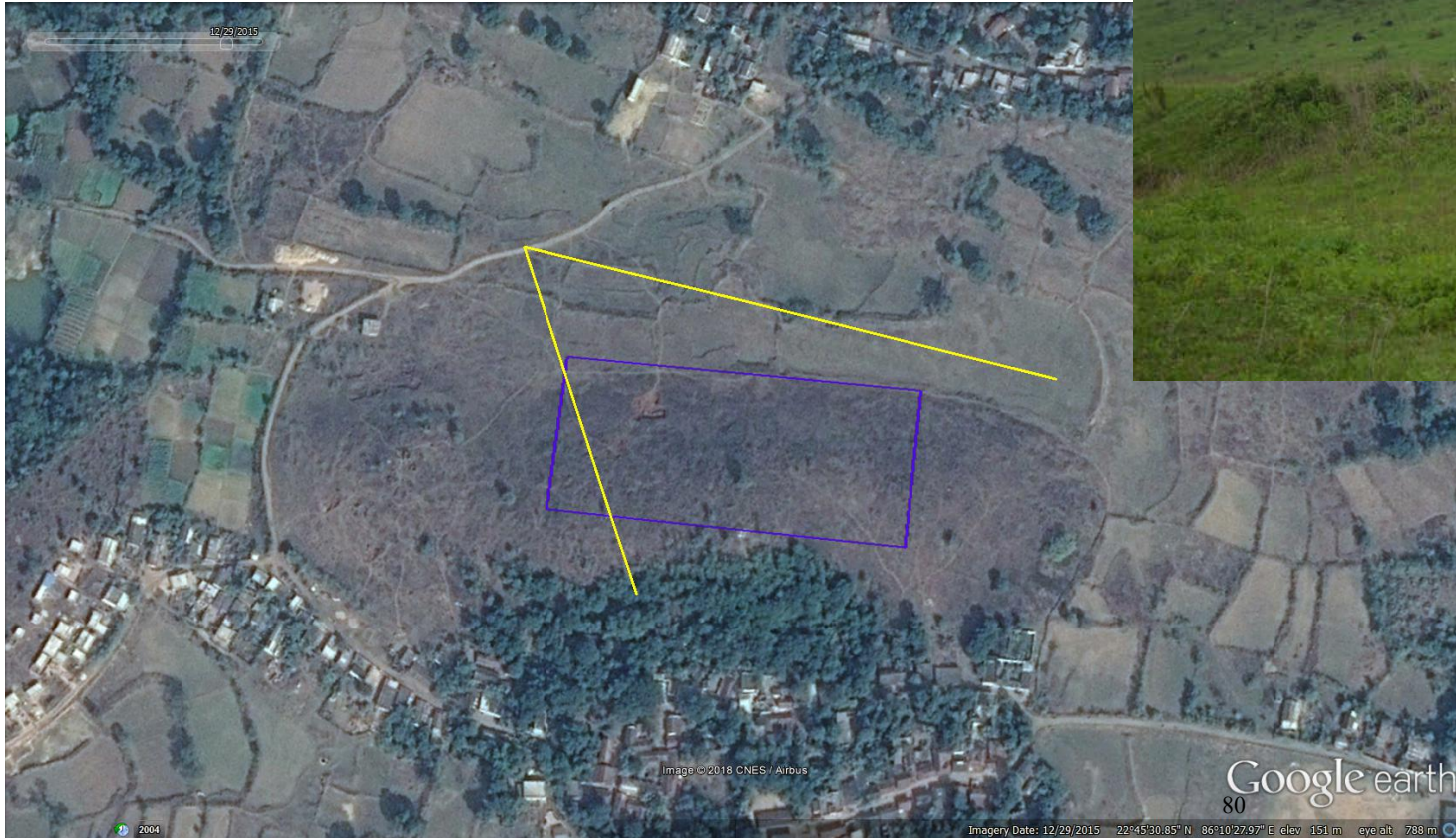
RWSSP-LIS



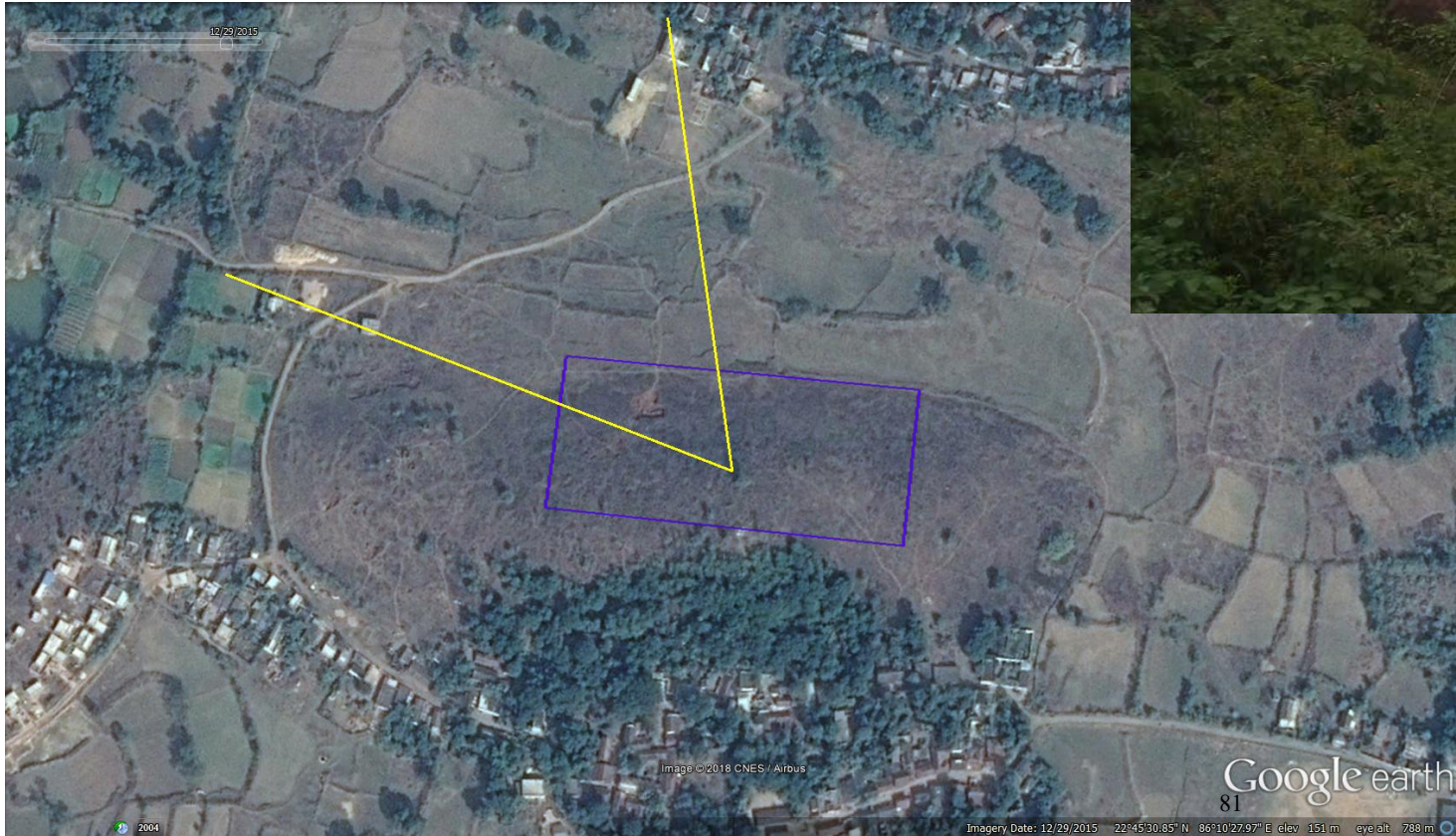
India

Picture taken by WTP contractor on July 6, 2015

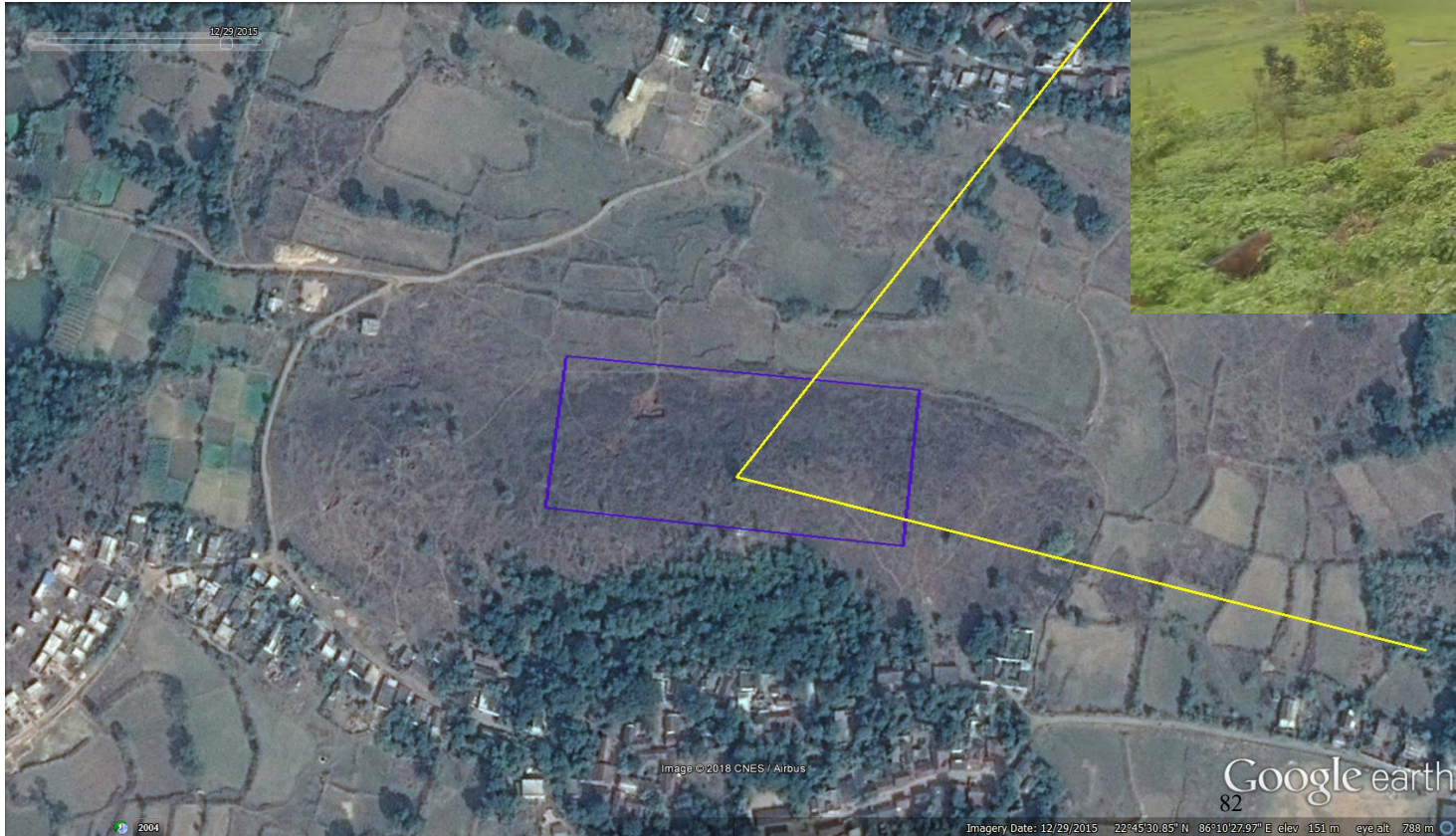
RWSSP-LIS



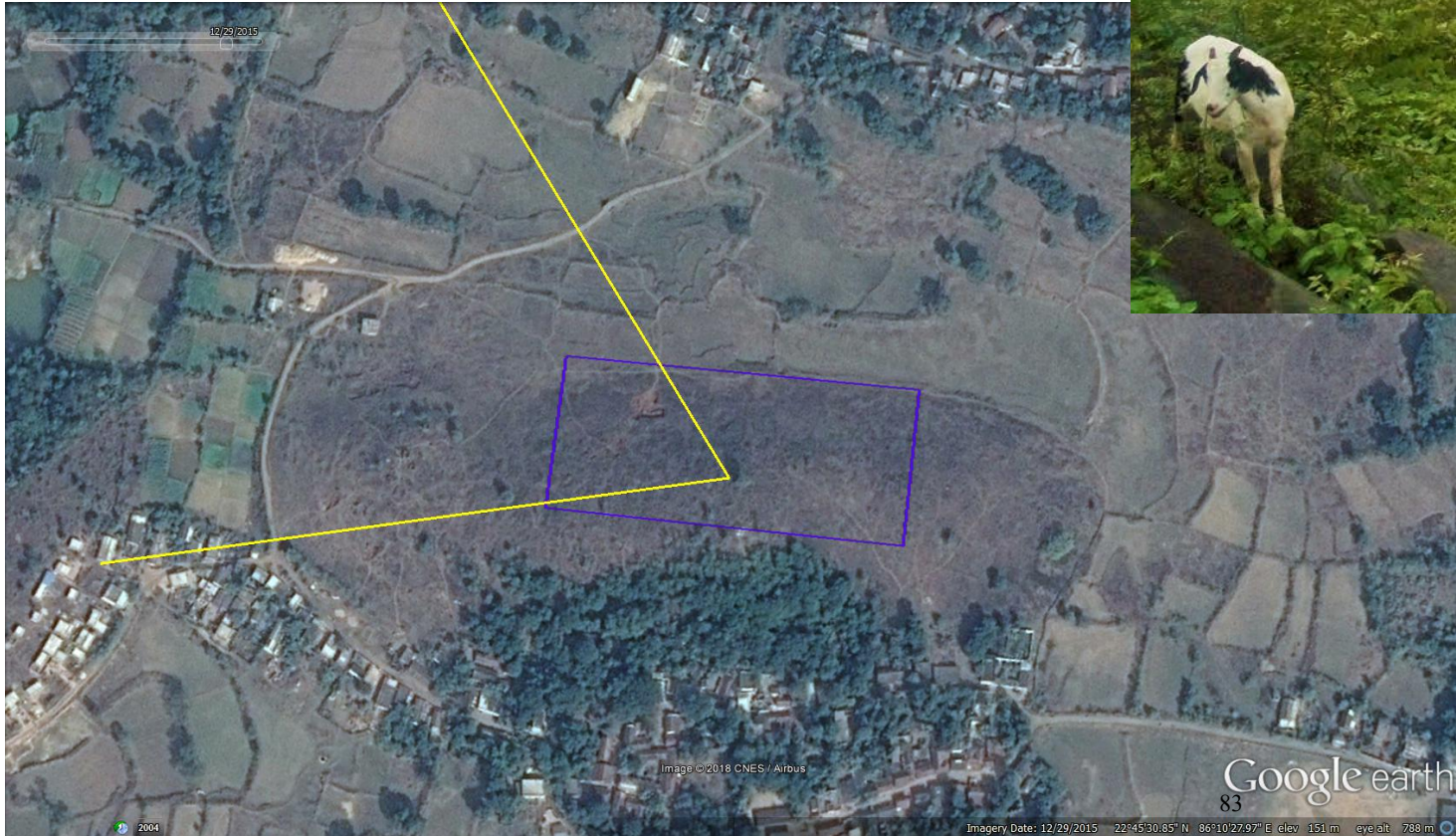
Picture taken by WTP contractor on July 6, 2015



Picture taken by WTP contractor on July 6, 2015



Picture taken by WTP contractor on July 6, 2015



Tribal Artefacts

Burial Site (team)

India



Shrines



RWSSP-LIS



Sacred grove (team)

Pictures attached to
complaint received



Annex 4. Project Timeline

Relevant Dates	Status
Project Prep 2012 – 9 June 2015	
7-Nov-12	Project Information Document/ Integrated Safeguards Data Sheet (PID/ISDS) PCN stage- Final Version disclosed
Jan/Feb/Mar/ 2013	SMF and TDP circulated at all levels and a summary explained in regional and local languages during the following consultations: 7 state level events during Jan-Feb 2013; 5 district level events in Jan-Feb 2013; 4 block level events in February 2013. 62 Village/GP level events in Jan-Mar 2013
24-Jul-13	PID/ISDS Appraisal stage- Final Version disclosed
3-Apr-13	State-specific Environmental Assessments for Assam, Bihar, Jharkhand and UP
5-Apr-13	Project SMF - Final Version Disclosed
5-Apr-13	Jharkhand TDP - Draft Final Version Disclosed
5-Apr-13	State-specific Social Assessment for Bihar, Jharkhand, UP disclosed
17-30 Apr 2013	Appraisal Mission
18-19 Nov 2013	Negotiations
30-Dec-13	Board Approval
SUPERVISION	
8-Feb-14	Signing
8-May-14	Effectiveness
2-25 June 2014	First Implementation Support Mission and Project Launch Mission
27 Oct - 25 Nov 2014	Second Implementation Support Mission
13-Nov-14	Bank no objection by e-mail to the Contract for the Chhotagovindpur - Bagbera MVS
6 Apr – 7 May 2015	Third Implementation Support Mission
May 2015	All SPMU Environment Specialists trained at Bank office in Delhi
25-May-15	Contract DBOT Chhotagovindpur - Bagbera MVS signed with IL&FS-owned Chhotagovindpur & Bagbera Drinking Water Supply Project Ltd. (CBDWPSL - the contractor)
23-Jul-15	Contractor submits inception report with analysis of alternatives, including for Bagbera MVS WTP site, and draft EMP, vide letter no. CBG/CO/A1/016.
27-Jul-15	Bank team visits SPMU, Jharkhand. Meeting flags importance to finalize and share TDIP with WB prior to approval and to encourage the Tribal Development Specialist and Engineer to explore suitable technologies for tribal areas.
4-5 Aug 15	Bank environmental consultant visits Jharkhand to provide training on Bank-developed guidance: "Environmental Management: Procedures and Tools"
17-Aug-15	Contractor reiterates objection of local residents to WTP site in Purvee Ghaghidih as this site is their worship place, attempts to discuss with Mukhiyas and locals, but is unsuccessful and makes note of alternative site in Giddhi Jhopri; mentioned in inception report
6-7 Oct 2015	Workshop in Delhi with NPMU and social staff of four Project States to review status of social development agenda and prepare action plan
1-4 Nov 2015	Bank Environment Specialist makes field visit to Chhotagovindpur-Bagbera MVSs for progress review
1-6 Nov 2015	Bank technical mission on social development issues to East Singhbhum District

Relevant Dates	Status
23-Nov-15	Contractor unable to carry out geotechnical investigations and surveys without formal approval/NOC of site, due to objection of local residents in Purvee Ghaghidih, makes note of an alternative site identified in Giddhi Jhopri
16-30 Nov 2015	Fourth Implementation Support Mission
20-Jan-16	Circle Officer issues Land No Objection Certificate for WTP land in Madhya Ghaghidih and requesting that concerned Gram Sabha be held.
4-Feb-16	DPMU meeting at Giddhi Jhopri at request of community, with information sharing, discussion of need for water, etc.
20-Feb-16	Meeting of DWSD, Sub-Divisional Officer, a Junior Engineer, the Contractor, DPMU staff member and the communities of Ranidih and Giddhi Jhopri with Requester at WTP site. Circle officer and executive engineers explain how Land No Objection Certificate was provided, explain to Requester how they are using the land, area to be used for WTP, benefits of Project, etc.
11-Mar-16	Meeting with Giddhi Jhopri community, at its request, in which Ranidih community participates. Discussion of Project details, WTP acquired area, toilet construction, problems faced in summer, water availability, fear that land will be acquired by outsiders
3-7 May 2016	Bank Social Safeguards Thematic Review consultant visits Chhotagovindpur - Bagbera MVS scheme. Meetings with communities and Contractors' representatives at site. SPMU social specialist and DPMU social experts participate.
July 2016	Start of civil works at WTP site.
14-Jul-16	Monthly review meeting at the Ministry of Drinking Water and Sanitation. Bank and States participated.
15-Jul-16	Newspaper articles on community protests against the WTP site. Bank social safeguards specialist advises SPMU/DPMU to carry out due diligence on the Project's compliance with state laws with respect to Gram Sabha's endorsement of the scheme and land (specifically, compliance with PESA and the TDP)
25 July – 5 Aug 2016	Fifth Implementation Support and Mid-Term Review Mission
Aug-16	Bank Social Safeguards Thematic Review report issued
Oct – Dec 16	Email and calls by social team to Jharkhand SPMU to follow up on actions identified in the Mid- Term Review mission
1-5 Jan 2017	Field visit by Bank Social Safeguards team to Bagbera WTP. Meeting with DPMU representatives, communities and contractors' representatives. During this meeting, it is agreed that DPMU will conduct a community meeting every month (25th at Bagbera and 28th at Chhotagovindpur) with contractors' representatives to report on and monitor progress
16-Jan-17	Monthly review meeting of the Project at Ministry in Delhi. Jharkhand asked to review capacities and resources available to undertake social mobilization activities
6-17 Feb 2017	Sixth Implementation Support Mission
8-Jun-17	Monthly review meeting held at Ministry, attended by Bank and States. Meeting stresses need in Jharkhand to fill all vacancies in SPMU and DPMU, including Tribal Development Specialist
7-8 July 17	Training on Social Safeguards with Jharkhand representatives
14-Jul-17	Monthly Review Meeting with SPMU to review progress of agreed actions in Jharkhand
17 July – 3 Aug 2017	Seventh Implementation Support Mission
1-Sep-17	Submission of EMP by contractor to the Superintendent Engineer
22-Sep-17	Monthly Review meeting with SPMU

Relevant Dates	Status
19-21 Nov 2017	Bank team, including social safeguards team, visits Chhotagovindpur - Bagbera MVS, including site visit to WTP site, Giddhi Jhopri and Ranidih
4-22 Jan 2018	Eighth Implementation Support Mission
7-Feb-18	Orientation for new social staff of SPMU on safeguards and other social aspects of Project
5-10 Mar 2018	O&M mission (discussion on CAPEX, MVWSC roles)
6-9 Apr 2018	Complaint received from Requesters
8-Apr-18	Complaint forwarded to Project Director/SPMU requesting clarification
13-Apr-18	Response provided by Project Task Team Leader to complainants
13-Apr-18	Response received from SPMU
27-Apr-18	Further clarifications sought from SPMU
7-10 May 2018	Follow up call to SPMU Jharkhand on whether its specialists have gone to site for assessment of issues raised in the complaint
10-Jun-18	Follow up request from the complainants received
July 2018 First week	SPMU Social Specialist informs Bank Social Specialist over phone that visit report is ready
6-Oct-18	Task Team Leader sends the complaint to SPMU, and replies to the complainants
8-31 Oct 2018	Ninth Implementation Support Mission
8-Oct-18	Mission to Jharkhand. Meet with new PD. Mission team raises issue expressed in complaint to Secretary DWSD and Project Director
9-Oct-18	Team discusses the complaint with Joint Secretary in charge of Water, Ministry of Drinking Water and Sanitation, GoI
15-Oct-18	Bank team visits Jamshedpur and Giddhi Jhopri to follow up on complaints
18-Oct-18	Bank team phone conversation with Chhotagovindpur - Bagbera MVS contractor
19-Oct-18	Task Team Leader replies to Requester to follow up on Oct 15th mission with a request for telecon
22-Oct-18	Requesters reply asking for a conversation on Oct 26. Requesters share letter and attachments sent to IPN on Oct 9
29-Oct-18	Bank team holds telecon with Requesters and agrees to meet
5-Nov-18	Inspection Panel registers the Request for Inspection
14-Nov-18	Task Team Leader informs Requesters by email that DWSD and local authorities accept the Bank meeting Requesters without any officials present
17-Nov-18	Bank Team visits community and Requesters to discuss concerns expressed in complaint

Annex 4

Management Response Second Request for Inspection

**MANAGEMENT RESPONSE TO
SECOND REQUEST FOR INSPECTION PANEL REVIEW OF THE
INDIA: RURAL WATER SUPPLY AND SANITATION PROJECT FOR LOW INCOME
STATES (P132173)**

Management has reviewed the 2nd Request for Inspection of the India: Rural Water Supply and Sanitation Project for Low Income States (P132173), received by the Inspection Panel on December 12, 2018 and registered on December 18, 2018 (RQ18/07). Management has prepared the following response.

January 18, 2019

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Map

- Map 1. IBRD No. 44042

ABBREVIATIONS AND ACRONYMS

ASHA	Accredited Social Health Activist
BP	Bank Procedure
DBOT	Design, Build, Operate, Transfer
DPMU	District Project Management Unit
DPR	Detailed Project Report
DWSD	Drinking Water and Sanitation Department (Jharkhand)
EA-EMF	Environmental Assessment-Environmental Management Framework
EDS	Environmental Data Sheet
EMP	Environmental Management Plan
ESR	Elevated Storage Reservoir
GoI	Government of India
GP	Gram Panchayat
IDA	International Development Association
IPN	Inspection Panel
LIS	Low Income States
MVS	Multi-Village Scheme
MVWSC	Multi-Village Water and Sanitation Committee
NPMU	National Project Management Unit
NRDWP	National Rural Drinking Water Program
O&M	Operation and maintenance
OP	Operational Policy
PAD	Project Appraisal Document
PESA Act	Panchayat Extension to Scheduled Areas Act
PRI	Panchayati Raj institutions
RWSS	Rural Water Supply and Sanitation
SMF	Social Management Framework
SPMU	State Project Management Unit
SVS	Single Village Scheme
TDIP	Tribal Development Implementation Plan
TDP	Tribal Development Plan
UP	Uttar Pradesh
VWSC	Village Water and Sanitation Committee
WTP	Water treatment plant

Currency Unit

As of January 18, 2019

US\$1.00 = INR71.26

INR 1 = US\$0.014

EXECUTIVE SUMMARY

Request for Inspection

- i. On December 18, 2018, the Inspection Panel registered the Second Request for Inspection (IPN Request RQ18/07) concerning the India: Rural Water Supply and Sanitation Project for Low Income States Project (RWSSP-LIS, or the Project). The first Request for Inspection (IPN Request RQ18/06) was registered by the Inspection Panel on November 5, 2018. While the grievances voiced in the two Requests for Inspection share points of similarity, and while both requests came from tribal communities in the vicinity of Jamshedpur, Jharkhand's largest city, it is important to stress that the two Requests for Inspection pertain to two different multi-village water supply schemes (MVS). The first Request pertains to the Bagbera MVS. The Second Request pertains to the Chhotagovindpur MVS. The two MVSs are being built by the same contractor under one contract and some of the key project documentation, such as the Environmental Management Plan (EMP) was prepared under the joint title of "Chhotagovindpur-Bagbera MVS."
- ii. The Second Request was submitted by residents of Purani Basti, a tribal habitation in the South Sarjamda Gram Panchayat (GP) in the State of Jharkhand. The Request relates to the construction of an elevated storage reservoir (ESR) for the Chhotagovindpur MVS (the construction of which is virtually completed) on government land in Purani Basti, one of eight habitations of the South Sarjamda GP. The Requesters allege, among other things, that they have not been appropriately consulted regarding the selection of the ESR site and that the assessment of the site, which they have been using for a number of community and cultural functions, was insufficient. They also allege that they were threatened with dire consequences when they attempted to protest the construction of the ESR. They further claim that environmental impacts of the construction and operation of the ESR have not been sufficiently studied. The Request demands a stop to construction and the removal of the ESR.

The Project

- iii. **Development Objective.** The Project aims to bring clean, safe drinking water and improved sanitation to vulnerable rural communities where unclean water and poor sanitation are causing disease and contribute to protracted poverty. The Project development objective is to improve piped water supply and sanitation services for selected rural communities in four low income states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh, through decentralized delivery systems, and to increase the capacity of the states to respond promptly and effectively to an eligible crisis or emergency. The Project currently supports rural water supply and sanitation programs in 33 districts in the four states and is expected to directly benefit about 7.8 million rural people, including tribal populations and about 3.8 million women.
- iv. The RWSSP-LIS is the first large project in the low income states that aims to improve access to sustainable water and sanitation services for the rural poor through a decentralized approach to encourage inclusion and equity. The Project targets states with a very low level of access to tap-supplied drinking water; as of the 2011 census, tap water coverage is only 3.7 percent in Jharkhand, the state concerned by the Request, compared to 32 percent for the country as a whole.
- v. **Components.** The Project is supported by a US\$500 million IDA Credit. It has four components, including capacity-building and sector development; infrastructure development;

project management support; and contingency emergency response. *Component B: Infrastructure Development* (US\$860 million total; IDA contribution US\$430 million) supports investments for improving water supply and sanitation coverage, including construction of new infrastructure and rehabilitation and augmentation of existing schemes. While most of the water supply schemes under the Project serve single villages, the Project also supports several MVSSs, which mainly rely on surface water sources and are developed for large service areas encompassing habitations where currently used local groundwater sources are not sustainable or not of acceptable quality.

- vi. **Project Status.** The Project was approved by the Bank's Board on December 30, 2013, and is scheduled to close on March 31, 2020. The Project has disbursed 22 percent of the IDA funds allocated to it. The Project is currently implementing 919 drinking water schemes: 897 Single Village Schemes (SVSSs) and 22 MVSSs, of which 182 SVSSs and two MVSSs are in the State of Jharkhand. The 182 SVSSs in Jharkhand are about 75 percent completed. The two MVSSs are Chhotagovindpur (95 percent completed) and Bagbera (70 percent completed). These two distinct MVSSs are being built under a single US\$32 million equivalent Design, Build, Operate and Transfer (DBOT) contract. Jointly, the two MVSSs are designed to supply a total of 445,000 rural people across 38 GPs with 24/7 piped water supply, consistent with Project design for all MVSSs. The Chhotagovindpur MVSS started operational trial runs in December 2018 and the Bagbera MVSS is expected to start its trial runs in March 2019.¹ The Chhotagovindpur MVSS is designed to supply over 345,000 rural people across 21 GPs.
- vii. **Implementation Arrangements.** Implementation of the Project is carried out through institutional and procedural arrangements at the national, state, district and local levels. The local level of implementation encompasses a wide range of players, including elected village councils; Village Water and Sanitation Committees (VWSCs); and community mobilizers who are key to generating awareness of water and sanitation. These local players interact significantly with the District Project Management Unit (DPMU) and contractors to facilitate the implementation of SVSSs, which constitute the vast majority of water supply schemes financed under the Project. For MVSSs, the implementation arrangements also include a Multi-Village Water and Sanitation Committee (MVWSC) which consists of representatives of the individual VWSCs of the GPs included in the service area of the MVSS.
- viii. Implementation arrangements in areas that are classified as tribal areas (known as “Scheduled Areas” in the terminology of the Constitution of India) include an additional level of decentralization and decision-making authority by requiring that any development projects affecting tribal habitations (as sub-units of GPs) need to be discussed and approved at the *gram sabha* (community assembly) of the concerned GP, to be chaired by the tribal leader of the concerned habitation. This aspect of the implementation arrangements is of significance for both Requests for Inspection filed under RWSSP-LIS.
- ix. **Governance and Accountability.** The project design is rooted in the view that devolution of power and decentralization of decision-making authority lead to more equitable and more sustainable development outcomes. As noted in the Project Appraisal Document (PAD), “although the 73rd Constitutional Amendment promotes service provision to be decentralized to local governments (*Panchayati Raj Institutions* – PRIs), most of the work of designing, implementing and operating RWSS schemes continues to be with the state engineering

¹ Formal start of the operations phase will follow the successful completion of the trial runs, which is expected to be about three months after the start of the trial runs, i.e., February 2019 for the Chhotagovindpur MVSS.

agencies through top-down, engineering-based, ‘supply-driven’ approaches, which also adversely impact governance and accountability.” (p. 2) The PAD emphasized “the need to use PRI-based decentralized institutional models for the design, implementation and management of RWSS services,” and that “sustainability is enhanced through inclusive, community-based, participatory, demand-responsive approaches to RWSS service delivery.” (p. 6)

- x. In the case of SVSs, there is a direct and close relationship between the nature and location of the asset that is created and the location and decision-making authority of the beneficiaries of the scheme. In the case of MVSs, which serve large numbers of GPs, this relationship is not as obvious and there is a tension between the governance and accountability objectives of the Project and the technically and legally more complex nature of the asset which serves beneficiaries in different GPs. MVSs are also implemented through more complex contractual arrangements that include provisions for operation and maintenance (O&M) by the contractor. In the case of the two MVSs in Jharkhand, the greater complexity of the assets has served to perpetuate the top-down, engineering-based approach that the Project has sought to change in favor of a community-driven approach to decision-making and asset management. The MVWSC, which represents the collective interest of the GPs served by the MVS, was not established before the start of the works as was planned and therefore could not counterbalance the usual top-down, engineering-based approach.

Management Response

- xi. Management has carefully reviewed the claims that were raised in the Request, which were also raised in a separate email communication to the Bank in October 2018. After this first communication, Management requested the Project Management Unit to follow up on the concerns and in October and December 2018, Management met with the Requesters and the community to better understand their concerns and discuss ways to address them. ***Based on its own review and site visits, Management has concluded that there have been shortcomings with regard to compliance with Bank safeguard policy requirements in the implementation of the Project component involving construction of the ESR in the vicinity of Purani Basti, a mixed tribal/non-tribal habitation that is part of the South Sarjamda GP.*** These shortcomings pertain to weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, non-objection to the initiation of works ahead of an approved EMP, and failure to apply the Bank’s policy on Physical Cultural Resources (OP 4.11). In particular, Bank supervision efforts underestimated the complexity of the implementation of the MVSs in the tribal areas of Jharkhand. A corrective action has been included in the action plan.
- xii. ***Consultations for scheme site selection.*** Management notes that there were significant efforts by the Project and by state and district authorities to ensure consultations among affected communities with respect to the decision to develop the Chhotagovindpur MVS and its design. The decision to construct the scheme was driven by strong demand across the 21 participating GPs. Strong demand for the Project is evidenced by the number of households that have opted to participate in the scheme to obtain clean and safe drinking water. Management acknowledges, however, that there appear to have been weaknesses in consultation and its documentation at the level of Purani Basti habitation. In addition, no *gram sabha* (community assembly) was held at the GP level to provide the community’s “no objection” to the siting of the ESR. Other meetings and consultations were held about the MVS and the ESR but only the

gram sabha of the GP has the statutory authority to provide the “no objection” of the impacted community.

- xiii. Management notes that while DPMU officials became aware of the objections of some Purani Basti residents to the siting of the ESR in August 2015, and attempted to address these objections through various subsequent consultations with people living in the vicinity of the service area of the ESR, it is not clear whether the residents of Purani Basti who objected to the siting of the ESR participated in these meetings. Moreover, despite the efforts of project and district officials, it is evident that significant disagreement persists between different members of the community. Most of the households planned to be connected to the scheme have already paid their community contribution and are already connected (680 households out of 886, or 77 percent). At the same time, some residents of Purani Basti continue to object to the presence of the ESR. Given these differences and the weaknesses in documentation of the consultation process, Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.
- xiv. ***EMP preparation and consultations.*** In line with the Project’s Environmental Assessment-Environmental Management Framework (EA-EMF), the responsibility to develop the EMP rests with the district government. In the case of MVSSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government authorities. As per agreed implementation procedures, however, a preliminary EMP based on the preliminary design of the scheme should have been attached to the Detailed Project Report (DPR) to inform the bidding process, in addition to the Environmental Data Sheet (EDS). This was not done, and the Bank missed an opportunity to ensure that it was developed upfront before providing its “no objection” as part of the procurement prior review process of the DBOT contract.
- xv. ***Management further acknowledges that the scheme-specific EMP should have been finalized prior to the start of the works in October 2016.*** A single EMP for the Chhotagovindpur and Bagbera schemes was prepared by the contractor. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. The Project Agreement between the Bank and the Government of Jharkhand also requires that scheme-specific EMPs be submitted to the Bank for prior review and approval. In this case, this requirement was not met and Management acknowledges that the Bank did not follow up to ensure compliance.
- xvi. These shortcomings in consultations also appear to have contributed to distrust and opposition by some members of the Purani Basti community. These were exacerbated by incorrect assumptions that (a) the Project is part of a broader plan to incorporate the tribal areas into the Jamshedpur urban agglomeration; (b) the Project will negatively impact the volume of local water sources; and (c) these local water sources that are now used by the community for free would no longer be available without charge.
- xvii. ***Physical Cultural Resources.*** Management acknowledges that OP 4.11 was not applied to the Project. According to the Requesters, the Romantic Maidan, the local name of the field in which the ESR is located, was the site of a memorial, composed of boulders, to three men who lost their lives in the movement to establish a separate state for Jharkhand. The Requesters say that these boulders were destroyed when the contractor started works in October 2016 and that the contractor installed three busts in their place to commemorate the men. Accounts differ as to whether the community requested that the contractor finance the busts (as the contractor

asserted) or whether the busts were put up without the consent of the community. Community members stressed that erecting busts or statues or other structures goes against their cultural traditions, which use stones, trees and other natural phenomena as markers of worship and reverence. The Requestors also stated that the Romantic Maidan is used for tribal festivals celebrated annually or less frequently; here, too, other interlocutors challenged this assertion.

- xviii. ***Environmental concerns.*** The Requesters raised two main environmental concerns: (a) impact on groundwater level; and (b) potential contamination in the sludge generated by the operation of the MVS. Management notes that no impacts from the ESR on the groundwater levels in Purani Basti are expected. The water intake point is about eight kilometers away, and the amount of water abstracted is negligible compared to the flow of the Subarnarekha River, from which the water will be drawn. With regard to sludge, as the infrastructure in question is a storage reservoir, there will be no sludge generation. The only infrastructure in the Chhotagovindpur MVS which will generate sludge is the Water Treatment Plant (WTP) of the scheme located in HUDCO park in Jamshedpur, some four kilometers away. This sludge will be handled appropriately and will have no direct impact on the Purani Basti community.
- xix. Management notes that the Request also raises issues pertaining to the Indian Constitution and laws, about which the Bank is not competent to respond. Some concerns also go beyond the scope and objective of the Project, such as the concerns about expansion of Jamshedpur's city limits.
- xx. ***Management regrets the shortcomings in Project design and implementation support and is working closely with the Borrower, state and district authorities to help address the issues.*** Management has reviewed the demand in the Request that construction be stopped and the ESR removed. Based on the information available to it including the evidence of strong demand for the MVS, Management is of the view that stopping the scheme works could pose a risk of retaliation against those opposing the scheme from those who are supportive of and expecting the scheme to begin providing piped water soon, including in other GPs. Management is committed to support the Government of Jharkhand in discussing options with the concerned community to achieve a satisfactory resolution.
- xxi. ***Concerns about Expansion of the City Limits of Jamshedpur.*** Management understands the Requesters' concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city. Purani Basti is located on the fringes of Jamshedpur city, the largest urban center of the State of Jharkhand and India's 36th-largest urban agglomeration. Management understands that the Government is considering the expansion of city limits for purposes of regional planning and integration. However, there is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place during Project preparation. This issue is beyond the scope of the Project
- xxii. Management commits to the following specific actions:
 - Actions specific to the second Request for Inspection:*
 - In direct response to community concerns:*
 - By end-February 2019: Management will support the Government of Jharkhand to consult with concerned members of the Purani Basti, South Sarjamda community on the ESR to better understand their concerns and to identify and agree on possible measures to address

Project-related impacts. Such measures may include support for the following:

- ensuring that a survey is carried out to identify households in service areas not within reach of a distribution line, and extending the scheme to provide service to households that wish to join it;
 - potentially developing the Romantic Maidan as culturally appropriate, and in consultation with the affected communities including the Requesters;
 - undertaking a discussion with the community and its traditional tribal leaders as to what constitutes an appropriate memorial and exploring re-installation of boulders for the three martyrs or ritually shifting the martyrs' boulders to another sacred site;
 - providing other culturally appropriate benefits to the community.
- By end-February 2019: Management will support the State Project Management Unit (SPMU) to review and update existing Information, Education and Communication (IEC) materials (including basic information about the Project and its expected benefits as well as about water, sanitation and hygiene in general) to consider existing community concerns, and to finalize preparation of the IEC materials in Santhali and Ho, the most widely spoken tribal languages in this area.
 - By end-March 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP will also reflect the feedback from the above-cited detailed consultations with the Purani Basti community.
 - By end-March 2019, Management will complete a review of the processes followed to document community “no objection” to the siting of significant infrastructure (WTPs, ESRs) associated with the two MVSs in Jharkhand.

To address overall project shortcomings:

- By end-March 2019: Management will support the SPMU to disclose the current design of the water schemes and the plan to extend the distribution network to allow coverage of households interested in a water connection in all 21 GPs of the service area.
- By end-March 2019: Management will hire experts in anthropology and cultural heritage with local experience to assist the Bank team in overseeing the implementation of the Tribal Development Plan (TDP) and Tribal Development Implementation Plan (TDIP) and the social audit that the SPMU and DPMU will be carrying out.
- By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to hire an agency to support consultation and regular training on environmental and social issues and the TDP.

xxiii. In addition, the following actions included in the Management Response to the First Request for Inspection are also relevant to the remedial actions to address the concerns raised in the Second Request:

In direct response to community concerns:

- By end-February 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and

Chhotagovindpur MVSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution and water tariffs, in addition to responding to people's queries.

- By end-February 2019: Management will complete a review of the revised draft updated EMPs for the Chhotagovindpur and Bagbera MVSs, which the DPMU has committed to submit to the Bank for review by end-January 2019.
- By end-March 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP.

To address overall project shortcomings:

- By end-February 2019: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor.
- By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers (CO) that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and in environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them.
- By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance of the Category 2 schemes supported by the Project, which includes all of the MVSs in addition to some SVSs, and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Chhotagovindpur and Bagbera MVSs, including the EMPs, and any remedial action pertaining to these MVSs will need to be addressed before the MVS starts operation.
- By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure adequate staffing and staff capacity strengthening for appropriate monitoring of EMP implementation and application of safeguards instruments.
- By end-March 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects.

I. INTRODUCTION

1. On December 18, 2018, the Inspection Panel registered a Request for Inspection, IPN Request RQ18/07 (hereafter referred to as “the Request”), concerning the India: Rural Water Supply and Sanitation Project for Low Income States (P132173), financed by the International Development Association (the Bank).

2. ***Structure of the Text.*** The document contains the following sections: Section II presents the Request; Section III provides background information on the Project, and Section IV contains Management’s response. Annex 2 contains a map, a schematic of the water supply scheme, historical satellite images and a picture of the construction site before construction started. Annex 3 is documentation on the Project consultation process, including photos and video links. Annex 4 presents a timeline of Project-related events.

II. THE REQUEST

3. The Request for Inspection was submitted by Santhal and Ho tribal community members from a habitation in the State of Jharkhand, India (“the Requesters”). The Requesters have asked for confidentiality.

4. The Request relates to the construction of an elevated storage reservoir (ESR) for the Chhotagovindpur Multi-Village Scheme (MVS), which is being built in the vicinity of Purani Basti, one of eight tribal habitations of the South Sarjamda Gram Panchayat (GP, rural government). The Requesters allege, among other things, that (i) they were not appropriately consulted regarding the selection of the ESR site, which is located on government land that they have been using for some community functions; and (ii) the assessment of the site was insufficient. They also allege that when they were threatened with dire consequences when they attempted to protest the construction of the ESR. They further claim that environmental impacts of the construction of the ESR have not been sufficiently studied and that, therefore, the Environmental Management Plan (EMP) is inadequate. The Request makes several demands, including a halt to construction, removal of the ESR and restoration of the site to its original state.

5. No further materials were received by Management in support of the Request.

6. On November 5, 2018, the Inspection Panel registered the first Request for Inspection (IPN Request RQ18/06) under the Rural Water Supply and Sanitation Project for Low Income States. The Management Response to Request RQ18/06 was submitted to the Inspection Panel on December 11, 2018. The First Request also pertains to a tribal habitation in the vicinity of the city of Jamshedpur, Jharkhand. However, it refers to a different MVS, the Bagbera MVS, which is being built under one contract by the same contractor as the Chhotagovindpur MVS. Some of the key project documentation, such as the EMP was prepared under the joint title of “Chhotagovindpur-Bagbera MVS.” The two water supply schemes are both in the environs of Jamshedpur and the social structure of the communities served by the two schemes is broadly similar in that it represents a mix of tribal and non-tribal households. But these are two different

water supply schemes and the two Requests for Inspection pertain to different types of infrastructure—a water treatment plant (WTP) in the first case and an ESR in the second case).

III. PROJECT BACKGROUND

7. **Project Objectives.** The Project aims to bring clean, safe drinking water and improved sanitation to vulnerable communities where unclean water and poor sanitation are causing disease and contribute to protracted poverty. The Project development objective is to improve piped water supply and sanitation services for selected rural communities in target (low-income) states through decentralized delivery systems and to increase the capacity of the participating states to respond promptly and effectively to an eligible crisis or emergency.

8. **Project Components.** The US\$500 million Project is to be implemented over a six-year period. It supports the implementation of the National Rural Drinking Water Program (NRDWP) of the Ministry of Drinking Water and Sanitation, Government of India (GoI) for improving piped water and sanitation coverage nationwide. The Ministry has prioritized the Bank Project to support NRDWP implementation in four low income states, namely Assam, Bihar, Jharkhand, and Uttar Pradesh (UP). These states were selected based on: (i) low levels of rural piped water coverage; (ii) water quality problems; and (iii) number of districts afflicted with Acute Encephalitis Syndrome and Japanese Encephalitis. The Project comprises the following components:

- (a) *Component A: Capacity Building and Sector Development (Cost US\$93 million; IDA contribution US\$46 million).* This component supports the building of institutional capacity for implementing, managing and sustaining Project activities, along with sector development studies to inform policy decisions.
- (b) *Component B: Infrastructure Development (Cost US\$860 million; IDA contribution US\$430 million).* This component supports investments for improving water supply and sanitation coverage, including construction of new infrastructure and rehabilitation and augmentation of existing schemes. Water supply investments include water source strengthening and catchment area protection activities. Most habitations (sub-GP-level hamlet) are served by Single Village Schemes (SVS) using local groundwater sources. MVSSs, mainly relying on surface water sources, are developed for large service areas encompassing habitations where the local source is either not sustainable or not of acceptable quality. The sanitation component supports the Swachh Bharat Mission-Gramin (Rural), which is the rural part of the Clean India Campaign, through activities including soak-pits, drain and lane improvements, and community awareness programs for improving sanitation and hygiene practices. The Project promotes 24/7 and metered water supply and the introduction of the use of solar energy in the RWSS sector.
- (c) *Component C: Project Management Support (Cost US\$47 million; IDA contribution US\$24 million).* This component includes Project management support to the various entities at the national, state, district, and village levels for implementing the Project, including staffing, consultancy and equipment costs, and internal and external financial audits.

- (d) *Component D: Contingency Emergency Response (Cost US\$0 million)*. Following an adverse natural event that causes a major natural disaster, the Government may request the Bank to re-allocate Project funds to support emergency response and reconstruction. This component has not been mobilized to date.

9. **Project Financing.** The Bank is providing half of the funding for the Project. The counterpart funds are being provided as follows: GoI US\$330 million from the NRDWP, participating states US\$162 million in matching funds, per NRDWP guidelines, and community contributions of US\$8 million. To demonstrate ownership for the schemes, participating households contribute a one-time “community contribution” towards capital costs in the amount of INR 450 (US\$6.40) or INR 225 (US\$3.20) for Scheduled Caste or Scheduled Tribe households. The responsibility to set the tariff lies with the GPs. The State guidance is that a minimum monthly operation and maintenance (O&M) tariff of INR 62 (US\$0.90) should be charged at the household level, but GPs have the discretion to charge more. Participation in the scheme is voluntary at the community and household levels.

10. **Project Status.** The Project was approved by the Bank's Board on December 30, 2013. It is scheduled to close on March 31, 2020. The Project has disbursed 22 percent of the funds to date. The Bank performed its 9th Implementation Support Mission in October 2018. The Project is currently implementing 919 drinking water schemes: 897 SVSs and 22 MVSs, of which 182 SVSs and two MVSs are in the State of Jharkhand. The 182 SVS are about 75 percent completed. The two MVSs are Chhotagovindpur (95 percent completed) and Bagbera (70 percent completed). These two distinct MVSs are being built under a single US\$32 million equivalent Design, Build, Operate and Transfer (DBOT) contract. Jointly, the two MVSs are designed to supply 445,000 rural people across 38 GPs with 24/7 piped water supply, consistent with Project design for all MVSs. The Chhotagovindpur MVS started operational trial runs in December 2018 and the Bagbera MVS is expected to start its trial runs in March 2019.² The Chhotagovindpur MVS is designed to supply over 345,000 rural people across 21 GPs.

11. **Project Beneficiaries.** The Project currently supports rural water supply and sanitation (RWSS) programs in 33 districts in Assam, Bihar, Jharkhand, and UP, and is expected to directly benefit about 7.8 million rural people, including tribal populations and about 3.8 million female beneficiaries. The Project will improve the “access and usage” of the water supply and sanitation facilities created in the Project area. Women and children will benefit significantly from the Project interventions as they currently bear a disproportionate burden of securing daily water supplies and dealing with illnesses resulting from poor water and sanitation facilities. The beneficiaries are expected to benefit from Information, Education and Communication (IEC) and Behavior-Change-Communication programs, which promote the adoption of improved sanitation and hygiene practices, including latrine usage. Rural women are empowered to have voice and choice through membership in the Village Water and Sanitation Committees (VWSCs).

12. **Addressing the Low Level of Access to Drinking Water and Sanitation in the Project States.** The Project is the first large project in the low-income states that aims to improve access to sustainable water and sanitation services for the rural population, primarily through a

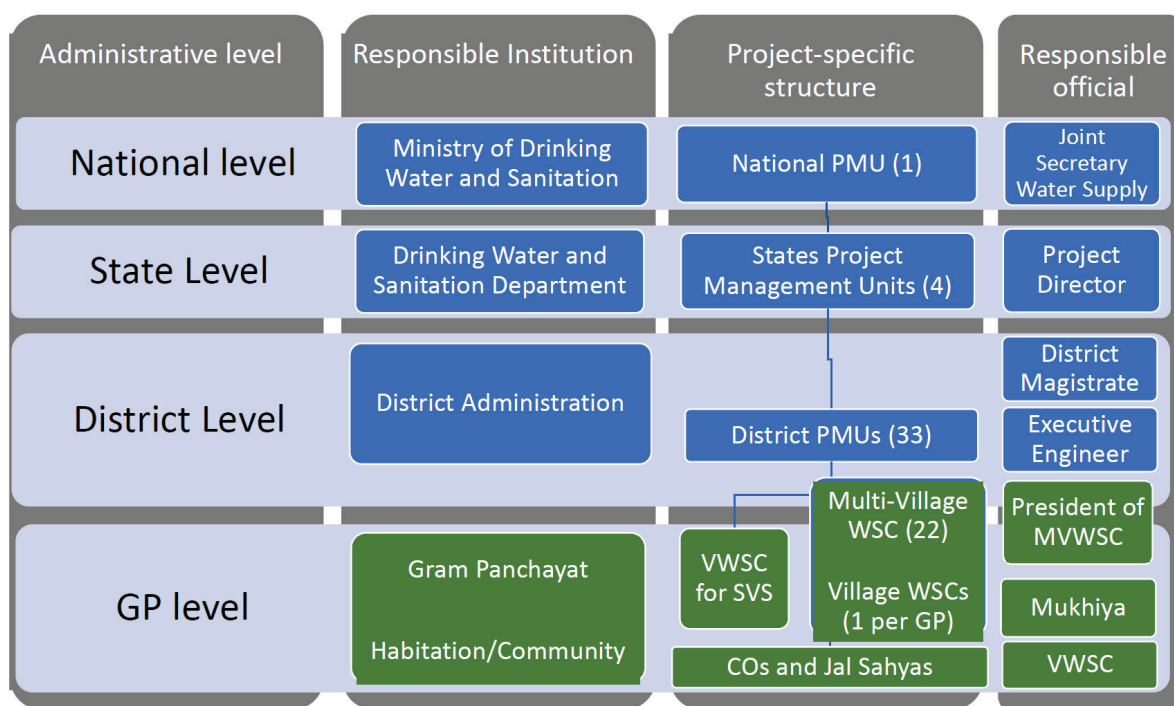
² Formal start of the operations phase will follow the successful completion of the trial runs, which is expected to be about three months after the start of the trial runs, i.e., February 2019 for the Chhotagovindpur MVS.

decentralized approach to encourage inclusion and equity, promoting a high level of service through house connections and introducing new management models for service delivery. This Project has targeted the most under-developed, low income states with a very low level of access to tap-supplied drinking water. As per the 2011 census, tap water coverage was only 2.6 percent in Bihar, 3.7 percent Jharkhand, 6.8 percent in Assam and 20.2 percent UP, whereas coverage in the country as a whole was more than 32 percent. Bihar, Jharkhand and UP also lagged significantly in sanitation, as more than 75 percent of rural households lacked access to latrines on their premises.

13. Groundwater in many locations in Jharkhand contains levels of arsenic, iron, fluoride and nitrates that are detrimental to human health. Poor water quality, including fluoride and iron contamination, is one of the major concerns of local communities. Groundwater in the Jamshedpur area shows iron and nitrate contamination, and isolated cases of radioactivity.

14. ***This Project is promoting 24/7 piped water services to rural areas where such services are now non-existent.*** It targets poor populations, areas where water sources are contaminated, and areas with high tribal populations. The MVSs introduce a new service level in rural areas, with 24/7 availability, water meters, and a new management model, based on public-private partnerships for a DBOT contract including O&M for a period of five years. At the state level, the Project is supporting the state government in putting in place policies for sustainable O&M of water supply and sanitation in rural areas.

15. ***Implementation Arrangements.*** Given the large number of schemes (to date, more than 900 piped water schemes across four states), the low implementation capacity of the participating states and the reliance on a framework approach, implementation of the Project poses a significant challenge. Detailed implementation arrangements were agreed for the Project at the national, state, district and village levels and are detailed in the Project Appraisal Document (PAD). Each participating state has put implementation arrangements under the general aegis of the State Drinking Water and Sanitation Department (DWSD). Of particular relevance to this case are the arrangements at the district and village levels. At the district level, the District Project Management Unit (DPMU), headed by the Executive Engineer in charge of the District, bears responsibility for project implementation on behalf of the DWSD at the district level and the District Water and Sanitation Committee and coordinates the work of various district and state agencies and technical bodies, interfacing with the MVWSC for MVSs, and with the VWSC for SVSs. The MVWSC is composed of representatives of the individual VWSCs of the GPs included in the service area of the MVS. It has the role of endorsing and signing off on scheme design and implementation phase payments. Figure 1 below describes the implementation arrangements at the national, state, district and GP levels.

Figure 1: Project Implementation Structure

16. At the GP level, the key bodies are the GP council, the VWSC and the Support Organization (SO). The GP is responsible for taking all important decisions, including on tariffs, through resolutions at the *gram sabha* meetings, under the overall guidelines given by the State DWSD, at the state and district level. The VWSC, as a sub-committee of the GP, is responsible for design and implementation of SVSs, the intra-village component of MVSSs, and solid and liquid waste management activities, along with the programs for sanitation and hygiene promotion activities. SOs are appointed by the DPMU to assist the GP/VWSC in community mobilization, capacity building and the IEC and Behavior-Change-Communication activities.

17. In order to strengthen support at the grassroots level, Jharkhand has put in place a system of GP-level water and sanitation workers called *jal sahiyas*. These are women community mobilizers, selected by each GP, who are intensively engaged in generating awareness about water and sanitation; facilitating discussions between the representatives of Panchayati Raj Institutions (PRI), the VWSC/MVWSC and the community; and collecting each household's community contribution to the scheme.³ The *jal sahiya* is also the Treasurer of the VWSC and an active participant in all the consultations and meetings held related to the scheme. In the Chhotagovindpur and Bagbera MVSSs, there are 21 *jal sahiyas* and all of them are members of MVWSC and are active.

³ The *jal sahiya* is selected by the GP using the following criteria: primacy is given to women from the “*jal barwa*” (“water filler”) community in a village that also fills water for other households in the village; to daughters-in-law of the village; to women with an education qualification of up to class X; and women between 25 and 45 years old at the time of selection. The post is permanent, ending only in case of death, resignation by the individual or in case there are any proven charges of financial irregularity against her.

18. In addition, 400 Community Organizers (COs) have been placed in all five districts of Jharkhand since May 2018. East Singhbhum counts 142 COs; for the MVSSs, there are two COs per GP, hence, a total of 42 for the Chhotagovindpur MVS. Of the two COs covering South Sarjamda GP, one resides in Purani Basti. As per their scope of work, these COs are responsible for community mobilization and sensitization through IEC and capacity-building activities; supporting bookkeeping of the VWSCs and the MVWSCs; facilitating and organizing community-level meetings; ensuring community-level monitoring of water supply and sanitation; and facilitating and ensuring collection of contributions to capital and operating expenditures. Selection criteria for the COs include: education up to matriculation level; between 18-45 years old; enjoying good community rapport. CO posts are first proposed to *jal sahiyas*, then to members of village organizations or self-help groups, and then to other people if none of the previous individuals are interested. A review of the scope of works of the COs is ongoing and consideration is being given to providing them a greater role in disseminating information, relaying community concerns, monitoring environmental and social aspects and strengthening Project and site-level GRMs

19. A VWSC was formed in South Sarjamda in June 2012,⁴ before the initiation of the Project and was instrumental in generating awareness related to water and sanitation. It was reconstituted in 2015 following the panchayat elections in the state. The VWSC has nine members and the *mukhiya* (the elected leader of the GP) is the President of the VWSC. A Vice President is chosen by the GP and this position is reserved for a woman. In the case of the Chhotagovindpur MVS, the MVWSC was formally established in January 2018⁵ (hence, late in the process, as the scheme was already under construction). Although an attempt was made to form the MVWSC soon after the commencement of work related to the MVS in the area, its formation was delayed due to the April 2018 *panchayat* elections. The MVWSC of the Chhotagovindpur scheme is comprised of 42 members, consisting of all the *mukhiyas* and *jal sahiyas* from the VWSCs of the 21 GPs included in the scheme.

20. The Project has a Grievance Redress Mechanism in place at the national level; all state-level PMUS (SPMUs) use multiple modes of grievance redress. In Jharkhand, people can submit their grievances through a toll-free number, through a website⁶ or verbally or in writing to the VWSC, the *mukhiya* or the *jal sahiya*. However, the State-level GRM is new and not well known in rural areas and local GRMs are generally insufficiently monitored and coordinated.

21. ***Local context of the Second Request for Inspection.*** While the First Request for Inspection related to the Water Treatment Plant of the Bagbera MVS, this Second Request relates to the construction of an ESR for the Chhotagovindpur MVS, the second MVS developed under the Project in Jharkhand, near to but distinct from the Bagbera MVS. The Chhotagovindpur MVS will supply a service area spanning 21 GPs in the vicinity of the city of Jamshedpur (population 1.34 million, as of 2011 census), the main town of East Singhbhum District and the largest urban agglomeration in Jharkhand. Jamshedpur has a 24/7 water supply in a substantial part of the city;

⁴ In accordance with the Guidelines issued by Drinking Water and Sanitation Department, Government of Jharkhand: Office order No. 185 dated 24/08/2011.

⁵ As per circular dated 08/NRDWP-43/2013-4003 dated 20.09.2013 issued by Department of Drinking Water and Sanitation, Government of Jharkhand.

⁶ State level GRM through toll-free number (181) or website <http://cmjansamvad.jharkhand.gov.in/>

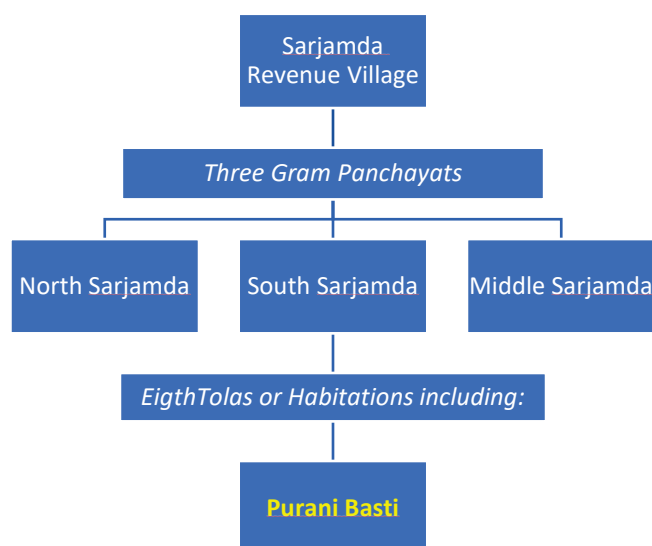
the water supply scheme under the Project was conceived to provide water to unserved rural areas that aspire to the same level of services.

22. The construction and five-year operation of both the Chhotagovindpur and the Bagbera MVSSs was procured as a single DBOT contract. It was awarded to the Chhotagovindpur & Bagbera Drinking Water Supply Project Limited (in this document, the contractor), a special-purpose company created as a joint venture of Infrastructure Leasing & Financial Services (IL&FS), as lead partner (51 percent), and IL&FS Water Limited (49 percent). The contract was signed on May 25, 2015.

23. For purposes of this Management Response, it is important to understand the hierarchy of settlements in the Project area. As noted above, the ESR that is the subject of this Request for Inspection is part of the Chhotagovindpur MVS being built on government land in the vicinity of Purani Basti habitation in South Sarjamda GP. South Sarjamda, North Sarjamda and Middle Sarjamda constitute the Sarjamda revenue village (a revenue village is a small administrative region in India). In addition to South Sarjamda GP, Project beneficiaries are located in 20 other GPs.

24. According to data collected in a survey under the Project, in 2017-18 there were 7,500 people in the South Sarjamda GP (GPs here have at least 5,000 inhabitants each), of which 45 percent are classified as belonging to Scheduled Tribes, about 16 percent as Scheduled Castes and 39 percent as General Population. Within South Sarjamda, there are eight habitations, including Purani Basti, the location of the ESR (see Figure 2).⁷ According to the DPMU, there are 375 households in Purani Basti, which is equivalent to a population of 2,025.

Figure 2. Organigram of Sarjamda Revenue Village Structure



⁷ The others are Chhola Goda, Janegoda, Lupung Tola, Doka Tola, Shankarpur, Nidhir Tola and Jaher Tola.

25. Parts of Purani Basti are not presently included in the planned coverage reflected in the contractor’s scope of work. According to the DPMU, of the 375 households in Purani Basti, 240 are covered by the scheme network (of these, to date 140 households have paid their one-time “community contribution” to connect to the network). The remaining 135 households in Purani Basti, all of which are located in one area, are not included in the Detailed Project Report (DPR) for connection to the scheme. Management’s understanding is that the non-inclusion of these households in the scheme is the result primarily of the reliance of the DPR on population projections from the 2001 census data. In the absence of a household survey, the network drawings were based on maps of roads existing at the time. Since then, there has been growth, including new houses and new roads (sometimes informal). The DPMU is carrying out a survey to identify households not presently included in the distribution network and will propose a contract variation to achieve universal coverage of those households that choose to join the scheme.

26. Within South Sarjamda GP, the ESR is located in the northeast corner of a plot of government land, adjacent to existing government buildings. The land is registered in the records as a field called the “Romantic Maidan.”⁸ The 35m by 35m plot occupied by the construction of the ESR represents less than 14 percent of the total area of the plot (9024 m²).

27. ***Safeguard Approach of the Project.*** The Project was placed in Category B and five of the Bank’s safeguard policies were determined to be applicable to the Project. Of particular relevance to the Request are OP 4.01 on Environmental Assessment and OP 4.10 on Indigenous Peoples. OP 4.11 on Physical Cultural Resources was not applied to the Project as the Environmental Assessment–Environmental Management Framework (EA-EMF) for Jharkhand (see below) and the other three states did not identify any project-induced risks or impacts related to the presence of physical cultural resources. As discussed below Management is now of the view that OP 4.11 should have been applied to the Project.

28. To date, the Project includes a total of 919 piped water schemes across the four states, 551 in what is referred to as Batch I schemes, and 368 in what is referred to as Batch II schemes (an additional 300+ Batch II schemes are at bidding stage). Given the large number of schemes and the fact that most of them had not yet been identified at the time of Project appraisal, the Project was designed using a framework approach for safeguards. For each of the participating states, management frameworks covering environmental and social issues were developed, consulted upon at state, district and GP levels, and publicly disclosed in April 2013. These included:⁹

- EA-EMF Report for each state, including Jharkhand;
- Social Management Framework (SMF) Report for each state and for the overall Project; and

⁸ Romantic Maidan is geo-tagged in Google Maps under the tag “Romantic Ground.” The ESR is clearly visible when this link is viewed in satellite mode: <https://goo.gl/maps/Ud9s4bqTh6R2>.

⁹ In September 2013 a revised version of the EA-EMF for UP was prepared and published on the Department website. In January 2016, a TDP for Assam was prepared by the Borrower. It was approved by the Bank and publicly disclosed on the state line department’s website in 2016.

- Tribal Development Plan (TDP) for Jharkhand.

29. **Jharkhand TDP.** The State of Jharkhand was created in 2000 out of the southern part of the State of Bihar, the culmination of a years-long statehood movement that included loss of life (pertinent to this Request for Inspection). About 28 percent of the state's total population consists of members of Scheduled Tribes.¹⁰ Four of the six Project districts have significant tribal populations, and these districts fall under the category of "Scheduled Areas"¹¹ which are subject to special constitutional and legislative provisions designed to protect tribal interests. The East Singhbhum District, where the subject of the Request is located, lies in a Scheduled Area, under the Fifth Schedule of the Constitution of India, with the Santhal tribe the predominant tribal community.

30. The tribal communities in Jharkhand affected by the Project are considered Indigenous Peoples under OP 4.10. Accordingly, during Project preparation a TDP was prepared for the Jharkhand portion of the Project. Consultations on the draft TDP were held in February 2013 in 60 habitations spread over 30 GPs in five districts, in addition to consultations with state, district and block officials. The TDP was disclosed on the websites of the Ministry of Drinking Water and Sanitation and the DWSD and submitted to the Bank in March 2013. A Hindi translation of the Executive Summary was disclosed on the DWSD website. It includes provisions intended to ensure that tribal settlements are given particular consideration in the targeting of Project benefits, and that informed consultations leading to the identification of demand-driven schemes in tribal areas take place in culturally appropriate ways.

31. As described in the TDP, institutional arrangements for local decision-making in Scheduled Areas are governed by a number of legal enactments. To address the omission of Scheduled Areas from the 73rd Constitutional Amendment (1993), which gave constitutional identity and decentralized responsibilities to the Panchayati Raj Institutions, the Panchayats (Extension to Scheduled Areas) Act, or PESA, was enacted in 1996. Following the creation of the State of Jharkhand, the Jharkhand Panchayat Raj Act was passed in 2001. Under these Acts, in tribal areas the relevant units of governance include the formally constituted GP and development projects affecting habitations are to be discussed and approved at the *gram sabha* (community assembly) of the concerned habitation(s).

32. Subsequent to the finalization of the TDP, and to provide more detail on its operationalization, the SPMU prepared a Tribal Development Implementation Plan (TDIP), involving extensive consultations of tribal experts, academics and tribal representatives. Its finalization was delayed due to the absence of a Tribal Development Specialist in the SPMU for close to two years. The Plan, which was approved in August 2018, is at a state-wide level for the state of Jharkhand rather than scheme-specific and is providing additional details and guidance on how schemes in tribal areas, including schemes involving both tribal and non-tribal communities,

¹⁰ To protect the interests of the tribal population, specific schedules were added to the Constitution of India in 1949 under its article 244 (2). The term "Scheduled Tribes" refers to the protection provided to tribal populations under these schedules, which concern specific areas. In Jharkhand, 15 districts out of 24 are listed in the "Fifth Schedule."

¹¹ "Scheduled Areas" refer to officially notified areas marked by significant presence of tribal population, geographic compactness as well as social and economic backwardness.

should be selected, designed and governed. It will also guide the implementation phase, including the involvement of tribal development specialists to fully engage the communities.

33. **Disclosure.** In Jharkhand, the EA-EMF, the SMF, the TDP, and their executive summaries in English were disclosed prior to Appraisal on a website of the State DWSD, as well as at the World Bank's InfoShop. The website of the DWSD experienced a security breach around the end of 2015, after which the website was taken offline and DWSD decided not to renew the contract with the website hosting company. The Bank has requested the SPMU to republish the documents on the new DWSD website. According to the Appraisal-stage Integrated Safeguard Data Sheet, summaries of the EA-EMF, SMF and TDP were translated into local languages and disclosed. In the course of preparing this Management Response, the Bank confirmed the disclosure of the EA/EMF in Bihar and the EA/EMF/SMF in UP but was not able to confirm disclosure of the analogous documents in other states.

34. **Consultations at the National and Regional Level.** Consultations on the EA-EMF, the SMF and the TDP in Jharkhand were conducted in Hindi, which is widely spoken in the state. A Hindi version of the EA-EMF executive summary was circulated to *panchayat* (elected village council) members, self-help groups and line department staff in advance of regional and national consultation workshops, which were held respectively in Khunti, Garhwa, Jamshedpur and Dumka on May 6, 8, 10 and 12, 2013 and in Ranchi on June 26, 2013.

35. **Consultations at the Local Level.** As discussed above, for the State of Jharkhand, consultations on the draft TDP were held in February 2013 in 60 habitations spread over 30 GPs in five districts in addition to consultations with state, district and block officials. The TDP was adopted in March 2013 and publicly disclosed in April 2013. It includes provisions to ensure that tribe-specific practices are adequately taken into consideration in the Project, and that informed consultations regarding schemes affecting tribal populations take place in culturally appropriate ways.

IV. MANAGEMENT'S RESPONSE

36. The Requesters' claims, accompanied by Management's detailed responses, are provided in Annex 1.

37. Management has carefully reviewed the claims that were raised in the Request, which are consistent with grievances expressed in a separate email communication to the Bank's task team leader in October 2018, which is when the Bank first became aware of the opposition of some residents of Purani Basti to the ESR. In October and December 2018, the Bank team¹² met with the Requesters and the community to better understand their concerns and discuss ways to address them.

38. ***Based on its own review and site visits, Management has concluded that there have been shortcomings with regard to compliance with Bank safeguard policy requirements in the implementation of the Project component involving construction of the ESR in the vicinity of Purani Basti.*** These shortcomings pertain to weaknesses in design and supervision, the conduct and documentation of consultations, the disclosure of key scheme-specific documents, non-objection for the initiation of works ahead of an approved EMP, and failure to apply OP 4.11.

39. ***Management acknowledges these shortcomings in Project implementation support and is working closely with the Borrower, state and district authorities to help address the issues.*** In the sections that follow, Management would like to clarify specific issues raised in the Request and the proposed way forward. Actions to address concerns raised in the Request are presented in paragraph 64.

Community Concerns about Expansion of the City Limits of Jamshedpur

40. ***Management understands the Requesters' concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city.*** Purani Basti is located on the fringes of Jamshedpur city, the largest urban center of the State of Jharkhand and India's 36th-largest urban agglomeration. Management understands that the Government is considering the expansion of city limits for purposes of regional planning and integration. However, there is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place for Project preparation. This issue is beyond the scope of the Project.

Selection of ESR Site and Community Consultations

41. ***Management notes that while there is evidence of strong demand for the water supply scheme in South Sarjamda GP and in other GPs served by the scheme, it is also clear that the scheme is not universally supported and there is no evidence that a gram sabha was held in the***

¹² A Bank Team consisting of the Lead Social Development Specialist, Senior Communications Officer, and Social Development Specialist visited Jamshedpur and Purani Basti on October 15, 2018. Another mission composed of the Project Co-Task Team Leader, Lead Social Development Specialist, Senior Communications Officer, Senior Environmental Specialist and Social Development Specialist visited Jamshedpur and Purani Basti on December 23, 2018.

South Sarjamda GP to secure the community’s consent to site the ESR on government land at Purani Basti. Management notes that while DPMU officials became aware of the objections of some Purani Basti residents to the siting of the ESR in August 2015, and attempted to address these objections through various subsequent consultations (including through a broad-based meeting held on May 1, 2016, called an *aam sabha*, or general assembly open to all, which is not the statutory *gram sabha*) with people living in the vicinity of the service area of the ESR, it is not clear whether the residents of Purani Basti who objected to the siting of the ESR participated in these meetings. No formal written complaint related to this ESR was filed, either directly or through the existing grievance redressal systems, although the contact details for questions or complaints related to the scheme were published in the leaflets and brochures which, the DPMU maintains, were distributed in 2016 during the ground-breaking ceremony, during consultations and during the MVWSC training in August 2017. Despite the efforts of project and district officials, it is evident that significant disagreement persists between different members of the community. Most of the households in the South Sarjamda GP covered under the scheme have already paid their community contribution and are connected (680 households out of 886, or 77 percent). At the same time, some residents of Purani Basti continue to object to the presence of the ESR.

42. Management was not aware of any written protest against the siting of the ESR before the email to the Bank of October 2018. Management became aware of two letters from 2015 in October and December 2018, respectively: (i) a letter dated August 17, 2015, from the contractor to the Executive Engineer (EE) referred to people in Purani Basti objecting to the ESR out of concern that it would reduce the area of the football playing area (no other points of objection were mentioned in this letter); and (ii) a letter dated October 31, 2015, from the EE to the Sub-Division Officer, Jamshedpur, indicated that authorities were aware of resistance to the ESR at the scheme site and mentioned Sarjamda along with other locations; it stated that despite multiple talks led by the Circle Officer, works had not started due to opposition by those who have “illegally occupied /encroached and are causing hindrances.” The letter requested that consultation meetings be organized with the presence of the EE, Circle Officer, Jamshedpur and that the local police officers participate. Management has not been able to ascertain whether there was police presence at any of these meetings. These letters were not shared with the Bank until December 2018.

43. Subsequently, three consultations concerning the Chhotagovindpur MVS took place, on April 4 and 17, and May 1, 2016, with details as follows:

- *April 4, 2016:* Meeting in South Sarjamda Panchayat building, which consisted of a training/orientation program for members of the VWSCs and *jal sahiyas*. The minutes were signed by 38 participants including members of the VWSCs, the treasurers and the *jal sahiyas*.
- *April 17, 2016:* Meeting in North Sarjamda Panchayat building with representatives of all three GPs of the Sarjamda revenue village (North, Middle and South Sarjamda). About 100 people participated. The meeting was focused on addressing the concerns about the Project and the opposition to the construction of the ESR. The minutes of this meeting were brief and stated only the purpose and designations of officials present; it was not possible to determine whether anyone from Purani Basti participated in this meeting.

- *May 1, 2016:* A meeting called an *aam sabha* (general assembly open to all; not the statutory *gram sabha*) chaired by the *gram pradhan* was held on the Janta Maidan of North Sarjamda Panchayat to discuss the opposition to the construction of ESR on the Romantic Maidan of South Sarjamda. The meeting lasted for nearly 5 hours and was captured in at least 10 video clips and many photos. As evidenced from the minutes, video clips and photographs, 197 persons (including many women) participated in this meeting. In order to reach out to the small section of the audience who were more conversant in Bengali, salient features and other aspects were explained in Bengali as well.

44. Management only became aware of these meetings very recently. It has reviewed the video clips and other materials pertaining to the *aam sabha* that were made available. While it seems that this meeting was a major and open forum for people to voice concerns and raise questions about the MVS, none of the video clips reviewed by Management included discussion of the location of the ESR and it is not clear whether the Requesters or anyone from Purani Basti participated in this meeting.

45. Key points raised at the May 1, 2016 meeting and recorded in the video clips include the following:

- A description of the scheme and its operation:
 - The scheme is designed to supply 135 liters of drinking water per capita, per day every day.
 - Water for this scheme will come from Subarnarekha River, will be treated and then supplied to people; no groundwater will be extracted in the villages.
 - Communities are to provide a contribution of 1 percent of the overall project cost. Scheduled Tribe/Caste households will pay INR 225/- towards a house connection and later a monthly tariff will be applicable as and when decided.
- Participants in the *aam sabha* also raised the following issues:
 - This is a water-scarce area and women spend much time fetching water from different sources and waiting for water tankers; hence, the piped water supply scheme will benefit all those in Parsudih, Sarjamda and other areas covered by the scheme.
 - Following panchayat elections in 2010, PRI representatives demanded that roads, water supply, education and health facilities in the rural panchayats around Jamshedpur be brought up to par with city neighborhoods being serviced by the Tata Group companies. The proposed scheme responds to this demand.
 - Tap water will dry up existing ponds and it will not be possible to undertake cultural and religious rituals (such as rituals for the deceased) that need pond water.

- If there is water supply in the area similar to the Tata areas and also if a health center comes it will become easier to include this area in the city municipality. This would mean any construction will require approvals from municipal authorities.
- Such schemes should be discussed and approved by the *gram sabha*, and not by an *aam sabha*, and that traditional leaders have not been respected; authorities should show respect in some manner (for example, construct water tanks with names of traditional leaders).

46. Despite the efforts made in the meetings, as evident from the above, significant disagreement between some community groups persisted and some members of the community continued to have objections to the siting of the ESR, while others provided their support. Given these differences and the weaknesses in documentation of the consultation process, Management is not able to confirm unambiguously that broad community support, as required by OP 4.10, was achieved.

Concerns about Community Economic Impacts of the Scheme

47. Participation in the scheme is entirely on a voluntary basis and access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for use of these sources. Moreover, it is not expected that the Project will impact or diminish the locally available water sources that the community currently uses free of charge. Local water sources will not be affected by the Project in flow, quality or quantity. The surface-water-fed and treated piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. Community members can choose to benefit from the additional supply of clean piped water that the Project will make available or decide not to opt in. The Chhotagovindpur MVS will provide a 24/7 delivery service. For those households that opt to receive piped water from the scheme, there is a one-time nominal community contribution which is discounted for members of Scheduled Tribe/Scheduled Caste groups as noted in paragraph 9 above. The suggested minimum monthly tariff of INR 62/- per household in Jharkhand would apply when the scheme becomes operational. This amount is less than a third of the current average monthly cost of electricity in the community.¹³

Shortcomings in the Preparation and Supervision of the EMP

48. **EA-EMF.** The EA-EMF for Jharkhand sets forth procedures and criteria for screening schemes and for addressing potential environmental impacts identified through that screening. According to the EMF, the initial screening involves public consultation with the relevant community, a preliminary identification of environmental issues and completion of an Environmental Data Sheet (EDS). Based on the EDS, the scheme in question is classified as either Category 1 or Category 2 depending on the significance of the potential environmental impacts. For Category 1 schemes, no separate environmental appraisal is required. For Category 2 schemes, given their potentially more significant environmental implications (albeit within the context of Category B projects), a detailed environmental appraisal is required, including an evaluation of environmental and public health impacts, risk assessment and the design of mitigation measures.

¹³ During consultations with the community on December 23, 2018, interlocutors indicated current monthly charges for electricity of around INR 200-250.

This environmental appraisal is to be prepared by the district level environmental expert using the EDS and a scheme screening tool to determine the scheme-specific environmental category and therefore the level of appraisal required. Tools to carry out the scheme-specific environmental appraisal are set out in Annexures 18 and 19 of the EA-EMF.¹⁴ The results are consolidated in an EMP, also prepared by the district level environmental expert, as per the provisions of the Jharkhand EA-EMF.¹⁵

49. ***EMP for the ESR.*** The Chhotagovindpur MVS was classified as a Category 2 scheme, requiring a detailed environmental appraisal to be included in and informing an EMP. Management notes that under the EMF, the responsibility to develop the EMP rests with the district government. In the case of MVSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government authorities. As per agreed implementation procedures, however, a preliminary EMP based on the preliminary design of the scheme should have been attached to the DPR to inform the bidding process, in addition to the EDS. This was not done, and the Bank missed an opportunity to ensure that it was developed upfront before providing its “no objection” as part of the procurement prior review process of the DBOT contract.

50. A single EMP for the Chhotagovindpur and Bagbera schemes was prepared by the contractor. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. The Project Agreement between the Bank and the Government of Jharkhand requires that scheme-specific EMPs be submitted to the Bank for prior review and approval. In this case, this requirement was not met and Management acknowledges that the Bank did not follow up. This EMP is currently being updated to address identified weaknesses.

51. ***Management acknowledges that the scheme-specific EMP should have been finalized prior to the start of the works in October 2016.*** The contractor prepared the scheme-specific EMP and submitted a draft to the DPMU for approval on July 23, 2015. However, the EMP was not finalized before the start of the civil works. The November 2015 and July-August 2016 Bank missions recommended preparation of an updated EMP to consider various environmental management issues for the two MVSs. During the February 2017 mission, the Bank team requested that the draft EMP be shared with the Bank, so that the Bank could review it and provide comments. On March 3, 2017, the DPMU requested the contractor to revise the EMP to address the Bank’s comments.¹⁶ A revised EMP was submitted on May 26, 2017. The Bank team reviewed the updated version in June 2017.

52. The version of the EMP that was submitted to the District Executive Engineer on August 2, 2017, incorporating comments from the SPMU and DWSD, was approved by the district

¹⁴ In May 2015, the Bank team prepared a guideline document entitled “Environmental Management: Procedures and Tools,” to respond to counterparts’ request for further guidance to facilitate environmental safeguard implementation and monitoring. The Bank team promoted its use and referred to it in subsequent missions.

¹⁵ Pages 186-192 and Table 29, pages 92 and 93.

¹⁶ Comments provided on the EMP focus on debris/excavated material management and disposal, topsoil recovery, proper sanitation and management of sewage and sullage; security on worksite including dug/cut slope protection, full site restoration at end of construction, sludge management and disposal arrangements during O&M phase, detailed cost estimates, assignment of responsibilities and EMP monitoring.

authorities on October 5, 2017. This information was not shared with the Bank team, which provided additional comments to the SPMU during the November 2017 technical visit to Jharkhand.

53. Following the November 2018 mission, the Bank team requested the counterpart to require the contractor to: (i) update the EMP; (ii) bring it into compliance with the EA-EMF; (iii) separate the combined EMP into one EMP each for the Chhotagovindpur MVS and the Bagbera MVS; and (iv) reflect relevant issues raised in the Request in the updated EMP. The contractor submitted separated EMPs for the Chhotagovindpur MVS and the Bagbera MVS to the district authorities, who conveyed them for the Bank's review on December 13, 2018. These documents did not integrate most of the Bank comments. The contractor has committed to incorporating the Bank's comments and submitting the updated and separate EMPs to the district authorities, who will convey the documents for the Bank's review by end-February 2019. In addition, the Bank team required that monitoring and reporting of EMP implementation be strengthened and advised the contractor, SPMU and DPMU of the need to undertake consultations on issues that can still be managed and/or mitigated satisfactorily during the update of the EMP, to document such consultations in the EMP and to publicly disclose the approved and updated EMP in all GPs and habitations concerned, as well as at the DPMU and contractor's offices.

Impacts on Shared Community Resources and Physical Cultural Resources

54. *Management acknowledges that OP 4.11 was not applied to the Project.* According to the Requesters, the Romantic Maidan was a site of a memorial, composed of boulders, to three men who lost their lives in the movement to establish a separate state for Jharkhand. The Requesters say that these boulders were destroyed when the contractor started works in October 2016 and that the contractor installed three busts in their place to commemorate the men. However, during the Bank team's visit on December 23, 2018, the contractor reported that the plot where the ESR was built was bare, containing no boulders. The contractor said that the local community at Purani Basti requested that the contractor finance the busts and the contractor agreed in the interest of good relations with the community. The contractor was not able to provide evidence in support of these assertions. Community members stressed that erecting busts or statues or other structures goes against their cultural traditions, which use stones, trees and other natural phenomena as markers of worship and reverence. They also said that the three statues at the site had been erected by a political party when construction commenced, without consultation with the community. There is no evidence that supports this assertion.

55. Accounts also differ with respect to the reported use of the Romantic Maidan for tribal festivals. According to the Requesters, the annual Gote Pooja is held here and involves games with cattle. A larger festival, Jaher Dangri, is celebrated every five years (the next is due in January 2019) and involves hosting large numbers of relatives and friends from other far-off communities. However, MVWSC members maintained that such events take place at the adjacent Jaher Maidan or at another maidan in lower Purani Basti. The Romantic Maidan was reportedly used for weekly *haats* (markets) in the distant past, but these also had shifted long ago to another location at Parsudih. Further, they indicated that there was a large crater at the ESR site prior to construction, and that currently the field is used only for playing football and, in parts, for open defecation.

56. Based on the information gathered and the consultations at site in December 2018, Management is of the view that there is sufficient land available at the Romantic Maidan, even considering the presence of the ESR, to allow for the cultural uses described in the Request for Inspection. The plot occupied by the Project represents a small portion of the total area of the field (13 percent), and the area not occupied by the Project (87 percent) will remain open and accessible to the community.

Concerns about Potential Impacts of Water Supply Scheme

57. Community access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for use of these sources. Moreover, it is not expected that the Project will impact or diminish the locally available water sources in flow, quality or quantity. Community members may continue to use those sources free of charge if they so desire. The surface-water-fed and treated piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. However, free groundwater sources like the ones currently used by the community will continue to be unsafe as there is widespread contamination of groundwater in the area, as documented in the EA-EMF (see below). Community members can choose to benefit from the additional supply of clean piped water that the Project will make available or decide not to opt in. Management recognizes that there is a need for additional information about the Project and its benefits to be provided to the beneficiary population. The SPMU and DPMU are launching a new round of consultations in all GPs of the MVSs to provide scheme information, clarify these aspects, and respond to people's queries.

Concerns about the Project's Potential Environmental Impacts

58. ***Alleged impacts on local hydrology and water supply.*** No impact from the river water abstraction on the groundwater levels in Purani Basti is expected. Groundwater impacts are usually limited to sources located close to the river and where the volume abstracted represents a significant share of the water flow. The water intake of the Chhotagovindpur MVS is located on the Subarnarekha River downstream from the confluence with the Kharkai river at a location called Luwabasa, 7.8 kilometers from the Sarjamda ESR. As per the scheme design, the maximum amount of water withdrawn, 43 megaliters per day, is negligible compared to the total river flow.

59. ***Concerns about sludge disposal.*** The only infrastructure in the MVS which generates sludge is the WTP of the scheme located in HUDCO park in Jamshedpur which is not associated with this request. That sludge will be handled appropriately and will have no direct impact on the Purani Basti community.

60. The raw water intake is located at a point where the water is least expected to contain heavy metals. Management has reviewed the water analysis performed in the last 12 months at the water intake of the WTP, which shows very low levels of heavy metals in the raw water, almost at the level of Indian Standard IS 10500 2012 on Drinking Water. The WTP is designed to be able to remove heavy metals and other contaminants to ensure that the drinking water is delivered according to standard. The specific approach to sludge management and disposal will be in place by the time the WTP begins operation, planned for February 2019. It will be detailed in the updated EMP and will be supervised by the DWSD of the State of Jharkhand. Based on the low levels of

heavy metal contaminants, the sludge from the WTP should not be considered as a toxic waste. Management will request district authorities to advise the contractor on an appropriate discharge site for the water treatment sludge and will request the DPMU to share the water testing results with the community.

61. ***While water quality at the WTP intake point is within acceptable limits, groundwater in many locations in Jharkhand has high levels of arsenic, iron, fluoride and nitrates that are detrimental to human health.*** The TDP mentions that poor groundwater quality, including fluoride and iron contamination, is one of the major concerns of the community. The EA-EMF refers to iron and nitrate contamination as predominant in the groundwater in the Jamshedpur area, and notes also that isolated cases of radioactivity exist.

Interactions with the Requesters

62. The Bank team took the opportunity of a visit to a nearby habitation to visit Sarjamda on October 15, 2018 and met with the complainant who had sent the email to the task team leader (the Request for Inspection refers to this meeting). The complainant invited the team back to participate in a larger meeting and this was organized for December 23, 2018, when the Bank team met with the complainant and some 75 members of Purani Basti and other communities. At this meeting, community representatives said that the *mukhiya* of South Sarjamda GP threatened to involve the police if protests did not desist. However, the community did not cite any instance of actual police coercion. Management has made it clear that the World Bank does not tolerate coercion and retaliation and will continue to work with the concerned governments to ensure that this risk does not materialize.

63. With regard to the Requesters' demand that construction works on the ESR scheme be immediately stopped and the scheme removed altogether, Management notes that this demand is not practical (as the ESR is virtually completed and operational trial runs are ongoing). Moreover, there is clearly a strong demand for piped water in the associated communities as evidenced by the high level of paid-in community contributions from beneficiary households.

Actions Going Forward

64. Based on discussions with the community, Management will initiate the following actions, all of which have been discussed and agreed with the Borrower and the state and district counterparts:

Actions specific to the Second Request for inspection:

In direct response to community concerns:

- By end-February 2019: Management will support the Government of Jharkhand to consult with concerned members of the Purani Basti, South Sarjamda community on the ESR to better understand their concerns and to identify and agree on possible measures to address Project-related impacts. Such measures may include support for the following:
 - ensuring that a survey is carried out to identify households in service areas not within reach of a distribution line, and extending the scheme to provide service to households that wish to join it;

- potentially developing the Romantic Maidan as culturally appropriate, and in consultation with the affected communities including the Requesters;
- undertaking a discussion with the community and its traditional tribal leaders as to what constitutes an appropriate memorial and exploring re-installation of boulders for the three martyrs or ritually shifting the martyrs' boulders to another sacred site;
- providing other culturally appropriate benefits to the community.
- By end-February 2019: Management will support the State Project Management Unit (SPMU) to review and update existing Information, Education and Communication (IEC) materials (including basic information about the Project and its expected benefits as well as about water, sanitation and hygiene in general) to consider existing community concerns, and to finalize preparation of the IEC materials in Santhali and Ho, the most widely spoken tribal languages in this area.
- By end-March 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP for the Chhotagovindpur MVS will reflect the feedback from the above-cited detailed consultations with the Purani Basti community.¹⁷
- By end-March 2019, Management will complete a review of the processes followed to document community “no objection” to the siting of significant infrastructure (WTPs, ESRs) associated with the two MVSs in Jharkhand.

To address overall project shortcomings:

- By end-March 2019: Management will support the SPMU to disclose the current design of the water schemes and the plan to extend the distribution network to allow coverage of households interested in a water connection in all 21 GPs of the service area.
- By end-March 2019: Management will hire experts in anthropology and cultural heritage with local experience to assist the Bank team in overseeing the implementation of the Tribal Development Plan (TDP) and Tribal Development Implementation Plan (TDIP) and the social audit that the SPMU and DPMU will be carrying out.
- By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to hire an agency to support consultation and regular training on environmental and social issues and the TDP

xxiv. In addition, the following actions included in the Management Response to the First Request for Inspection are also relevant to the remedial actions to address the concerns raised in the Second Request:¹⁸

¹⁷ The action plan contained in the Management Response to the First Request for Inspection had a similar requirement concerning the Bagbera EMP, which originally covered both MVSs. The EMP has since been split into two separate MVS-specific EMPs.

¹⁸ Several target dates for those actions had to be adjusted to reflect slower than anticipated progress in several areas. For example, to date, implementation stage consultations have taken place in 25 of the 38 GPs; the review of the draft updated EMPs is ongoing and the Bank has provided comments that are being currently reflected by SPMU and DPMU; the decision to hand-deliver translated documents to the Mukhiya of each GP requires additional time to complete the action.

In direct response to community concerns:

- By end-February 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and Chhotagovindpur MVSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution and water tariffs, in addition to responding to people's queries.¹⁹
- By end-February 2019: Management will complete a review of the revised draft updated EMPs for the Chhotagovindpur and Bagbera MVSs, which the DPMU has committed to submit to the Bank for review by end-January 2019.
- By end-March 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP.

To address overall project shortcomings:

- By end-February 2019: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor.
- By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers (CO) that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and in environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them. (This action has been completed).
- By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance of the Category 2 schemes supported by the Project, which includes all of the MVSs in addition to some SVSs and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Chhotagovindpur and Bagbera MVSs, including the EMPs, and any remedial action pertaining to these MVSs will need to be addressed before the MVS starts operation.
- By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure adequate staffing and staff capacity strengthening for appropriate monitoring of EMP implementation and application of safeguards instruments.²⁰

²⁰ The recruitment process has encountered delays and is still ongoing.

- By end-March 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects.²¹

²¹ The restructuring of the project is likely to require more time than originally anticipated.

India: Rural Water Supply and Sanitation Project for Low Income States (P132173)
Second Request for Inspection (RQ18/07)

Annex 1. Claims and Responses

No.	Claim	Response
1.	<p>We are the <i>Adivasi</i> (Indigenous or original inhabitants) community of REDACTED the state of Jharkhand, India. Our collective cultural resources, livelihood, and autonomy have been affected by the International Development Association supported IN Rural Water Supply and Sanitation Project for Low Income States (“RWSS-LIS”) (World Bank Project P132173), specifically its sub-project, the REDACTED). The aggrieved community comprises of people belonging to <i>Santhal</i> and <i>Ho</i> REDACTED tribes. We are hereby filing a Request for Inspection to the Inspection Panel through representatives from our traditional governance system. Please find enclosed a list of names and signatures of community members that have come together to file the complaint (in confidential Annexure A). We fear there may be reprisals REDACTED for complaining against the REDACTED Scheme. Therefore, we request the Inspection Panel to keep the names and identities of the complainants confidential.</p> <p>REDACTED is directly affected by the REDACTED. An elevated storage reservoir (ESR) is being constructed on our common community land in the village. This land has profound historical and cultural significance for the community, and the ESR will disrupt our way of life and customs. The REDACTED Scheme also threatens to make our already poverty-stricken communities more vulnerable by charging us for drinking water.</p> <p>This letter sets out violations of the World Bank’s social and environmental safeguard policies in the implementation of the REDACTED Scheme. It documents that the environmental assessment done was inadequate and did not include a proper assessment of impacts on physical-cultural resources. It also records failures to inform and consult with the affected community about the Scheme, including its design and planning.</p> <p>This consultation failure violates not only World Bank policies, but also Indian law. As an Indigenous-majority area, REDACTED enjoys special protections under the Constitution of India and domestic legislation, which requires any development scheme, welfare plan or decision regarding common community resources be taken by a relevant <i>Gram Sabha</i>. A <i>Gram Sabha</i> is a general assembly of all the people of a village, who have attained the age of 18</p>	<p>Local Context of the ESR site. For purposes of this Management Response, it is important to note that the World Bank team received an email complaint on October 10, 2018, the content of which was similar to that of this Request for Inspection. The Bank team took the opportunity of a visit to a nearby habitation to visit Sarjamda on October 15, 2018, to meet with the complainant in this case. The complainant later addressed an email to the World Bank expressing dissatisfaction with the lack of advance notice prior to the meeting (the team followed advice from security staff in this regard). In light of this, the Bank team made a second visit to the site on December 23, 2018, to meet with the complainant and some 75 members of Purani Basti and other communities invited by the Complainant.</p> <p>Based on these facts, for purposes of responding to this Second Request for Inspection, Management has assumed that the request pertains to the ESR in the South Sarjamda GP, which is part of the Chhotagovindpur MVS.</p> <p>The ESR is one of five ESRs of the Chhotagovindpur MVS. It is located on government land (recorded in the official revenue records as <i>anabad</i> (uninhabited) Bihar (Jharkhand since its creation in 2000) land) in the South Sarjamda GP, which is one of the three GPs within the Sarjamda revenue village. A revenue village is a small administrative region in India with defined borders. The GPs, which are the rural local governing bodies, have at least 5,000 inhabitants each. There are no administrative maps below the revenue village level, and therefore no recorded limits between usage and influence areas of each habitation.</p> <p>According to data collected in a survey under the Project, in 2017-18, there were 7,500 people in the in South Sarjamda GP, of which 45 percent are classified as belonging to Scheduled Tribes, about 16 percent as Scheduled Castes and 39 percent as General Population. Within South Sarjamda, there are eight habitations, including Purani Basti, the location of the ESR (see Figure 2 in the main text).²² According to the DPMU, there are 375 households in Purani Basti, which is equivalent to a population of 2,025.</p> <p>Project authorities indicate that no formal written complaint related to this ESR was filed, either directly with them or through the existing grievance redressal systems, although the contact details of the SPMU and information on submission and redressal of complaints</p>

²² The others are Chhola Goda, Janegoda, Lupung Tola, Doka Tola, Shankarpur, Nidhir Tola and Jaher Tola.

No.	Claim	Response
	<p>years, and are registered in the electoral roll relating to a village. A <i>Gram Sabha</i> resolution is a majority vote in favour of an issue. In this case, the project did not receive <i>Gram Sabha</i> consent. REDACTED threatened community members of dire consequences when they tried to protest REDACTED, outside of REDACTED office against the forceful illegal construction of the ESR on their common property. The community fears the REDACTED Scheme is part of a larger plan to expand the boundaries of the adjacent city, REDACTED, which risks taking away the special legal protections afforded to the community as a rural Indigenous village in India.</p> <p>We request the Inspection Panel to immediately conduct an investigation that affirms the violations of Bank policy described in this letter. The community trusts that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. In particular, the community requests the World Bank to:</p>	<p>related to the scheme were published in the leaflets and brochures which, the DPMU maintains, were distributed in 2016 during the groundbreaking ceremony, during consultations and during the MVWSC training in August 2017.</p> <p>The ESR is nearly completed and operational trial runs of the MVS began in the first week of December and will continue through the first week of February 2019. The scheme is expected to start operation by the end of February 2019. With respect to the allegation of threats of dire consequences, while the details have been removed through the process of redaction, Management notes that in the Bank team's consultations with aggrieved Purani Basti community members in October and December 2018, community members made no reference to actual coercion. During the team's December 23, 2018 meeting with the community, community representatives said that the <i>mukhiya</i> of South Sarjamda GP threatened to involve the police if protests did not desist. However, the community did not cite any instance of actual police coercion.</p> <p>The land on which the ESR has been constructed is government land.</p> <p>Concerning the possible incorporation of Purani Basti into neighboring Jamshedpur, please see Item 5.</p>
	<p>Impacts of the REDACTED Scheme on the community</p>	
2.	<p><i>Harms caused to community's physical cultural resources and traditions.</i> Construction of the ESR threatens the continuation of essential cultural practices of the Indigenous community. The state authorities are constructing the ESR on community land, locally called REDACTED. The popular local name is REDACTED. The REDACTED is a common cultural resource of the residents of REDACTED. Every year, after Diwali, the community has REDACTED celebrations.</p> <p>One of the community customs associated with REDACTED used to happen at REDACTED. This is an old community tradition where villagers keep an egg in the middle of the ground, and all the cattle in the village are let loose. The person whose cow breaks the egg first is the winner. The community can no longer practice this tradition associated with REDACTED because common community land was grabbed for the construction of an ESR under the REDACTED Scheme.</p> <p>Furthermore, every five years, the community has a sacrificial ceremony called REDACTED, which is followed by a traditional feast. Villagers invite relatives from far and wide and everyone partakes in a mass community feast at the ground. With the ESR coming up on the ground, there is no space to hold</p>	<p>The land on which the ESR was constructed is government land registered as "uninhabited Jharkhand land" in the land registry, as evidenced in the letter of authentication issued by the Circle Officer on May 26th, 2012. As a land "No Objection Certificate" for the Sarjamda ESR could not be found, District authorities requested the Circle Officer to issue one, which happened on December 21, 2018.</p> <p>According to the contractor, the land where the ESR was built was undeveloped (bare) before the start of construction. The field in which the ESR is located is called "Romantic Maidan" (a "maidan" is an open ground or field). Efforts were made to confirm the use of this site earlier through historical satellite images and also through interactions with community members at Purani Basti and with MVWSC members for the Chhotagovindpur scheme. Historical satellite images confirm that no visible artefact or structure was erected on the 35m x 35m plot used for the ESR construction.</p> <p>The total area of the government land, as registered, is 2.23 acres (9,024 m²), of which the ESR will use less than 14 percent (35m x 35m). The ESR is in the north-eastern corner of the plot adjacent to existing government buildings that include a health center. Satellite images and recent visits to the site confirm that the rest of the field (outside of the area of the ESR) is open and accessible to</p>

No.	Claim	Response
	this customary practice anymore.	<p>the public.</p> <p>During the Bank team's second visit to the site on December 23, 2018, interactions with members of the wider community yielded contradictory evidence on the usage of the Romantic Maidan for worship or cultural events. According to the Requesters, the annual Gote Pooja is held here and involves games with cattle. A larger festival, Jaher Dangri, is celebrated every five years (the next is due in January 2019) and involves hosting large numbers of relatives and friends from other far-off communities. However, MVWSC members, in separate interactions with the Bank team on December 23, 2018, maintained that such events take place at the adjacent Jaher Maidan or at another maidan in lower Purani Basti. The Romantic Maidan was reportedly used for weekly <i>haats</i> (markets) in the distant past but these had also shifted long ago to another location at Parsudih. Further, they indicated that there was a large crater at the ESR site prior to construction. Currently the field is used only for playing football and, in parts, for open defecation.</p> <p>Based on the information gathered and the community consultations, Management is of the view that there is sufficient land at the Romantic Maidan, even taking into account the presence of the ESR, to allow for the cultural uses described in the Request for Inspection.</p>
3.	<p>During the construction of the ESR, a martyrdom site was also razed. This martyrdom site commemorated REDACTED from the community who gave their life to the struggle for statehood for Jharkhand. Boulders were placed at that site in their memory. Every year, on REDACTED, the community would observe their martyrdom day at that site. This martyrdom site was an important physical, historical and cultural resource of both the community and Jharkhand. They razed the boulders to construct the ESR. A statue with busts of the REDACTED martyrs was placed adjacent to the ESR by the project implementors. The community does not believe in having statues of community members who have died. Stones or boulders are placed in their memory instead. The community was never consulted on this issue.</p> <p>The site of the ESR REDACTED has strong bonds with the way of life, culture, traditions, and history of the Indigenous people of REDACTED. Taking the ground away from the community is an attack on its traditions, culture, and history.</p>	<p>There is no record of consultations on this issue before the start of construction. In recent consultations, accounts differ on whether or not boulders pre-dated the erection of the statues of the three men who lost their lives in the movement to establish the state of Jharkhand. During the Bank team's visit on December 23, 2018, the contractor reported that the plot where the ESR was built was bare, containing no boulders. The contractor said that the local community at Purani Basti requested that the contractor finance the busts and the contractor agreed in the interest of good relations with the community, noting that the total (INR 47,000, or less than \$700) was not a significant sum. The contractor was not able to provide evidence in support of these assertions.</p> <p>However, the Purani Basti residents with whom the Bank team met insisted that there were boulders in memory of the three men at the site of the ESR. Community members showed the Bank team the location of the alleged martyrs' memorial under the ESR pillars. They stressed that erecting busts or statues or other structures goes against their cultural traditions which use stones, trees and other natural phenomena as markers of worship and reverence. They also said that the three statues at site had been erected by a political party when construction commenced, without consultation with the Purani Basti community. These residents of Purani Basti were not able to provide evidence in support of this assertion.</p>

No.	Claim	Response
4.	<p><i>Economic impacts and impacts on community autonomy.</i></p> <p>The community is also concerned about the economic impacts of the whole water supply scheme, fearing that it will worsen already poor conditions in the region. Many of the households currently live below the poverty line. They rely on local water resources, including wells and hand-pumps, for their water needs. Until now, this water has been available free of charge. However, after the implementation of the Scheme, they will have to pay for access to water. They fear this will further impoverish the community.</p>	<p><i>Community access to existing local water sources will not be affected by the Project, nor will the Project introduce a requirement to pay for use of these sources.</i> Moreover, it is not expected that the Project will impact or diminish the locally available water sources that the community currently uses free of charge. Local water sources will not be affected by the Project in flow, quality or quantity. The surface-water-fed and treated piped water supply will be made available through a metered scheme to ensure that only those who choose to use the piped water will be charged. Community members can choose to benefit from the additional supply of clean piped water that the Project will make available or decide not to opt in. The Chhotagovindpur MVS will provide a 24/7 delivery service. For those households that opt to receive piped water from the scheme, there is a one-time community contribution which is discounted for members of Scheduled Tribes/Castes (the “community contribution” from members of Scheduled Castes and Scheduled Tribes is set at INR 225/- (US\$3) and at INR 450/- (US\$6) for all others).</p> <p>However, it should be noted that free water sources like the ones currently used by the community will continue to be unsafe as there is widespread contamination of groundwater in the area, as documented in the EA-EMF. The rationale for the Project is to supply clean and safe drinking water as an alternative to these unsafe sources.</p> <p>The Bank team is supporting the four Project states and the GoI in setting up O&M Policies for Rural Water Supply, which provide guidance on tariff setting and other technical and financial responsibilities to the GPs. The Project is among the first to support GPs to take responsibility in the management of piped water services, either through direct management by VWSC (in the case of SVSs in Jharkhand) or through delegated management to private operators through DBOT contracts for MVSs. The policy will provide guidance to GPs to ensure sustainability and affordability as they set the tariffs, while keeping GPs accountable for long-term service delivery.</p> <p>The data on payments to date of the community contribution indicate strong demand for the Project. As per data provided by the DPMU, in South Sarjamda, there were 1,637 households as per the DPR and 1,474 households as per the baseline survey completed recently. Under the current scope of work, the contractor’s obligation is to lay pipes to enable 886 households to connect as these households have paid their community contribution. Of these 886, 680 households (77 percent) are already connected. However, at the consultations with the Bank team on December 23, 2018, it emerged that the members of the Purani Basti community with whom the team met were under some critical misapprehensions (about the voluntary nature of the scheme, the expected tariff, and the continued availability of their existing groundwater sources such as wells and handpumps whose</p>

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		water they value for ritual purity). These point to a lack of adequate information dissemination and education about the details and benefits of the scheme.
5.	<p>The community also fears the REDACTED Scheme is being used to expand the city limits of the adjacent city, REDACTED. This could alter the fundamental nature of the area, from a protected Indigenous area under the Constitution to an urban centre that would lack such protections. According to the Draft Proposal Master Plan for REDACTED Urban Agglomeration, the new proposed expansion of REDACTED. Such an expansion could have a disastrous impact on the Indigenous community of REDACTED and other surrounding villages, including impacts on their culture, access to resources, and traditional governance practices. The <i>Santhal</i> and <i>Ho</i> communities enjoy Indian Constitutional and legislative protections regarding rights over land and water resources. Expansion of city limits may dissolve those protections and further marginalise the Indigenous communities.</p> <p>The REDACTED Scheme, which has already been implemented by sidestepping traditional governance institutions, appears to be part of this expansion plan. According to the Draft Proposal Master Plan, one of the key goals of this urbanisation process is to establish an urban area with treated piped water supply. The REDACTED Scheme is, therefore, a key component in furtherance of this urbanisation process. As such, the World Bank is complicit in undermining the Constitutional rights and protections of Indigenous communities through its support of this Scheme.</p>	<p><i>Management understands the Requesters' concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city.</i> However, urbanization and urban expansion in India are significant and driven by many factors and are beyond the scope of this Project. There is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place for Project preparation.</p> <p><i>Master plan.</i> Management understands that the Government of Jharkhand is considering the expansion of the Jamshedpur city limits for purposes of regional planning and integration. The district magistrate and deputy commissioner mentioned that a plan is in preparation but is not finalized. According to government practice, it can be expected that there will be a process of public consultations around the finalization of the master plan. In fact, in the December 23, 2018 meeting with the Bank team, the community mentioned that it had already formally registered its protests several times when the state government had asked for public feedback on a proposal to extend the limits of the city municipality.</p> <p><i>Water schemes under the Project.</i> The location of the drinking water supply schemes included in the Project are driven by defined selection criteria of water quality and quantity, focus on poor areas, and rural location. The Project is an integral part of the wider NRDWP of the GoI, the objective of which is to provide 80 percent of the rural population with piped water supply by 2022. The GoI and the Bank are financing similar piped water schemes in villages across India.</p>
6.	<p><i>Lack of information disclosure and community consultations.</i> Besides the harmful impacts of the project on its customs, and physical cultural resources, the community is also aggrieved by the lack of information disclosure and consultation for this project. Documents pertaining to the REDACTED Scheme are not available on the World Bank info-shop. The community only got access to the Detailed Project Reports, and the Preliminary Design reports for the REDACTED Scheme after the REDACTED of another impacted village, REDACTED, shared it with the REDACTED. The REDACTED got hold of these documents after going through a strenuous process under the Right to Information Act. World Bank management and the implementing authorities never consulted the REDACTED about this project. In REDACTED, a team from the REDACTED came to the</p>	<p><i>Various efforts at consultations and information-sharing were undertaken in the course of Project preparation and implementation. Nonetheless, Management acknowledges that these efforts should have been more comprehensive and undertaken earlier on in preparing the scheme in question. The statutory gram sabha was not carried out to obtain community consent to the siting of the ESR in Purani Basti.</i></p> <p>Information disclosure about the scheme took place through: (i) the <i>jal sahiyas</i> who have been active since 2012 and who are responsible for raising awareness about the Project (eventually collecting community contributions, etc.); (ii) distribution of brochures and FAQs leaflets and wall writings; and (iii) monthly MVWSC meetings since the formation of the MVWSC in January 2018. Details follow:</p>

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	<p>site in the village, for inspection. When members of the community asked them questions, the inspection team told them they were doing a soil examination. The team assured the community no construction would happen in the village without Gram Sabha consent.</p> <p>Another REDACTED team visited the site REDACTED. This team came with machinery for the construction of the ESR. The community opposed any proposed construction and held protests. The administration again gave the community an assurance that no construction activity would take place without a <i>Gram Sabha</i> resolution and the team left.</p> <p>Project documents confirm the lack of appropriate consultations in REDACTED. The Detailed Project Reports do not list any public consultations apart from the meetings of the Village Water and Sanitation Committees (VWSC). For the baseline Environmental and Social Assessments as well as the Tribal Development Plan, consultations were done at the REDACTED level and not for the REDACTED Scheme in particular.</p>	<p>Consultations during preparation stage: During project preparation, consultations were held in connection with the preparation of the SMF and the TDP for Jharkhand. Community consultations and focus group discussions were organized in 60 habitations across 30 GPs covering five districts in February 2013, in addition to consultations with state, district and block officials. The need for piped water supply was raised at each meeting and people expressed willingness to pay for piped water provided a regular supply was assured. South Sarjamda was not among the 30 GPs, so representatives from South Sarjamda would not have participated in these consultations. Consultations on the EA-EMF were also organized at in Khunti, Garhwa, Jamshedpur and Dumka on May 6, 8, 10, and 12, 2013 and a state-level consultation was organized in Ranchi on June 26, 2013. All consultations were in Hindi, which is widely spoken in the state.</p> <p>During Project implementation, a consultation took place at the Sarjamda Panchayat building, with the participation of Bank technical, environment and social consultants during the Implementation Support Mission of October-November 2014.</p> <p>Management was not aware of any written protest against the siting of the ESR before the email to the Bank of October 2018, which provided information, inter alia, on two letters from 2015: (i) a letter dated August 17, 2015, from the contractor to the Executive Engineer (EE) referred to people in Purani Basti objecting to the ESR out of concern that it would reduce the area of the football playing area (no other points of objection were mentioned in this letter); and (ii) a letter dated October 31, 2015, from the EE to the Sub-Division Officer, Jamshedpur, indicated that authorities were aware of resistance to the ESR at the scheme site and mentioned Sarjamda along with other locations; it stated that despite multiple talks led by the Circle Officer, works had not started due to opposition by those who have “illegally occupied /encroached and are causing hindrances.” The letter requested that consultation meetings be organized with the presence of the EE, Circle Officer, Jamshedpur and that police officers of Parsudih, Chhotagovindpur and Bagbera participate. As far as Management has been able to determine, police did not participate in any of the meetings detailed below.</p> <p>Subsequently, three consultations concerning the Chhotagovindpur MVS took place on April 4 and 17, and May 1, 2016, with details as follows:</p> <ul style="list-style-type: none"> <i>April 4, 2016:</i> Meeting in South Sarjamda Panchayat building, which consisted of a training/orientation program for members of the VWSCs and <i>jal sahiyas</i>. The minutes were signed by 38 participants including members of the VWSCs. <i>April 17, 2016:</i> Meeting in North Sarjamda Panchayat building with representatives of all three GPs of the

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		<p>Sarjamda revenue village (North, Middle and South Sarjamda). About 100 people participated. The meeting was focused on resolving the obstacles to the construction of the ESR. The minutes of this meeting were brief and stated only the purpose and designations of officials present; it was not possible to determine whether anyone from Purani Basti participated in this meeting.</p> <ul style="list-style-type: none"> • <i>May 1, 2016:</i> A meeting called an <i>aam sabha</i> (general assembly open to all; not the statutory <i>gram sabha</i>) chaired by the <i>gram pradhan</i> was held on the Janta Maidan of North Sarjamda Panchayat to discuss the opposition to the construction of ESR on the Romantic Maidan of South Sarjamda. The meeting lasted for nearly 5 hours and was captured in at least 10 video clips and many photos. As evidenced from the minutes, video clips and photographs, 197 persons (including many women) participated in this meeting. In order to reach out to the small section of the audience who were more conversant in Bengali, salient features and other aspects were explained in Bengali as well. <p>Management has reviewed the video clips and other materials pertaining to the <i>aam sabha</i> that were made available. While it seems that this meeting was a major and open forum for people to voice concerns and raise questions about the MVS, none of the video clips reviewed by Management included discussion of the location of the ESR and it is not clear whether the Requesters or anyone from Purani Basti participated in this meeting.</p> <p>Key issues, both positive and negative, raised at the May 1, 2016, meeting by those in support and against the scheme were as follows:</p> <ul style="list-style-type: none"> • Following panchayat elections in 2010, PRI representatives demanded that roads, water supply, education and health facilities in the rural panchayats around Jamshedpur be brought up to par with city neighborhoods being serviced by the Tata Group companies. The proposed scheme responds to this demand. • This is a water-scarce area and women spend much time fetching water from different sources and waiting for water tankers; hence, the piped water supply scheme will benefit all those in Parsudih, Sarjamda and other areas covered by the scheme. • The scheme is designed to supply 135 liters of drinking water per capita, per day every day. • Water for this scheme will come from Subarnarekha River, will be treated and then supplied to people; no ground water will be extracted in the villages.

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		<ul style="list-style-type: none"> Communities are to provide a contribution of 1 percent of the overall project cost. Scheduled Tribe/Caste households will pay INR 225/- towards a house connection and later a monthly tariff will be applicable as and when decided. (As a point of comparison: monthly electricity bills in and around Purani Basti are around INR 200/- to 250/-, as indicated by local residents. Cell phone charges begin from pre-paid plans costing INR 23.) Tap water will dry up existing ponds and it will not be possible to undertake cultural and religious rituals (such as rituals for the deceased) that need pond water. If there is water supply in the area similar to the Tata areas and also if a health center comes it will become easier to include this area in the city municipality. This would mean any construction will require approvals from municipal authorities. Concerns were raised that such schemes should be discussed and approved by the <i>gram sabha</i>, and not by an <i>aam sabha</i>, and that traditional leaders have not been respected; authorities should show respect in some manner (for example, construct water tanks with names of traditional leaders). <p>Information and communication material. According to the DPMU, some 6,000 leaflets and 300 brochures containing the information about the scheme have been distributed across the GPs covered under the Chhotagovindpur and Bagbera MVS.</p> <p>Wall writings were made in at least 15 locations in each of the three panchayats (South, North and Middle Sarjamda) in November/December 2017. These provide information about the scheme and other messages relating to water (however, they do not include information about the GRM which was included in brochures that were distributed). Documentary evidence available through the DPMU indicates that completion of the wall writings was confirmed by the <i>mukhiyas</i> of all three GPs of Sarjamda. The Bank team, during its visit on December 23, 2018, observed at least two wall displays in Purani Basti (one near the ESR and one near the complainant's residence).</p> <p>A VWSC was formed in June 2012 in Sarjamda before the initiation of the Project and was instrumental in generating awareness related to water and sanitation.</p> <p>Concerning provision of information in the local language, all scheme-related discussions and IEC material were in Hindi as it is commonly spoken in the state and all consultations were held in Hindi.</p> <p>Subsequently several meetings were conducted including MVWSC meetings in the course of 2018 at which the Chhotagovindpur MVS was discussed.</p>

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7.	<p>Invalid Gram Sabha Resolution. REDACTED is a Schedule V protected area under the Indian Constitution. The Panchayats (Extension to Scheduled Areas) Act, 1996 (“PESA”) applies to all rural Schedule V protected areas. Under PESA, any development scheme or welfare plan to be implemented in a Schedule V area, or any decision regarding common community resources, should be taken with the consent of the village Gram Sabha. The land on which they are constructing the ESR in REDACTED under the jurisdiction of the REDACTED is an independent <i>Gram Sabha</i> of REDACTED. The land constitutes a common community resource for the village community. Therefore, a <i>Gram Sabha</i> resolution is a pre-condition for starting any development activity in the village.</p> <p>In REDACTED, traditional leaders from REDACTED were in Delhi to participate in a program on traditional governance. Taking advantage of the absence of traditional leadership, the construction work for the water tank started. The Indigenous residents of REDACTED have passed several resolutions opposing construction of an ESR in their village.</p> <p>The community is profoundly disturbed by the World Bank’s support of a project that violates Indian law, especially laws designed to protect the rights of Indigenous people.</p>	<p>Management acknowledges that the statutory gram sabha was not carried out to obtain community consent to the siting of the ESR in Purani Basti.</p> <p>The aggrieved residents of Purani Basti with whom the Bank team met on December 23, 2018, showed the team their own habitation community meeting register, which indicated that on at least three occasions (March 3, 2016, April 17, 2016 and May 2, 2016), the community discussed the scheme, documented its opposition to the construction of the ESR and made demands to hold a <i>gram sabha</i> at Sarjamda. However, no <i>gram sabha</i> was held. According to the <i>mukhiya</i> of South Sarjamda GP, the <i>gram sabha</i> did not take place due to a lack of a quorum and because of the failure to constitute this quorum, an <i>aam sabha</i> (a general assembly open to all, including those outside the GP, which does not have statutory authority) was called to discuss the scheme. An undated announcement inviting people to come to the <i>aam sabha</i> to voice their views on the water supply scheme is available through the DPMU. This meeting took place on May 1, 2016, lasted almost five hours and is recorded on video, in photographs and in minutes (see above). It is of note that members of the Purani Basti community made a notation in their register on May 2, 2016, one day after the <i>aam sabha</i> of May 1, 2016. This may suggest that members of the Purani Basti community, in recording their demand for a <i>gram sabha</i>, were protesting the fact of the <i>aam sabha</i> that had taken place one day earlier.</p> <p>Further, since the formation of the VWSC in 2012 and of the MVWSC in January 2018, numerous local consultations were held covering such project details as: the laying of pipes, restoration of roads/drains, timely depositing of capital contributions, updating of passbooks, finalization of the composition of the VWSC in some panchayats, and quality of construction.</p>
	Operational Policy on Environmental Assessment OP 4.01	
8.	<p>Erroneous Project Categorisation</p> <p>Bank management has wrongly categorised this project as a category B project, which lowered the required level of environmental assessment. Under the World Bank Policy on Environmental Assessment, a proposed project is classified as Category A "if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works." A potential impact is considered "sensitive" if it may be irreversible (for example, lead to loss of a major natural habitat) or raise issues covered by OP 4.04, Natural Habitats; OP/BP 4.10, Indigenous Peoples; OP/BP 4.11, Physical Cultural Resources or OP 4.12, Involuntary Resettlement.</p>	<p>In Management’s view the size and impacts of the individual schemes supported under the Project justifies the categorization of the Project as Category B.</p> <p>Based on the information available at the time of preparation, the Project was assigned environmental Category B because it was not expected to have significant adverse environmental or social impacts (Project Appraisal Document, p.43).</p> <p>As the Project involved numerous schemes, the locations of which were not known at the time of Project approval, a framework approach was adopted to address environmental and social risks and impacts.</p> <p>The Project Appraisal Document also noted that upfront environmental screening of the schemes would be carried out to identify potential negative impacts and mitigation</p>

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	<p>The REDACTED scheme is one of the many large multi-village schemes that are being implemented under the Project. In at least one state in which the Project is being implemented (i.e., Jharkhand), there will be wide-ranging impacts on Indigenous Peoples, including issues covered under OP/BP 4.10. Moreover, construction of large multi-village schemes requires infrastructure creation which often has diverse and wide-ranging impacts on ecology, human health and safety, resources, and rights of people. Furthermore, the Project envisages monetising access to drinking water for rural communities in India. This is likely to have unprecedented impacts on impoverished rural communities in all four states if they currently have free access to drinking water. Bank management did not adequately consider the serious adverse impacts of these multi-village schemes on the impacted communities and their physical cultural and water resources at the time of project screening.</p> <p>The REDACTED Scheme, in particular, involves serious and multidimensional environmental concerns, as well as impacts on critical cultural and economic resources of Indigenous communities. A large-scale infrastructure development project that has the potential to irreversibly destroy or damage a physical cultural resource, such as the martyrdom spot, must be considered a “sensitive” adverse environmental impact within the scope of the definition of a Category A project.</p> <p>The impacts go beyond the physical structures in REDACTED and other villages. The REDACTED Scheme proposes to extract significant volumes of water from the REDACTED river, which is likely to have adverse impacts on the hydrology of the area. Most of the impacted villages are Indigenous villages where local bodies of water, like ponds and wells, form a key component of many cultural practices. Diversion of the water of the river, which feeds groundwater and other water reservoirs in the area, can have significant negative impacts on local bodies of water in these villages, thereby affecting the cultural practices and way of life of many Indigenous communities. The potential adverse impacts of the REDACTED Scheme on the hydrology of the region have the potential to be significant and irreversible.</p> <p>Additionally, even though the World Bank is not directly funding the REDACTED Urban Agglomeration Plan, the reality is that the Bank-funded REDACTED Scheme is a key component of the proposed Urban Agglomeration Plan. As described above, this Plan will adversely impact several Indigenous villages. The urbanisation of the rural areas around REDACTED will also significantly increase the run-off into the REDACTED rivers surrounding these areas. The community fears that increased urban run-off to these rivers, accompanied by the mass abstraction of water</p>	<p>measures, in accordance with the EMF and SMF. Management confirms that the Environmental Category B is adequate for this Project.</p> <p>OP 4.10 on Indigenous Peoples is applicable to the Project, and a TDP was prepared that is consistent with the requirements of the policy. However, no scheme-specific social assessment was undertaken.</p> <p>Management recognizes that there have been shortcomings in the application of OP 4.01 and OP 4.10, especially with respect to consultations and public disclosure in Hindi.</p> <p>Water abstraction. No impact from the river water abstraction on the groundwater levels in Sarjamda is expected. The water that will be supplied is abstracted from the Subarnarekha River, which is the only source for the Chhotagovindpur MVS. The water intake of the Chhotagovindpur MVS is located downstream from the confluence with the Kharkai River at a location called Luwabasa, at 7.8 kilometers from the Sarjamda ESR. Discharge data for the Subarnarekha/Kharkai in Jamshedpur show that the lowest water flow in the river in the past 8 years (in 2010-2011) was 6 m³/s or 518.4 million (or mega) liters per day (MLD). The peak design demand of 43 MLD represents 8 percent (43/518.4 MLD) of this minimum recorded flow. The same peak design demand represents 0.2 percent of the lowest recorded maximum flow (also in 2010-2011) of 240 m³/s. As per the scheme design, the maximum amount of water withdrawn, 43 MLD, is negligible compared to the total river flow.</p>

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	<p>from them, may lead to devastating impacts on the aquatic ecosystem, hydrology, hydro-geology, direction and nature of river flow, and erosion patterns.</p> <p>Given the potential for diverse, large-scale, and unprecedented impacts on Indigenous communities in the region, the Scheme required a rigorous environmental assessment which should have been done as per Category A standards. The hydrology impacts alone of these large multi-village schemes should have required independent, internationally recognised hydrology experts as per the requirements of the Operational Policy on Environmental Assessment.</p> <p>The Bank failed to do an adequate project screening, which in turn caused a failure to adequately assess the potential impacts of the RWSS-LIS and the various sub-projects under it. A proper and timely Category A Environmental Assessment for the REDACTED Scheme would have provided the necessary opportunity for the Bank to fully analyse risks and issues presented by the REDACTED Scheme, and to identify alternative approaches that would have minimised adverse impacts and maximised possibilities to restore and improve the environment.</p>	
9.	<p><i>Inadequate Environmental Assessment</i></p> <p>The implementing authority did not do an adequate environmental assessment for the REDACTED component of the REDACTED Scheme, despite large-scale potential adverse impacts. The Baseline Environmental Assessment & Environmental Management Framework (“EA-EMF”) for the state of Jharkhand as a whole did not examine potential adverse impacts of sub-projects. Instead, it noted that for sub-projects, an Environment Data Sheet and categorisation into Category 1 or 2 was needed. In the case of Category 2 sub-projects, a detailed environmental appraisal was required. There is no indication that these requirements were fulfilled in the case of the REDACTED Scheme. None of these documents are publicly available. We were told that when the REDACTED requested these documents through an RTI application, he was instead provided with the Detailed Project Reports and Preliminary Design Reports. The Detailed Project Reports for the REDACTED component does contain an environment study, however it is lacking on several fronts.</p> <p>A large infrastructure project of this scale requires a comprehensive environmental assessment. The environment study done for the REDACTED component does not fulfil that requirement. The environment study wrongly concludes that the proposed structures will be on governmental land and</p>	<p>The Project’s environmental and social management is based on a framework approach. In the framework approach, an EDS is the initial instrument to screen the scheme and identify the likely environmental issues based on the scheme design. After the EDS screening, a scheme-specific EMP is prepared.</p> <p><i>Scheme-specific EMP.</i> The ESR that is the subject of this Request for Inspection is part of the Chhotagovindpur MVS. The scheme was classified as a Category 2 scheme, requiring a detailed scheme-specific environmental appraisal to be included in and to inform an EMP.</p> <p>The consolidated EMP for the Chhotagovindpur and Bagbera MVSs was prepared by the contractor. This EMP was originally submitted for government approval in July 2015 and approved by district authorities in 2017. Bank missions that took place from July 2015 to late 2018 reviewed the EMP and found it to be inadequate, as advised in comments to the Project authorities.</p> <p>Management acknowledges that under the EMF the responsibility to develop the EMP rests with the district authorities. In the case of MVSs, the practice under the Project has been to delegate the preparation of the EMP to the contractor, while approval remains with the government.</p> <p>As per agreed implementation procedures, an EDS and a preliminary EMP, based on the preliminary design of the scheme, should have been attached to the DPR to inform the bidding process, and the bidding document should</p>

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	<p>will not impact private land. It does not take into account the structures constructed on common community land. There has been no assessment of the impacts of the REDACTED Scheme on Indigenous communities, their autonomy, and physical cultural resources. It does not assess the impacts of the REDACTED Scheme on the hydrology of the area. This study does not include an Environment Data Sheet or information about sub-project categorisation. It also fails to assess alternative ESR locations.</p> <p>The apparent failure to conduct a proper environmental assessment is a clear violation of the World Bank's Safeguard Policy on Environmental Assessment. It indicates a failure on the part of Bank management to monitor sub-projects properly and ensure compliance with the World Bank's Safeguard Policies. The Bank's supervision of the DWSD, REDACTED was insufficient and wanting, and as such violates the requirements of OP 4.01.</p>	<p>have specified that (i) the preliminary EMP should be updated based on actual design and analysis of alternatives provided by DBOT contractor and that (ii) no work could start until the EMP was adequately reviewed and approved. Prior informed consultations should have taken place as part of the EDS and DPR preparation and a summary of the consultations and main points raised should have been reflected in the DPR as well as in the preliminary EMP. These important aspects of the environmental management process did not take place in this case, and the Bank missed an opportunity to ensure that an EDS and preliminary EMP were developed and to ensure that the contract document specified ineligibility of work prior to approval of the updated EMP before providing its "no objection" as part of the procurement process of the contract for the MVSs.</p> <p>Management also acknowledges that the scheme-specific EMP should have been finalized by the counterpart and submitted to the Bank for prior review and approval (Project Agreement Section I.A.2.c.ii) prior to the start of the works in October 2016. In this case, these requirements were not met and the Bank also missed an opportunity to ensure that these requirements were fulfilled.</p> <p>Following the November 2018 mission, the Bank team requested the counterpart to require the contractor to: (i) update the EMP; (ii) bring it into compliance with the EA-EMF; and, (iii) separate the combined EMP into two, one EMP for the Chhotagovindpur MVS and one for the Bagbera MVS. The contractor submitted separate EMPs for the Chhotagovindpur MVS and the Bagbera MVS to the district authorities, who conveyed them for the Bank's review on December 13, 2018. These documents did not integrate most of the Bank comments. The contractor has committed to incorporating the comments and submitting the updated and separated EMPs to the district authorities, who will convey the documents for the Bank's review by end-February 2019. In addition, the Bank team requested that monitoring and reporting of EMP implementation be strengthened and advised the contractor, SPMU and DPMU to publicly disclose the approved and updated EMP in all concerned GPs and habitations as well as at the DPMU and contractor's offices.</p>
10.	<p><i>Lack of a proper mechanism for sludge disposal</i></p> <p>A water supply scheme of this level will generate enormous amounts of sludge. It is, therefore, concerning that neither the Detailed Project Report nor the Preliminary Design provide any indication as to where the sludge will be disposed. The Detailed Project Reports merely give a vague outline of the process for sludge disposal. However, the environment study does not do an objective assessment of the sludge that will be produced through the REDACTED Scheme and the process for disposing it. Furthermore, the location where such sludge will</p>	<p>The only infrastructure in the MVS which generates sludge is the WTP of the scheme located in HUDCO park in Jamshedpur. This sludge will be handled appropriately and will have no direct impact on the Purani Basti community.</p> <p>The raw water intake is located at a point where the water is least expected to contain heavy metals. Management has reviewed the water analysis performed in the last 12 months at the water intake of the WTP, which shows very low levels of heavy metals in the raw water, almost at the level of Indian Standard IS 10500 2012 on Drinking Water. The WTP is designed to be able to remove heavy metals and other contaminants to ensure that the drinking</p>

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	<p>be disposed of, has not been disclosed.</p> <p>Residual sludge generated from water treatment processes can be toxic. It can have suspended solids, pathogens, and heavy metals. Such sludge, if not properly disposed of, can further contaminate the receiving waters and adversely impact aquatic ecosystems as well as water chemistry. Such sludge is also likely to have heavy metal residuals, which can be toxic to phytoplankton and zooplankton and to higher aquatic plant and animal species, including fish. The community fears that the use of chlorine for water treatment can lead to chlorine residuals in the sludge, which can be highly toxic.</p> <p>Given the potentially alarming levels of toxicity in the discharged sludge, the Detailed Project Report and Preliminary Design Report should have discussed these risks and provided details about sludge disposal. The fact that the reports lacked relevant and important information regarding sludge disposal should have been a cause of concern for the Bank. The Bank Task Team should have looked into these components before approving the reports. Even a rudimentary environmental assessment for a water treatment project must include details about the project's sludge disposal process, where such sludge will be disposed of, and the environmental feasibility of the same. Such an oversight by the Bank suggests that the scope and level of scrutiny employed by the Bank was deficient.</p>	<p>water is delivered according to standard. The specific approach to sludge management and disposal will be in place by the time the WTP begins operation, planned for February 2019. It will be detailed in the updated EMP and will be supervised by the DWSD of the State of Jharkhand. Based on the low levels of heavy metal contaminants, the sludge from the WTP should not be considered as a toxic waste. Management will request district authorities to advise the contractor on an appropriate discharge site for the water treatment sludge and will request the DPMU to share the water testing results with the community.</p>
11.	<p><i>Lack of Public Consultation</i></p> <p>Under the World Bank's Environment and Social Safeguard Policy ("ESSP"), the borrower is supposed to consult project-affected groups about the project's environmental impacts and take their views into account. However, this Policy has been violated with respect to the REDACTED Scheme.</p> <p>As described above, no proper consultation took place with the REDACTED residents. The Jharkhand Baseline EA-EMF claims that it was developed through broad CONSULTATIONS across Jharkhand. The scope of these consultations was to assess the existing status of water supply, sanitation, public health, and personal and environmental hygiene. It seems these consultations did not make a rigorous attempt to understand the impacts of planned components of the Project on project-affected people. An environmental assessment as per the ESSP has to evaluate a project's potential environmental risks and impacts and examine project alternatives. Public consultations related to an environmental assessment should, therefore, include consultations specifically regarding these aspects. The Bank should properly monitor and review the scope of an EA- EMF for all sub-projects, including scrutiny of the nature and extent of</p>	<p>See Item 6 above.</p>

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	<p>consultations. The extremely narrow scope of the EA-EMF consultations falls short of the requirements for an EA-EMF and indicates a failure on the part of the Bank to appraise DWSD's work properly.</p> <p>Little attempt has been made to take community views into account even though construction of a key component of the Scheme is happening on land to which the community has deep historical and cultural ties. The community believes that the REDACTED Scheme does not fulfil the ESSP's requirements for public consultations.</p>	
12.	<p><i>Inadequate Information Disclosure</i></p> <p>The World Bank has failed to ensure fulfilment of its information disclosure requirements in this Project. Under World Bank policy, the borrower is supposed to provide relevant material in a timely manner prior to consultation and in a form and language understandable and accessible to project affected people. In the case of the REDACTED Scheme, the implementing authority never provided any documents to the community. There is also no information about the Scheme on the World Bank's website. In fact, the World Bank's website only has documents for Jharkhand as a whole, which discuss the over-arching RWSS-LIS. The community, first realised the World Bank is funding the REDACTED Scheme through media reports. The information disclosure for the REDACTED Scheme falls far short of meeting the ESSP requirements.</p>	See Item 6 above.
	Operational Policy on Indigenous Peoples OP 4.10	
13.	<p>The Bank's Indigenous Peoples Policy OP 4.10 applies to the REDACTED implementation in REDACTED. Most of REDACTED population comprises of the <i>Santhal</i> and <i>Ho</i> Indigenous communities. The <i>Santhal</i> and <i>Ho</i> are impoverished communities in East and Central India that have suffered marginalisation because of rapid industrialisation at the cost of their ancestral land and resources. They identify as <i>Adivasis</i> and are recognised as Scheduled Tribes under the Constitution of India. Both, <i>Santhal</i> and <i>Ho</i> communities have their own traditional governance, and decision-making structures, as well as cultural and spiritual practices that are distinct from mainstream practices. The <i>Santhal</i> traditional governance system is called the <i>Majhi Pargana Mahal</i> and the <i>Ho</i> traditional governance system is called <i>Munda-Manaki</i> system. The <i>Santhals</i> speak Santhali and members of <i>Ho</i> community speak Ho language. Based on these facts, it can be concluded that the <i>Santhal</i> and <i>Ho</i> residents of REDACTED are Indigenous communities for the purpose of the Indigenous Peoples Safeguard Policy.</p> <p>Under the Policy, the Bank is supposed to ensure that Indigenous communities receive social and economic</p>	<p><i>Consistent with the requirements of OP 4.10, the TDP was prepared during Project preparation, consulted upon and adopted in March 2013 for the State of Jharkhand. It includes provisions to ensure that tribal-specific practices are adequately taken into consideration in the Project, and that informed consultations regarding schemes affecting tribal populations take place in culturally appropriate ways.</i></p> <p>Key provisions proposed in the TDP (Page 47-57) include:</p> <ol style="list-style-type: none"> Habitation level DPR, a technical document informing the tender process, to be endorsed by both the VWSC and the GP. Once the GP approves the plan, it is forwarded for sanction to the DPMU which in turn seeks approvals from DWSD/SPMU. Support Organizations to provide community organization and capacity building support. Convergence with other government schemes. Training of stakeholders, exposure visits. Developing of cadre functionaries (<i>jal sahiyas</i>). Training of local masons and plumbers. Involvement of Accredited Social Health Activist

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	<p>benefits in a culturally appropriate manner. The lack of appropriate consultation, risks to important Indigenous resources and cultural and historical heritage, and the manner in which the ESR is being constructed on the community's common property resource is worrisome. The community believes that the Bank's actions with regard to planning and implementation of the RWSS-LIS, and specifically the REDACTED Scheme, disrespect and threaten the dignity, human rights, economy, and cultures of Indigenous Peoples.</p>	<p>(ASHA) workers.²³</p> <p>viii. Consultations during implementation (implementation of the IEC/Communication plan for awareness creation)</p> <p>ix. Community contribution from Scheduled Castes and Scheduled Tribes at INR 225/- (US\$3) and INR 450/- (US\$6) for others.</p> <p>With respect to application of the TDP, the information available shows that:</p> <p>i. The DPR for the contract of the Chhotagovindpur and Bagbera MVSSs was not endorsed by every one of the 38 concerned VWSCs and GPs. The provisions of the TDP referred to this endorsement in singular, thus presumably only in the context of SVSSs (one VWSC, one GP).</p> <p>ii. Additionally, during the Project preparation period and even before the establishment of DPMUs in 2014, there was a specialized agency hired as the District Project Management Committee to support DPMUs. Its role included: "Supporting village communities in holding village meetings or <i>gram sabhas</i> to inform and agree on (a) water supply scheme and sending a proposal to the department for the same; (b) communities indicating desire to have household level pipe connections; (c) communities agreeing to provide land for the scheme; (d) discussion relating to O&M of the scheme; (e) agreeing to the connection charges."</p> <p>iii. Support Organizations were hired for an initial period of nine months in 2016-17 to undertake baseline surveys and training programs but were subsequently discontinued as this model proved unsatisfactory.</p> <p>iv. In May 2018, Community Organizers were in place for mobilization and sensitization on the scheme and collection of contributions to capital and operating expenditures.</p> <p>v. One training was organized at VISWA (a Training Institute of the Department of Water Supply) in August-September 2017, in which four members (President, Vice President, <i>jal sahiya</i>-Treasurer and one active member) from each VWSC in the Chhotagovindpur MVS participated. The training lasted two days and covered information about the scheme, the Project, the role of the VWSC and MVWSC, financial management, bookkeeping, role of <i>jal sahiyas</i> etc.</p> <p>vi. All VWSCs in the Project area were formed in 2012 and reconstituted in 2015 following panchayat elections and have been active throughout. The</p>

²³ These are community level health workers instituted by the GoI's Ministry of Health and Family Welfare.

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		<p>MVWSC for the Chhotagovindpur scheme was formed in January 2018.</p> <p>vii. Cadre functionaries: <i>Jal sahiyas</i> have been operational across the state including in this area.</p> <p>viii. Involvement of ASHA workers: <i>Jal sahiyas</i> instead of ASHA workers are active here.</p> <p>ix. Consultation during implementation: Related IEC material is being improved.</p> <p>x. Collection of community contributions is in progress.</p> <p>The Aide-Memoire of the first implementation support mission in June 2014 refers to initiating the preparation of a TDIP, to complement the TDP with specific actions and processes to facilitate its implementation. The TDIP was prepared through several rounds of district-level consultations with tribal leaders, members of civil society and academicians, and through workshops held at state level. It was reviewed by the Bank several times. The finalization of the TDIP was delayed by the departure of the Tribal Development Expert from the SPMU. The post remained vacant for about two years but was filled in February 2018, which led to the finalization of the TDIP. The Bank provided comments in March and May 2018. It was approved by the executive committee of the Project on August 9, 2018, after which the SPMU started its implementation.</p> <p>The TDIP also includes renovation of traditional water sources, IEC dissemination in local languages, convergence of Government schemes with toilet construction, and exposure visits for traditional tribal leaders/tribal VWSC members to successful water schemes.</p> <p>Management recognizes that there have been shortcomings in the application of OP 4.01 and OP 4.10, especially with respect to consultations and public disclosure in Hindi.</p>
14.	<p><i>Lack of free, prior, and informed consultation</i></p> <p>Regrettably, the development of the REDACTED Scheme neglected most of these requirements [of OP4.10. The communities in REDACTED were kept in the dark and excluded from the decision-making process for the implementation of the REDACTED Scheme. The community was not asked if they required piped water or how they wanted water supplied. According to the Tribal Development Plan prepared for Jharkhand, the Detailed Project Report was to be approved and consulted on at the habitation level.</p> <p>The Indigenous communities in REDACTED takes all the decisions after rigorous consultation processes involving the whole <i>Gram Sabha</i>. REDACTED, REDACTED residents, have passed numerous resolutions opposing the construction of the ESR at REDACTED”. The community also raised their</p>	<p>Free, prior and informed consultations with residents of the habitations directly impacted by the scheme infrastructure should have taken place as part of the DPR preparation, prior to its approval by district authorities. In keeping with the TDP, consultations, including notably for MVSSs, should have continued during the implementation phase of the Project to discuss, among other issues, the siting of the scheme infrastructure.</p> <p>While district authorities, the DPMU, and the contractor met with the community at or near the proposed ESR site to discuss the upcoming works, these discussions were not properly recorded through minutes and attendance sheets. There are, however, pictures and video recordings by DPMU staff and the contractor, which document a gathering involving the <i>mukhiya</i> of the South Sarjamda GP at the ESR site on February 8, 2016. The contractor also shared pictures of what may have been a groundbreaking</p>

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	<p>grievances with the Project through letters to local authorities.</p> <p>Under the Policy on Indigenous Peoples, the Bank must undertake a screening to determine whether Indigenous Peoples have a collective attachment to project land. It seems there was no such screening for the REDACTED Scheme. The Bank must consult with the affected Indigenous communities during the screening process, but the REDACTED community was not consulted on any aspect of the REDACTED Scheme. This suggests that World Bank management failed to take steps to do a proper appraisal of risks to Indigenous communities.</p> <p>The project documents do not disclose any attempts made to ascertain if the REDACTED Scheme has broad community support. According to the Tribal Development Plan for Jharkhand, self-selection by Indigenous communities from the habitation/village was supposed to be a central principle under the RWSS-LIS. However, in the case of the REDACTED Scheme, it has been forced upon the communities despite their vehement opposition.</p> <p>As highlighted earlier, the Scheme appears to be part of a larger process to urbanise constitutionally protected Indigenous areas. The Indigenous communities in the area do not require piped water supply. They have adequate access to water in their village free of cost. Instead, the demand for piped water is coming from irregular housing colonies of non- Indigenous communities that have emerged around REDACTED and other Indigenous villages, who have long been complaining about a shortage of water. Using their Indigenous ancestral resources, the REDACTED Scheme is neither wanted nor needed, but is being imposed on the REDACTED community. These facts show that a process of free, prior, and informed consultations did not take place.</p> <p>The Tribal Development Plan for Jharkhand acknowledges that traditional governance institutional systems have substantial influence in Indigenous areas and that “people often have more faith in these than PRIs and VWSCs.” The Tribal Development Plan recognises that “inclusion of traditional tribal institutions will be critical as they have substantial influence in their respective tribes.” REDACTED village is organised under the <i>Majhi-Pargana</i> as well as the <i>Munda-Manaki</i> system. Yet, for the implementation of the REDACTED Scheme, the <i>Majhi-Pargana</i> and the <i>Munda-Manaki</i> systems were sidestepped.</p>	<p>ceremony for the ESR on March 11, 2016.</p> <p>At the same time, there is strong evidence of demand for piped water in the scheme area. According to data provided by the DPMU, in South Sarjamda, there were 1,637 households as per the DPR and 1,474 households as per the recent baseline survey. The contractor’s obligation is to lay pipes to enable 1,474 households to connect. Of this total, 886 households have already paid their community contribution and 680 households (77 percent) have been provided with a house connection. (Parts of Purani Basti are not part of the planned coverage as reflected in the contractor’s scope of work. It is possible that some of those who signed the Request for Inspection are not covered by the scheme.)</p> <p>As noted earlier, there is no evidence that any written complaints on this subject were filed with the Project or local authorities either directly or through the grievance redress mechanism. During the Bank team’s interactions with communities at Purani Basti on December 23, 2018, though requested, the communities were unable to provide any copies of resolutions or complaints related to the ESR. However, interlocutors shared with the Bank team that they had been recording their grievances in their own register and that they did not know whom to approach to file a complaint.</p> <p>Management understands the Requesters’ concerns regarding urban expansion and the perceived threat of tribal villages losing certain legal protections afforded to them as Scheduled Areas by being integrated into the city. However, urbanization and urban expansion in India are significant and driven by many factors. There is no link between the mentioned draft master plan to expand the Jamshedpur urban area and this Project, which aims to provide water to rural communities, nor was it mentioned during consultations that took place for Project preparation.</p>
15.	<p><i>No assessment of the negative impacts of REDACTED Scheme on Indigenous community resources</i></p> <p>The World Bank Policy on Indigenous Peoples makes clear that even for large projects which have multiple</p>	<p>As part of the TDP and social assessment studies in Jharkhand, focus group discussions were held in East Singhbhum District at which the subject of the availability and quality of water supply was discussed. No opposition</p>

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	<p>sub-projects, if the screening of an individual program or sub-project indicates that Indigenous Peoples are present in, or have collective attachment to, the area of the program or sub-project, the borrower must ensure that, before the individual program or sub-project is implemented, a social assessment is carried out, and an Indigenous Peoples Plan (IPP) is prepared.</p> <p>The “issues for consideration” described in the Jharkhand Tribal Development Plan do not include issues arising out of community opposition to projects and their various components due to impacts on community resources. Instead, they are limited to improving access to water and toilets. There is no indication that a social assessment was conducted to evaluate the REDACTED Scheme’s potential positive and adverse effects on Indigenous Peoples or “to examine project alternatives where adverse effects may be significant.” In fact, the Baseline Social Assessment for Jharkhand makes an incorrect assessment that the program interventions will not impact Indigenous communities. The World Bank Task Team appears to have overlooked these contraventions of the Safeguard Policy on Indigenous Peoples.</p> <p>As described in detail above, the ESR is being constructed on common community property of the community. This land has deep historical significance for the community and is deeply tied to their traditions and cultural practices. The REDACTED Scheme is also closely linked to the Jharkhand Urban Agglomeration Plan that threatens to fundamentally change the nature of this Indigenous area and convert it into an urban zone. Thus, the social assessment should assess the negative impacts of the Proposed Urban Agglomeration Plan as well.</p>	<p>to the schemes was voiced during these meetings. The TDP records that “<i>The coverage of rural water supply and sanitation services is very low in Jharkhand. Besides, there are water quality related issues too, with many places mainly reporting Fluoride and Iron contamination. 49% of the population is dependent on hand pumps for their water-the remaining meet their needs from a variety of sources, such as, wells, ponds, rivers, streams, piped sources, etc. The sanitation facilities in the rural areas too leave much to be desired.</i>” (p. 8, TDP).</p> <p>Management acknowledges that although OP 4.10 on Indigenous Peoples was applicable, no scheme-specific social assessment was undertaken.</p> <p>No concern regarding the negative impacts of possible urban agglomeration was raised during the preparation of the social assessment report and, hence, the topic was not covered in the social assessment.</p>
16.	<p><i>Absence of a mitigation plan to provide remedy for the negative impacts of the REDACTED Scheme on Indigenous communities</i></p> <p>OP 4.10 requires that where adverse impacts are unavoidable, the borrower must minimise, mitigate, or compensate for such effects. The Detailed Project Report does not contain a mitigation plan to remedy the negative impacts that the REDACTED Scheme is likely to cause Indigenous communities, nor have they been compensated for the harm already caused. Moreover, after the completion of the scheme, the community will be forced to pay money to access water. The only mitigatory step undertaken by the Project implementing authorities was the construction of a statue of the martyrs as a replacement of the REDACTED (martyrdom site). However, no consultation was done with the community before placing these statues and razing the original martyrdom site. Had there been a consultation, the</p>	<p>See Item 13. In addition, Management notes that the site selected for the ESR was vacant government land and there are conflicting views expressed by different groups in respect of its usage prior to the ESR construction. Less than 14 percent of the plot is being used for the ESR and the rest is available for the community’s use. The ESR has not triggered any direct impact on use of land or livelihoods. Therefore, no mitigation measures were required. However, certain measures proposed in the TDP aim to promote inclusive, equitable and sustainable water supply and sanitation delivery through fostering and empowering grassroots tribal institutions as detailed below.</p> <ul style="list-style-type: none"> • In the Chhotagovindpur MVS, there are 21 <i>jal sahiyas</i> and all of them are members of MVWSC and are active. • Of the two Community Organizers in South Sarjamda GP, one is a resident of Purani Basti habitation and is

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	community would have been able to communicate it to the Project implementing authorities that their community does not believe in erecting statues.	<p>a Santhal.</p> <ul style="list-style-type: none"> The MVWSC of the Chhotagovindpur scheme is comprised of 42 members, consisting of all the <i>mukhiyas</i> and <i>jal sahiyas</i> from the VWSCs of the 21 GPs included in the scheme. As per the TDIP (August 2018), IEC materials are to be developed in local tribal languages and dialects – Mundari, Ho, Santhali, Khortha and Nagpuri – based on tribal population profiles. For SVSs, 36 plumbers and pump operators were trained in East Singhbhum District. These operators and plumbers will be deployed locally. For the MVS, as per the DBOT contract, the contractor is responsible for O&M of the scheme for five years after the completion. Tribal households are required to pay INR 225/- (approx. US\$3), which is half of the capital expenditure amount paid by non-tribal households.
	Operational Policy on Physical Cultural Resources OP 4.11	
17.	<p><i>Impacts on physical cultural resources not taken into account in the project design</i></p> <p>The Bank's policy on Physical Cultural Resources requires a borrower to address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment process. This is true even for projects involving sub- projects like the REDACTED Scheme. The Baseline and Impact Assessment should include: "(a) an investigation and inventory of physical cultural resources likely to be affected by the project; (b) documentation of the significance of such physical cultural resources; and (c) assessment of the nature and extent of potential impacts on these resources." The borrower is supposed to have extensive consultations with project affected groups for identifying physical cultural resources because they are often undocumented or unprotected by law. In the REDACTED Scheme documents, there again is no indication that any steps were taken to identify physical cultural resources that will be impacted by the project. In the Concept Stage ISDS for the Project, the Task Team did not envisage applicability of the Safeguard Policy on Physical Cultural Resources OP/BP 4.11. Management's initial appraisal of the project design is weak and fails to adequately consider the true extent of impacts on physical cultural resources. The Baseline EA-EMF also concludes that no existing cultural property will be damaged. However, the EA-EMF does envisage "possible damage to places of cultural, heritage and recreational importance" as a construction stage</p>	<p><i>Management acknowledges that OP 4.11 was not applied to the Project and is now of the view that it should have been applied. Management notes, however, that efforts were made by the implementing agency to achieve objectives that are consistent with those of the policy.</i></p> <p>Prior informed consultations with the directly impacted habitations should have taken place as part of the DPR preparation, prior to its approval by district authorities. Although consultations by the DPMU, district authorities and a Bank team took place with community members at or near the ESR site prior to the start of work (in November/December 2014), these are not documented to the extent required to meet policy requirements.</p> <p>According to the contractor, the land where the ESR was built was undeveloped (bare) before the start of construction. Historical satellite images also confirm that no visible artefact or structure was erected on the 35m x 35m plot used for the ESR construction.</p> <p>Consultations undertaken as part of the preparation of the DPR, TDP and EDS should have been documented by the DPMU and the contractor. Going forward, the Bank team will support the Government of Jharkhand to consult with concerned members of the Purani Basti, South Sarjamda community on the ESR to better understand their concerns and to identify and agree on possible measures to address project-related impacts especially related to cultural and religious sentiments.</p> <p>During the Bank's team visit to the site on December 23, 2018, interactions with community members yielded contradictory evidence on the usage of the Romantic</p>

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	<p>environmental impact.</p> <p>As mentioned, the site of the ESR in REDACTED is a common cultural resource of the community. They use this space for various cultural practices including customary practices associated with REDACTED and the customary feast after REDACTED. It is also a memorial site in the memory of REDACTED men who gave their life for the struggle for Jharkhand's statehood. The impacts on the common community resources was not taken into account at any stage in the project.</p>	<p>Maidan for worship or cultural events. See Item 2 above.</p> <p>As detailed in Item 3, during the December consultations, the Bank team heard contradictory accounts of the details pertaining to the placing of the statues to the men who died in Jharkhand's statehood movement.</p> <p>Management is committed to continuing to meet with concerned community members in South Sarjamda GP to gain a better understanding of the physical cultural resources of the ESR site and of working with the Government of Jharkhand, the Project authorities and concerned communities to agree on appropriate mitigation measures.</p>
18.	<p><i>No steps to mitigate the impacts on community cultural heritage</i></p> <p>Bank policy requires the borrower to develop a physical cultural resources management plan if there are impacts on physical cultural resources. Such a management plan should include measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds, any necessary measures for strengthening institutional capacity, and a monitoring system to track the progress of these activities. Even for projects involving sub-projects, the Bank is supposed to ensure implementation of mitigation measures and monitor them during project implementation.</p> <p>However, the Environmental Management Framework developed under the Baseline EA- EMF does not provide any measures to avoid or mitigate impacts on physical cultural resources. The environment study for the REDACTED component of the Scheme does not consider impacts on physical cultural resources. As already mentioned, the supposed mitigatory step undertaken by constructing the statute of martyrs was done without any consultation with the community. The community does not believe in having statues. Bank management's supervision with respect to impacts on physical cultural resources has been especially lacking.</p>	<p>The Project process involves prior informed consultations with directly impacted habitations as part of:</p> <ul style="list-style-type: none"> i. DPR preparation prior to approval by district authorities; and ii. Developing the scheme-specific TDP. <p>These consultations, if carried out sequentially and documented, provide a clear understanding of the various issues at the site of physical, cultural and religious significance and of environmental sensitivities.</p> <p>Based on the Bank team's visit to the site on December 23, 2018, district authorities and the contractor acknowledged that these consultations were not undertaken as they should have been, particularly at the habitation level.</p>
19.	<p>Violations of Indian and International Law</p> <p>The Bank Policy OP 4.01 on Environmental Assessment requires that the environmental assessment consider "the country's overall policy framework, [and] national legislation...related to the environment and social aspects..." and "identify matters pertaining to the project's consistency with national legislation or international environmental treaties and agreements."</p> <p><i>Violation of Constitutional Provisions</i></p> <p>Schedules V and VI of the Constitution of India provide for self-governance in tribal majority areas</p>	<p>The Bank has no role in opining on compliance with Indian law or the constitution.</p>

No.	Claim	Response
	<p>under Article 244. The object of Schedule V is to preserve the autonomy, culture, and economic empowerment of Indigenous or tribal peoples to ensure social, economic, and political justice in the scheduled area. Clause 5(2) of Schedule V prohibits the state from transferring public/state land in Scheduled areas to non-tribals. The public policy rationale for this law is to preserve peace and safeguard the tribal way of life: if the Government transfers the public land to non-tribals, “peace would be disturbed, good governance in scheduled area would slip into the hands of the non-tribals who would drive out the tribals from scheduled area and create monopoly to the well-developed and sophisticated non-tribals....”</p> <p>This makes clear that it is illegal and unconstitutional for the state to transfer land in REDACTED a recognised scheduled area, to a corporation for the construction and operation of a water treatment plant. In this case, REDACTED and REDACTED, was given possession of the common community property.</p> <p><i>Violation of PESA and Jharkhand Panchayati Raj Act (“JPRA”)</i></p> <p>Under PESA, any plan or proposal that is presented by the <i>Gram Panchayat</i> has to receive prior approval, after consultation, from the <i>Gram Sabha</i>. The <i>Gram Sabha</i> has the power to safeguard community resources. Its powers include managing natural resources like land, water, and forest falling within the limits of the village area.</p> <p>However, as mentioned above, for the REDACTED Scheme, valid <i>Gram Sabha</i> approval has not been provided in REDACTED. The Detailed Project Report shows that letters have been obtained from various VWSCs through the elected Panchayat head. The PESA requirement is a resolution from the whole <i>Gram Sabha</i>, i.e. all adult members in a village who are on electoral rolls and not just the VWSC.</p> <p>It is worrying that a World Bank-funded scheme is violating domestic legislation meant for the protection of Indigenous communities and that Bank management has failed to adequately monitor compliance with safeguards and local laws by the borrower.</p>	
20.	<p><i>Violation of the Polluter Pays Principle</i></p> <p>The “polluter pays” principle is a well-accepted general principle of international law and is codified in international instruments. The principle is now also part of Indian environmental jurisprudence. The principle holds that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment.</p> <p>It is well-documented that REDACTED and its</p>	<p><i>This does not pertain to compliance with Bank Policy.</i></p> <p>The issue of alleged environmental degradation in Jamshedpur has no linkage to the Project.</p> <p>The Bank team understands that groundwater contamination in the Project area is naturally-occurring, which may be related to the presence of numerous minerals, but not their extraction processes.</p>

No.	Claim	Response
	<p>surrounding areas have suffered considerable environmental degradation because of industrialisation and intense mining, including uranium mining. The Baseline EA-EMF for Jharkhand acknowledges this environmental degradation, noting that “metallic and dissolved toxic wastes from REDACTED, REDACTED and radioactive wastes from the uranium mill and tailings ponds of the REDACTED and its tributaries.”</p> <p>The Indigenous communities in the region have tried to preserve their water and land resources despite this rapid industrialisation. Yet, the REDACTED Scheme will in effect put the burden on the Indigenous communities, instead of the polluters, by making communities pay for access to drinking water, which is presently free. This is not consistent with the polluter pays principle.</p>	
21.	<p>Prior Attempts to Resolve Problems with the World Bank</p> <p>On behalf of the REDACTED, REDACTED sent a letter to the then World Bank Task Team leader, REDACTED by electronic mail dated REDACTED raising various grievances of the community regarding the REDACTED Scheme. REDACTED forwarded the letter to the current Task Team Leader, Mr. REDACTED.</p> <p>A team of individuals led by REDACTED, REDACTED, visited the REDACTED without notice on REDACTED. The REDACTED shared all the concerns of the community with REDACTED. While acknowledging those concerns, REDACTED told the REDACTED that there is not much that can be done at this stage since construction is almost complete and the REDACTED should try to explain that to the community.</p> <p>In an electronic mail dated REDACTED stated that he had forwarded the community letter to the REDACTED, REDACTED. The management is trying to organise a visit to the communities. However, so far no tangible steps have been taken to solve the issues raised.</p> <p>REDACTED community’s issues regarding the REDACTED Scheme, which concern their autonomy as an Indigenous community, culture, and economic resources, remain unresolved. Despite repeated attempts to reach out to World Bank management, the response has been inadequate. Meanwhile, construction of the ESR continues.</p>	<p>The Bank first became aware of the concerns of some community members regarding the ESR in an email from a Purani Basti resident that was sent to the task team leader on October 10, 2018. The task team leader forwarded this email to the Project Director, Jharkhand, for follow-up by the SPMU and requested the SPMU to share information on the consultation process which took place in the area and any information of relevance to the allegations in the complaint. The team met with the complainant on October 15, 2018, in the Project area, to learn more about his concerns and organized a subsequent visit to meet with a large group of community members and others in and around Purani Basti, South Sarjamda GP, on December 23, 2018.</p> <p>The summary of the points made by the complainant during the October 15 meeting follows:</p> <ul style="list-style-type: none"> • The site is used for the annual Gote Pooja and for bigger events that are celebrated once every 5 years; • The complainant mentioned that among tribal communities, water from the tap is not considered pure, particularly for the bathing of babies on the sixth day after birth. The older people in the village are not keen on water from the tap and prefer to use the water from natural sources; • A forged <i>gram sabha</i> resolution must have been obtained during the absence of traditional leaders who were in Delhi at the time the gram sabha is said to have taken place [<i>note: in fact, it is the team’s conclusion that no gram sabha took place</i>]. • The complainant offered to organize a meeting with other community members including those from the older generation to discuss their concerns in greater detail. <p>In an email to the TTL dated November 12, 2018, the complainant expressed dissatisfaction with the lack of advance notice for the October 15, 2018 visit (which was</p>

No.	Claim	Response
		<p>due to security concerns) and asked for a second meeting. The team proposed a second meeting between November 29 and December 2, 2018. In a follow-up phone conversation on November 29, 2018, it was agreed that the Bank team would visit on December 16, which the complainant later asked to postpone to December 23, 2018.</p> <p>The follow-on meeting took place at Purani Basti habitation on December 23, 2018. At the end of this meeting, although the community members reiterated their demand to remove the ESR, they agreed to think over possible mitigation measures and to discuss them with the DPMU during another round of consultations to be held after the festival season in the first half of January.</p>
22.	<p>Requested Next Steps</p> <p>REDACTED, requests that the Inspection Panel conduct an immediate investigation to confirm the violations of Bank policy described above. The Complainants trust that the Panel process will result in the Bank taking steps to remedy the issues raised in this Request. The Complainants strongly urge the World Bank to:</p> <p>(i) Immediately stop disbursements to the RWSS-LIS and all construction activity on the REDACTED Scheme, until such time that affected communities have been fully informed and consulted about the details of the REDACTED Scheme, including its impacts, remedy, and mitigation measures, and an independent analysis of alternative designs, in which the rights and needs of our community are made the priority. The REDACTED Scheme in its current form is violating World Bank policies, as well as Indian and international law. Therefore, it should not be allowed to proceed further the way it is;</p> <p>(ii) Conduct a comprehensive environmental impact assessment of the REDACTED Scheme, including a social assessment as well as an assessment of the impacts of the REDACTED Scheme on Indigenous populations;</p> <p>(iii) Appoint an independent hydrology expert to look at cumulative hydrological impacts of the REDACTED Scheme, as well as other schemes that have been implemented in REDACTED and surrounding areas under RWSS-LIS;</p> <p>(iv) Once prepared, translate all assessment documents into Hindi and Santhali and disclose them through culturally appropriate consultations with our community, as well as other project affected communities;</p> <p>(v) Allow us, as affected people, to participate in the analysis and decision-making process for possible alternatives. The ESR should be removed, and our REDACTED restored to its original state. If it is</p>	<p><i>Management met with the Requesters and members of the community on December 23, 2018 to better understand their concerns. The interlocutors indicated that they would welcome further discussion after their upcoming festival season in January 2019, and the Bank team will return to South Sarjamda for further consultations at the convenience of the community.</i></p> <p><i>Actions specific to the Second Request for inspection:</i></p> <p><i>In direct response to community concerns:</i></p> <ul style="list-style-type: none"> By end-February 2019: Management will support the Government of Jharkhand to consult with concerned members of the Purani Basti, South Sarjamda community on the ESR to better understand their concerns and to identify and agree on possible measures to address Project-related impacts. Such measures may include support for the following: <ul style="list-style-type: none"> ensuring that a survey is carried out to identify households in service areas not within reach of a distribution line, and extending the scheme to provide service to households that wish to join it; potentially developing the Romantic Maidan as culturally appropriate, and in consultation with the affected communities including the Requesters; undertaking a discussion with the community and its traditional tribal leaders as to what constitutes an appropriate memorial and exploring re-installation of boulders for the three martyrs or ritually shifting the martyrs' boulders to another sacred site; providing other culturally appropriate benefits to the community. By end-February 2019: Management will support the State Project Management Unit (SPMU) to review and update existing Information, Education and Communication (IEC) materials (including basic information about the Project and its expected benefits as well as about water, sanitation and hygiene in

No.	Claim	Response
	<p>environmentally feasible, the REDACTED Scheme could be implemented in alternative sites to benefit communities that actually require water, rather than imposing it on our community, which has preserved its water resources despite various challenges;</p> <p>(vi) Conduct all future baseline studies and monitoring reports with full transparency and participation of affected communities and make the results public.</p>	<p>general) to consider existing community concerns, and to finalize preparation of the IEC materials in Santhali and Ho, the most widely spoken tribal languages in this area.</p> <ul style="list-style-type: none"> By end-March 2019: Management will work closely with the SPMU and DPMU to ensure that appropriate consultations on the updated EMP and disclosure are carried out. The update of the EMP will also reflect the feedback from the above-cited detailed consultations with the Purani Basti community. By end-March 2019, Management will complete a review of the processes followed to document community “no objection” to the siting of significant infrastructure (WTPs, ESRs) associated with the two MVSs in Jharkhand. <p><i>To address overall project shortcomings:</i></p> <ul style="list-style-type: none"> By end-March 2019: Management will support the SPMU to disclose the current design of the water schemes and the plan to extend the distribution network to allow coverage of households interested in a water connection in all 21 GPs of the service area. By end-March 2019: Management will hire experts in anthropology and cultural heritage with local experience to assist the Bank team in overseeing the implementation of the Tribal Development Plan (TDP) and Tribal Development Implementation Plan (TDIP) and the social audit that the SPMU and DPMU will be carrying out. By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to hire an agency to support consultation and regular training on environmental and social issues and the TDP. <p>In addition, the following actions included in the Management Response to the First Request for Inspection are also relevant to the remedial actions to address the concerns raised in the Second Request:</p> <p><i>In direct response to community concerns:</i></p> <ul style="list-style-type: none"> By end-February 2019: Management will support the Government of Jharkhand to undertake implementation stage consultations in all GPs covered by the Bagbera and Chhotagovindpur MVSs to update community members on implementation progress. This will allow further scheme information to be provided; clarify aspects related to environmental and tribal development management; as well as provide information on the start of service delivery, and financial aspects related to community contribution

No.	Claim	Response
		<p>and water tariffs, in addition to responding to people's queries.</p> <ul style="list-style-type: none"> • By end-February 2019: Management will complete a review of the revised draft updated EMPs for the Chhotagovindpur and Bagbera MVSSs, which the DPMU has committed to submit to the Bank for review by end-January 2019. • By end-March 2019: Management will request the DPMU to share the results of the water analysis at the water intake with the community and make them publicly available as part of the EMP. <p><i>To address overall project shortcomings:</i></p> <ul style="list-style-type: none"> • By end-February 2019: Management will ensure that executive summaries of safeguard documents are translated and disclosed in Hindi, the predominantly read language in the Project areas, on the relevant department website, at the head office of each GP and at the offices of the contractor. • By end-January 2019: Management will follow up with the SPMU and DPMU to ensure completion of the review of the scope of works and training of the 400 Community Organizers (CO) that have been placed in all five districts of Jharkhand since May 2018, to give them a greater role in disseminating information about the Project, relaying community concerns, and in environmental and social monitoring. This review will also cover Project and site-level GRMs and identify steps to strengthen them. • By end-February 2019: Management and PMUs will complete the ongoing comprehensive review of safeguard compliance of the Category 2 schemes supported by the Project, which includes all of the MVSSs in addition to some SVSSs, and will prepare an action plan for time-bound implementation of any remedial measures that may be required. Priority is being given to completing the reviews of the safeguard documentation for the Chhotagovindpur and Bagbera MVSSs, including the EMPs, and any remedial action pertaining to these MVSSs will need to be addressed before the MVS starts operation. • By end-March 2019: Management will follow up with the Project Management Units at the national, state and district level (NPMU/SPMU/DPMU) to ensure adequate staffing and staff capacity strengthening for appropriate monitoring of EMP implementation and application of safeguards instruments. • By end-March 2019: completion of Project restructuring, which will include the application of OP 4.11 among other aspects.

Annex 2: Maps and Schematics of the Chhotagovindpur MVS, and Pre-Construction Pictures

Figure 1: Schematic of the Chhotagovindpur MVS

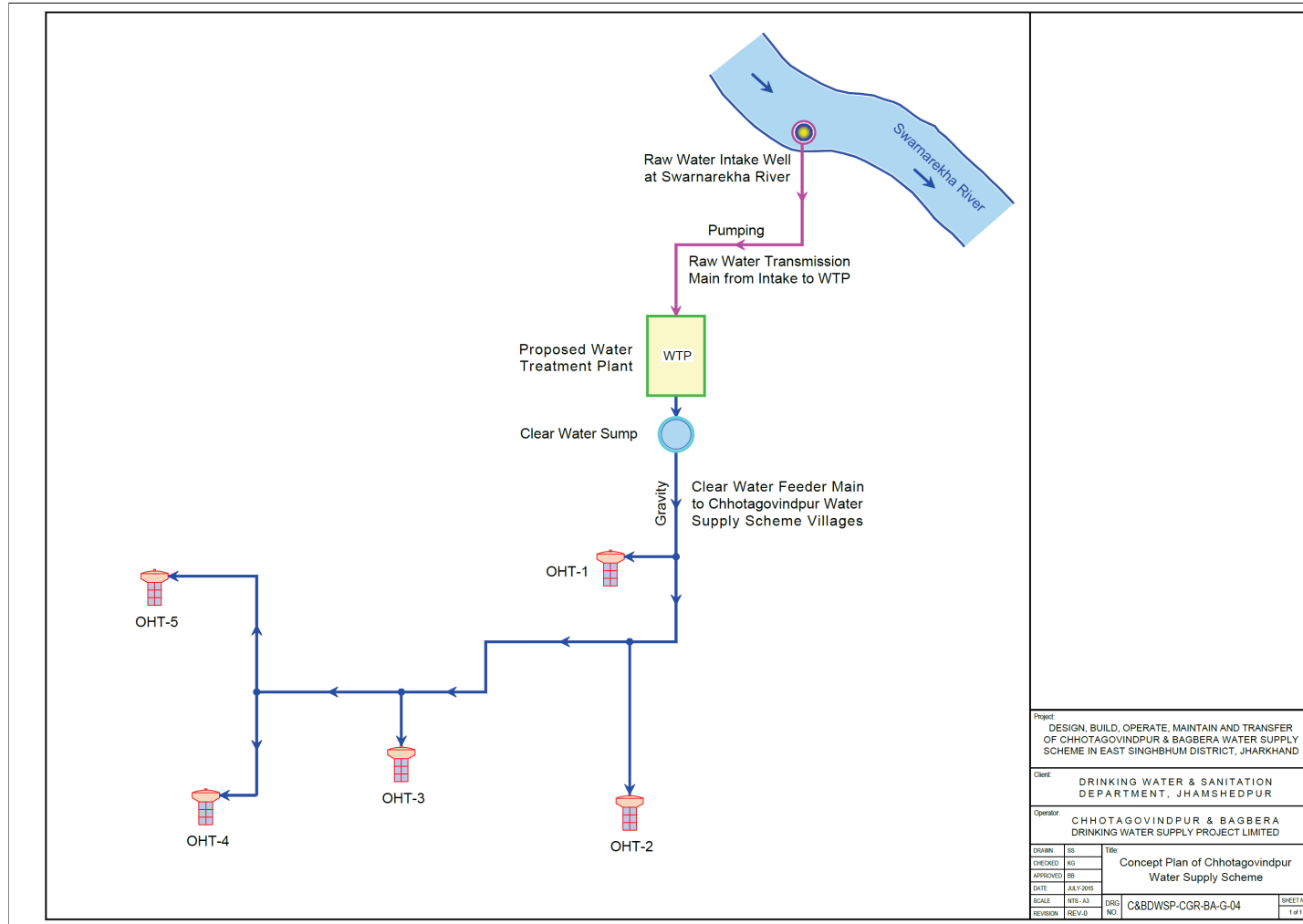


Figure 2: Service Area for Drinking Water Supply of the Chhotagovindpur MVS and Service Zones per ESR

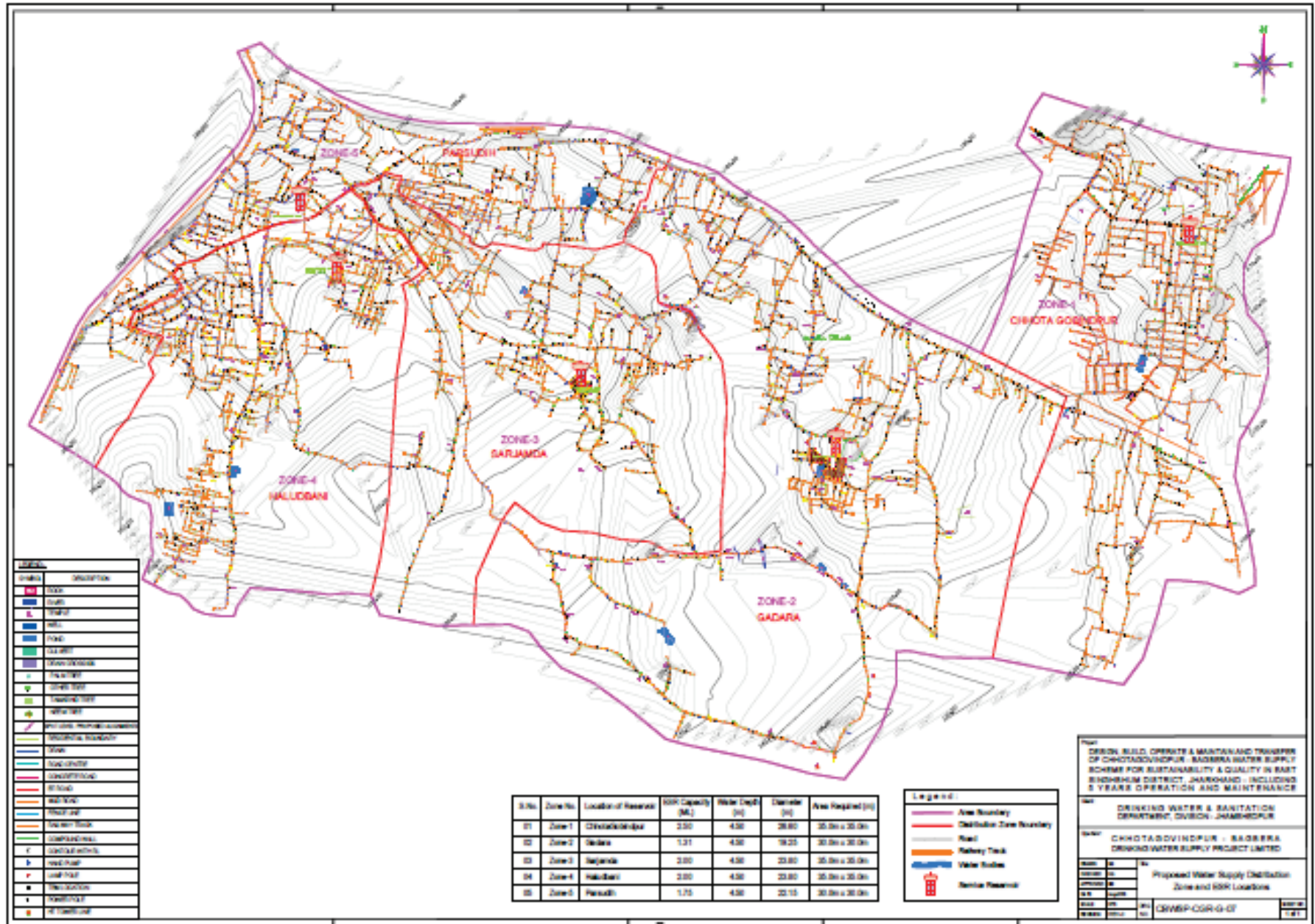


Figure 3: Situational Map of the Chhotagovindpur MVS and the Neighboring Bagbera MVS

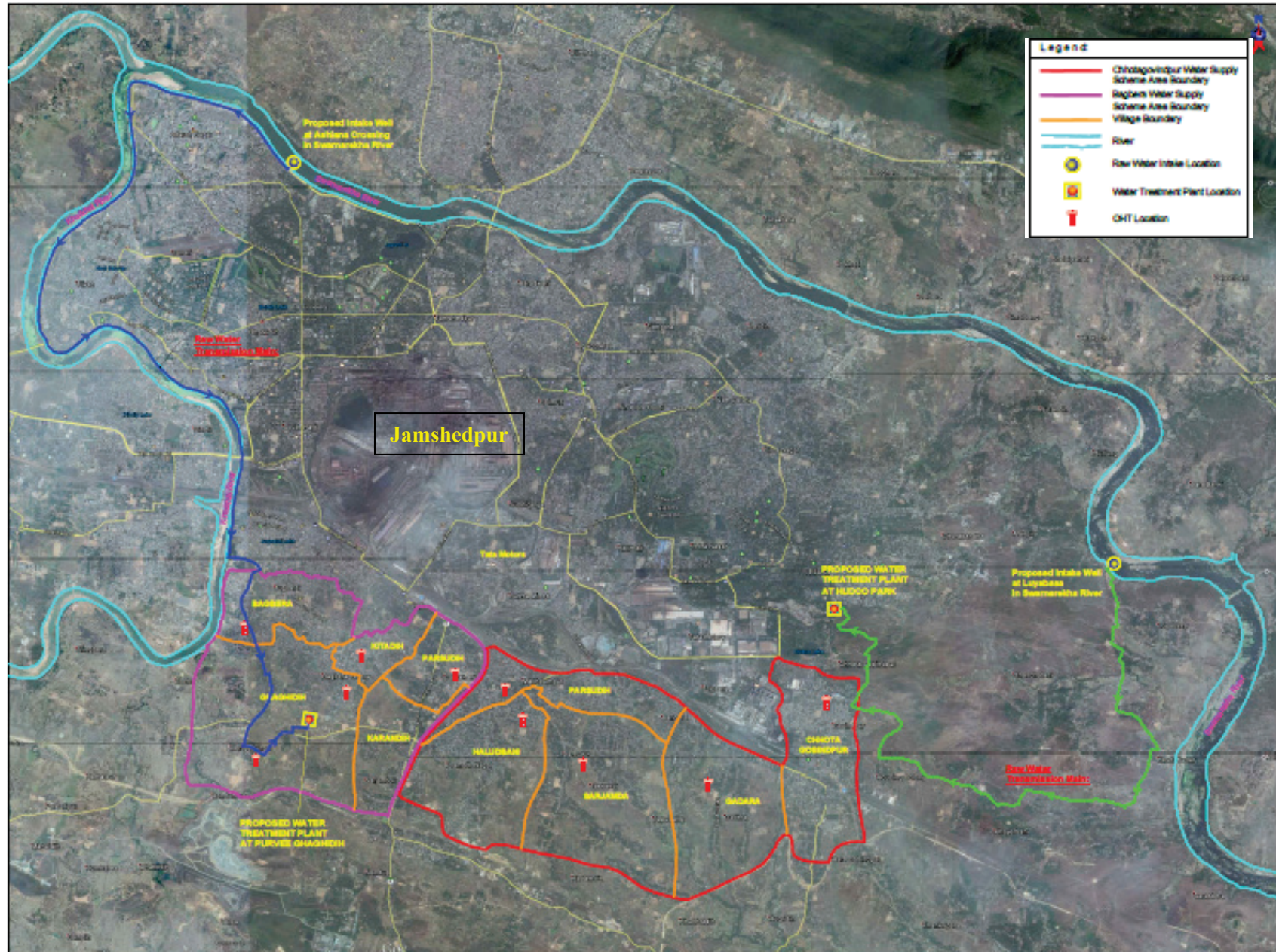


Figure 4: Chronological Historical Google Earth Satellites Images of the ESR Sarjamda Construction Site

April 6, 2013



January 1, 2015

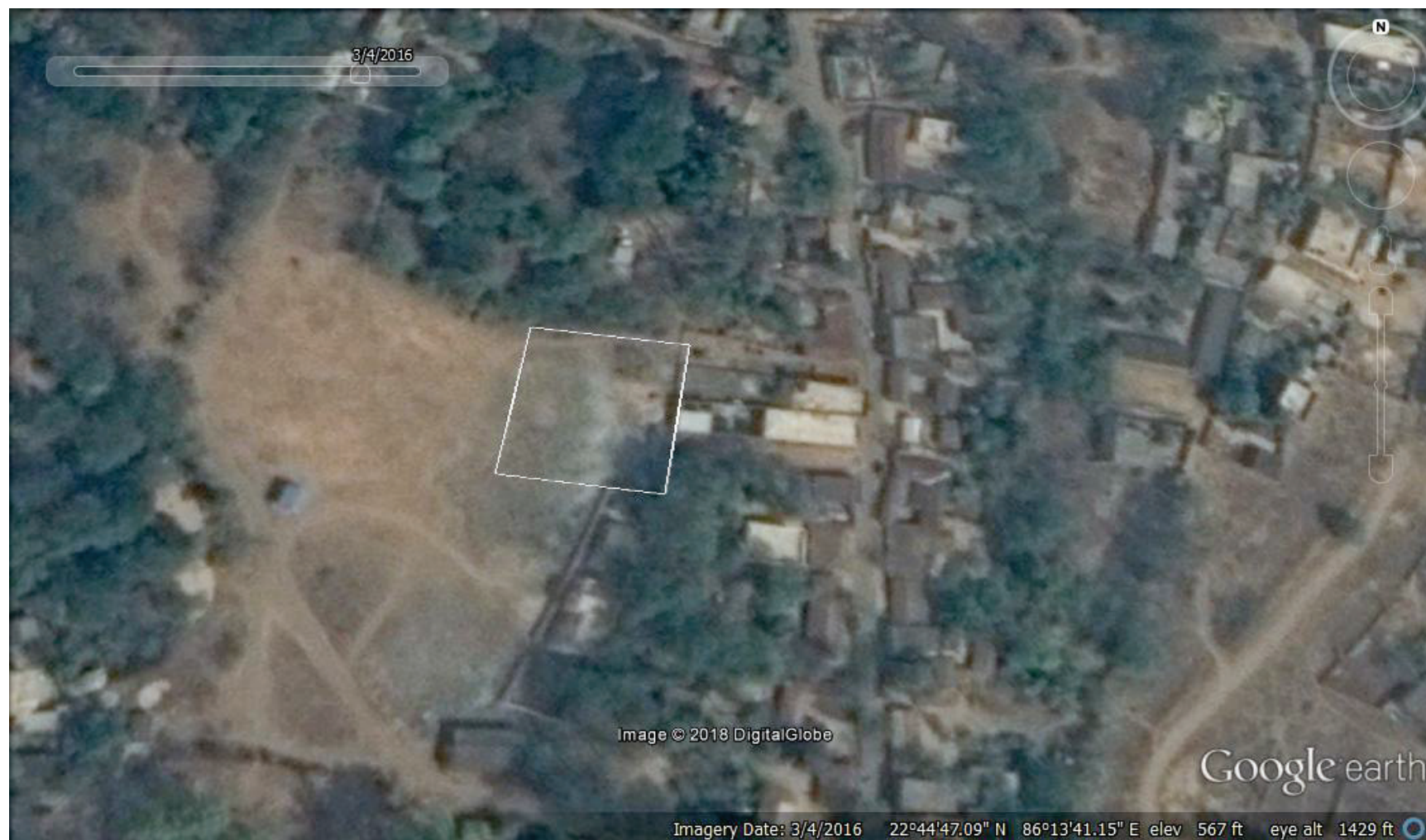


India

December 30, 2015



March 4, 2016



India

January 13, 2017



November 14, 2017

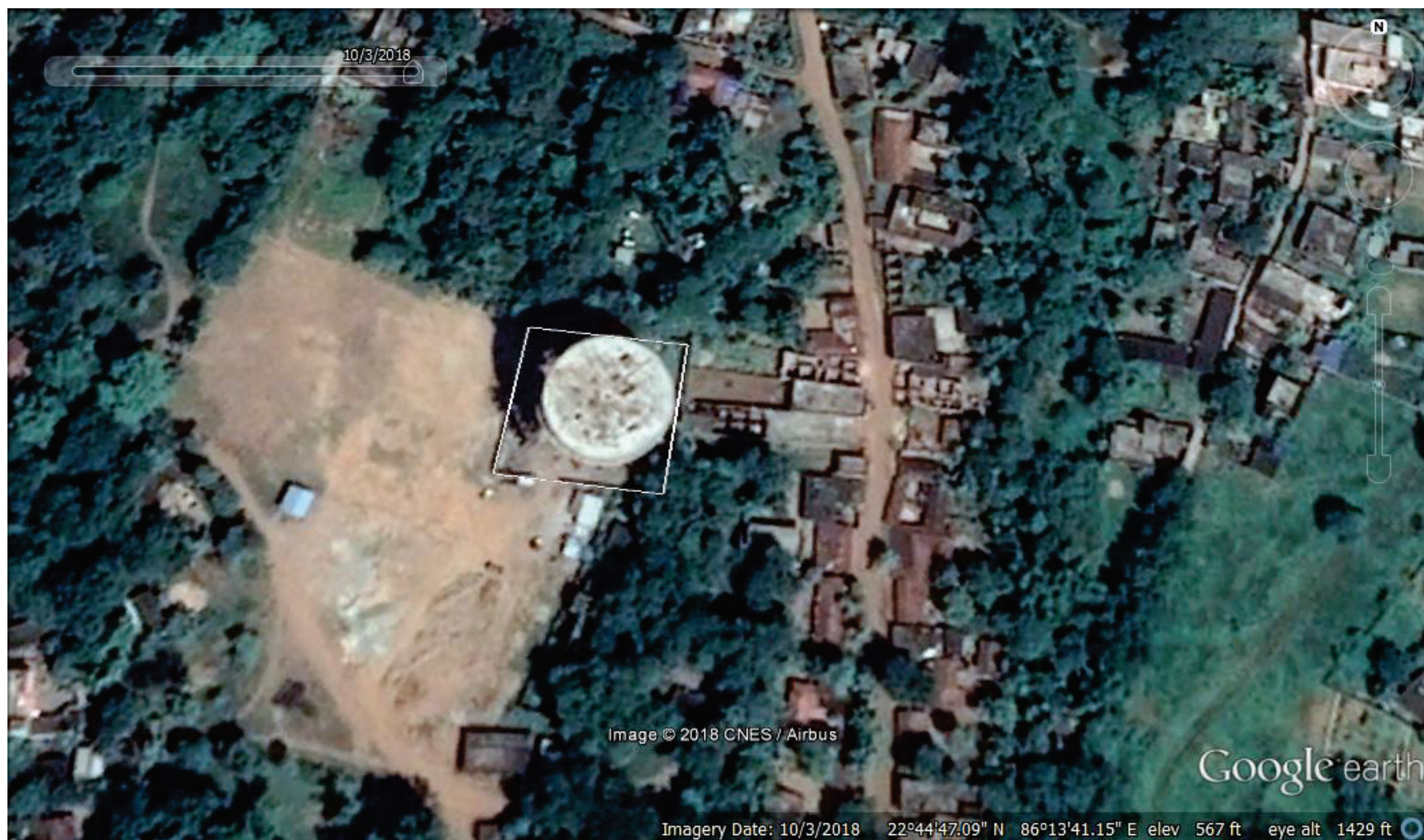


India

February 28th, 2018



October 3, 2018



India

Figure 5: Pictures of the Site Where the ESR Sarjamda Was Later Constructed

April 14, 2015



February 2, 2016



India

March 11, 2016

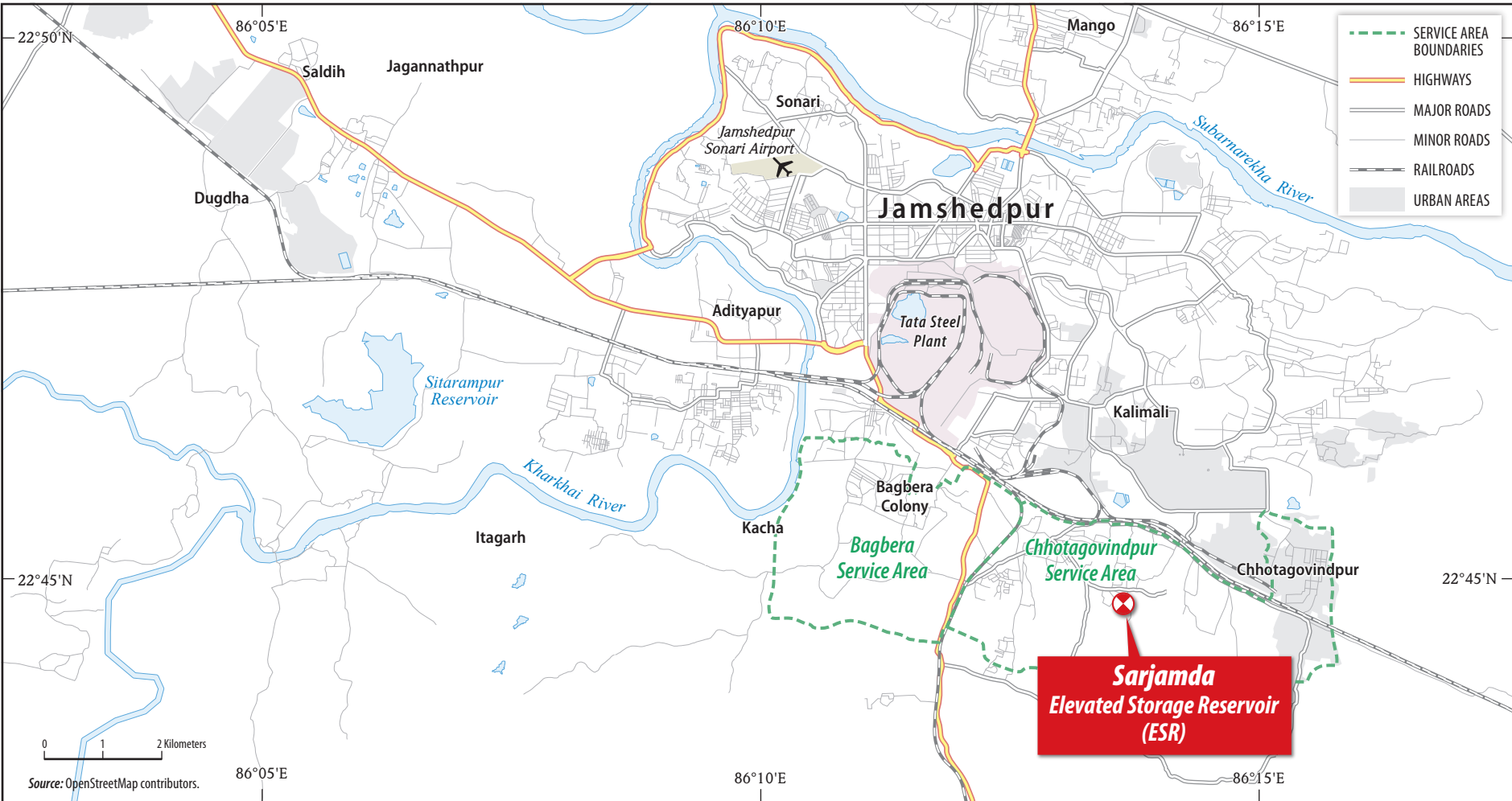


April 12, 2016



INDIA
RURAL WATER SUPPLY AND SANITATION PROJECT FOR LOW INCOME STATES
Request for Inspection

WORLD BANK GROUP
IBRD 44163 | JANUARY 2019
This map was produced by the Cartography Unit of the World Bank Group. The boundaries, colors, denominations and any other information shown on this map do not imply, on the part of the World Bank Group, any judgment on the legal status of any territory, or any endorsement or acceptance of such boundaries.



Annex 3: Consultations and events held at or near ESR Sarjamda site

The annex as provided to the Inspection Panel and the Board contained pages with photographs from the following events:

- February 8th, 2016: Sarjamda ESR foundation ceremony
- March 11, 2016: Groundbreaking Ceremony at ESR Sarjamda site
- April 12, 2016: District Collector and Circle Officer visit the site where the ESR was later built
- May 1, 2016: Aam Sabha at the Site near the site where the ESR was later built

The publicly available annex has been redacted to protect the privacy of the individuals shown in the photographs.

- October 27 to November 10, 2016: Construction of the boundary wall of the ESR in Sarjamda

Source: Contractor: 7 pictures are available at this [link](#)



October 27, 2016



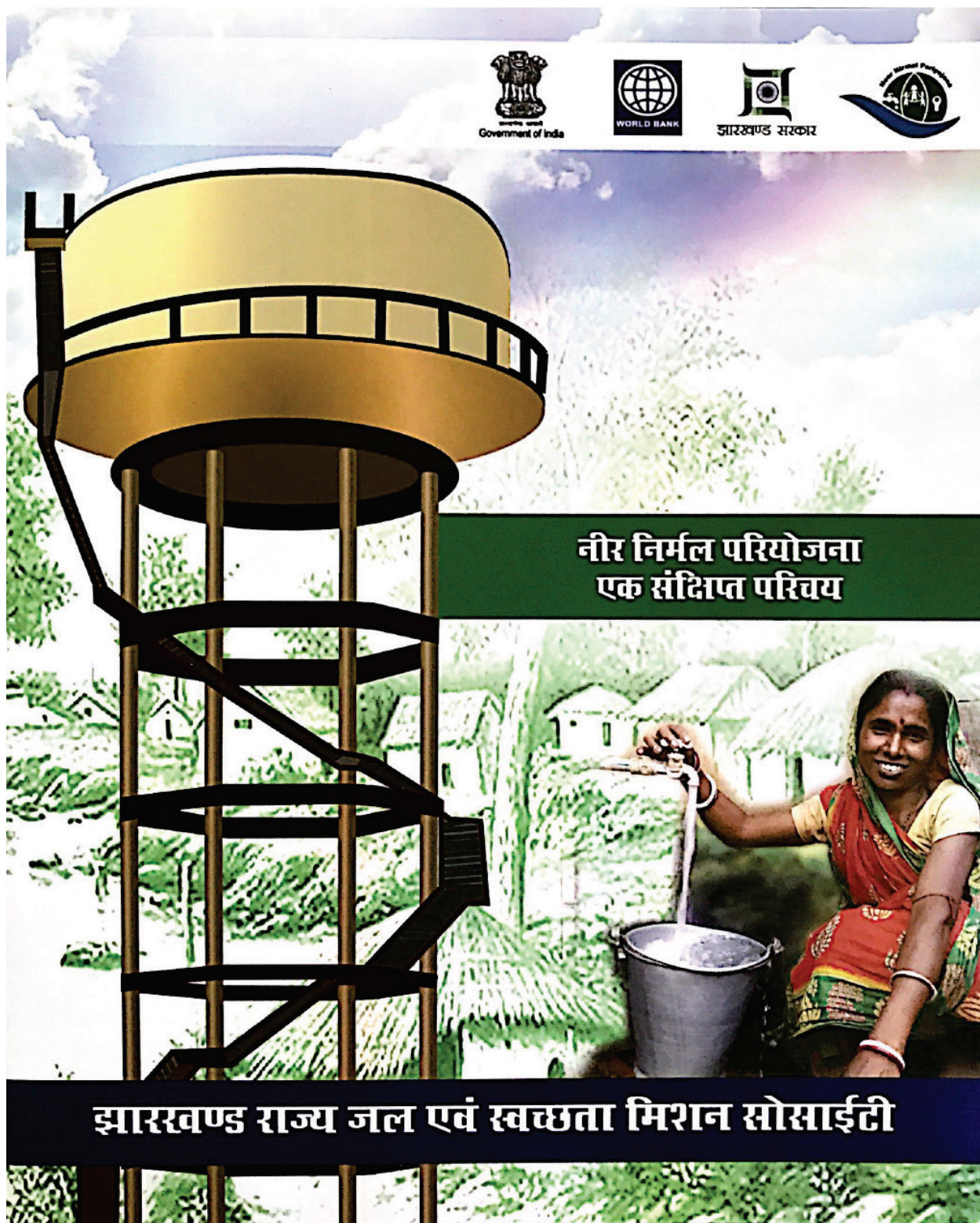
November 5, 2016



November 9, 2016

Communication leaflets (FAQs) and Brochures, often seen in pictures and videos

Brochure: 200 to 250 at State level



नीर निर्मल परियोजना - एक संक्षिप्त परिचय

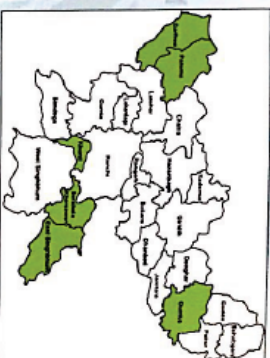
विश्व बैंक एवं भारत सरकार के वित्तीय एवं तकनीकी सहयोग से "ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना" राष्ट्रीय ग्रामीण पेयजल कार्यक्रम एवं 'स्वच्छ भारत मिशन (ग्रामीण)' के अंतर्गत संचालित तथा झारखण्ड सरकार के पेयजल एवं स्वच्छता विभाग के अधीन क्रियान्वित है। यह परियोजना "नीर निर्मल परियोजना" के नाम से जाना जाता है। परियोजना की कुल अवधि 6 वर्षों (अप्रैल 2014 से मार्च 2020) की है।

परियोजना के उद्देश्य

नीर निर्मल परियोजना (ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना) का उद्देश्य 'विकेन्द्रीकृत वितरण प्रणाली के माध्यम से वसूलीत ग्रामीण समुदायों में पाईप द्वारा शुद्ध जलापूर्ति एवं स्वच्छता सेवाएं उपलब्ध कराना है।'

परियोजना से आच्छादित

- परियोजनांतर्गत जिला - 6 जिला (दुमका, पूर्वी सिंहभूम, खूंटी, सरायकेला - खरसावा, गढ़वा, पलामू)।
- ग्राम पंचायत - 530
- वस्तिवर्ग - 3304 (Approx)
- जनसंख्या - लगभग 11 लाख
- अनुसूचित जनजाति - लगभग 4 लाख
- कुल जलापूर्ति योजना - 751 लघु एवं बृहद योजनाएं।
- कुल लागत - 900 करोड़



घटकवार परियोजना आकृत

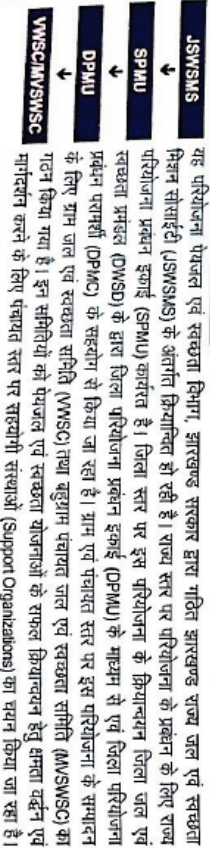
परियोजना के घटक	लागत रु. (करोड़ों में)	कुल प्रतिशत
क्षमता वर्धन एवं संस्थागत विकास	99	11%
द्वैवांगत विकास	750	83%
परियोजना प्रबंधन	51	6%
कुल योग	900	100%

परियोजना का सिद्धांत

नीर निर्मल परियोजना के उद्देश्यों की प्राप्ति के लिए निम्नलिखित सिद्धांतों को मुख्य आधार बनाया गया है।

- जलापूर्ति एवं स्वच्छता हेतु समेकित अवधारणा
 - परियोजना लागत तथा संचालन व रखरखाव में सामुदायिक अंशदान
- विकेन्द्रीकरण माध्यम से योजनाओं का क्रियान्वयन
 - संचालन एवं जलवर्धन का विकेन्द्रीकरण
- सार्वजनिक निजी भागीदारी
 - विश्व बैंक सहायित अन्य पेयजल एवं स्वच्छता परियोजना क्रियान्वयित राज्यों के साथ दिवनिग
- मौल अद्यतित आपूर्ति
- खिलेवार अवधारणा

परियोजना क्रियान्वयन की संरचना



परियोजना अंतर्गत जलापूर्ति योजनाओं का प्रकार:

छ: वर्ग के परियोजना अवधि में झारखण्ड में कुल 751 लघु एवं बृहद - नई एवं जीर्णोद्धार जलापूर्ति योजनाओं का क्रियान्वयन किया जाना है।

निम्नलिखित प्रकार की योजनाएं

- एकल बसावट / टोला योजना:- गांव के किसी व्यक्ति बसावट / टोला में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- एकल ग्राम पंचायत योजना:- किसी पंचायत के वसूलीत एक से ज्यादा बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- लघु बहुग्रामीण योजना:- 2 से 3 पंचायत के किसी व्यक्ति बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।
- बृहद बहुग्रामीण योजना:- 3 पंचायत से अधिक किसी व्यक्ति बसावट / टोला, गांव में पाईप लाईन द्वारा घर-घर पेयजल आपूर्ति हेतु योजना।

जिलावार परियोजना अवधि में कुल जलापूर्ति योजनाओं का विवरण

जलापूर्ति योजनाओं के प्रकार	खूंटी	गढ़वा	पूर्वी सिंहभूम	पलामू	सरायकेला	दुमका	कुल
एकल बसावट योजना / एकल ग्राम पंचायत योजना	80	219	127	0	90	141	657
लघु एवं बृहद बहुग्रामीण योजना	19	3	3	2	12	28	67
कुल	99	222	130	2	102	169	725

जिलावार बैंक - 1 जलापूर्ति योजनाओं का विवरण

जलापूर्ति योजनाओं के प्रकार	खूंटी	गढ़वा	पूर्वी सिंहभूम	पलामू	सरायकेला	दुमका	कुल
एकल बसावट योजना / एकल ग्राम पंचायत योजना	41	87	64	0	38	96	326
लघु एवं बृहद बहुग्रामीण योजना	2	1	2	1	2	1	9
कुल	43	88	66	1	40	97	335

परियोजना अंतर्गत स्वच्छता संबंधी कार्य

परियोजना अंतर्गत निम्नलिखित स्वच्छता संबंधी कार्य की जाएंगी।

- व्यक्तिगत शौचालय का निर्माण।
- संस्थागत एवं सामुदायिक शौचालय का निर्माण।
- ठोस एवं तरल कचरा का प्रबंधन।
- समुदाय में जागरूकता लाने हेतु विभिन्न स्तरों पर प्रचार-प्रसार करना (IEC) एवं लोगों में व्यावहारिक परिवर्तन लाना।


आविनाशी विकास क्रियान्वयन योजना

विश्व बैंक की समाजिक सुरक्षा नीति के अन्तर्गत परियोजना अंतर्गत आविनाशी विकास क्रियान्वयन योजना प्रारूप तैयार किया गया है। इस योजना के तहत अनुसूचित जनजातियों एवं आदिम जनजातियों को शामिल करने और उनकी सांस्कृतिक धरोहरों को सुरक्षा करते हुए ऐसे समुदायों एवं उनके परंपरागत संस्थाओं को संरक्षण और समर्थन, समान एवं सार्वजनिक जलापूर्ति और स्वच्छता सुविधा उपलब्ध कराना है।

12.11 Communications

- VMSC के द्वारा सहयोगी संस्था के सहयोग से रखा जायेगा।
- प्रश्न 21. जलापूर्ति योजनाओं के निर्माण कार्य की अवधि कितनी है?
- उत्तर - एकल नसबंद/एकल ग्राम पंचायत योजना की निर्माण अवधि 6-12 माह है, जबकी लघु बहु ग्राम योजना की निर्माण अवधि 18-24 माह तथा बृहद् बहु ग्राम योजना की निर्माण अवधि 24-36 माह है।
- प्रश्न 22. योजना का निर्माण कौन करेगा?
- उत्तर - योजना का निर्माण VMSC द्वारा चयनित संवेदक के द्वारा की जायेगी।
- प्रश्न 23. इस योजना में एक व्यक्ति को प्रतिदिन कितना पानी मिलेगा?
- उत्तर - इस योजना के अन्तर्गत एक व्यक्ति को प्रतिदिन 70 लीटर पानी मिलेगा।
- प्रश्न 24. योजना के लिए राशि कहाँ से प्राप्त होगी?
- उत्तर - योजना के लिए राशि आवश्यकतानुसार जिला के पंचायत एवं स्वच्छता प्रमंडल के जिला परियोजना प्रबंधन ईकाई (OPMU) से प्राप्त होगी।
- प्रश्न 25. जलापूर्ति का समय/प्रतिदिन कितने घण्टे के लिए है?
- उत्तर - यह योजना स्तर पर ग्राम जल एवं स्वच्छता समिति (VMSC) द्वारा ग्रामीणों द्वारा तय होगी।
- प्रश्न 26. इस परियोजना में जल जाँच करने की क्या प्रक्रिया है?
- उत्तर - इस परियोजना के तहत जल जाँच FAK तथा जिला एवं राज्य स्तरीय प्रयोगशाला द्वारा की जायेगी।
- प्रश्न 27. अपने जलश्रोत की जाँच कैसे कर सकते हैं?
- उत्तर - अपने जलश्रोत की प्रारंभिक जाँच संबंधित ग्राम पंचायत की जल संहिता, विनई विभाग द्वारा FAK दिया गया है, उनसे कराया सकते हैं।
- प्रश्न 28. योजना के पूर्ण हो जाने पर, कौन योजना का संचालन करेगा?
- उत्तर - योजना के पूर्ण हो जाने पर ग्राम जल एवं स्वच्छता समिति (VMSC) योजना का संचालन करेगी।
- प्रश्न 29. योजना शीघ्रता से चले जाने पर कौन इसकी मरम्मत करायेगा?
- उत्तर - योजना के निर्माण के उपरान्त पहले वर्ष में संवेदक द्वारा मरम्मत की जिम्मेवारी स्वीकारेगी और इसके

- उपरांत ग्राम जल एवं स्वच्छता समिति (VMSC) योजना का रख-रखाव करेगी।
- प्रश्न 30. एकल/बहुग्राम योजना के अन्तर्गत पंप ऑपरेटर का चयन कौन करेगा?
- उत्तर - पंप ऑपरेटर सहित अन्य सभी कर्मियों का चयन VMSC के द्वारा होगा। पंप गृहजलमीनार एवं अन्य अवयव जिस किसी के निजी जमीन पर बना हो, उस निजी जमीन के मू-स्वामी के परिवार के किसी एक अभिपूज्य व्यक्ति को ऑपरेटर के रूप में चयन किया जाएगा।
- प्रश्न 31. ऑपरेटर को भुगतान कौन करेगा?
- उत्तर - ऑपरेटर एवं अन्य कर्मियों का भुगतान VMSC द्वारा किया गये जल के मासिक शुल्क से करेगा।
- प्रश्न 32. विद्युत का निवेशन किस के नाम पर होगा?
- उत्तर - विद्युत निवेशन VMSC के नाम पर होगा।
- प्रश्न 33. विद्युत निवेशन के लिए का भुगतान कौन करेगा?
- उत्तर - विद्युत निवेशन के लिए का भुगतान VMSC करेगा।
- प्रश्न 34. एक रा अधिक ग्राम पंचायतों को आच्छादित करने वाली योजना किस समिति द्वारा संचालित होगी?
- उत्तर - ऐसी योजना बहु ग्राम जल एवं स्वच्छता समिति के द्वारा संचालित होगी।
- प्रश्न 35. बहु ग्राम जल एवं स्वच्छता समिति के मुख्य परामर्श कौन होते हैं?
- उत्तर - सबसे अधिक आच्छादित (जल संयोजन) ग्राम पंचायतों के मुखिया अध्यक्ष, दूसरे अधिक आच्छादित ग्राम पंचायत के मुखिया/उपमुखिया समिति के सचिव, अध्यक्ष द्वारा मननीय जल संहिता समिति की संयोजक सह-कोषाध्यक्ष होती हैं।
- प्रश्न 36. बहु ग्राम जल एवं स्वच्छता समिति के बैंक खाता का परिचालन कितने द्वारा किया जाता है?
- उत्तर - इस बैंक खाते का संचालन समिति के अध्यक्ष, सचिव या कोषाध्यक्ष में से किन्हीं दो के हस्ताक्षर से होता है।
- प्रश्न 37. क्या इस परियोजना अन्तर्गत पंचायत एवं स्वच्छता समिति को सर्वश्रेष्ठ होगा?
- उत्तर - हाँ, इस परियोजना अन्तर्गत पर-पर सर्वेक्षण सहित गाँव एवं पंचायत स्तर पर सर्वेक्षण होगा।





प्रश्नोत्तरी




झारखण्ड राज्य जल एवं स्वच्छता मिशन सोसाईटी

श्री निर्मल परियोजना

(ग्रामीण जलापूर्ति एवं स्वच्छता परियोजना)

राज्य परियोजना प्रबंधन ईकाई

पंचायत एवं स्वच्छता विभाग

झारखण्ड सरकार, राँची

चौधा तल्ला, सिटाडेल टावर,

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दूरभाष : 0651-2330334

Timeline related to Request for Inspection of the Chhotagovindpur MVS

Date	Description
7-Nov-12	Project Information Document/ Integrated Safeguards Data Sheet (PID/ISDS) PCN stage - Final Version disclosed
April 17-30, 2013	Appraisal Mission
Nov 18-19, 2013	Negotiations
30-Dec-13	Board Approval
Start of Project supervision	
8-Feb-14	Signing
8-May-14	Effectiveness
June 2-25, 2014	First Implementation Support Mission and Project Launch Mission.
Oct 27 - Nov 25, 2014	Second Implementation Support Mission.
April 6 - May 7, 2015	Third Implementation Support Mission. Orientation workshops on Project policies and processes.
25-May-15	Signature of DBOT contract for the Chhotagovindpur and Bagbera MVSes
23-Jul-15	The contractor submitted a draft scheme-specific EMP to the DPMU for approval
17-Aug-15	letter from the contractor to the Executive Engineer (EE) referred to people in Purani Basti objecting to the ESR out of concern that it would reduce the area of the football playing area
31-Oct-15	letter from the EE to the Sub-Division Officer, Jamshedpur, indicated that authorities were aware of resistance to the ESR at the scheme site and mentioned Sarjamda along with other locations
Nov 1-4, 2015	Environment Spec. field visits to Chhotagobindpur - Baghbera MVSs and progress review
Nov 1-6, 2015	Technical mission on social development issues including to East Singhbhum District
Nov 16-30, 2015	Fourth Implementation Support Mission. Team visited MVSs in Jharkhand, had extensive interactions with contractor and visited selected sites.
8-Feb-16	Foundation Ceremony at Sarjamda ESR site
11-Mar-16	Groundbreaking ceremony at Sarjamda ESR site
4-Apr-16	Meeting in South Sarjamda Panchayat building. Minutes, signed by 38, refer to the Project and VWSC role.
17-Apr-16	Meeting in North Sarjamda Panchayat building with representatives of South, North and Middle Sarjamda. The meeting, attended by 100+, refer to ESR construction, related issues raised and discussions to solve 'the issue of water'.
1-May-16	Aam Sabha to discuss opposition to ESR construction in Sarjamda, Project related issues and benefits from the water scheme
May 3-7, 2016	Social Safeguards Thematic Review aiming at informing MTR mission. Consultant visits Chhotagovindpur - Baghbera MVS scheme. Meetings with communities and Contractors' representatives. SPMU social specialist and DPMU social experts participated. Main points: Social management actions, delayed, need to be carried out and need to keep up with the project implementation timeframe.
Jul 25- Aug 5, 2016	Fifth Implementation Support and MTR Mission

Aug-16	Social Safeguards Thematic Review report issued by Bank consultant.
27-Oct-16	ESR construction works starts with first boundary wall construction
10-Nov-16	ESR boundary wall completed
Feb. 6-17, 2017	Sixth Implementation Support Mission
July 17-August 3, 2017	Seventh Implementation Support Mission
5-Oct-17	District authorities formally approve EMP
Nov 19-21, 2017	Bank team including Social safeguards team visits Chhotagobindpur Baghera MVS, including site visit to WTP site, Giddih Jhopri and Ranidih
January 4-22, 2018	Eighth Implementation Support Mission
October 8-31, 2018	Ninth Implementation Support Mission (ML and AM under Preparation)
10-Oct-18	Email Complaint received by Bank
12-Oct-18	<i>TTL forward complaint to GRS</i>
12-Oct-18	TTL forward the complaint to Project Director, Jharkhand, asking the SPMU to share land status, permission or voluntary donation as the case may be, the consultation process which took place in that area, and any knowledge or information w.r.t the allegations in the complaint letter.
15-Oct-18	Bank team (Lead Social Specialist, Social Development Specialist and Senior Communications Officer) meets Complainant in Purani Basti (literally 'Old Habitation') of South Sarjamda GP; two other members of the community join the discussions. (No advance notice was provided to Complainant about Bank team visit due to Security considerations)
29-Oct-18	TTL replies to complainant that complaint was shared with SPMU and DPMU and team will revert soon
12-Nov-18	Email from complainant to TTL complaining about lack of advance notice of Bank visit and asking for a fresh interaction with advance notice to allow larger village community to attend
12-Nov-18	<i>TTL forwards to GRS seeking guidance on how best to respond in light of the first IP request related to the neighboring Bagbera MVS</i>
19-Nov-18	<i>TTL send a reminder to GRS on pending request for guidance</i>
22-Nov-18	TTL replies to complainant apologizing for lack of advance notice on earlier visit and proposing a second meeting between November 29 to 2 December 2018
27-Nov-18	TTL sends reminder email to complainant on meeting dates proposed
28-Nov-18	Complainant replies to TTL indicating agreement for a phone conversation on Nov 29
29-Nov-18	Phone conversation with Complainant; Complainant repeats request for a meeting with entire community of Purani Basti; agreement for a Bank visit on December 16
30-Nov-18	TTL sends email confirmation of visit to Purani Basti to meet Complainant and village assembly on Sunday, Dec. 16th
2-Dec-18	Complainant emails TTL to request postponing the Bank visit to December 23 rd or any Sunday thereafter
13-Dec-18	TTL confirms by email to complainant the revised visit date of Dec. 23 rd

13-Dec-18	The contractor submitted separated EMPs for the Chhotagovindpur MVS and the Bagbera MVS to the DPMU; SPMU emails the EMPs to the Bank for review.
17-Dec-18	Team member calls Complainant to request confirmation of proposed visit; leaves message with the person who answered the phone as Complainant was not at home.
18-Dec-18	Team member talks to Complainant on the phone in hope to confirm proposed visit on Sunday December 23. However, the Complainant indicated that December 23 would not suit due to heavy rains in Jamshedpur and that he would propose an alternate date by email.
20-Dec-18	TTL emails Bank comments on EMPs of the Chhotagovindpur and Bagbera MVSs
20-Dec-18	Complainant emails TTL to confirm the visit date of December 23 rd
23-Dec-18	Bank team (Co-TTL, Lead Social Specialist, Senior Environmental Specialist, Senior Communications Officer, Social Development Specialist) meets Complainant and members of the community in Purani Basti of South Sarjamda GP
25-Jan-19	TTL emails complainant requesting a date for a phone conversation to follow up on request for further discussion after the January festival season and to discuss possible dates for the task team to return to South Sarjamda for further consultations at the convenience of the community.