

December 12, 2018

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Submitted via electronic mail

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

Dear Ms. Barlas,

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

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

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

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

decision regarding common community resources be taken by a relevant *Gram Sabha*. A *Gram Sabha* is a general assembly of all the people of a village, who have attained the age of 18 years, and are registered in the electoral roll relating to a village.¹ A *Gram Sabha* resolution is a majority vote in favour of an issue. In this case, the project did not receive *Gram Sabha* consent. State administration threatened community members of dire consequences when they tried to protest in December 2016, outside of the District Collector's office against the forceful illegal construction of the ESR on their common property. The community fears the CB Scheme is part of a larger plan to expand the boundaries of the adjacent city, Jamshedpur, which risks taking away the special legal protections afforded to the community as a rural Indigenous village in India.

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

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

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

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

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

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

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

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

⁴ *Id.*

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

⁶ Drinking Water and Sanitation Division, Jamshedpur, Detailed Project Report for Bagbera, Kitadih, Ghaghidih, Portion of Parsudih, Karandih to the Right Side of Tata-Barbil Railway Line Group of Villages Water Supply Scheme, annexed as ANNEXURE C (*hereinafter*, Bagbera Detailed Project Report), p. 1-2.

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

Scheme, the water will be drawn upstream from the Subarnarekha river near village Bondih.⁸ A tariff will be imposed for access to drinking water under this scheme.⁹ The CB Scheme's construction, operation, and management have been auctioned to Infrastructure Leasing and Financial Services Private Ltd.¹⁰

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

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

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

(2) Impacts of the CB Scheme on the community

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

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

⁸ Drinking Water and Sanitation Department, Detailed Project Report (Volume -1) for Preparation of DPR for Drinking Water Supply System for Part 1 i.e. Chotagovindpur, Gadhra, Left Side of Haludbani, Sarjamda, Parsudih Area of Tata Barbil Railway Line from Swarnrekha River of Jamshedpur Block of East Singhoom District of Jharkhand, annexed as ANNEXURE D (*hereinafter* Chhotagovindpur Detailed Project Report), p. 12.

⁹ Chhotagovindpur Detailed Project Report (ANNEXURE D), p.46.

¹⁰ The Telegraph, "Site recce for water project", April 9, 2015, available at: <https://www.telegraphindia.com/states/jharkhand/site-recce-for-water-project/cid/1425406>, annexed as ANNEXURE E.

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

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

During the construction of the ESR, a martyrdom site was also razed. This martyrdom site commemorated three boys from the community who gave their life to the struggle for statehood for Jharkhand. Boulders were placed at that site in their memory. Every year, on September 18, the community would observe their martyrdom day at that site. This martyrdom site was an important physical, historical and cultural resource of both the community and Jharkhand. They razed the boulders to construct the ESR. A statue with busts of the three martyrs was placed adjacent to the ESR by the project implementors. The community does not believe in having statues of community members who have died. Stones or boulders are placed in their memory instead. The community was never consulted on this issue.

The site of the ESR in Sarjamda has strong bonds with the way of life, culture, traditions, and history of the Indigenous people of Sarjamda Purana Basti, Neecha Tola. Taking the ground away from the community is an attack on its traditions, culture, and history.

(b) Economic impacts and impacts on community autonomy

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

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

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

¹³ Bagbera Preliminary Design Report, *supra* FN 6.

¹⁴ State of Jharkhand, Addendum to Master Plan for Jamshedpur Urban Agglomeration Master plan 2027: Draft Proposal, April 2017, p.5., available at: [http://www.jharkhand.gov.in/documents/10179/1704975/jamshedpur%20UA\(urban%20agglomeration\).pdf](http://www.jharkhand.gov.in/documents/10179/1704975/jamshedpur%20UA(urban%20agglomeration).pdf) (*hereinafter* Draft Master Plan Jamshedpur), annexed as ANNEXURE G.

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

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

(c) Lack of information disclosure and community consultations

Besides the harmful impacts of the project on its customs, and physical cultural resources, the community is also aggrieved by the lack of information disclosure and consultation for this project. Documents pertaining to the CB Scheme are not available on the World Bank info-shop. The community only got access to the Detailed Project Reports, and the Preliminary Design reports for the CB Scheme after the Majhi of another impacted village, Giddhijhopri, shared it with the Neecha Tola community. The Giddhijhopri Majhi got hold of these documents after going through a strenuous process under the Right to Information Act. World Bank management and the implementing authorities never consulted the Neecha Tola, Purana Basti community about this project. In 2015, a team from the District Water and Sanitation Department (DWSD) came to the site in the village, for inspection. When members of the community asked them questions, the inspection team told them they were doing a soil examination. The team assured the community no construction would happen in the village without *Gram Sabha* consent.

Another DWSD team visited the site in April 2016. This team came with machinery for the construction of the ESR. The community opposed any proposed construction and held protests. The administration again gave the community an assurance that no construction activity would take place without a *Gram Sabha* resolution and the team left.

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

(d) Invalid Gram Sabha Resolution

¹⁵*Id.*, at p.62.

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

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

In December 2016, traditional leaders from Neecha Tola were in Delhi to participate in a program on traditional governance. Taking advantage of the absence of traditional leadership, the construction work for the water tank started. The Indigenous residents of Purana Basti, Neecha Tola Sarjamda have passed several resolutions opposing construction of an ESR in their village.

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

(3) Violations of World Bank Policies

(a) Operational Policy on Environmental Assessment OP 4.01

(i) Erroneous Project Categorisation

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

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

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

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

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

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

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

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

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

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

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

²¹ ESSP, OP 4.01, Environmental Assessment.

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

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

²⁴ Draft Master Plan Jamshedpur, p.62, ANNEXURE G.

²⁵ United States Environment Protection Agency, Drinking Water Treatment Plant Residuals Management Technical Report (EPA 820-R-11-003) (*hereinafter* EPA report on WTP Residuals), p. 5-3, “The

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

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

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

(ii) *Inadequate Environmental Assessment*

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

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

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

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

²⁷ EA-EMF Report, p. 117.

²⁸ Chhotagovindpur Detailed Project Report (ANNEXURE D), p.43

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

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

(iii) Lack of a proper mechanism for sludge disposal

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

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

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

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

³⁰ Chhotagovindpur Detailed Project Report (ANNEXURE D), p.55

³¹ EPA report on WTP Residuals, p. 10-2, 10-3, ANNEXURE J.

³² EPA report on WTP Residuals, p. 10-3, ANNEXURE J.

³³ EPA report on WTP Residuals, p. 10-4, ANNEXURE J.

³⁴ In the past, the Inspection Panel has found the Bank in violation of its policies for failure to properly address the issue of sludge disposal at the environment assessment stage. See Investigation Report-Colombia: Cartagena Water Supply, Sewerage and Environmental Management Project, June 24, 2005, p.44, available at:

<http://documents.worldbank.org/curated/en/824481468770490508/pdf/320340ENGLISH01ationReport01PUBLIC1.pdf>

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

(iv) *Lack of Public Consultation*

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

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

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

(v) *Inadequate Information Disclosure*

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

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

³⁶ EA-EMF Report, p. 3.

³⁷ EA-EMF Report, p. 4.

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

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

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

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

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

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

(b) Operational Policy on Indigenous Peoples OP 4.10

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

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

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

According to the Bank's Policy on Indigenous Peoples:

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

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

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

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

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

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

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

The Indigenous communities in Purana Basti takes all the decisions after rigorous consultation processes involving the whole *Gram Sabha*. Neecha Tola, Purana Basti, Sarjamda residents, have passed numerous resolutions opposing the construction of the ESR at “Romantic Ground”.⁴⁸ The community also raised their grievances with the Project through letters to local authorities.

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

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

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

⁴⁸ Photographs of various resolutions passed by the community have been Annexed as ANNEURE L

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

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

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

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

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

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

(ii) *No assessment of the negative impacts of CB Scheme on Indigenous community resources*

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

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

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

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

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

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

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

⁵⁸ Tribal Development Plan, ANNEXURE K p.7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Violations of Indian and International Law

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

⁶⁴ Integrated Safeguards Data Sheet Concept Stage, ANNEXURE F.

⁶⁵ EA-EMF Report, p. B.

⁶⁶ EA-EMF Report, p. 89.

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

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

environmental treaties and agreements.”⁶⁹

(a) Violation of Constitutional Provisions

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

This makes clear that it is illegal and unconstitutional for the state to transfer land in Neecha Tola, Purana Basti, Sarjamda, a recognised scheduled area, to a corporation for the construction and operation of a water treatment plant. In this case, Chhotta Gobindpur and Bagbera Drinking Water Supply Project Limited, an entity of Infrastructure Leasing and Financial Services Limited, was given possession of the common community property.

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

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

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

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

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

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

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

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

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

⁷⁵ Section 4 (d), PESA, ANNEXURE I.

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

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

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

(c) Violation of the Polluter Pays Principle

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

It is well-documented that Jamshedpur and its surrounding areas have suffered considerable environmental degradation because of industrialisation and intense mining, including uranium mining.⁸⁰ The Baseline EA-EMF for Jharkhand acknowledges this environmental degradation,⁸¹ noting that “metallic and dissolved toxic wastes from TISCO, Jamshedpur, and HCL, Ghatsila and radioactive wastes from the uranium mill and tailings ponds of the UCIL at Jaduguda flow into Subarnarekha and its tributaries.”⁸²

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

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

On behalf of the Neecha Tola, Purana Basti, Sarjamda community, *Majhi*, Mr. Bhagat Murmu, sent a letter to the then World Bank Task Team leader, Mr. Shyam K.C., by electronic mail dated October 10, 2018,⁸³ raising various grievances of the community

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

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

⁸⁰ See, e.g., Amita Bhaduri, “Subarnarekha is dying. Who’s responsible?”, India Waterportal, May 25, 2016 available at: <http://www.indiawaterportal.org/articles/subarnarekha-dying-whos-responsible>.

⁸¹ EA-EMF Report, p. C.

⁸² EA-EMF Report, p. 86.

⁸³ Chain of e-mails between Majhi Bhagat Murmu and World Bank Management, p. 1/12, annexed as ANNEXURE M.

regarding the CB Scheme. Mr. Shyam K.C. forwarded the letter to the current Task Team Leader, Mr. Xavier Chauvot De Beauchene.⁸⁴

A team of individuals led by Ms. Sona Thakur, Senior Communications Specialist, visited the Majhi without notice on October 15, 2018. The Majhi shared all the concerns of the community with Ms. Thakur. While acknowledging those concerns, Ms. Thakur told the *Majhi* that there is not much that can be done at this stage since construction is almost complete and the Majhi should try to explain that to the community.

In an electronic mail dated October 29, 2018, Mr. Xavier Chauvot stated that he had forwarded the community letter to the Project's State Project Management Unit, and would revert after discussing community concerns with the State Project Management Unit and the District Project Management Unit.⁸⁵ The management is trying to organise a visit to the communities.⁸⁶ However, so far no tangible steps have been taken to solve the issues raised.

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

(6) Requested Next Steps

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

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

⁸⁴ *Id* at p. 1/12, ANNEXURE M.

⁸⁵ *Supra*, FN 83, p. 2/12..

⁸⁶ *Supra*, FN 83, p. 3/13-12/12.

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

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

Please do not hesitate to contact us through *Majhi* Bhagat Murmu with any questions you may have. Please send correspondence to Bhagat Murmu in both the Hindi and English languages via electronic email bhagatmurmu.mpm@gmail.com. Please also copy all communications to our advisor and supporter Mr. Bineet Mundu at bineet.mundu@gmail.com.

We look forward to hearing from you.

Sincerely,

Neecha Tola, Purana Basti, Sarjamada Community (See ANNEXURE A for a list of complainants)