



THE WORLD BANK
IBRD - IDA | WORLD BANK GROUP

COMPLAINT (REQUEST FOR INSPECTION) FORM

To:

The Executive Secretary, The Inspection Panel, The World Bank, MSN: MC 10-1007
1818 H St., NW, Washington, DC 20433, USA. Fax: +1(202)-522-0916. Email: ipanel@worldbank.org

Section 1: Complaint

1. What harm do you believe the World Bank-financed project caused or is likely to cause to you or your community? Please describe in as much detail as possible.

That the village of [REDACTED] is a heritage village, having an ancient historicity and connected to the history of India. The village was established by Adi Shankaracharya, around the temple of Lakhmi-Narayan, which was constructed during 8-9century. It was a thriving community with rich and fertile land, Sanskrit scholars, renowned masons, fruit orchards and running spring water. Different castes lived together in harmony. The ancient temple and the cluster of minor shrines around it formed our identity and our focal point. However, our village now faces complete destruction by the construction of the Vishnugad-Pipalkoti hydro electric project (started since 2007) and through the involuntary rehabilitation of all the residents. Our land has been acquired as a muck dump zone by the project. In this entire process the project authorities concealed and suppressed the cultural and archeological significance of our village. Furthermore, all this acquisition and rehabilitation was based on a fraudulent agreement made with the villagers for rehabilitation and resettlement, signed by merely 8 villagers along with the headman.(on 26.06.2009). No resolution of the entire gram sabha was made. This agreement entirely ignores the key principle of 'National Rehabilitation Policy (NRP)- 2007' and World bank principle that favour en masse shifting for communities and also does not contain any plan of infrastructure. Thus aprox 124 families that shifted out were scattered in nearby areas. Their lives and livelihood have degenerated since that time (since 2013-2014). The remaining houses were forcefully and brutally demolished by THDCIL on 22.09.2021 and thus forced the entire heritage village to vacate. This has resulted in an irreversible loss of community, heritage, traditional knowledge, social life, and well-being. **The detailed complaint is being attached here along with relevant documents.**

2. What is the name of the World Bank project? (If known)

Vishnugad-Pipalkoti hydro electric project (VPHEP)

3. Where is the World Bank project located? (Please include country name)

District- Chamoli, State-Uttarakhand, Country- India

4. Do you live in the project area?

Yes

5. Have you previously reported your concerns to World Bank management? If yes, please provide the details about those communications and explain why you are not satisfied with the Bank's action in response.

Yes, the concerns were duly communicated to the World Bank management. However no satisfactory response has yet been received. All the relevant communications to World Bank and our dissatisfaction have also been communicated to the Inspection Panel. Few recent communications are being attached herewith.

6. If known, please list the World Bank's operational procedures you believe have not been followed.

1. Basic principles of Rehabilitation and Resettlement adopted by the World Bank as well as enshrined in the 'National rehabilitation and resettlement policy-2007' of India, have been violated.

7. Do you expect any form of retaliation or threats for filing this complaint to the Inspection Panel?

No

Section 2: Contact Information

8. Are you complainants or a representative of complainants?

Village Panchayat [REDACTED] is the complainant which is being represented by its representatives here (resolution of village Panchayat is attached).

9. Would you like your name and contact details to be kept confidential? (*The Inspection Panel will not disclose your identities to anyone without your prior consent.*): Yes

10. Complainants' Names (Minimum two names and signatures are required):

Complainant 1 and 2	Complainant 3
<p>Name</p> <p>[REDACTED]</p>	<p>Name</p> <p>[REDACTED]</p>
<p>Address</p> <p>[REDACTED]</p> <p>District- Chamoli, Uttarakhand</p> <p>India</p>	<p>Address</p> <p>[REDACTED]</p> <p>District- Uttarkashi, Uttarakhand</p> <p>India</p>
<p>Phone</p> <p>[REDACTED]</p>	<p>Phone</p> <p>[REDACTED]</p>
<p>Email</p> <p>[REDACTED]</p>	<p>Email</p> <p>[REDACTED]</p>

11. We, the undersigned, request the Inspection Panel to investigate the issues described above.

Signatures (More signatures can be sent as an attachment document):

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

[Redacted Signature]

NOTES:

- Please attach supporting documents, if available.
- If you have any difficulty in completing the form, please contact the Inspection Panel at ipanel@worldbank.org or by phone: +1-202-458-5200.

DETAIL COMPLAINT:

To,

The Chair, Inspection Panel

Subject: Complaint regarding involuntary displacement, loss of cultural heritage, and tearing apart of social fabric of [Redacted] village through scattered and isolated rehabilitation by the THDCL, Vishnugad-Pipalkoti Hydro Electric Project (VPHEP), Chamoli, Uttarakhand.

Represented by: The entire [Redacted] as passed in an official resolution of the Village Panchayat, dated 20.02.2022 authorizing [Redacted] And [Redacted] to be the official representatives to the Inspection panel, World bank, for all its communications and interactions.

1. UNIQUE HISTORICITY OF [Redacted]

That the village of [Redacted] is an ancient hamlet deeply connected to the history of India. Around the 9th century Adi Shankaracharya established Laxmi-Narayan temple and along with it the village community of [Redacted] for the continual worship. To this end he brought Gaud *brahmins* from Bengal and they settled here. In ancient time it was the main base (*mukhya padaav*) of the pilgrims visiting Sri Badrinath shrine. The temple of Lakshmi Narayan established by Adi Shankaracharya still stands today in [Redacted] and all rituals were being observed until 2007 onwards when the THDCL began acquiring land for the hydroproject. Being the last stop before Badrinath, this temple provided an alternative place for worship for those who could not make the difficult trek all the way to Badrinath, thus making it an important heritage site. Around the main Laxmi-Narayan temple, there are group of temples of other deities namely Shiv, Chandika, Ganesh and Surya Kund all dated 8-9th Century. Besides, there are local deities

(Bagadwal, Bhymyal, Hanuman, Bilweshwar) which were established by our forefathers centuries ago and represents our rich culture and thriving traditions.

2. UNIQUE CULTURAL DIVERSITY OF [REDACTED]

[REDACTED] has a unique composition with over 14 subcastes (*brahmin, kshatriya, SC, ST*) living together in harmony and in absolute unity as one village community, one identity and one culture. While it is only the [REDACTED] who are allowed to function as priests and enter the sanctum sanctorum of the Laxmi Narayan temple, everyone else offers their devotions in it. Our village was renowned for its Sanskrit teachers, and we even have today ancient manuscripts '*pandulipi*' written in Sanskrit/Pali language from our village. In addition an ancient copper inscription '*tamrapatra*' also exists dating to the 10th century recording our historicity.

3. BRIEF BACKGROUND OF [REDACTED] IN RELATION TO VISHNUGAD-PIPALKOTI HYDROPROJECT

At the outset when the project was introduced to our village in 2007, it was portrayed as being in the national interest and further we were sure that we had no choice of opposition. At the time we had no legal aid, nor any independent assistance; nor were any documents provided to us in Hindi and none of us were familiar enough with English to understand difficult documents of law and policy. Hence not only did we not understand our rights as per National rehab policy of India or World bank, but we felt obligated to accept whatever was offered. Most gravely we never realized that the ancient 9th century Laxmi Narayan temple, from which we draw our identity and our unique historicity had any claim to be protected. While we always say that the real owner of [REDACTED] village land is the diety of the temple, we never realized that we could stand up and protect it and our centuries old traditions from annihilation. It is to be regretted that neither the 'educated' company officials nor our government or even World bank take this into cognizance. Obviously it was an inconvenient truth.

At the time in 2009, a fraudulent agreement was made. But the lump sum of Rs 10 lakh per family, excluding compensation for land or house structures seemed to lure many of us without any of us really realizing the long term losses and impoverishment. Today over a decade later without any community, village, land or steady means of income we realize just how impoverished we have become both economically and socially. The cultural loss is too deep to assess. Today on paper all scattered families still belong to [REDACTED] village, but our togetherness and closely knit social wellbeing, identity and security of belonging is lost. But we realize that we cannot inflict this injustice on our future generations, it is our duty to fight for our rights, and raise our voice of protest, which we did raise in these intervening years, but it has now risen again, heartfelt and anguished, with the entire village, each and every member, united and lending his/her support.

4. HISTORICAL IMPORTANCE CONCEALED BY THDCL

Our village should never have been uprooted and rehabilitated in the first instance if the project authority (THDC company) had accurately reported the presence of this ancient temple to which our village community is inextricably attached, and which makes it a protected site. But, unfortunately the company in its Environmental Impact Assessment (EIA) report stated as under:

"7.6 Impact on Physical and Cultural Resources:

The project does not have any impact on cultural resources within the project influence area and project immediate affected area. -(THDC, EIA report)

The report made by the THDC in its EIA dated (uploaded) 2009 , acknowledges that while the outer structure of the temple may have been reconstructed in the past, the inner sanctum of the temple is still

original. In fact the Indian National Trust for Art and Cultural Heritage (INTACH) has now recommended restoring the entire village. But this critical fact was concealed at the time of seeking clearance and land acquisition, and our village thoughtlessly designated as a muck dump zone. This has resulted in a grave injustice not only to our community but to our national heritage. **(Attached- INTACH letter)**

5. AGREEMENT MADE BY THDC WITH VILLAGERS IN 2009 A FRAUD

That for rehabilitation and resettlement there was merely an agreement made between the then village headman and just 9 villagers of [REDACTED] and the THDCL on 26.06.2009. However this was done on an individual capacity by the headman and there was no resolution passed by the Village Panchayat body, of [REDACTED] in support of this agreement. In fact these 9 other villagers are all mostly relatives of the pradhan. The [REDACTED] was thereafter rewarded with a permanent job in the THDCL. The villagers being largely illiterate were not able to gauge the extent of the fraud, or properly evaluate their losses. They had no legal aid and were thus unable to negotiate in an intelligent manner for their rights. This agreement not only ignores the basic principle of 'National Rehabilitation Policy (NRP)- 2007' in favour of en masse shifting for such a rich thriving village community but also does not contain any plan of rebuilding of infrastructure and community daily needs. It does not detail how it makes these involuntarily rehabilitated people better off in living standards than before, as stipulated in the 'National Rehabilitation Policy- 2007'. The villagers were handed a monetary package and literally left to fend for themselves and relocate themselves on their own. Thus approx 124 families that shifted out were scattered in nearby areas. This has resulted in an irreversible loss of community, heritage, traditional knowledge, social life, and well-being. **(Copy of the fraudulent agreement made between THDCIL and villagers on 26.06.2009 is being annexed herewith).**

6. NATIONAL REHABILITATION AND WORLD BANK POLICIES VIOLATED

That there has been continuous negligence and violations in the implementation of the provisions made under 'National Rehabilitation and Resettlement Policy 2007' while carrying out the activities related to rehabilitation and resettlement of the villagers of [REDACTED] village. The National Rehabilitation policy of India (NRP) and the stated policy of the World bank (WB) also share a common vision. Key points of both policies and the violation are as under:

1. *Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs. (WB)*
a) to minimise displacement and to promote,' as far as possible, non-displacing or least-displacing alternatives;(NRP)

There has been no attempt in the 'Rehabilitation and resettlement plan' of the THDCL, to keep this ancient culture and community intact by way of non-displacement. There has never has been any attempt to search for alternate alignments or design modifications that would enable the village to remain intact in an environmentally safe ambience. The negligence of the company is evident in the fact that the THDCL did not even acknowledge this cultural and social perspective of our ancient village in their social impact assessment and rehabilitation plan. On the contrary muck is currently being dumped right adjacent to the Laxmi Narayan temple despite protests by the villagers.

2. *Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs. Providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. (WB)*

There has been no such sharing of project benefits. In fact today while the villagers lie scattered in different locations without any infrastructure and without any community life at all we point out that the THDCL compound boasts of gymns, offices, guest houses, running water, roads etc. It is in gross violation of the NRP which states: 'all affected families shall be provided basic infrastructural facilities...It would be desirable that provisions of drinking water, electricity, schools, dispensaries and access to resettlement sites be included in the the resettlement plan.' We will just cite two major instances in violation:

- a. The access route to our forests and grazing land has increased by 3 km since those families relocated to nearby [REDACTED] still use their old forests near [REDACTED]. This translates into several hours of increased walking and load carrying for our women.
- b. Another grave setback is the lack of water supply which is currently only 2 hours daily for the group relocated to [REDACTED] one in the morning and one in the evening. For this we are totally dependent on a pump run and owned by the THDC. The storage tank is never cleaned. Whereas at [REDACTED] we had a continuous, abundant supply of free fresh spring water for all our needs.

3. *Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. (WB)*

(b) to ensure adequate rehabilitation package and expeditious' implementation of the rehabilitation process with the active participation of the affected families. (NRP)

There has never been any valid or meaningful participation of the villagers at all, excepting when the company needed to patch together its fraudulent agreement to commence land acquisition, or when it need signatures to show that it had public hearings. In fact since no documents were ever provided in Hindi any participation was precluded.

Even some crucial demands of the villagers like protection of traditional *bel-patr* (vilva leaf) forest; the construction of an approach road to [REDACTED] where some of displaced families are staying; the constitution of a new panchayat for displaced families; setting up of street lights; demanding rights of grass and fodder for the villagers; protection of ancient temples/math; provision of permanent employment for affected families, have not been addressed even after 12 years of land acquisition.

The Rehabilitation Plan which is a key document was made without any consultation with us. In fact we still do not know its contents. Recently we found out that this Plan provides for a Village Development Advisory committee. It states -

'To ensure that the affected persons are meaningfully consulted and provided opportunities to participate in the planning and implementation process of the rehabilitation program and in order to suitably accommodate their inputs and make the project more participatory in nature and broad based in its scope a village level institutional setup is provided as per the R&R Policy. As part of this a Village Development Advisory Committee (Shist Mandal) is constituted after initiating the land acquisition process through notification under section 4 of Land Acquisition Act. This Committee has around 8 to 23 members depending upon the total population of the village. The committee represents all social groups in the village and is headed by the Chairman elected by the members.'

We state that no such committee was set up and that we even had no knowledge of the provision of such a body.

4. *Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation whichever is higher. (WB)*

(d) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families. (NRP)

* The villagers are in no way economically better off than prior to rehabilitation. About 80 percent have temporary jobs with project company itself, and only 10% have received permanent jobs. The nature of the employment is of labour class and the average salary between Rs.10,000 and 15,000 per month. And even these jobs are doled out as a favour, after personal recommendations, thus seriously hurting our self dignity and independence.

* Further the loss of orchards and fruit bearing trees like guava, mango, litchi, jackfruit, lemon, citrus etc. has taken away a permanent source of high income for generations. These trees were acquired and felled by the project authorities.

* Since the houses of [REDACTED] were constructed following traditional architecture, they were built of stone, mud, wood and patal roof slates. They were in no way 'kachha' even though no cement or brick was used. In fact these structures are known to be earthquake proof and are sturdier and longer lasting than any cement buildings. Moreover the *patal* slates are not available any longer and even the traditional slate laying mistris are no longer easily found, making such structures irreplaceable. Due to their rare and ecological building material, earthquake proof design and rare workmanship in fact these houses have a much higher value than any 'pucca' modern structure. Yet the THDCIL compensated such priceless heritage buildings on the lower 'kachha' building rates, which is lower than the sum allotted for 'pucca' buildings. An e.g. is the house of [REDACTED] which is double storied, patal roofed, eight roomed, with pillared verandah, which was considered 'kacha'. (Annexure and photos attached). To make matters worse the displaced villagers who had no knowledge of modern construction were left to build homes on their own. Their costs proved to exceed the money they had received. Not only are these cement structures more dangerous in earthquakes, they also do not have the weather friendly and ecological qualities of a traditional house.

*For the Schedule tribe Bhotia community who having no land ownership, used to work on the rest of our fields, with the scattering of our community they have lost this single opportunity for employment. Although the NRP states: '*to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity.*'

*Since we have been cut off from our grazing lands and forests, cattle rearing, fuel collecting, grass cutting etc. has become much more labour intensive and difficult. Already our women suffer from physical overwork, this has worsened their condition tremendously.

*Besides this their overall quality of life through loss of a communal and social participation has declined immensely.

*The clusters that have settled at [REDACTED] are in an unsafe location between two glacial streams. All the recent disasters including the recent ice and rock avalanche at Chamoli, in Rishi Ganga, occurred on glacial streams. Whereas [REDACTED] is totally secure from such disasters. Hence even in terms of physical location we are worse off than before.

5. *'Where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.'* (NRP)

Ironically today there are more than 50 police cases registered against the protesting villagers of [REDACTED] and nearby [REDACTED]. Further every employee of the company has been made to mandatorily sign an affidavit stating that if he or any family member engages in protests the said employee would lose their job. Those who spoke out in the past, or protested, paid with losing their jobs. [REDACTED] who has requested anonymity, informed that he gave his jeep for use to the villagers protesting against their house demolitions. Consequently he received a show cause notice from the company, with whom his vehicle was hired as a taxi. They have determined to terminate their job agreement with him. The company has thus muffled all opposition and free speech. It has misled the villagers into believing that

they are doing a favour to the displaced village by providing employment; whereas not only are they duty bound by law to do so, but they are also heavily indebted to us villagers who have literally been made to give up everything for the project. **(A sample copy of the affidavit showing the condition of restraining them from any protest is being annexed herewith.)**

The villagers are upset that the salaries and benefits given to us people who were made to give up everything, are on par with any outside employee, who has not made any such sacrifice. Thus there has been a direct conflict of interest once the villagers became the employees of the company, rendering them voiceless and helpless to demand a fair treatment.

Most shockingly of all the company routinely interferes in village affairs ensuring that a united voice of protest does not arise. It does not allow its employees to attend communal gatherings and festivities whenever we try to do something with our scattered state. It makes its employees spy on other villagers in meetings to inform on who is protesting, and thus has created a rift, an atmosphere of mistrust and suspicion in our once united and thriving community. It has only been after a lot of introspection and discussion that finally we are managing to speak openly.

6. *'In case the entire population of the village or area to be shifted belongs to a particular community, such population or families may as far as possible be resettled en masse in a compact area so that socio-cultural relations and social harmony amongst the families is not disturbed.'* (NRP-2007)

a. Since 2009 no plan for an en masse shifting was ever deliberated or proposed. On the contrary the involuntary rehabilitation of an entire village of 184 families was reduced and belittled to a one-time monetary compensation only. Thus, the village families were scattered by being left to relocate on their own as and where they pleased. No attempt at providing a cohesive life or community infrastructure was made, resulting in a loss of identity and social wellbeing and security. Absolutely no responsibility towards their existence and long-term welfare was shown. The project authorities have shown no regret at any point whatsoever regarding this complete loss of a thriving community; nor have they demonstrated any intentions to fulfil the national objective of preserving a community even though rehabilitated. The villagers are not even aware that any such provisions exists.

b. That, the villagers are deeply traumatized that having been uprooted and lost their independent resources of land, forest, wood, water, grass and grazing ground, they are now dependent on the company for livelihood. The villagers are profoundly shaken by the entire ripping apart of their social fabric and community life, that was no less than 10 centuries old. The annual *Bagadwal devatamela* has not taken place since 2009 because the main chowk of the village was broken. The temples of *Bagadwal devata*, Laxmi Narayan, Shiva mandir and Chandika devi mandir, all remain closed because there are no priests left for worship, except for haphazard visits by individual villagers.

c. After losing their permanent traditional way of life and livelihood wherein grass and fodder collection, animal husbandry, agricultural and religious activities in an ancient socio-cultural fabric gave them life security and social well being, the villagers, now, are in a far worse social, mental and economical condition than before, due to the full dependence on the company for livelihood on the one hand and lack of access to independent use of resources and community support on the other.

7. *'All information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation and resettlement package, shall be placed in the public domain on the Internet as well as shared with the concerned gram sabhas, panchayats, etc. by the*

project authorities. ' NRW.

But no such information was ever shared in a transparent manner, no documents regarding rehabilitation plan or other project related information were ever shared in local (Hindi) language. The public information center (PIC) was just closed after the land acquisition formalities in 2009 itself. Even till today villagers are not aware of the rehabilitation policy because the same was never shared in Hindi language among the affected families. In fact the history of the villagers versus the company records more of suppression and collision, with scant attention to human rights.

8. FAILURE OF THDCL REHABILITATION PLAN: A HISTORY OF PROTESTS BY HAAT VILLAGERS

That a continuous unrest among the villagers due to issues related to rehabilitation and resettlement resulted in several agitations. Subsequently several meetings were held between villagers and local administration. THDCL felt apprehensive and just to bypass these valid agitations, filed a writ petition No. WP (C) No 2122, dated 2019 before the Hon'ble High Court of Uttarakhand. The Hon'ble Court refused to interfere in the matter but directed local administration to resolve the issue. The High Court in its order dated 05.12.2019 directed that, *"direct the District Magistrate, Chamoli to make an attempt at reconciliation between both the parties, and try and resolve the issues amicably between them."*

In compliance with aforesaid directions the District administration of Chamoli convened a meeting on 13.12.2019 under the Chairmanship of Additional District Magistrate (ADM) and considered several points relating to the aforesaid project. The villagers raised several important concerns which were not included in the minutes of meeting dated 13.12.2019 issued by District Administration. Villagers thereafter send their written concerns on 24.12.2019 for inclusion in the minutes but their concerns remained unattended and ignored. Meeting minutes issued by local administration dated 13.12.2019 and subsequent submission of villagers on 24.12.2019 are the testimony of gross failure of rehabilitation and resettlement policy adopted by the project authorities. Here the issues regarding protection of vilva-forest, road construction for [REDACTED] problem of water shortage, for providing employment, a committee for fair investigation of rehabilitation issue, withdrawal of false cases against villagers etc. are discussed in detail. **(Minutes issued by District administration dated 13.12.2019 and subsequent submission by villagers on 24.12.2019 are attached herewith)** Further the district administration in the recent meeting of 23.08.2021 between the [REDACTED] gram panchayat and project proponents acknowledged and directed the project proponent to take action on issues raised by the villagers. **(The recent minutes of 23.08.2021 issued by local administration is hereby annexed)**

9. FORCEFUL EVICTION AND DEMOLITION OF HOUSES OF 16 REMAINING [REDACTED] FAMILIES ON 22.9.21

On 22.09.2021, in violation of all the fundamental rights, the THDCL along with more than 200 police men, 2 Poklan excavators and 1 bulldozer, forcefully entered the houses of villagers, threw out luggage/belongings and completely demolished their homes. Some protestors, including a widow whose house was being razed was locked up in the police station and only in the evening was she dropped off on the main road. Her only son who serves in the army, was away from home serving his country. In some cases where the owners were absent, they bulldozed the house along with all its furniture and belongings. [REDACTED], reports that all her savings from selling milk, and stored under her bed was lost.

Worship places in houses with ancient inherited deities, temples, cow shelters, pathways, and electricity cables of village [REDACTED] were also destroyed, thereby making the villagers homeless, shelterless, helpless and devoid of their livelihood activities. Those whose houses were forcefully demolished, neither received any monetary compensation nor any acceptable rehabilitation plan. **(The pictures, videos and local news reports of this brutal action by the THDCL are annexed herewith).** Although they had received several notices, no one was especially concerned since such notices were a routine affair since the last years.

- A. In this demolition, not only were buildings razed to rubble but the atrocious and violent manner in which it was done also subjected the villagers to deep trauma and pain. Some owners were absent and had to rush back only to see a pile of rubble, others were dragged out, without even their kurtas, in middle of performing the *shraadh* ritual, others were taking a bath and involved in household chores. This tyrannical use of force has been viewed by the villagers as an act of 'talibani' authoritarianism.
- B. Such a senseless, violent and excessive act was undertaken by the THDCL in spite of the fact that the critical issue of rehabilitation and resettlement of [REDACTED] Village is still subjudice and under consideration. As mentioned above about the meeting held on 13.12.2019 by the directions of Hon'ble Court's order dated 05.12.2019 in WP (C) No 2122 of 2019, in which meeting villagers demanded to quash the earlier agreement on rehabilitation (in 2009) and to examine the past rehabilitation works which have not been carried out as per National Relief and Rehabilitation Policy 2007. Further, some residents of [REDACTED] filed a PIL in 2020, demanding to nullify the 2009 agreement.
- C. Since 2019 there have been constant deliberations going on between THDCL and residents of [REDACTED] village in the presence of Govt representatives. In last such meeting dated 23.08.2021 it was decided that a survey report will be prepared and submitted before joint magistrate Chamoli and next meeting will be held on 03.10.2021 on the issue of employment of project affected people. Yet not even waiting for this report, or for any outcome of these talks, in an act of sheer arrogance and abuse of power, the THDCL went ahead and demolished homes of innocent and helpless villagers, rendering them homeless instantly.
- D. It is pertinent to mention that since 2009 when the agreement was made, the work only commenced in 2014, in a sporadic and haphazard manner. There was no current work ongoing and since the area of [REDACTED] is to be used as a muck dumping zone, there was no urgency for immediate land use, and thus no cause for the rash, desperate and heavy-handed manner in which the THDCL chose to behave. This demolition becomes even more unjustified and unwarranted in light of the facts that deliberations between THDCL and affected persons were ongoing, and that 2009 agreement between both parties was sought to be quashed and was subjudice in the High court.

10.FALSE INFORMATION BY THDCL TO BYPASS PUBLIC HEARING

That the permission of environmental clearance (EC) to Vishnugad-Pipalkoti project was granted for a period for 10 years which expired in August 2017. THDCL then sought extension on the ground that the project would be completed by 2020. On this assurance 3 years extension was granted by MoEF&CC which also finally expired in August 2020. As per the law a fresh environmental clearance needed to be obtained to construct the project. The law (MoEF&CC Notification dated 18.03.2021) mandates that if the physical progress of a project is below 50% then it has to go through a proper public hearing process to apply for fresh environmental clearance. However, THDCL made a false claim in May 2021 to the

MoEF&CC (document annexed), that the project had achieved a 51% physical progress. On this false claim it was granted a fresh environmental clearance. However, this clearance was challenged before the National Green Tribunal (NGT) by an economist [REDACTED] in October-2021 on the basis of the facts that actual physical progress is about 10% against the claim of 51% (document annexed). NGT took cognizance of the matter and notice has been issued in October 2021 to the Ministry and THDCL as well (The NGT order dated 08.10.2021 is annexed). As direct observers living next door, we were also surprised by the exaggerated claim of over 50% progress was made so brazenly by THDCL to hoodwink the authorities. On ground the fact is that the TBM (tunnel boring machine) has been stuck since 2019 and no excavation on the Head Race Tunnel (HRT) has yet been carried out, besides barrage and power house is under construction and only foundation works are completed. Further, as per 2013 Judgment of Supreme Court in Alaknanda matter, MoEF&CC was directed not to grant any fresh environmental clearance to any hydro project, but in contradiction again a fresh clearance has been granted to this project by MoEF&CC in August 2021.

11. THE FINAL GREEN SIGNAL VPHEP IS STILL PENDING IN THE SUPREME COURT IN THE WAKE OF RECENT DISASTERS.

In the wake of the 2013 Kedarnath floods, the 2012 flooding of Assi Ganga and the Chamoli avalanche of 2021 there has been a serious rethink and reevaluation of hydroprojects in the Himalayas and in disaster prone Uttarakhand. In 2013 the Supreme court taking suo moto cognizance stayed construction of 24 HEPs. More recently the Prime ministers office stated in its minutes dated 25.02.2019 that *'No new hydro electric project shall be taken up on River Ganga or its tributaries in the State of Uttarakhand.....with respect to the projects under construction, the seven projects as recommended by MoWR, which are reported to be more than 50% complete (listed at Annexure I) may be taken up for further construction.'*

7 projects of which VPHEP is one has been however given the green signal by the environment ministry via affidavit dated 22 August 2021 on the sole and erroneous basis that over 50 percent work has been done. This is not true. In fact the HEP just upstream, Tapovan-vishnugad was buried under tonnes of debris in just seconds in the Chamoli disaster along Rishi-Ganga. The HEP just above it namely Rishiganga, was simply wiped out. In fact the flood waters did reach VPHEP but its force was expended by then. Hence these projects are in very clear and direct danger from climate change induced extreme events. Not only is crores of funds wasted, but they also increase the impact of disasters as found by Supreme court formulated Ravi Chopra committee. Further 60 eminent citizens of our country wrote an open letter to the Prime minister stating that *"it would be a profound error, indeed a self defeating exercise, to implement any more HEPs in the Himalaya and on the Ganga, whether under construction, new or proposed."* So the final decision on the VPHEP is still pending at the Supreme Court. Hence in such a scenario to demolish more heritage houses, and further deprive and traumatize a community is a crime that the company should be held accountable for.

12. PREVIOUS VISIT AND REPORT BY INSPECTION PANEL IN 2014.

We understood from our online meeting on 20.01.2022 that the inspection panel would not relook at old issues. Having carefully studied the 2014 report of Inspection Panel and complaint it is amply clear that this key issue of heritage which was so cleverly concealed by the company was not considered at all. In fact had the existence of this ancient temple, dating back over 1000 years been made fairly known in the

company reports, and the historical significance of [REDACTED] admitted, no company could have legally acquired our land, much less displaced us.

The report mostly deals with the environmental impacts in the immediate and further vicinity. Where it deals with culture is only in relation to the significance of the Alaknanda river which is part of the Ganga. The issue of rehabilitation and resettlement was then limited to only for the [REDACTED] (10-12 families) which were thereafter resolved via exempting [REDACTED] from any displacement.

Further the vital issue of en masse rehabilitation, general impoverishment both economical and social, destruction and threat to temples, which have only become clear now, after a decade of experience, have not been dealt with at all. Hence although your team did visit in 2014, and met some villagers of [REDACTED] hamlet, no meeting with [REDACTED] villagers proper took place. We earnestly look forward to rectifying that showing you first hand proofs of all that we have mentioned in this complaint.

CONCLUSION AND APPEAL

Today we ask the Inspection Panel to intervene and to take a wider perspective on [REDACTED] To not be limited to a mere financial perspective but to rehabilitate the entire community so that once again a thriving, living village emerges from the dust. We would like you to recommend that our village become a model rehabilitation site, so that we can have all those essentials taken from us like fresh water, grazing land etc. and once again build our torn social fabric and community life. We would like each family to have cows and dairy; revival of lost crafts and permanent livelihoods independent of THDCL which can be worked out with us. We can rebuild our houses using organic materials as close to the original as is possible in todays times – without cement. We would like to regain our lost dignity. We would like to put an end to this struggle for justice and honesty and get on with our lives. In short we would like to achieve what has been professed by the World bank and promised in the National rehabilitation policy – to be the same, if not better off than before, and to be rehabilitated en masse to avoid tearing apart the social fabric that holds our lives together.

This is a humanitarian issue. We are willing to cooperate. We want a better life for our future generations. We hope by this complaint that we have accurately portrayed our plight and inspired you to take an active stand. So far as the minutes show, our meeting with the world bank team and the THDCL have been fruitless. We are fighting from under rented roofs and losing our lives meanwhile. Hence we are reposing a lot of faith in the panel.

We look forward to your assistance in any manner you deem fit.

With due regards-

[REDACTED]
[REDACTED]

District- Chamoli, (Uttarakhand)
India.

List of Attachments:

1. Copy of resolution passed by village panchayat [REDACTED] on 20.02.2022 authorizing the complainants for filing complaint on behalf of [REDACTED] village.
2. Letter of INTACH communicated to Village Pradhan, World bank and THDCIL acknowledging the historical significance of the village, temple and need for its restoration.

3. Copy of agreement dated 26.06.2009 between so called village representatives and THDCIL
4. Meeting minutes of district administration dated 13.12.2019 showing deliberations between THDCIL and villagers of [REDACTED]
5. Villagers letter dated 24.12.2019 showing objections on minutes.
6. A copy of affidavit of THDC's employee showing that employee cannot participate in protest.
7. Minutes of district administration dated 23.08.2021
8. Pictures, news reports and video links of forceful demolition on 22.09.2021 in [REDACTED] village.
9. Letter of [REDACTED] residents to World Bank management.

(Attachments to the Request for Inspection are available with Inspection Panel which can be provided upon request to the Inspection Panel)

दिनांक:- 20/02/21

हम ग्राम [REDACTED] की समस्त जनता यह प्रस्ताव पारित करते हैं कि हमारे पूरे ग्राम की ओर से विश्व बैंक, इम्पेक्शन पैनल आदि के साथ ग्राम [REDACTED] के विस्थापन और पुनर्वास सम्बन्धी विषय पर शिकायत दर्ज करने, हमारे मुद्दे को प्रस्तुत करने और उक्त सम्बन्ध में वार्ता आदि के लिए [REDACTED] दसोली तथा [REDACTED] [REDACTED] ग्राम [REDACTED] की ओर से अधिकृत होंगे.

