

MARK GOLDSMITH
Chairperson
The Inspection Panel

February 16, 2024

IPN REQUEST 24/01

**MEMORANDUM TO THE EXECUTIVE DIRECTORS AND ALTERNATES
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT**

**Inspection Panel Notice of Non-Registration
on a
Request for Inspection
Republic of India: India Ecosystem Services Improvement Project (P133803)**

Summary

1. In accordance with paragraph 18 of the Resolution of the Inspection Panel (the “Panel”)¹, I hereby inform you that on February 1, 2024, the Panel received a Request for Inspection (the “Request”) related to the India Ecosystem Services Improvement Project (P133803) (ESIP or the “Project”).
2. The Request was submitted to the Panel by two individuals from a non-governmental organization in India working on the rights of Scheduled Tribes and women. The Requesters asked the Panel to keep their identities confidential. The Request alleges that the Project has led to the deterioration of women’s access to community forests, denial of their constitutional and cultural rights to access the forest resources, and this has led to negative impacts on women’s livelihoods and incomes. They add that the Project has resulted in serious lapses in accountability and compliance with national law and has fallen short of fulfilling restoration of biodiversity and livelihoods of Indigenous Peoples. Furthermore, it adds that the Project has no functional grievance redress mechanism for the Project-affected communities. The Request alleges that several constitutional violations, and conceptual and methodological flaws in the implementation of the Project occurred in six villages of Bhaura range², Madhya Pradesh. It also alleges that the Project, rather than bringing development or ecological restoration to women, has negatively impacted their rights and livelihoods.
3. The Panel acknowledges the seriousness of the concerns raised in the Request. The Panel’s initial due diligence concluded that the Request did not meet all the necessary criteria for admissibility, as the Panel noted that the Project was closed at the time the Request was received by the Panel.

The Project

4. The Project was approved by the Board on July 6, 2017, for a total cost of US\$ 24.64 million, through a Global Environmental Facility (GEF) grant financing. The closing date of the Project was

¹ The World Bank Inspection Panel, [Resolution No. IBRD 2020-0004, September 8, 2020](#) (the “Resolution”).

² A forest range is a term used to define administrative regions containing resource-managed forests usually demarcated and protected.

July 30, 2023. It is an Environmental Category B project that triggered the safeguard policies on Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Indigenous Peoples (OP/BP 4.10) and Forests (OP/BP 4.36).

5. The Project Development Objective was to improve forest quality, land management and non-timber forest products (NTFP) benefits for forest dependent communities in selected landscapes in Madhya Pradesh and Chhattisgarh.³ The Project has four components.

- Component 1 enhances the capacity and skills of the State Forest Departments, the Forest Development Agencies, and local communities for improving management of forest and land resources and ensuring the delivery of sustainable benefits to local communities that depend on these resources.⁴
- Component 2 improves the quality and productivity of the existing forests so as to ensure sustained flows of ecosystem services and carbon sequestration, and to ensure the sustainable harvesting and value addition of NTFP to provide economic benefits to forest dependent communities that promote conservation and improve ecological connectivity between critical biodiversity areas.⁵
- Component 3 prevents land degradation and desertification and increases above-ground forest carbon stock through a combination of activities to implement and scaleup tried-and-tested Sustainable Land and Ecosystem Management (SLEM) best practices, to increase national capacity for monitoring land degradation, and to track associated indicators and generate knowledge exchange on SLEM approaches.⁶
- Component 4 establishes a Project Management Unit to coordinate and monitor project implementation and progress towards the envisaged development objective.

The Request

6. The Request contended that the Project was implemented in areas predominantly inhabited by communities from Scheduled Tribes. The Request alleged that the Project proceeded without obtaining the consent of these communities, without confirming the ownership and occupation of the land, and without ensuring appropriate rehabilitation and resettlement measures. It claimed that the communities were excluded from the consultation processes conducted by the forest department. It also claimed that communities were not informed about the consultation meetings, or were given notice too late, and only a select few were invited to participate. The Request alleged that no information regarding the Project was shared with the communities or the *Gram Sabhas*⁷, which are the constitutional authorities as per India's Panchayats Extension to Scheduled Areas⁸ Act, 1980 (PESA). According to the Request, the PESA Act requires Free, Prior and Informed Consent (FPIC)

³ Project Appraisal Document (PAD), p. 7, para. 21. India - Ecosystem Services Improvement Project (English). Washington, D.C.: World Bank Group. Available at: <http://documents.worldbank.org/curated/en/687551499565843778/India-Ecosystem-Services-Improvement-Project> [Accessed February 15, 2024].

⁴ PAD, pp. 7 and 8, para. 22.

⁵ PAD, p. 8, para. 23.

⁶ PAD, pp. 8 and 9, para 26.

⁷ *Gram Sabha* is community decision meeting at habitation level where all adult members of the village attend.

⁸ Scheduled Areas in India refer to officially notified areas marked by significant presence of tribal population, geographic compactness, and social and economic underdevelopment.

as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and International Labour Organization Convention No. 169. The Request added that some community members, specifically women from the Scheduled Tribes, had no access to project information. It also added that the few women who attempted to participate felt intimidated because the meetings were held in male-dominated, non-tribal areas of the villages and were not conducted in the local tribal language.

7. The Request claimed that 1101 hectares of forest land was fenced for plantation activities under the ESIP without proper consultation with the local communities. It added that local communities depend on the forest land for cultivation (both individual and community), firewood, cattle grazing and NTFP collection for their sustenance and livelihoods. It alleged that the loss of cattle grazing sites has seriously impacted the food security and income generation capacity from dairy and dairy products for women and that each of the six villages lost about 70 percent of their livestock (a household that originally owned 10-15 cattle, owns only 3-4 cattle made up of cows, buffalos, or goats). The Requesters claimed that because of the restrictions to access to grazing land, the cattle either died, were sold or set free. The Request further stated that these restrictions led to inter-village disputes over grazing land. The Request alleged that in one of the six villages, women were deprived of access to forest resources impacting their livelihoods and food security.

8. The Request alleged that the women lost their spiritual and cultural rights, having lost access to forests. The Request stated that these forests are home to sacred groves, which are of significant, cultural, spiritual, and user value to the local communities and their belief systems.

9. The Request added that the Project's provisions to improve the livelihoods of community members are inadequate, unsustainable and fall short of meeting any economic needs of the women or the "*pre-existing livelihoods enjoyed by women vis-à-vis forest produce, agriculture, cattle rearing, and firewood collection for cooking*". The Request further added that the provision of Mahua nets,⁹ fish seeds, tailoring workshops for women who could not afford to purchase sewing machines, "*is very inadequate and unsustainable and falls far short of meeting any economic needs of women.*" The Request alleged that this is a direct negative impact to addressing any of the Sustainable Development Goals relating to gender, food security and in reducing hunger or poverty.

10. The Request argued that the World Bank requires that projects which fall under their Indigenous Peoples or involuntary resettlement policy are classified as Category A. Despite this requirement, the Project was classified as a Category B project. The Request added that the ESIP Project's justification in terms of site selection, species selection and in other aspects, is very ad hoc and does not correlate with the biodiversity losses or needs of local communities. It added that public disclosure of environment assessment documents is a mandatory requirement, however, the environment assessment was not posted on the websites of GEF or the World Bank.

11. The Request alleged that the Bank did not ensure that a functioning grievance redress mechanism exist under the Project. The Request also alleged that there was no access to any grievance redress mechanism for local communities under the Project. It added that there is no structure or report in the public domain that provides the list of complaints the Project received, and action taken to address them.

⁹ Mahua nets are used to collect Mahua flowers. Mahua flowers are edible and are used for medicinal purposes.

12. The Request alleged non-compliance with the World Bank's operational policies and procedures (OP/BP) concerning Environmental Assessment (OP/BP 4.01), Indigenous Peoples (OP/BP 4.10), and Gender and Development (OP/BP 4.20).

Panel's Observation and Determination

13. After receiving the Request and in accordance with its Operating Procedures, the Panel conducted its due diligence by reviewing the information contained in the Request and Project documents, as well as by speaking with the Requesters on February 14, 2024. The Panel verified that the Request is not frivolous, absurd, or anonymous, and was submitted by two individuals who work on the rights of Scheduled Tribes and women in the Project area. The Panel reviewed correspondence from the Requesters to the Bank's Project staff dated June 7, 2023.

14. The Panel noted that the subject matter of the Request does not concern issues of procurement and, at the time of receipt of the Request, the Project was less than 95 percent disbursed. The Panel has not previously made a recommendation on the issues raised in this Request. However, the Panel notes that the Project closed on July 30, 2023, which is six months before the submission of the Request.

15. While acknowledging the seriousness of the concerns raised in the Request, the Panel noted that the Project was closed at the time it was received. According to the Panel's Resolution,¹⁰ the Panel shall not hear Requests filed after the project's closing date for projects approved before September 8, 2020. Therefore, in light of the foregoing, in accordance with the Panel Resolution and its Operating Procedures, and after reviewing the information gathered through its own due diligence, I am informing you that the Panel is not registering this Request for Inspection.

Yours sincerely,



Mark Goldsmith

Attachment

Copy to:

Mr. Ajay Banga, President, International Bank for Reconstruction and Development
Mr. Carlos Manuel Rodríguez, Chief Executive Officer, Global Environment Facility
Requesters (confidential)

¹⁰ The Resolution, para. 15 (c)(i) and footnote 2. In considering Requests, "the following requests shall not be heard by the Panel: [...] (c) Requests filed: (i) with respect to any project approved by the Executive Directors before the date of this Resolution, after the Closing Date of the loan financing the project or after the loan financing the project has been substantially disbursed." "This will be deemed to be the case when at least ninety five percent of the loan proceeds have been disbursed."

**Request for Inspection
(Redacted)**

Complaint (Request for Inspection) Form

To:

The Chair, Inspection Panel

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

(Please answer the questions below as best as you can. Once the form is submitted, we will contact you to collect any additional necessary information.)

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.

The Ecosystem Services Improvement Project (ESIP) was implemented in selected villages of Madhya Pradesh and Chhattisgarh states of India to support the outcomes of the country's Green India Mission (GIM). The project was implemented by the Ministry of Environment, Forests and Climate Change (MoEFCC) and the World Bank; and financed by the Global Environment Facility (GEF). Although the project term ended on 30th of July 2023, the local communities have incurred many losses by the project and their grievances remain unaddressed. After conducting a series of ground-level assessments and gender audits via site visits and community consultations in the ESIP implementation sites in 6 out of 8 villages of Bhaura range, Madhya Pradesh, we have found several constitutional violations, conceptual and methodological flaws in the implementation of the project. We found that the project resulted in serious lapses in legal accountability and compliance, fell short of fulfilling biodiversity or livelihoods restoration and had no functional mechanisms in place for communities to place their grievances or get them addressed. On the contrary, the project, rather than bringing any developmental relief or ecological restoration to women, has led to further alienation of women's access to their biodiversity, denial of their constitutional and cultural rights to access these resources, and led to negative impacts on women's livelihoods and incomes.

Firstly, India's Recognition of Forest Rights (RoFR) Act, 2006 or the Forest Rights Act (FRA) recognizes the forest land entitlements of individual occupants and the communities' rights to protect, control and manage their community forests by granting formal individual forest rights and community forest rights titles. Any proposal for diversion of these forest lands for development or climate change projects, such as ESIP, that involves alienation of the communities from their individual and community forest lands cannot be proceeded without the consultation and approval of the Gram Sabha (all adults in the village) in all the Schedules Areas and without first settlement of forest rights under the FRA. The project appraisal documents do not mention assessment of land holding status vis-à-vis the FRA, and hence appraisal itself is flawed in mapping the land ownership and occupation of forest lands within the project area prior to its implementation. In Bhaura range of Madhya Pradesh, India, the project was implemented by directly alienating Scheduled Tribes (ST) from forest lands under their traditional occupation for individual cultivation and from collective community forest resources management within their village boundaries without their consent, verification of occupation status, or proper procedures for consent, rehabilitation and resettlement prior to implementation of the project. In Bhaura range, until 2020-21, 1101 hectares of forest area was fenced for plantation activities under ESIP without proper consultation with the local ST

families dependent on the forest land for cultivation, firewood and Non-Timber Forest Products (NTFP) collection and cattle grazing for sustenance and livelihood. Loss of cattle grazing sites due to the project in question has seriously impacted their food security and income generation capacity of ST women, achieved from dairy and dairy products, for whom cattle are assets in India. Due to extensive chain-link fencing of forest lands followed by loss of grazing sites for cattle after ESIP was implemented in Bhaura range, each village lost close to 70% of their livestock. A household that earlier owned 10-15 cattle (including cows, buffaloes and goats) only owns 3-4 cattle on average in all the villages, at the time of conducting our assessment. They were either dead, sold or set free. Further, these restrictions are also leading to inter-village disputes. For example, Tetarmaal village resisted fencing their forest boundaries and the plantation activities were halted. As it limited their access to grazing, neighbouring villagers from Kuppa have slowly started grazing their cattle since 2018-19, in Tetarmaal's forest. As approximately 311 hectares of forest area surrounding Kuppa, was fenced off to prevent community access. This limited their access to grazing sites and led to inter-village boundary disputes. These forests are also home to sacred groves which are of significant cultural, spiritual and user value to the local communities and their belief systems. Although the communities have been able to access these spaces, there were incidents of questioning and harassment against the community by the forest department officers in these villages. The RoFR Act, 2006 recognises the historical injustice done to India's Scheduled Tribes (ST) deemed "encroachers" of the forests they have been protecting for several generations. The FRA stands violated by the ESIP.

Secondly, according to the Census 2011, most of these villages where the project was implemented, constitute a majority Scheduled Tribe (ST) population who are also the direct beneficiaries, but they were not part of the community consultations organized by the forest department. Project information was not shared with the Gram Sabhas which are the constitutional authorities under the India's Panchayats (Extension to Scheduled Areas) Act (PESA), 1980 (which is a national law that upholds the FPIC entitlements of the UNDRIP) in Scheduled Areas. The Gram Sabhas are the constitutionally designated local authorities, where all adult members of the village including women and other genders need to be included in the decision-making, as per the PESA Act (Panchayats, (Extension to Scheduled Areas) Act) were not consulted with due diligence. The Gram Sabhas were not convened even though these villages are within the Fifth Schedule as per Article 244 of the Indian Constitution. The ST families are not aware of any Gram Sabha resolution passed which is required under the PESA for any consent prior to implementation of a project in the Scheduled Areas and which is the legal instrument to demonstrate the compliance with FPIC in India. ST women, in particular, have had no access to information and the few who tried to participate, faced intimidating situations as meetings were mainly held in the non-tribal sections of the villages which were male dominated and not in the local language of the tribals. Even the ST men reported that meeting schedules were not given to them or given very late and only a few were asked to participate. Project information and documents were not available in any language, leave alone in the tribal language. Only the higher caste men in each village were involved in the decision-making regarding project implementation. The Joint Forest Management (JFM) committees that participated in consultations, training and workshops under ESIP were also dominated by higher caste men. The JFM is no longer the institutional decision-making body since the enactment of the FRA, yet even though the ESIP was started after the FRA came into force, the Bank has only engaged with the JFMCs. We are not convinced that the Bank is not aware of the

constitutional laws of India. The STs were only involved as daily wage labourers in the plantation activities for less than 2.5 USD a day.

Thus, the ESIP fails to uphold and respect the constitutional precedence of the two fundamental laws of STs, the PESA and the FRA, and what these stand for in protecting the rights of Adivasi communities of the country. These are linked to serious violations of the UN Declaration on the Rights of Indigenous Peoples' (UNDRIP), Free, Prior and Informed Consultation (FPIC) and ILO Convention No. 169 along with the World Bank's OP/BP 4.10 Indigenous Peoples and OP/BP 4.20 Gender and Development.

Thirdly, there was no access to any grievance redressal mechanism for local ST communities, although the Project Implementation Plan (PIP) claims to constitute grievance redress mechanisms. None of the ST families we studied were aware of the existence of these mechanisms or their rights to access them for their grievances. They were not even aware of the project details or contact details of grievance procedures. So, there was no scope for raising any concerns about the project by the communities. The Bank did not ensure that these systems were in place and functioning and neither is there any online structure or report in the public domain that provides the list of complaints received and action taken on the same.

Fourthly, the alternate livelihood 'solutions' implemented to divert the local communities especially women's dependence on the forest, under the project, do not fulfill their energy, food sustenance and livelihoods needs in contrast to pre-existing livelihoods enjoyed by women vis-à-vis forest produce, agriculture, cattle rearing, and firewood collection for cooking. We find objection to the very objectives and conceptual framework of the ESIP which was implemented under the premise that firewood collection and cattle grazing were deemed responsible for forest degradation in the project's baseline surveys whereas large-scale coal mining and other infrastructure projects which have degraded the biodiversity and forests are located around the ESIP sites. We complain against the very objective of 'diverting forest dwelling women from their forest dependence' which is both a constitutional violation as well as duplicity in the Bank's operational directives of respecting indigenous people and women. In Betul, we found serious dissonance in fulfilling the Bank's safeguards policies and in its practical objective of improving local livelihoods. The STs and especially women, have not only not gained any gainful livelihoods from the project, but have also deprived of existing livelihoods, food security and access rights to forest resources. They have also lost their spiritual and cultural rights, having lost this access. Be it the Mahua nets, fish seeds for pisciculture, tailoring workshops for women who could not afford to purchase sewing machines to gain incomes from such skills, or the mushrooms that the communities could not sell, the project is very inadequate and unsustainable and falls far short of meeting any economic needs of women or in providing alternate energy or other resources. This is a direct negative impact to addressing any of the SDGs related to gender, food security and in reducing hunger or poverty (violation of SDGs 1, 2, 3, 5, 7, 8, 9, 10, 12,13, 15 and 16 (*Refer to the supporting documents for a detailed assessment*)).

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

Ecosystem Services Improvement Project (ESIP). Project ID: 133803

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

In the states of Madhya Pradesh and Chhattisgarh in India. This complaint is from one of the project sites in Bhaura range, North Betul forest division, Madhya Pradesh, India

4. Do you live in the project area?

No

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

Yes. An email, dated 07.06.2023, was sent to [REDACTED] at World Bank India office who was also the coordinator of the project [REDACTED]. But we did not receive any response. After waiting for sufficient time for the India office to respond, we are now filing this complaint to the Panel.

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

Our social and gender audit indicates that the project is not in compliance with the World Bank's safeguards policies. Since the project was approved in the financial year 2017, which is prior to the adoption of the World Bank Environmental Social Framework on October 1st, 2018, ESIP must meet the requirements as stated in the safeguards policies (Operational Policies) of the World Bank which was in place at the time of project approval (and not the ESF).

1. Under these safeguards, the World Bank requires that projects which fall under their Indigenous Peoples or involuntary resettlement policy are classified as Category A under the umbrella of the Environmental safeguards policy. Despite this requirement, ESIP was classified as a Category B project. A clarification we seek is whether it was the Bank providing clearance for risk classification Category B for ESIP, or was it the borrower?

A mandatory requirement is public disclosure of EA documents. According to the Environmental and social management framework and tribal development framework (December 2016) of the project's implementation plan, an Environmental and Social Assessment (ESA) has been conducted. However, the ESA itself is not posted on the websites of GEF and World Bank, which is not in accordance with public disclosure requirements of the Bank.

Also, in the case that the borrower's requirements are used in replacement of the Bank's safeguards, according to CSS safeguard OP 4.00, a comparison between borrower/client requirements with the World Bank safeguards requirements should have been made available prior to project implementation. In addition, the Bank had to ensure that relevant project related environmental and social safeguard documents (OP 4.00, Table A1), including the procedures prepared for projects involving sub-projects, were disclosed in a timely manner before project appraisal formally begins, in an accessible place, form and language".

The borrower thereafter must ensure that the project implementation complies with the safeguards, that requirements are met, and that project affected persons are provided access to remedy. Requirements include informing and consulting affected communities, broad community support, and restoring livelihoods of affected communities and persons.

2. The World Bank Safeguard OP/BP 4.01, Environmental Assessments states that on all Category A projects the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. The ESIP project justification in terms of site selection, species selection and in other aspects, is very ad hoc and these do not correlate with the biodiversity losses or needs of local communities. We demand that we be provided with information on the assessment undertaken in this project on losses and damages.

3. Appropriation and alienation of forest lands without due prior processes of settlement of rights and prevention of land alienation of pre-existing cultivators eligible for entitlements under the Forest Rights Act (FRA), 2006, alienation of forest lands from local communities without consultation and consent from the Gram Sabhas, lack of provision of any project-related information and lack of involvement of directly affected communities i.e. women and the Scheduled Tribes (ST) in project-related consultations, decision making, learning, planning, implementation, monitoring and evaluation are blatant violations of the World Bank's Indigenous Peoples OP/BP 4.10 and OP/BP 4.20 on Gender and Development.

7. Do you expect any form of retaliation or threats of filing this complaint?

The local village communities where these inquiries were conducted might be subjected to threatening by the local forest department officials and there can be inter-community conflicts generated because of the complaint, especially as the Scheduled Tribes are vulnerable to both non-tribal domination and intimidation from forest staff.

8. In addition to receiving information about the Compliance investigation process, would you also like to receive information about the option of dispute resolution?

We want corrective actions by the World Bank, and restoration of the constitutional entitlements to the Scheduled Tribes as per the PESA and the FRA and their forest lands duly returned to the individual owners and to the communities, which have been violated by the World Bank. We want the Inspection Panel to set up an independent assessment with inclusion of local affected ST communities, the Ministry of Tribal Affairs and us for the entire project area in the two states of Madhya Pradesh and Chhattisgarh.

Section 2: Contact Information

9. Are you complainants or a representative of complainants*?

Complainants: Representing a complainant or community: Other: (Please explain)

Independent NGO working on the rights of Scheduled Tribes and Women in India

10. Would you like your name and contact details to be kept confidential? (We will not disclose your identities to anyone without your prior consent.) Yes No

11. Complainants' or representatives' names (minimum two names and signatures are required):

	Complainant /Representative 1	Complainant /Representative 2
Name	[REDACTED]	[REDACTED]
Address	[REDACTED] [REDACTED] India	[REDACTED] [REDACTED] [REDACTED] India
Phone	[REDACTED]	[REDACTED]
Email	[REDACTED]	[REDACTED]

12. By completing and submitting this form, we authorize the Inspection Panel to investigate the issues as described in this form.

Signature 1	Signature 2
[REDACTED]	[REDACTED]

Signatures (more signatures can be sent as an attachment):

NOTES:

- *If you are a representative of complainants, we will need a letter from the complainants authorizing you to represent them.
- Please attach supporting documents, if available.

If you have any difficulty in completing the form, please contact the World Bank Accountability Mechanism at Email: ipanel@worldbank.org or by phone: +1-202-458-5200.

A Ground-level Assessment of Ecosystem Services Improvement Project (ESIP) in Betul, Madhya Pradesh

Wed, Jun 7, 2023 at 4:24 PM

To: [REDACTED]

Hello [REDACTED]

I'm [REDACTED] a researcher working with [REDACTED] - A [REDACTED] [REDACTED] has been actively working for Adivasi women's land, forest and natural resource rights in the states of Madhya Pradesh, Gujarat, Karnataka, Rajasthan, Chhattisgarh and Telangana, for more than a decade. We have been actively conducting Gender Impact Assessments (GIA) and Gender Audits (GA) of compensatory afforestation and several climate finance projects in India to understand their nature of design, planning and implementation on the ground with respect to legal compliance and participation of local communities, especially in decision making while assessing the progress in the meeting the objectives stated in the project proposals.

That being said, over the past year, we were conducting ground-level assessments of the nature of implementation of the Ecosystem Services Improvement Project (ESIP) In Bhaura range of Betul district, Madhya Pradesh. The study looks at the compliance of the project with the Forest Rights Act (FRA), 2006, Panchayat (Extension to Scheduled Areas) Act, 1996, UN Declaration of the Rights of Indigenous Peoples (UNDRIP), Free, Prior and Informed Consent (FPIC), World GEF's Gender Policy and Indigenous People's Operational Directives. At the same time, it tries to understand to what extent the project has been able to fulfill the livelihood and energy needs of the project beneficiaries i.e., the Adivasi communities, including women and the youth in Betul.

We compiled our findings into a comprehensive report. We would like to take this opportunity to share the report. We request you to kindly consider going through it and further open a possibility of discussion regarding this.

To access the report:

Password: [REDACTED]

Warm regards,

[REDACTED]
Research and Programmes Associate,

[REDACTED]
India.

ESIP_Report_Final_.pdf



To

The Board of Directors,
The Global Environment Facility (GEF),
1818 H St., NW,
Washington, DC 20433,
USA.
Email: [REDACTED]

Subject: Complaint regarding violation of the rights of Indigenous/Scheduled Tribe communities in India in the Ecosystem Services Improvement Project (ESIP) | Project ID: P133803

Dear Board of Directors,

We hereby submit a complaint regarding some critical lapses and violation of constitutional safeguards faced by the forest-dwelling Indigenous/Scheduled Tribe communities especially the indigenous women in India, by the Ecosystem Services Improvement Project (ESIP). The project was implemented by the Ministry of Environment, Forests and Climate Change and financed by the Global Environment Facility (GEF), in selected villages of Madhya Pradesh and Chhattisgarh. Although the project term ended on 30th of July 2023, the local communities have incurred many losses by the project and their grievances remain unaddressed.

We are a concerned civil society group in India with several years of experience working particularly on the issues of gender and indigenous/Adivasi/ST women's concerns. After conducting a series of ground-level assessments and gender audits via site visits and community consultations in the ESIP implementation sites of Bhaura range, Madhya Pradesh, we have found several constitutional violations, conceptual and methodological flaws in the implementation of the project. It appears that the project has more political motives on ground than what was proposed since it does not serve the interests of the people but rather to serve the interests of a few.

Firstly, we wish to get a clarification whether the Bank has monitored and reviewed the project vis-a-vis your Bank's policies and safeguards mechanisms, international conventions and accountability to India's laws on forest and community governance. If so, we request for a copy of the monitoring and project review report.

Our social and gender audit indicates that the project is not in compliance with the World Bank's safeguards policies. Since the project was approved in the financial year 2017, which is prior to the adoption of the World Bank Environmental Social Framework on October 1st, 2018, ESIP has to meet the requirements as stated in the safeguards policies (Operational Policies) of the World Bank which was in place at the time of project approval (and not the ESF).

Under these safeguards, the World Bank requires that projects which fall under their Indigenous Peoples or involuntary resettlement policy are classified as Category A under the umbrella of the Environmental safeguards policy. Despite this requirement, ESIP was classified as a Category B project. A clarification we seek is whether it was the Bank providing clearance for risk classification Category B for ESIP, or was it the borrower?

A mandatory requirement is public disclosure of EA documents. According to the Environmental and social management framework and tribal development framework (December, 2016) of the project's implementation plan, an Environmental and Social Assessment (ESA) has been conducted. However, the ESA itself is not posted on the websites of GEF and World Bank, which is not in accordance with public disclosure requirements of the Bank.

Also in the case that the borrower's requirements are used in replacement of the Bank's safeguards, according to CSS safeguard OP 4.00, a comparison between borrower/client requirements with World Bank safeguards requirements should have been made available prior to project implementation. In addition, the Bank had to ensure that relevant project related environmental and social safeguard documents (OP 4.00, Table A1), including the procedures prepared for projects involving sub-projects, were disclosed in a timely manner before project appraisal formally begins, in an accessible place, form and language"

The borrower thereafter must ensure that the project implementation complies with the safeguards, that requirements are met and that project affected persons are provided access to remedy. Requirements include informing and consulting affected communities, broad community support, and restoring livelihoods of affected communities and persons.

Our Gender Audit found that the project resulted in serious lapses in legal accountability and compliance, fell short of fulfilling biodiversity or livelihoods restoration and had no functional mechanisms in place for communities to place their grievances or get them addressed. On the contrary, the project, rather than bringing any developmental relief or ecological restoration to women, has led to further alienation of women's access to their biodiversity, denial of their constitutional and cultural rights to access these resources, and led to negative impacts on women's livelihoods and incomes. In short, the project has violated both international principles and the World Bank's operational directives and safeguards policies related to women and indigenous people, as well as non-implementation and violation of national laws that stand as custodians of the Scheduled Tribes, forests and biodiversity in India.

In the report of our gender audit now following (*under A*), we analyzed field-based evidence, and conclude on the basis of that, that project implementation does not comply with the country's overall policy framework, national legislation and obligations of the country pertaining to the constitutional rights of the Scheduled Tribes.

Under B, we further assessed the non-compliance of ESIP with OP 4.10, the Bank's indigenous peoples 'policy, which requires free prior informed consultation to ensure broad community support and the Operational Policies on natural habitats and forests.

1 A. Gender audit -

The overall methodology of our Gender Audit¹ of the ESIP project was conducted under the following parameters:

- 1 Accountability and Legal Compliance including safeguarding the constitutional rights of Indigenous Peoples (IPs)
- 2 Effectiveness of ESIP in meeting its Project Development Objective (PDO)— 1. Increasing forest cover, forest health and carbon sequestration; 2. Fulfilling livelihood and energy needs of the forest-dwelling IPs, especially women (direct beneficiaries)
- 3 Grievance Redress Mechanism for indigenous communities and particularly women

1.1 Parameter 1 The legal noncompliance with constitutional rights of Indigenous Peoples (Ips).

1.1.1 Baseline assessment of Project Affected is flawed and project violates constitutional safeguards:

The Baseline Report prepared for this project has fundamental lapses in the information related to status of land, particularly forest lands. Even in the sample sites selected for the baseline (some of which fall in the sites where this complaint comes from), there is no verification or data presented on Scheduled Tribe (ST) /forest dwelling families related to their cultivation in forest lands and occupation of lands prior to the enactment of the Forest Rights Act of 2005, status of claims or non-implementation of procedures for entitlements to these lands, usufruct rights over NTFP, forest resource utilization and boundaries.

The Project Appraisal Document (PAD) states that ***No involuntary acquisition of private land and/or transfer of public land with encumbrances is anticipated under the project.***” The PAD further reiterates that the *“ESIP will not support any project interventions involving land acquisition, restriction or loss of traditional access and rights to common property resources and protected areas, or infringement of individual and community forest rights under the Forest Rights Act”*. The PAD assures that it will ensure *i) targeting and inclusion of tribal members and scheduled castes among the primary project beneficiaries; ii) participation and inclusion of local communities in resource planning and management; iii) equitable access to project benefits, resource use rights, benefits, training, and project investments; iv) inclusive representation and decision making in community groups; v) mitigation and management of any potential conflicts concerning natural resources.*”

Our assessment reveals that the project was implemented by directly alienating Scheduled Tribes from forest lands under their occupation for individual cultivation and from collective community forest resources management within their village boundaries without their consent, verification of occupation status, or proper procedures for consent, rehabilitation and resettlement prior to implementation of the project. Field interviews with affected ST families clearly indicated their resentment over having lost their individual farmlands in forest lands and collective forests rights. This indicates that the Baseline has grossly excluded enumeration of forest lands under the occupation of STs and forest dwellers. There is no mention of the FRA 2005 and its status on the

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ground, in the Baseline report and it is not clear how the ST families' entitlements were enumerated or potential conflicts prevented or mitigated or how resource use rights have been ensured in spite of the PAD reiterating to the contrary. On all these counts, there have been direct violations.

1.1.2 Constitutional violations of the PESA Act and violation of FPIC under the UNDRIP

The project has not respected the Free, Prior and Informed Consent (FPIC) of the local communities directly affected by the project. According to the Census 2011, most of these villages where the project was implemented, constitute a majority Scheduled Tribe (ST) population who are also the direct beneficiaries, but they were not part of the community consultations organized by the forest department. Project information was not shared with the Gram Sabhas which are the constitutional authorities under the PESA law (which is a national law that upholds the FPIC entitlements of the UNDRIP) in Scheduled Areas. ST women in particular have had no access to information and the few who tried to participate, faced intimidating situations as meetings were mainly held in the non-tribal sections of the villages which were male dominated and not in the local language of the tribals. Even the ST men reported that meeting schedules were not given to them or given very late and only a few were asked to participate. Project information and documents were not available in any language, leave alone in the tribal language. Only the higher caste men in each village were involved in the decision-making regarding project implementation.

If the project is already a government project (i.e. surely national authorities consulted themselves) and the idea of consultation and disclosure is to consult ***with communities impacted by the project***, why was this not ensured with respect to the directly affected Scheduled Tribe households, and especially the ST women? Field testimonies reveal that the ST women who were in occupation of forest lands for farming and for forestry activities, that were taken for the project, were not aware of the project details nor were they participants or decision-makers in these consultations. Consultation not being aimed primarily at the communities who bear the potentially enormous risks of the project and instead, involving only limited number of families who were majority Non-Scheduled Tribes households, is a violation of the Bank's own policies, the UNDRIP and the national laws of India related to Scheduled Tribes.

As of 30th July 2023², only 630 targeted beneficiaries in all the project sites of both the states were involved in "participatory planning". However, the Gram Sabhas which are the constitutionally designated local authorities, where all adult members of the village including women and other genders need to be included in the decision-making, as per the PESA Act (Panchayats, (Extension to Scheduled Areas) Act) were not consulted with due diligence. The Gram Sabhas were not convened even though these villages are within the Fifth Schedule as per Article 244 of the Indian Constitution. The ST families are not aware of any Gram Sabha resolution passed which is required under the PESA for any consent prior to implementation of a project in the Scheduled Areas and which is the legal instrument to demonstrate the compliance with FPIC in India. We did not find any such copies in the Gram panchayat office and neither were any signatures of consent from all households available. Instead, these families were hired as daily wage labourers for sowing, planting and nursery management for < \$2.5 USD per day to work on their own lands. This displaced them from their own agricultural lands and community forest lands. This is a direct violation of India's law - The Panchayats (Extension to Scheduled Areas) Act, 1996. (Refer to report- Pp 10-21).

² India Ecosystem Services Improvement Project. *The World Bank*. <https://projects.worldbank.org/en/projects-operations/project-detail/P133803?lang=en>

For example:

- In Kuppa, Handipani and Koyalbuddi villages of Bhaura range in Madhya Pradesh, more than 30 families were evicted from their traditional cultivation lands in the forest for plantation activities under ESIP without any settlement of titles under the RoFR/FRA Act, 2006. Not a single settlement of rights under the community forest rights titles have been given in these villages so far when all the villages are eligible for the CFR titles. In Bhaura range alone, until 2020-21, 1101 hectares of forest area was fenced for plantation activities under ESIP without proper consultation with the local ST families dependent on the forest for firewood, Non-Timber Forest Products (NTFP), and cattle grazing. These forests are also home to sacred groves which are of significant cultural, spiritual and user value to the local communities and their belief systems.
- There was a clear lack of involvement of the local ST communities in landscape design, selection of species, programme management and capacity building related to forest management, which are all in violation of the FPIC and the PESA Act. Instead, the Joint Forest Management Committees (JFMC) which do not hold legal and constitutional authority over control and management of the forests³ and are dominated by the higher caste men, were given legitimacy for community consultations and were deemed as community institutions instead of the Gram Sabhas or the Forest Rights Committees (FRCs). These processes have undermined the constitutional role of the Gram Sabhas and the FRCs, excluded the STs from planning, training and decision-making vis-a-vis the ESIP.

1.1.3 Constitutional violation of the RoFR/FRA Act of 2006:

The Scheduled Tribes (ST) population are entitled to both individual and community rights of habitation, occupation and management of forests and forest lands under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁴. The FRA Section 4 (2) clearly states that, no project including those in critical wildlife habitats can be implemented in a forest area without first settlement of rights under the FRA. Lack of claims under the RoFR/FRA Act due to inability of poor illiterate ST families not having knowledge of law and governance procedures, or pending claims not being recognized so far, is a lapse on the part of the three nodal ministries responsible for implementation of the Act and a violation on the part of the Bank in not ensuring that legal procedures and entitlements are strictly followed. The project has not done due processes of verification or taken consent from communities either of the Gram Sabhas or the Forest Rights Committees (FRCs) or followed due diligence mechanisms in respecting the constitutional laws of the Scheduled Tribes. This is a violation of the UNDRIP and the special constitutional safeguards under the PESA and FRA laws in India.

The forest-dwelling Scheduled Tribes (ST) are entitled to Community Forest Rights (CFR) and Community Forest Resource Rights (CFRR) over their village/hamlet's traditional forest boundaries under the RoFR Act, 2006. Non-settlement of these rights and restrictions over access,

³ Ministry of Tribal Affairs (MoTA), Government of India. Frequently Asked Questions on the Forest Rights Act. Pg 22. <https://tribal.nic.in/FRA/data/FAQ.pdf>.

⁴ Government of India. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. <https://www.indiacode.nic.in/bitstream/123456789/2070/1/200702.pdf>.

usufruct and *nistar* rights of the communities in the forests is a blatant violation of this Act which supersedes all the laws pertaining to land, forests, wildlife and biodiversity in India.

1.1.4 Impacts on women

The project violated several provisions of the law pertaining to the rights of forest dwelling Scheduled Tribes (ST) over their forests which includes eviction of the ST families from their traditional cultivation lands in the forests, loss of grazing rights due to chain-link fencing of the entire forest area, limited firewood access, limited access to their sacred groves and hiring ST communities as labour in the management of these plantations.

Particularly for women these have led to severe stress on their physical activities and food security such as:

- As women are the main collectors of firewood, this access being denied has increased their time of collection and the distances they have to travel for firewood, fueling inter-village conflicts. While the national policies and the Bank's policies on energy and gender speak of providing energy access to women, ESIP has led to women losing their existing energy access and not having adequate and sustainable alternate sources of energy for their primary needs of cooking. This is a denial of indigenous women's fundamental right to food and right to energy. The alternative sources of fuel attempted to be provided in this project like pressure cookers, induction stoves in a few villages to a few women only, are grossly inadequate and dysfunctional. Instead, it has made them more vulnerable to the physical and sexual abuses by ground level forest personnel while increasing their burden of work. Women have complained that these are poor substitutes and barely meet their daily needs for cooking food, heating water and other domestic needs (including drying their seeds above the fireplace, keeping their houses warm, etc).
- Grazing rights denied to local villages by fencing the entire forest for plantation work has severely affected the livelihoods and incomes of these communities. For women, who are the primary caretakers of livestock and whose income is directly dependent on the sale of dairy products and for whom livestock is a critical asset for all their emergency needs, the ESIP project resulted in huge losses for them. Our assessment from the FGDs conducted in these villages revealed that approximately, 70% of livestock has been reduced since the project commenced (Refer to report- Pp 10-22). For example-
 - Due to extensive chain-link fencing of forest lands followed by loss of grazing sites for the village cattle after ESIP was implemented in Bhaura range, each village lost close to 70% of their livestock. A household that earlier owned 10-15 cattle (including cows, buffaloes and goats) now only owns 3-4 cattle on an average in all the villages. They were either dead, sold or set free. This is continuing to have a significant impact on their livelihoods, income and nutrition security achieved from dairy and dairy products.
 - It is also important to note that livestock is an important asset and source of income for rural women in India. On the other hand, due to limited grazing sites, the inter-village disputes have become frequent. For example, the Tetarmaal village community resisted fencing their forest boundaries and the plantation activities were halted. As it limited their access to grazing, neighbouring villagers from Kuppa have slowly started grazing their cattle since 2018-19, in Tetarmaal's forest. As approximately, 311 hectares of forest area surrounding Kuppa, was fenced to prevent community access it limited their access to grazing sites and has led to inter-village boundary disputes.

1.2 Parameter 2: effectiveness of ESIP in meeting its Project Development Objective (PDO).⁵

1.2.1. Increasing forest cover, forest health and carbon sequestration

The project states that it aims to enhance and restore carbon stocks in forest lands through afforestation which it identifies will lead to “improvement in ecosystem services like groundwater recharge, diversity of flora and fauna, availability of tree and plant biomass, NTFPs, increased soil fertility and agricultural productivity”. From ground-level assessments, we found several negative impacts and poor effectiveness in meeting this objective.

For example:

- We found that across 1101 hectares of forest land where afforestation was taken up, until 2020-21, the species diversity is very low since majority of the saplings are timber species such as Teak (*Tectona grandis*), Indian Rosewood or Sheesham/Sishu (*Dalbergia sissoo*), Khamer or English Beechwood (*Gmelina arborea*), Neem (*Azadirachta indica*) along with a few minor forest produce like Indian Bamboo (*Bambusa tulda*), Indian Blackberry (*Syzygium cumini*), Indian Gooseberry (*Phyllanthus emblica*), Karanji or Pongame oil tree (*Millettia pinnata* or *Pongamia pinnata*) and Baheda (*Terminalia bellirica*). Although teak is a native species, domesticated teak forests only came to the picture during the colonial period where natural, biodiverse-rich forests were clear-felled to convert them to teak plantations for creating railway lines in India.



75000 saplings of Teak, Indian Gooseberry, Indian Bamboo, Pongame oil tree, English Beechwood, Indian Rosewood and Arjun tree were planted on 12.5 Ha of forest land under ESIP in Koyalbuddi beat, Bhaura range of Betul

Several studies have denounced that monoculture and commercial plantations cannot replace natural biodiverse-rich forests due to their inability to store carbon for a longer period⁶. Afforestation activities under ESIP appear merely a post-colonial project similar to its

⁵ Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India. Ecosystem Services Improvement Project (ESIP). Project Implementation Plan (PIP). http://moef.gov.in/wp-content/uploads/2019/06/2_ESIP-Project-Implementation-Plan-PIP-1.pdf

⁶ Jain, N. (2020). Natural, biodiverse forests are more reliable at fighting climate change than plantations. *Mongabay India*. <https://india.mongabay.com/2020/05/natural-biodiverse-forests-more-reliable-at-fighting-climate-change-than-plantations/>

predecessors such as Joint-Forest Management (JFM) and Biodiversity Conservation and Rural Livelihoods Improvement Program (BCRLP). (Refer to report - Pp. 21-22)

1.2.2 Fulfilling livelihood and energy needs of the forest-dwelling IPs, especially women (direct beneficiaries)

Another major component of focus for ESIP is to enable sustainable utilization of NTFP, enhance the livelihoods and income generation of the local indigenous communities including women who are the direct beneficiaries of the project. 'ESIP aims to improve forest quality as well as to provide livelihood and income benefits to about 25,000 beneficiaries comprising forest dwellers, small landholders, marginal farmers, wage labor, landless individuals, livestock holders, and NTFP collectors. Women and men from households of Scheduled Tribes (ST) and Scheduled Castes (SC) will be among the beneficiary households.' Some programs were conducted in these villages in order to promote alternative livelihoods as opposed to land-based livelihoods such as animal husbandry. From our assessments, it was found that these programs have had a limited impact on improving income generation, leave alone providing any sustainable livelihood to the communities. Women have complained that these were often one-off events with no sustainable follow up to ensure that even the few members who received training got sustainable income. While losses have been universal and direct to the entire community with the primary source of livelihood destroyed, the alternatives under the project were superficial, scattered and not grounded in sustainable solutions. (Refer to report - Pp. 23-25)

For example-

- I. Nets were distributed for collection of Mahua (*Madhuca longifolia*), one of the most significant NTFPs for the livelihood of Scheduled Tribes (ST) in India. Traditionally, Mahua flowers are collected once they fall on the ground. They are sun dried and then sold but these also collect dust and sand. Ideally, clean Mahua flowers should yield a better price in the market. So, nets were given to protect the flowers from falling on the ground and collecting dirt. But the nets distributed in Bhaura range are incapable of holding the flowers from falling on the ground as they have large holes similar to a football net. These have not been of use to the communities. Moreover, it was the higher caste families who got these benefits more than the ST families. It was reported that the nets had to be returned to the forest department once the season was over and these were redistributed to the higher caste families the next season.



Nets distributed for Mahua collection in Bhaura range, Madhya Pradesh

- II. In 2-3 villages, hen chickens were distributed to all the beneficiaries. A few of them that survived were used for consumption primarily rather than income generation.
- III. In 2019-20, the forest department suggested that 65000 fish seeds were dropped in six village ponds in Koyalbuddi, Handipani and so on. It was found that Koyalbuddi is a water scarce village and no fish were harvested in the village ponds.
- IV. Around 85 adolescent girls and women were trained in cloth stitching and tailoring in Bhaura range. Their assessment report states that “women are able to take care of their households and continue to work by staying in the village”. In our community consultations, it was found that a lot of these women did not have access to work because they could not afford to buy sewing machines.
- V. Around 35 youth were trained in electrical and motor winding, repairing two-wheelers and excavator operation. But very few of them found work as electricians and so on. This cannot be considered sustainable, either in numbers or consistency of any livelihood for the youth population of the project area.

1.3 Parameter 3: Grievance Redress Mechanism for indigenous communities and particularly women.

The Project Appraisal Document (PAD) and Project Implementation Plan (PIP) state that they have laid out plans to set up institutional mechanisms for grievance redressal at local, district, state and national-levels. However, the consultations with the ST communities in Bhaura range revealed that there is complete lack of information available to the ST families about the existence of any committees or mechanisms within the project for grievance redressal. (Refer to report - Pp. 27-29)

The Results Framework of the PAD (pg 24) commits to “People in targeted forest and adjacent communities with increased monetary or non- monetary benefits from forests (disaggregated by: female; ethnic minority/indigenous people) and land area under sustainable land management practices; and land users adopting sustainable land use management practices be achieved through community participatory monitoring as the methodology for outcomes review and grievances.

However, our findings reveal that:

- Although the project affected villages had several complaints, as demonstrated from the findings of this ground level assessment, there were no complaints filed by any of the affected STs as they had no means of access to these systems.
- The women especially had no knowledge of local governance institutions or of the project grievance institutions or of any procedures to file their complaints.
- There is no information available in the public domain regarding complaints received or resolved.
- We could not find any community participatory monitoring reports either with the communities we interacted with or in the public domain.
- None of the STs mentioned that they had participated in such a monitoring process or had adopted new sustainable practices due to ESIP.

1.4 Gender audit, concluding.

Thus, while the Environment and Social Management Framework (ESMF) and Tribal Development Framework (TDF)⁷ were prepared to respect and adhere by the legality of the RoFR Act, 2006 and PESA, 1993, neither does the project have any purview for the Ministry of Tribal Affairs (MoTA) nor were the Forest Rights Committees (FRCs) and PESA Gram Sabhas consulted or involved at any stage of the project planning, implementation and monitoring-evaluation processes. Even the BDCs which the ESIP committed to consult do not seem to be aware of these. Interviews on the ground indicate that these institutional structures are dysfunctional. These are blatant violations of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 to which India is a signatory and the World Bank's Gender Policy and Indigenous Peoples Operational Directives (OD) 4.20 in this project.

Considering all the violations of the project and its implementation, we present here our main demands-

1. We seek clarifications over the Bank's monitoring process vis-a-vis whether there was any monitoring in purview of the Bank's policies, international treaties and India's country laws meant for survival, dignity and well-being of the Indigenous Peoples and protection of environment and natural resources. We would like you to share copies of the review and monitoring reports of the same related to this project, and particularly the community monitoring framework and reports.
2. Restoration of Constitutional Rights:
Our assessment was conducted only in a few sample sites whereas the project was implemented in vast areas of two states. We do not have the scale of impact but we anticipate that, given that the project areas being Scheduled Areas with similar vulnerable indigenous communities living in forest areas, a detailed assessment is urgently required.
We call for return of the forest and revenue lands, including forest lands occupied either for cultivation or for use as commons and community resources and reinstating the constitutional rights of the ST families in all the project affected villages in the two states of Chhattisgarh and Madhya Pradesh by:
 - a. **Immediate on-ground assessment of the forest and land ownership and occupation status of the Scheduled Tribes prior to the ESIP project**, in all the ESIP implementation villages through due processes of the PESA and FRA laws through consultations with the Gram Sabhas and the nodal agency, the Tribal Affairs Ministry and its state instruments.
 - b. **Immediate survey and settlement of individual forest rights of ST families** who have been in occupation/cultivation of forest lands and who lost their lands under the ESIP, in accordance with the RoFR Act, 2006, in all the project implementation sites of the two states of Madhya Pradesh and Chhattisgarh. Return of these lands with settlement titles for

⁷ Green India Mission Directorate, Ministry of Environment, Forests and Climate Change (MoEFCC). (2016) . Ecosystem Services Improvement Project. Environment and Social Management Framework and Tribal Development Framework. <http://moef.gov.in/wp-content/uploads/2017/08/ESMF25-01-2017.pdf>

IFR to the rightful occupants with the right to cultivate or use the land as per their desire, within the legal provisions of the RoFR Act. They should have the right to remove the plantations to the pre-existing status of ESIP and should not face any criminal action from the forest department. Payment of damages to respective ST families as compensation for loss of incomes/food/livelihoods in the last few years since their land was acquired by the project.

- c. **Reinstating the CFR lands back to the Gram Sabhas of each village.** Immediate survey and allocation of Community Forest Rights (CFR) and Community Forest Resource Rights (CFRR) to all the forest-dwelling Scheduled Tribes in all the ESIP villages and to the respective Gram Sabhas with clear titles to these CFR lands. Reinstating the collective community rights to these forest lands within the boundaries of each CFR of a Gram Sabha and handing over the ESIP sites to the Gram Sabhas.

2. B: assessment of the non-compliance of ESIP with OP 4.10, the Bank's indigenous peoples' policy and the Operational Policies on natural habitats and forests.

2.1 learning from earlier experiences

Our gender audit clear shows a violation of the Bank's safeguards policies OP4.01, OP 4.10 and OP4.36 which the ESIP admits that it triggers. No due diligence was followed despite the Bank having had a precedence of such violations in similar afforestation projects in India and having committed to ensuring due processes in all its projects with regard to SEA. In a previously implemented Bank-financed afforestation project (The Andhra Pradesh Joint Forest Management (JFM) and Community Forest Management Projects), a Resettlement Action Plan (RAP) was hastily implemented, based on a similar complaint filed after the closure of the JFM project in the year 2002. The Bank admitted that,

There is a likelihood of some adverse effects or impacts on some families and individuals as they may lose their individual occupancy of land in the forests", and therefore,

In order to mitigate the adverse effects in such cases, there is a need to prepare a Resettlement Action Plan (RAP)." "Accordingly this Resettlement Action Plan has been prepared covering all the Vana Samrakshana Samithi s (VSSs), which are village level bodies, in Andhra Pradesh that are implementing A P Community Forest Management Project.

*A profile of the encroachers, in terms of their social structure, family size, working members, landholding outside VSS, encroached forest lands in the VSS area, operational holding, household income and income from encroached land is presented". "It also addresses the issue of loss of livelihood that might have occurred during implementation of Joint Forest Management activity. The main objective of this RAP is to describe the process of resettlement of people dependent on forest land that will be undertaken adopting the R& R Policy (Attachment 1) **without limiting it to any single project.**" All adversely affected families (see section 9.3.4 on entitlement framework) will get support to mitigate their losses."*

No such process seems to have been implemented for the ESIP project although the Bank had earlier committed to an R&R policy for all its projects which states that: *Care will be taken to*

ensure that women members of these families and / a single women among the affected category are involved in the discussions / decisions concerning the RAP strategies and their concerns are addressed” (Section 9- “Legal and Policy Provisions in RAP)

At the time of the APJFM and CFM projects, STs were treated as ‘encroachers’, a term that was repeatedly used in the RAP. Despite this ‘non-legality’ of status prior to the FRA, the JFM project was admitted to have had an adverse impact on tribal livelihoods and the RAP was set up with guidelines for rehabilitation for prevention, mitigation, rehabilitation for losses to category-wise project affected communities. (9.3.4 R&R Entitlements Matrix of the RAP) Under *Section 12 of RAP Approval process*, “*RAP will form an integral part of the Micro plan prepared at the VSS level. Its implementation will be synchronized with the physical activities planned under the Micro plan. No physical activity including plantation will take place unless all entitlements are extended and the process of economic rehabilitation has started. Voluntary surrender of land will be well documented and will be checked on a sample basis by an external agency.*”

Yet, in the ESIP, despite the Bank’s previous experience of committing violations and setting up rehabilitation policy and framework that was meant not only for the APCFM but for all Bank projects, there does seem to have been any care taken to ensure these safeguards and legal entitlements were protected under the current project which was implemented much after the enactment of the FRA 2005.

2.2 ESIP and World Bank safeguards

The conceptual framework of the ESIP and the methodology of its implementation, all stand in violation of laws, international frameworks of human rights principles and the gender policies and ODs of the Bank. Hence,

- a. We first call for a review of the objectives of the project, especially with regard to gender. It was indicated that 9655 women have benefitted from the forest after ESIP⁸. This is unclear because dispossessing women from their ownership and access to lands and forests and compensating these with ad hoc, scattered and superfluous benefits like tailoring, daily wage work in the plantations and nursery management or other livelihood training does not only not lead to sustainable livelihoods, but reduces women from cultivators and farmers to daily wage migrant labour, with unsustainable incomes and food insecurity. We call for a serious review of the denial of women's engagement with forests for collection of basic resources like firewood, water and food. We condemn the assumptions that women’s collection of firewood for their primary energy needs, leads to deforestation and we wish to question the Bank’s energy policy with respect to gender. Forests in the project areas have been destroyed for several commercial interests like large scale mining, particularly infrastructure, tourism, etc and not by local indigenous communities. This assumption violates the Bank’s obligations to respect indigenous people and their ancestral knowledge practices. Hence, the methodology of the project which is based on these biases has led to legal and cultural violations of the indigenous project affected people.

⁸ India Ecosystem Services Improvement Project. *The World Bank*. <https://projects.worldbank.org/en/projects-operations/project-detail/P133803?lang=en>

- b. On this count, the gender policy of the GEF and the World Bank need to be reviewed by independent civil society and indigenous community bodies to bring in accountable and monitorable gender policies and implementation plans.
- c. Proper assessment of losses and damages: Climate change mitigation and adaptation projects including afforestation projects are being implemented without a proper assessment of the losses and the actors responsible for these losses. While mining, infrastructure, tourism and other commercial industries have caused large scale deforestation without these agencies taking accountability for clean-up, land or eco-restoration, indigenous communities are forcibly made victims of climate change action projects. Hence, the current models of forest and land restoration are unscientific and unsustainable as indiscriminate forest lands diversion for mining and other private entities is increasing, which does not bring real time biodiversity restoration or carbon sequestration through such afforestation programmes as ESIP.
- d. We demand that projects like ESIP are planned and implemented with due processes of public consultation and local community consultations who are critical stakeholders of these ecosystems. The World Bank Safeguard OP/BP 4.01, Environmental Assessments states that on all Category A projects the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. The ESIP project justification in terms of site selection, species selection, etc is very ad hoc and disconnected from the losses and damages. We demand that we be provided with information on the assessment undertaken in this project on losses and damages.
- e. Recognition of pre-existing ecological knowledge and forest management practices of local indigenous communities. While the GEF envisages biodiversity protection, carbon sequestration, land restoration, climate change mitigation and adaptation, we wish to state that local indigenous communities, especially women, have strong traditional customary practices of biodiversity protection and engagement. We understand that there has been support to efforts recognizing community conserved areas and knowledge systems ⁹ but these will have to reflect in the rest of the projects where the communities are directly affected by GEF's projects including the Global Biodiversity Framework Fund (GBFF). We observed that there were no funds allocated for Indigenous Peoples (IPs) in GBFF. Biodiversity protection, carbon sequestration and land restoration projects of GEF should primarily be based on and intended to improve the local needs of forest resources, traditional land use and forest use practices of indigenous communities and not for other non-forestry/commercial/private plantations type of projects that are fenced off from local community access. Towards this end, it would be more effective if funds are allocated directly to the local communities and traditional institutions like PESA gram sabhas in India, than to external agencies.

⁹ UNEP-WCMC and ICCA Consortium (2021). A global spatial analysis of the estimated extent of territories and areas conserved by Indigenous peoples and local communities, Territories of Life: 2021 Report. UNEP-WCMC (Cambridge, UK) and ICCA Consortium (worldwide).

- f. Inclusive planning and implementation through Community conserved systems and entitlements to forests, biodiversity and resource ownership¹⁰: Research across the globe has, time and again, demonstrated that forests and biodiversity are best protected and regenerated when local communities are allowed to take control and govern these resources, particularly using their customary knowledge practices. We urge that the GEF, in all its projects, engages with community conserved forest management structures and indigenous peoples' customary institutions with full respect to upholding the spirit of the PESA and the FRA in India and respecting similar institutions across the globe.¹¹ In this specific project, we urge that the GEF re-initiates the process of consultations with the Scheduled Tribes and the Gram Sabhas of these villages for a sustainable model of biodiversity conservation and forest management through recognizing the community conservation practices, laws and implementing the project through community ownership of the forests within their CFR boundaries.
- g. **Grazing rights:** The project has directly violated the right of local communities to graze their cattle, under the prejudice that grazing cattle leads to deforestation. The traditional forest management practices of tribal communities have well evolved management practices and customary institutional mechanisms that regulate and accommodate different user needs within the community without causing destruction to forests. These systems and spatial boundaries of management have been tampered with, by prioritising other commercial interests over forest landscapes, and thereby denying local communities their due spaces for human and animal movements. In India there are several collaborative regeneration projects between local communities and scientific institutions that have successfully implemented inclusive landscape restoration where grazing, NTFP collection and other forest user activities have been sustainably planned.¹² GEF should collaborate with such institutional mechanisms for effective and inclusive afforestation programmes.
- h. Women's livelihood and energy needs assessment and implementation plan should be strongly rooted in women's right of access to forest resources- designing micro renewable projects that are within access of communities and owned by them, wherever alternatives are desired to be complemented with traditional firewood uses, better cooking methods, providing highly subsidised energy sources like LPG. The GEF funds should provide for these subsidies to be built into the project budgets as incentives to communities. These incentives cannot be scattered, ad hoc or temporary, but reach every household in the project area to meet the local energy needs of the community for cooking, electricity, public transport and all other domestic energy needs of each village. Criminalising women for their primary need of firewood collection for cooking is a violation of SDG 5 and the Right to Food of women and Indigenous communities.

¹⁰ Kothari., A. (2006). Community conserved areas: towards ecological and livelihood security. The international journal for protected area managers. Vol 19., No 1. Pp. 3-13.

¹¹ UNEP-WCMC and ICCA Consortium (2021). A global spatial analysis of the estimated extent of territories and areas conserved by Indigenous peoples and local communities, Territories of Life: 2021 Report. UNEP-WCMC (Cambridge, UK) and ICCA Consortium (worldwide).

¹² Bhagirath. (30 April, 2023). Rajasthan's Udaipur and Bhilwara turned to village commons to overcome fodder crisis. Here's why. *Down To Earth Web*. <https://www.downtoearth.org.in/news/agriculture/rajasthan-s-udaipur-and-bhilwara-turned-to-village-commons-to-overcome-the-fodder-crisis-here-s-how-88891>

- i. Grievance Redress Mechanisms and Information Access: The current mechanisms are clearly dysfunctional. We demand that:
 - a. The list of grievances received, redressed and at what levels within the ESIP project be placed in the public domain. Detailed project reports of both states where the ESIP was implemented be made available in the websites and in the local languages.
 - b. For projects implemented in Scheduled Areas, the primary level of governance is the Gram Sabha and Gram panchayat. Grievance redress mechanisms should be set up at this level if indigenous communities need to access grievance mechanisms. We strongly condemn the legitimacy given to the Joint Forest Management committees and their role in the ESIP. Since the enactment of the RoFR/FRA the designated decision-making institutions at the local level are the Gram Sabhas, the PESA committees and the FRCs and not the JFMCs. The project should engage with them, including in undertaking the review of the violations and grievances under the ESIP project. Mechanisms to engage with women and their grievances being addressed should be instituted through these local bodies and through the involvement of strong CSOs who are familiar with the local communities and experts on gender.
 - c. A Tribal Development Framework (TDF) was prepared under ESMP upon the recognition that the majority of the project affected people are Scheduled Tribes or Indigenous peoples in ESIP villages. The Ministry of Tribal Affairs (MoTA) is the nodal agency and custodian of Indigenous Peoples rights in India. We do not find any consultation, involvement or decision-making for the ministry or its institutions in this project. Any projects implemented in the Scheduled Areas and where tribal communities are affected, should take into confidence the MoTA and its local instruments. Particularly as the project is implemented by the forest departments who have a conflict of interest in control over forests and have traditionally played an exploitative role vis-a-vis tribal communities, it is impossible for vulnerable tribal communities to approach the forest departments for grievance redressal, when they are the affected party. The Grievance Redress and planning and implementation should be done through the Tribal Welfare department as the nodal department.
 - d. Serious, quantifiable and qualitative action should be taken immediately to set right the legal, cultural, gender-based and livelihood violations of the ESIP and these actions should be placed in the public domain for scrutiny. Where land has been taken (whether revenue, forest or commonland) for the project, these lands should be reinstated to the rightful owners/community and not settled with cash compensation, as project after project has proven that cash compensation has not led to any rehabilitation or entitlements.

We look forward to your reply to this letter.

Sincerely,

[Redacted]

India.

Email: [Redacted]

Encl: Ecosystem Services for National Determined Contributions (NDCs) and Gender Equality.
An Assessment of the World Bank Financed ESIP in Betul District, Madhya Pradesh.

To

The Board of Directors,
The World Bank,
1818 H St., NW,
Washington, DC 20433,
USA.

Subject: Complaint regarding violation of the rights of Indigenous/Scheduled Tribe communities in India in the Ecosystem Services Improvement Project (ESIP) | Project ID: P133803

Dear Board of Directors,

We hereby submit a complaint regarding some critical lapses and violation of constitutional safeguards faced by the forest-dwelling Indigenous/Scheduled Tribe communities especially the indigenous women in India, by the Ecosystem Services Improvement Project (ESIP). The project was implemented by the Ministry of Environment, Forests and Climate Change and financed by the Global Environment Facility (GEF), in selected villages of Madhya Pradesh and Chhattisgarh. Although the project term ended on 30th of July 2023, the local communities have incurred many losses by the project and their grievances remain unaddressed.

We are a concerned civil society group in India with several years of experience working particularly on the issues of gender and indigenous/Adivasi/ST women's concerns. After conducting a series of ground-level assessments and gender audits via site visits and community consultations in the ESIP implementation sites of Bhaura range, Madhya Pradesh, we have found several constitutional violations, conceptual and methodological flaws in the implementation of the project. It appears that the project has more political motives on ground than what was proposed since it does not serve the interests of the people but rather to serve the interests of a few.

Firstly, we wish to get a clarification whether the Bank has monitored and reviewed the project vis-a-vis your Bank's policies and safeguards mechanisms, international conventions and accountability to India's laws on forest and community governance. If so, we request for a copy of the monitoring and project review report.

Our social and gender audit indicates that the project is not in compliance with the World Bank's safeguards policies. Since the project was approved in the financial year 2017, which is prior to the adoption of the World Bank Environmental Social Framework on October 1st, 2018, ESIP has

to meet the requirements as stated in the safeguards policies (Operational Policies) of the World Bank which was in place at the time of project approval (and not the ESF).

Under these safeguards, the World Bank requires that projects which fall under their Indigenous Peoples or involuntary resettlement policy are classified as Category A under the umbrella of the Environmental safeguards policy. Despite this requirement, ESIP was classified as a Category B project. A clarification we seek is whether it was the Bank providing clearance for risk classification Category B for ESIP, or was it the borrower?

A mandatory requirement is public disclosure of EA documents. According to the Environmental and social management framework and tribal development framework (December, 2016) of the project's implementation plan, an Environmental and Social Assessment (ESA) has been conducted. However, the ESA itself is not posted on the websites of GEF and World Bank, which is not in accordance with public disclosure requirements of the Bank.

Also in the case that the borrower's requirements are used in replacement of the Bank's safeguards, according to CSS safeguard OP 4.00, a comparison between borrower/client requirements with World Bank safeguards requirements should have been made available prior to project implementation. In addition, the Bank had to ensure that relevant project related environmental and social safeguard documents (OP 4.00, Table A1), including the procedures prepared for projects involving sub-projects, were disclosed in a timely manner before project appraisal formally begins, in an accessible place, form and language"

The borrower thereafter must ensure that the project implementation complies with the safeguards, that requirements are met and that project affected persons are provided access to remedy. Requirements include informing and consulting affected communities, broad community support, and restoring livelihoods of affected communities and persons.

Our Gender Audit found that the project resulted in serious lapses in legal accountability and compliance, fell short of fulfilling biodiversity or livelihoods restoration and had no functional mechanisms in place for communities to place their grievances or get them addressed. On the contrary, the project, rather than bringing any developmental relief or ecological restoration to women, has led to further alienation of women's access to their biodiversity, denial of their constitutional and cultural rights to access these resources, and led to negative impacts on women's livelihoods and incomes. In short, the project has violated both international principles and the World Bank's operational directives and safeguards policies related to women and indigenous people, as well as non-implementation and violation of national laws that stand as custodians of the Scheduled Tribes, forests and biodiversity in India.

In the report of our gender audit now following (*under A*), we analyzed field-based evidence, and conclude on the basis of that, that project implementation does not comply with the country's

overall policy framework, national legislation and obligations of the country pertaining to the constitutional rights of the Scheduled Tribes.

Under B, we further assessed the non-compliance of ESIP with OP 4.10, the Bank's indigenous peoples' policy, which requires free prior informed consultation to ensure broad community support and the Operational Policies on natural habitats and forests.

1 A. Gender audit -

The overall methodology of our Gender Audit¹ of the ESIP project was conducted under the following parameters:

- 1** Accountability and Legal Compliance including safeguarding the constitutional rights of Indigenous Peoples (IPs)
- 2** Effectiveness of ESIP in meeting its Project Development Objective (PDO)— 1. Increasing forest cover, forest health and carbon sequestration; 2. Fulfilling livelihood and energy needs of the forest-dwelling IPs, especially women (direct beneficiaries)
- 3** Grievance Redress Mechanism for indigenous communities and particularly women

1.1 Parameter 1 The legal noncompliance with constitutional rights of Indigenous Peoples (Ips).

1.1.1 Baseline assessment of Project Affected is flawed and project violates constitutional safeguards:

The Baseline Report prepared for this project has fundamental lapses in the information related to status of land, particularly forest lands. Even in the sample sites selected for the baseline (some of which fall in the sites where this complaint comes from), there is no verification or data presented on Scheduled Tribe (ST) /forest dwelling families related to their cultivation in forest lands and occupation of lands prior to the enactment of the Forest Rights Act of 2005, status of claims or non-implementation of procedures for entitlements to these lands, usufruct rights over NTFP, forest resource utilization and boundaries.

The Project Appraisal Document (PAD) states that "***No involuntary acquisition of private land and/or transfer of public land with encumbrances is anticipated under the project.***" The PAD further reiterates that the "*ESIP will not support any project interventions involving land acquisition, restriction or loss of traditional access and rights to common property resources and protected areas, or infringement of individual and community forest rights under the Forest*

¹ [REDACTED]

Rights Act”. The PAD assures that it will ensure i) *targeting and inclusion of tribal members and scheduled castes among the primary project beneficiaries*; ii) *participation and inclusion of local communities in resource planning and management*; iii) *equitable access to project benefits, resource use rights, benefits, training, and project investments*; iv) *inclusive representation and decision making in community groups*; v) *mitigation and management of any potential conflicts concerning natural resources.*”

Our assessment reveals that the project was implemented by directly alienating Scheduled Tribes from forest lands under their occupation for individual cultivation and from collective community forest resources management within their village boundaries without their consent, verification of occupation status, or proper procedures for consent, rehabilitation and resettlement prior to implementation of the project. Field interviews with affected ST families clearly indicated their resentment over having lost their individual farmlands in forest lands and collective forests rights. This indicates that the Baseline has grossly excluded enumeration of forest lands under the occupation of STs and forest dwellers. There is no mention of the FRA 2005 and its status on the ground, in the Baseline report and it is not clear how the ST families’ entitlements were enumerated or potential conflicts prevented or mitigated or how resource use rights have been ensured in spite of the PAD reiterating to the contrary. On all these counts, there have been direct violations.

1.1.2 Constitutional violations of the PESA Act and violation of FPIC under the UNDRIP

The project has not respected the Free, Prior and Informed Consent (FPIC) of the local communities directly affected by the project. According to the Census 2011, most of these villages where the project was implemented, constitute a majority Scheduled Tribe (ST) population who are also the direct beneficiaries, but they were not part of the community consultations organized by the forest department. Project information was not shared with the Gram Sabhas which are the constitutional authorities under the PESA law (which is a national law that upholds the FPIC entitlements of the UNDRIP) in Scheduled Areas. ST women in particular have had no access to information and the few who tried to participate, faced intimidating situations as meetings were mainly held in the non-tribal sections of the villages which were male dominated and not in the local language of the tribals. Even the ST men reported that meeting schedules were not given to them or given very late and only a few were asked to participate. Project information and documents were not available in any language, leave alone in the tribal language. Only the higher caste men in each village were involved in the decision-making regarding project implementation.

If the project is already a government project (i.e. surely national authorities consulted themselves) and the idea of consultation and disclosure is to consult ***with communities impacted by the project***, why was this not ensured with respect to the directly affected Scheduled Tribe households, and especially the ST women? Field testimonies reveal that the ST women who were in occupation of forest lands for farming and for forestry activities, that were taken for the project, were not aware of the project details nor were they participants or decision-makers in these consultations. Consultation not being aimed primarily at the communities who bear the

potentially enormous risks of the project and instead, involving only limited number of families who were majority Non-Scheduled Tribes households, is a violation of the Bank's own policies, the UNDRIP and the national laws of India related to Scheduled Tribes.

As of 30th July 2023², only 630 targeted beneficiaries in all the project sites of both the states were involved in "participatory planning". However, the Gram Sabhas which are the constitutionally designated local authorities, where all adult members of the village including women and other genders need to be included in the decision-making, as per the PESA Act (Panchayats, (Extension to Scheduled Areas) Act) were not consulted with due diligence. The Gram Sabhas were not convened even though these villages are within the Fifth Schedule as per Article 244 of the Indian Constitution. The ST families are not aware of any Gram Sabha resolution passed which is required under the PESA for any consent prior to implementation of a project in the Scheduled Areas and which is the legal instrument to demonstrate the compliance with FPIC in India. We did not find any such copies in the Gram panchayat office and neither were any signatures of consent from all households available. Instead, these families were hired as daily wage labourers for sowing, planting and nursery management for < \$2.5 USD per day to work on their own lands. This displaced them from their own agricultural lands and community forest lands. This is a direct violation of India's law - The Panchayats (Extension to Scheduled Areas) Act, 1996. (Refer to report- Pp 10-21).

For example:

- In Kuppa, Handipani and Koyalbuddi villages of Bhaura range in Madhya Pradesh, more than 30 families were evicted from their traditional cultivation lands in the forest for plantation activities under ESIP without any settlement of titles under the RoFR/FRA Act, 2006. Not a single settlement of rights under the community forest rights titles have been given in these villages so far when all the villages are eligible for the CFR titles. In Bhaura range alone, until 2020-21, 1101 hectares of forest area was fenced for plantation activities under ESIP without proper consultation with the local ST families dependent on the forest for firewood, Non-Timber Forest Products (NTFP), and cattle grazing. These forests are also home to sacred groves which are of significant cultural, spiritual and user value to the local communities and their belief systems.
- There was a clear lack of involvement of the local ST communities in landscape design, selection of species, programme management and capacity building related to forest management, which are all in violation of the FPIC and the PESA Act. Instead, the Joint Forest Management Committees (JFMC) which do not hold legal and constitutional authority over control and management of the forests³ and are dominated by the higher caste men, were given legitimacy for community consultations and were deemed as community

² India Ecosystem Services Improvement Project. *The World Bank*. <https://projects.worldbank.org/en/projects-operations/project-detail/P133803?lang=en>

³ Ministry of Tribal Affairs (MoTA), Government of India. Frequently Asked Questions on the Forest Rights Act. Pg 22. <https://tribal.nic.in/FRA/data/FAQ.pdf>.

institutions instead of the Gram Sabhas or the Forest Rights Committees (FRCs). These processes have undermined the constitutional role of the Gram Sabhas and the FRCs, excluded the STs from planning, training and decision-making vis-a-vis the ESIP.

1.1.3 Constitutional violation of the RoFR/FRA Act of 2006:

The Scheduled Tribes (ST) population are entitled to both individual and community rights of habitation, occupation and management of forests and forest lands under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁴. The FRA Section 4 (2) clearly states that, no project including those in critical wildlife habitats can be implemented in a forest area without first settlement of rights under the FRA. Lack of claims under the RoFR/FRA Act due to inability of poor illiterate ST families not having knowledge of law and governance procedures, or pending claims not being recognized so far, is a lapse on the part of the three nodal ministries responsible for implementation of the Act and a violation on the part of the Bank in not ensuring that legal procedures and entitlements are strictly followed. The project has not done due processes of verification or taken consent from communities either of the Gram Sabhas or the Forest Rights Committees (FRCs) or followed due diligence mechanisms in respecting the constitutional laws of the Scheduled Tribes. This is a violation of the UNDRIP and the special constitutional safeguards under the PESA and FRA laws in India.

The forest-dwelling Scheduled Tribes (ST) are entitled to Community Forest Rights (CFR) and Community Forest Resource Rights (CFRR) over their village/hamlet's traditional forest boundaries under the RoFR Act, 2006. Non-settlement of these rights and restrictions over access, usufruct and *nistar* rights of the communities in the forests is a blatant violation of this Act which supersedes all the laws pertaining to land, forests, wildlife and biodiversity in India.

1.1.4 Impacts on women

The project violated several provisions of the law pertaining to the rights of forest dwelling Scheduled Tribes (ST) over their forests which includes eviction of the ST families from their traditional cultivation lands in the forests, loss of grazing rights due to chain-link fencing of the entire forest area, limited firewood access, limited access to their sacred groves and hiring ST communities as labour in the management of these plantations.

Particularly for women these have led to severe stress on their physical activities and food security such as:

- As women are the main collectors of firewood, this access being denied has increased their time of collection and the distances they have to travel for firewood, fueling inter-village conflicts. While the national policies and the Bank's policies on energy and gender speak of providing energy access to women, ESIP has led to women losing their existing energy access and not having adequate and sustainable alternate sources of energy for their primary needs of cooking. This is a denial of indigenous women's fundamental right to food and right to energy. The alternative sources of fuel attempted to

⁴ Government of India. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. <https://www.indiacode.nic.in/bitstream/123456789/2070/1/200702.pdf>.

be provided in this project like pressure cookers, induction stoves in a few villages to a few women only, are grossly inadequate and dysfunctional. Instead, it has made them more vulnerable to the physical and sexual abuses by ground level forest personnel while increasing their burden of work. Women have complained that these are poor substitutes and barely meet their daily needs for cooking food, heating water and other domestic needs (including drying their seeds above the fireplace, keeping their houses warm, etc).

- Grazing rights denied to local villages by fencing the entire forest for plantation work has severely affected the livelihoods and incomes of these communities. For women, who are the primary caretakers of livestock and whose income is directly dependent on the sale of dairy products and for whom livestock is a critical asset for all their emergency needs, the ESIP project resulted in huge losses for them. Our assessment from the FGDs conducted in these villages revealed that approximately, 70% of livestock has been reduced since the project commenced (Refer to report- Pp 10-22). For example-
 - Due to extensive chain-link fencing of forest lands followed by loss of grazing sites for the village cattle after ESIP was implemented in Bhaura range, each village lost close to 70% of their livestock. A household that earlier owned 10-15 cattle (including cows, buffaloes and goats) now only owns 3-4 cattle on an average in all the villages. They were either dead, sold or set free. This is continuing to have a significant impact on their livelihoods, income and nutrition security achieved from dairy and dairy products.
 - It is also important to note that livestock is an important asset and source of income for rural women in India. On the other hand, due to limited grazing sites, the inter-village disputes have become frequent. For example, the Tetarmaal village community resisted fencing their forest boundaries and the plantation activities were halted. As it limited their access to grazing, neighbouring villagers from Kuppa have slowly started grazing their cattle since 2018-19, in Tetarmaal's forest. As approximately, 311 hectares of forest area surrounding Kuppa, was fenced to prevent community access it limited their access to grazing sites and has led to inter-village boundary disputes.

1.2 Parameter 2: effectiveness of ESIP in meeting its Project Development Objective (PDO).⁵

1.2.1. Increasing forest cover, forest health and carbon sequestration

The project states that it aims to enhance and restore carbon stocks in forest lands through afforestation which it identifies will lead to “improvement in ecosystem services like groundwater recharge, diversity of flora and fauna, availability of tree and plant biomass, NTFPs, increased soil fertility and agricultural productivity”. From ground-level assessments, we found several negative impacts and poor effectiveness in meeting this objective.

⁵ Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India. Ecosystem Services Improvement Project (ESIP). Project Implementation Plan (PIP). http://moef.gov.in/wp-content/uploads/2019/06/2_ESIP-Project-Implementation-Plan-PIP-1.pdf

For example:

- We found that across 1101 hectares of forest land where afforestation was taken up, until 2020-21, the species diversity is very low since majority of the saplings are timber species such as Teak (*Tectona grandis*), Indian Rosewood or Sheesham/Sishu (*Dalbergia sissoo*), Khamer or English Beechwood (*Gmelina arborea*), Neem (*Azadirachta indica*) along with a few minor forest produce like Indian Bamboo (*Bambusa tulda*), Indian Blackberry (*Syzygium cumini*), Indian Gooseberry (*Phyllanthus emblica*), Karanji or Pongame oil tree (*Millettia pinnata* or *Pongamia pinnata*) and Baheda (*Terminalia bellirica*). Although teak is a native species, domesticated teak forests only came to the picture during the colonial period where natural, biodiverse-rich forests were clear-felled to convert them to teak plantations for creating railway lines in India.



75000 saplings of Teak, Indian Gooseberry, Indian Bamboo, Pongame oil tree, English Beechwood, Indian Rosewood and Arjun tree were planted on 12.5 Ha of forest land under ESIP in Koyalbuddi beat, Bhaura range of Betul

Several studies have denounced that monoculture and commercial plantations cannot replace natural biodiverse-rich forests due to their inability to store carbon for a longer period⁶. Afforestation activities under ESIP appear merely a post-colonial project similar to its predecessors such as Joint-Forest Management (JFM) and Biodiversity Conservation and Rural Livelihoods Improvement Program (BCRLP). (Refer to report - Pp. 21-22)

1.2.2 Fulfilling livelihood and energy needs of the forest-dwelling IPs, especially women (direct beneficiaries)

Another major component of focus for ESIP is to enable sustainable utilization of NTFP, enhance the livelihoods and income generation of the local indigenous communities including women who are the direct beneficiaries of the project. 'ESIP aims to improve forest quality as well as to provide livelihood and income benefits to about 25,000 beneficiaries comprising forest dwellers,

⁶ Jain, N. (2020). Natural, biodiverse forests are more reliable at fighting climate change than plantations. *Mongabay India*. <https://india.mongabay.com/2020/05/natural-biodiverse-forests-more-reliable-at-fighting-climate-change-than-plantations/>

small landholders, marginal farmers, wage labor, landless individuals, livestock holders, and NTFP collectors. Women and men from households of Scheduled Tribes (ST) and Scheduled Castes (SC) will be among the beneficiary households.' Some programs were conducted in these villages in order to promote alternative livelihoods as opposed to land-based livelihoods such as animal husbandry. From our assessments, it was found that these programs have had a limited impact on improving income generation, leave alone providing any sustainable livelihood to the communities. Women have complained that these were often one-off events with no sustainable follow up to ensure that even the few members who received training got sustainable income. While losses have been universal and direct to the entire community with the primary source of livelihood destroyed, the alternatives under the project were superficial, scattered and not grounded in sustainable solutions. (Refer to report - Pp. 23-25)

For example-

- I. Nets were distributed for collection of Mahua (*Madhuca longifolia*), one of the most significant NTFPs for the livelihood of Scheduled Tribes (ST) in India. Traditionally, Mahua flowers are collected once they fall on the ground. They are sun dried and then sold but these also collect dust and sand. Ideally, clean Mahua flowers should yield a better price in the market. So, nets were given to protect the flowers from falling on the ground and collecting dirt. But the nets distributed in Bhaura range are incapable of holding the flowers from falling on the ground as they have large holes similar to a football net. These have not been of use to the communities. Moreover, it was the higher caste families who got these benefits more than the ST families. It was reported that the nets had to be returned to the forest department once the season was over and these were redistributed to the higher caste families the next season.



Nets distributed for Mahua collection in Bhaura range, Madhya Pradesh

- II. In 2-3 villages, hen chickens were distributed to all the beneficiaries. A few of them that survived were used for consumption primarily rather than income generation.

- III. In 2019-20, the forest department suggested that 65000 fish seeds were dropped in six village ponds in Koyalbuddi, Handipani and so on. It was found that Koyalbuddi is a water scarce village and no fish were harvested in the village ponds.
- IV. Around 85 adolescent girls and women were trained in cloth stitching and tailoring in Bhaura range. Their assessment report states that “women are able to take care of their households and continue to work by staying in the village”. In our community consultations, it was found that a lot of these women did not have access to work because they could not afford to buy sewing machines.
- V. Around 35 youth were trained in electrical and motor winding, repairing two-wheelers and excavator operation. But very few of them found work as electricians and so on. This cannot be considered sustainable, either in numbers or consistency of any livelihood for the youth population of the project area.

1.3 Parameter 3: Grievance Redress Mechanism for indigenous communities and particularly women.

The Project Appraisal Document (PAD) and Project Implementation Plan (PIP) state that they have laid out plans to set up institutional mechanisms for grievance redressal at local, district, state and national-levels. However, the consultations with the ST communities in Bhaura range revealed that there is complete lack of information available to the ST families about the existence of any committees or mechanisms within the project for grievance redressal. (Refer to report - Pp. 27-29)

The Results Framework of the PAD (pg 24) commits to “People in targeted forest and adjacent communities with increased monetary or non- monetary benefits from forests (disaggregated by: female; ethnic minority/indigenous people) and land area under sustainable land management practices; and land users adopting sustainable land use management practices be achieved through community participatory monitoring as the methodology for outcomes review and grievances.

However, our findings reveal that:

- Although the project affected villages had several complaints, as demonstrated from the findings of this ground level assessment, there were no complaints filed by any of the affected STs as they had no means of access to these systems.
- The women especially had no knowledge of local governance institutions or of the project grievance institutions or of any procedures to file their complaints.
- There is no information available in the public domain regarding complaints received or resolved.
- We could not find any community participatory monitoring reports either with the communities we interacted with or in the public domain.

- None of the STs mentioned that they had participated in such a monitoring process or had adopted new sustainable practices due to ESIP.

1.4 Gender audit, concluding.

Thus, while the Environment and Social Management Framework (ESMF) and Tribal Development Framework (TDF)⁷ were prepared to respect and adhere by the legality of the RoFR Act, 2006 and PESA, 1993, neither does the project have any purview for the Ministry of Tribal Affairs (MoTA) nor were the Forest Rights Committees (FRCs) and PESA Gram Sabhas consulted or involved at any stage of the project planning, implementation and monitoring-evaluation processes. Even the BDCs which the ESIP committed to consult do not seem to be aware of these. Interviews on the ground indicate that these institutional structures are dysfunctional. These are blatant violations of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 to which India is a signatory and the World Bank's Gender Policy and Indigenous Peoples Operational Directives (OD) 4.20 in this project.

Considering all the violations of the project and its implementation, we present here our main demands-

1. We seek clarifications over the Bank's monitoring process vis-a-vis whether there was any monitoring in purview of the Bank's policies, international treaties and India's country laws meant for survival, dignity and well-being of the Indigenous Peoples and protection of environment and natural resources. We would like you to share copies of the review and monitoring reports of the same related to this project, and particularly the community monitoring framework and reports.
2. Restoration of Constitutional Rights:
Our assessment was conducted only in a few sample sites whereas the project was implemented in vast areas of two states. We do not have the scale of impact but we anticipate that, given that the project areas being Scheduled Areas with similar vulnerable indigenous communities living in forest areas, a detailed assessment is urgently required. We call for return of the forest and revenue lands, including forest lands occupied either for cultivation or for use as commons and community resources and reinstating the constitutional rights of the ST families in all the project affected villages in the two states of Chhattisgarh and Madhya Pradesh by:
 - a. **Immediate on-ground assessment of the forest and land ownership and occupation status of the Scheduled Tribes prior to the ESIP project**, in all the ESIP implementation villages through due processes of the PESA and FRA laws through

⁷ Green India Mission Directorate, Ministry of Environment, Forests and Climate Change (MoEFCC). (2016) . Ecosystem Services Improvement Project. Environment and Social Management Framework and Tribal Development Framework. <http://moef.gov.in/wp-content/uploads/2017/08/ESMF25-01-2017.pdf>

consultations with the Gram Sabhas and the nodal agency, the Tribal Affairs Ministry and its state instruments.

- b. **Immediate survey and settlement of individual forest rights of ST families** who have been in occupation/cultivation of forest lands and who lost their lands under the ESIP, in accordance with the RoFR Act, 2006, in all the project implementation sites of the two states of Madhya Pradesh and Chhattisgarh. Return of these lands with settlement titles for IFR to the rightful occupants with the right to cultivate or use the land as per their desire, within the legal provisions of the RoFR Act. They should have the right to remove the plantations to the pre-existing status of ESIP and should not face any criminal action from the forest department. Payment of damages to respective ST families as compensation for loss of incomes/food/livelihoods in the last few years since their land was acquired by the project.
- c. **Reinstating the CFR lands back to the Gram Sabhas of each village.** Immediate survey and allocation of Community Forest Rights (CFR) and Community Forest Resource Rights (CFRR) to all the forest-dwelling Scheduled Tribes in all the ESIP villages and to the respective Gram Sabhas with clear titles to these CFR lands. Reinstating the collective community rights to these forest lands within the boundaries of each CFR of a Gram Sabha and handing over the ESIP sites to the Gram Sabhas.

2. B: assessment of the non-compliance of ESIP with OP 4.10, the Bank's indigenous peoples' policy and the Operational Policies on natural habitats and forests.

2.1 learning from earlier experiences

Our gender audit clearly shows a violation of the Bank's safeguards policies OP4.01, OP 4.10 and OP4.36 which the ESIP admits that it triggers. No due diligence was followed despite the Bank having had a precedence of such violations in similar afforestation projects in India and having committed to ensuring due processes in all its projects with regard to SEA. In a previously implemented Bank-financed afforestation project (The Andhra Pradesh Joint Forest Management (JFM) and Community Forest Management Projects), a Resettlement Action Plan (RAP) was hastily implemented, based on a similar complaint filed after the closure of the JFM project in the year 2002. The Bank admitted that,

"There is a likelihood of some adverse effects or impacts on some families and individuals as they may lose their individual occupancy of land in the forests", and therefore,

"In order to mitigate the adverse effects in such cases, there is a need to prepare a Resettlement Action Plan (RAP)." "Accordingly this Resettlement Action Plan has been prepared covering all the Vana Samrakshana Samithi's (VSSs), which are village level bodies, in Andhra Pradesh that are implementing A P Community Forest Management Project.

*“A profile of the encroachers, in terms of their social structure, family size, working members, landholding outside VSS, encroached forest lands in the VSS area, operational holding, household income and income from encroached land is presented”. **“It also addresses the issue of loss of livelihood that might have occurred during implementation of Joint Forest Management activity.** The main objective of this RAP is to describe the process of resettlement of people dependent on forest land that will be undertaken adopting the R& R Policy (Attachment 1) **without limiting it to any single project.**” All adversely affected families (see section 9.3.4 on entitlement framework) will get support to mitigate their losses.”*

No such process seems to have been implemented for the ESIP project although the Bank had earlier committed to an R&R policy for all its projects which states that: *“Care will be taken to ensure that women members of these families and / a single women among the affected category are involved in the discussions / decisions concerning the RAP strategies and their concerns are addressed”* (Section 9- “Legal and Policy Provisions in RAP)

At the time of the APJFM and CFM projects, STs were treated as ‘encroachers’, a term that was repeatedly used in the RAP. Despite this ‘non-legality’ of status prior to the FRA, the JFM project was admitted to have had an adverse impact on tribal livelihoods and the RAP was set up with guidelines for rehabilitation for prevention, mitigation, rehabilitation for losses to category-wise project affected communities. (9.3.4 R&R Entitlements Matrix of the RAP) Under Section 12 of RAP Approval process, *“RAP will form an integral part of the Micro plan prepared at the VSS level. Its implementation will be synchronized with the physical activities planned under the Micro plan. No physical activity including plantation will take place unless all entitlements are extended and the process of economic rehabilitation has started. Voluntary surrender of land will be well documented and will be checked on a sample basis by an external agency.”*

Yet, in the ESIP, despite the Bank’s previous experience of committing violations and setting up rehabilitation policy and framework that was meant not only for the APCFM but for all Bank projects, there does seem to have been any care taken to ensure these safeguards and legal entitlements were protected under the current project which was implemented much after the enactment of the FRA 2005.

2.2 ESIP and World Bank safeguards

The conceptual framework of the ESIP and the methodology of its implementation, all stand in violation of laws, international frameworks of human rights principles and the gender policies and ODs of the Bank. Hence,

- a. We first call for a review of the objectives of the project, especially with regard to gender. It was indicated that 9655 women have benefitted from the forest after ESIP⁸. This is unclear because dispossessing women from their ownership and access to lands and forests and compensating these with ad hoc, scattered and superfluous benefits like tailoring, daily wage work in the plantations and nursery management or other livelihood training does not only not lead to sustainable livelihoods, but reduces women from cultivators and farmers to daily wage migrant labour, with unsustainable incomes and food insecurity. We call for a serious review of the denial of women's engagement with forests for collection of basic resources like firewood, water and food. We condemn the assumptions that women's collection of firewood for their primary energy needs, leads to deforestation and we wish to question the Bank's energy policy with respect to gender. Forests in the project areas have been destroyed for several commercial interests like large scale mining, particularly infrastructure, tourism, etc and not by local indigenous communities. This assumption violates the Bank's obligations to respect indigenous people and their ancestral knowledge practices. Hence, the methodology of the project which is based on these biases has led to legal and cultural violations of the indigenous project affected people.
- b. On this count, the gender policy of the GEF and the World Bank need to be reviewed by independent civil society and indigenous community bodies to bring in accountable and monitorable gender policies and implementation plans.
- c. Proper assessment of losses and damages: Climate change mitigation and adaptation projects including afforestation projects are being implemented without a proper assessment of the losses and the actors responsible for these losses. While mining, infrastructure, tourism and other commercial industries have caused large scale deforestation without these agencies taking accountability for clean-up, land or eco-restoration, indigenous communities are forcibly made victims of climate change action projects. Hence, the current models of forest and land restoration are unscientific and unsustainable as indiscriminate forest lands diversion for mining and other private entities is increasing, which does not bring real time biodiversity restoration or carbon sequestration through such afforestation programmes as ESIP.
- d. We demand that projects like ESIP are planned and implemented with due processes of public consultation and local community consultations who are critical stakeholders of these ecosystems. The World Bank Safeguard OP/BP 4.01, Environmental Assessments states that on all Category A projects the borrower provides relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. The ESIP project justification in terms of site selection, species selection, etc is very ad hoc and disconnected from the losses and

⁸ India Ecosystem Services Improvement Project. *The World Bank*. <https://projects.worldbank.org/en/projects-operations/project-detail/P133803?lang=en>

damages. We demand that we be provided with information on the assessment undertaken in this project on losses and damages.

- e. Recognition of pre-existing ecological knowledge and forest management practices of local indigenous communities. While the GEF envisages biodiversity protection, carbon sequestration, land restoration, climate change mitigation and adaptation, we wish to state that local indigenous communities, especially women, have strong traditional customary practices of biodiversity protection and engagement. We understand that there has been support to efforts recognizing community conserved areas and knowledge systems ⁹ but these will have to reflect in the rest of the projects where the communities are directly affected by GEF's projects including the Global Biodiversity Framework Fund (GBFF). We observed that there were no funds allocated for Indigenous Peoples (IPs) in GBFF. Biodiversity protection, carbon sequestration and land restoration projects of GEF should primarily be based on and intended to improve the local needs of forest resources, traditional land use and forest use practices of indigenous communities and not for other non-forestry/commercial/private plantations type of projects that are fenced off from local community access. Towards this end, it would be more effective if funds are allocated directly to the local communities and traditional institutions like PESA gram sabhas in India, than to external agencies.
- f. Inclusive planning and implementation through Community conserved systems and entitlements to forests, biodiversity and resource ownership¹⁰: Research across the globe has, time and again, demonstrated that forests and biodiversity are best protected and regenerated when local communities are allowed to take control and govern these resources, particularly using their customary knowledge practices. We urge that the GEF, in all its projects, engages with community conserved forest management structures and indigenous peoples' customary institutions with full respect to upholding the spirit of the PESA and the FRA in India and respecting similar institutions across the globe.¹¹ In this specific project, we urge that the GEF re-initiates the process of consultations with the Scheduled Tribes and the Gram Sabhas of these villages for a sustainable model of biodiversity conservation and forest management through recognizing the community conservation practices, laws and implementing the project through community ownership of the forests within their CFR boundaries.

⁹ UNEP-WCMC and ICCA Consortium (2021). A global spatial analysis of the estimated extent of territories and areas conserved by Indigenous peoples and local communities, Territories of Life: 2021 Report. UNEP-WCMC (Cambridge, UK) and ICCA Consortium (worldwide).

¹⁰ Kothari., A. (2006). Community conserved areas: towards ecological and livelihood security. The international journal for protected area managers. Vol 19., No 1. Pp. 3-13.

¹¹ UNEP-WCMC and ICCA Consortium (2021). A global spatial analysis of the estimated extent of territories and areas conserved by Indigenous peoples and local communities, Territories of Life: 2021 Report. UNEP-WCMC (Cambridge, UK) and ICCA Consortium (worldwide).

- g. **Grazing rights:** The project has directly violated the right of local communities to graze their cattle, under the prejudice that grazing cattle leads to deforestation. The traditional forest management practices of tribal communities have well evolved management practices and customary institutional mechanisms that regulate and accommodate different user needs within the community without causing destruction to forests. These systems and spatial boundaries of management have been tampered with, by prioritising other commercial interests over forest landscapes, and thereby denying local communities their due spaces for human and animal movements. In India there are several collaborative regeneration projects between local communities and scientific institutions that have successfully implemented inclusive landscape restoration where grazing, NTFP collection and other forest user activities have been sustainably planned.¹² GEF should collaborate with such institutional mechanisms for effective and inclusive afforestation programmes.
- h. Women's livelihood and energy needs assessment and implementation plan should be strongly rooted in women's right of access to forest resources- designing micro renewable projects that are within access of communities and owned by them, wherever alternatives are desired to be complemented with traditional firewood uses, better cooking methods, providing highly subsidised energy sources like LPG. The GEF funds should provide for these subsidies to be built into the project budgets as incentives to communities. These incentives cannot be scattered, ad hoc or temporary, but reach every household in the project area to meet the local energy needs of the community for cooking, electricity, public transport and all other domestic energy needs of each village. Criminalising women for their primary need of firewood collection for cooking is a violation of SDG 5 and the Right to Food of women and Indigenous communities.
- i. Grievance Redress Mechanisms and Information Access: The current mechanisms are clearly dysfunctional. We demand that:
- a. The list of grievances received, redressed and at what levels within the ESIP project be placed in the public domain. Detailed project reports of both states where the ESIP was implemented be made available in the websites and in the local languages.
 - b. For projects implemented in Scheduled Areas, the primary level of governance is the Gram Sabha and Gram panchayat. Grievance redress mechanisms should be set up at this level if indigenous communities need to access grievance mechanisms. We strongly condemn the legitimacy given to the Joint Forest Management committees and their role in the ESIP. Since the enactment of the RoFR/FRA the designated decision-making institutions at the local level are the Gram Sabhas, the PESA committees and the FRCs

¹² Bhagirath. (30 April, 2023). Rajasthan's Udaipur and Bhilwara turned to village commons to overcome to fodder crisis. Here's why. *Down To Earth Web*. <https://www.downtoearth.org.in/news/agriculture/rajasthan-s-udaipur-and-bhilwara-turned-to-village-commons-to-overcome-the-fodder-crisis-here-s-how-88891>

and not the JFMCs. The project should engage with them, including in undertaking the review of the violations and grievances under the ESIP project. Mechanisms to engage with women and their grievances being addressed should be instituted through these local bodies and through the involvement of strong CSOs who are familiar with the local communities and experts on gender.

- c. A Tribal Development Framework (TDF) was prepared under ESMP upon the recognition that the majority of the project affected people are Scheduled Tribes or Indigenous peoples in ESIP villages. The Ministry of Tribal Affairs (MoTA) is the nodal agency and custodian of Indigenous Peoples rights in India. We do not find any consultation, involvement or decision-making for the ministry or its institutions in this project. Any projects implemented in the Scheduled Areas and where tribal communities are affected, should take into confidence the MoTA and its local instruments. Particularly as the project is implemented by the forest departments who have a conflict of interest in control over forests and have traditionally played an exploitative role vis-a-vis tribal communities, it is impossible for vulnerable tribal communities to approach the forest departments for grievance redressal, when they are the affected party. The Grievance Redress and planning and implementation should be done through the Tribal Welfare department as the nodal department.
- d. Serious, quantifiable and qualitative action should be taken immediately to set right the legal, cultural, gender-based and livelihood violations of the ESIP and these actions should be placed in the public domain for scrutiny. Where land has been taken (whether revenue, forest or commonland) for the project, these lands should be reinstated to the rightful owners/community and not settled with cash compensation, as project after project has proven that cash compensation has not led to any rehabilitation or entitlements.

We look forward to your reply to this letter.

Sincerely,

[Redacted signature block]

India.

Email: [Redacted email address]

Encl: Ecosystem Services for National Determined Contributions (NDCs) and Gender Equality. An Assessment of the World Bank Financed ESIP in Betul District, Madhya Pradesh.