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***Submitted via electronic mail***

**Re: Safeguard Policy violations in IN Rural Water Supply Scheme for Low Income States**

Dear Ms. Barlas,

I am the advisor for communities that submitted complaints to the Inspection Panel (*hereinafter* “Panel”) regarding the Chhotagovindpur Bagbera Piped Water Supply Project (*hereinafter* “the project”), funded by the World Bank under its IN Rural Water Supply Scheme for Low Income States (*hereinafter* “RWSS”), namely:

1. Complaint no. 128, dated September 20, 2018, submitted by *Santhal* Community members from Giddhijhopri village of East Singhbhum district, Jharkhand, India (*hereinafter*, “First Complaint”); and
2. Complaint no. 129, dated December 12, 2018, submitted by *Ho* and *Santhal* community members from Purana Basti, Sarjamda, East Singhbhum district, Jharkhand, India (*hereinafter*, “Second Complaint”).

I am writing on behalf of the communities to submit additional information to the Panel regarding safeguard policy violations by the Bank. This information is intended to supplement what has already been submitted to the Panel and contains submissions regarding previously unknown facts and provides a rejoinder to Bank management’s responses to the community complaints. Firstly, it discusses the nature of the land on which project components are being constructed. Secondly, it discusses violations of Operational Policy 4.10 on Indigenous Peoples. Thirdly, it discusses violations of Operational Policy 4.01 on Environmental Assessment. The supplement also provides an assessment of steps taken by Bank management to fulfil the promises made at the eligibility stage.

Communities request that the Inspection Panel team take into account the numerous and serious violations of World Bank Safeguard policies described in this letter arising from Bank management’s failures to properly screen this project and then conduct appropriate due diligence and supervision of it. As a result of these significant policy violations, complainant communities are suffering serious impacts to their rights, environment, livelihoods culture and way of life.

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### **I. Nature of the Land on which Project Components are Being Constructed**

#### **A. Legal ownership of the land**

Bank management's responses to the complaints state repeatedly that the project components are being built on "government land".<sup>1</sup> This characterization is an oversimplification and fails to take into account the complexity of property rights attached to common property resources in India.

According to online Jharkhand government land records, the land on which the plant is being constructed in Giddhijhopri (record number 1075, plot number 597) is listed as "*Anabad Bihar Sarkar*".<sup>2</sup> It should be noted that Jharkhand (which was formerly part of the state of Bihar till the year 2000) has never fully updated land records since British rule.<sup>3</sup> To understand the evolution of this title, the Report on Land Governance Assessment Framework, that the World Bank prepared as part of a Technical Advisory for the State of Jharkhand in 2015, provides useful historical background, describing the following three important time periods:<sup>4</sup>

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<sup>1</sup> Examples- Management Response To Request For Inspection Panel Review Of The India: Rural Water Supply And Sanitation Project For Low Income States (P132173), p. v (¶v), 1 (¶4), 4 (¶16), 9 (¶33) *hereinafter* Management Response Complaint 1; Management Response To Second Request For Inspection Panel Review Of The India: Rural Water Supply And Sanitation Project For Low Income States (P132173), p. v (¶ii), 1 (¶4), 7 (¶23), *hereinafter* Management Response Complaint 2.

<sup>2</sup> Land Record for *Khata* No. 1075, retrieved from [https://jharbhoomi.nic.in/jhrlrmsmis/MISROR\\_REG2/MISROR\\_REG2.aspx](https://jharbhoomi.nic.in/jhrlrmsmis/MISROR_REG2/MISROR_REG2.aspx), a government online register of land records.

<sup>3</sup> *Infra* note 4 at p. 6

<sup>4</sup> World Bank. 2015. *Report on land governance assessment framework - Jharkhand (English)*. Washington, D.C. : World Bank Group, available at

- Pre-colonial framework: All the land in the village was held in collective ownership by the entire community, and individual ownership was not a concept.<sup>5</sup> Land was divided into various portions like *rajhas* where the cultivated produce was for the king, *sarana* land for religious activities, *akhra* land for community celebrations, everyday agricultural cultivation land etc.<sup>6</sup>
- Framework applied by East India company: The East India Company applied the *Zamindari* system to collect land revenue in Bengal Presidency, with Chhotanagpur region being a part of Bengal presidency.<sup>7</sup> Under the *Zamindari* system, the *Zamindar* (intermediary tenure holder) effectively controlled all common land of the village.<sup>8</sup> He was the proprietor of all land,<sup>9</sup> which included land that was earlier marked for sacred groves or community celebrations.
- Post-Independence framework: *Gairabad Malik Khas*, a category of common land in Jharkhand which was in the custody of *Zamindars*,<sup>10</sup> became known as *Anabad Bihar Sarkar*<sup>11</sup> after the Bihar Land Reforms Act, 1950 and revisional surveys from 1958-1965.<sup>12</sup>

*Anabad Bihar Sarkar* is thus the name for common property resources of a village, which were earlier held under the *Zamindar*. The settlement report conducted after the revisional survey states that such land belongs to the inhabitants of the village as a whole.<sup>13</sup> This category of land was supposed to be accompanied by a document that records the customary user rights of community members in a document called “*Khatian* part II”,<sup>14</sup> however, this record of customary user rights was not prepared for Singhbhum area, a lapse on part of the government authorities.<sup>15</sup> This is a policy gap the World Bank recognized in its report and recommended the Jharkhand government address.<sup>16</sup>

According to the Jharkhand Land Manual published in 2015, authored by Rashmi Katyayan, *Anabad Jharkhand Sarkar* is defined as (translated from hindi text):

*“The general public land of the village such as a passage, a footpath, the worship place of the village community, resting place for animals of the village, village pond, non-agricultural common village land etc. , **the rights to these is implied with the people of the village** (emphasis added). Neither the government nor anybody from the village*

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<http://documents.worldbank.org/curated/en/620621504863280205/Report-on-land-governance-assessment-framework-Jharkhand>

<sup>5</sup> *Id.* at p. 34.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 35.

<sup>8</sup> *Id.* at 36.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 73.

<sup>11</sup> *Id.* at 108.

<sup>12</sup> Carol Upadhya, Community Rights in Land in Jharkhand, Economic and Political Weekly, October 8<sup>th</sup>, 2005, p. 4436, available at [http://eprints.nias.res.in/54/2/Carol-Community\\_rights.pdf](http://eprints.nias.res.in/54/2/Carol-Community_rights.pdf).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 77.

<sup>15</sup> *Supra* note 12 at p. 4436.

<sup>16</sup> *Supra* note 4 at p. 78, 81, 256.

*can encroach this land and the land cannot be used for anything other than the usage which was decided upon. Just like anabad, this land belongs to the Gram Sabha.”<sup>17</sup>*

The Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India, chaired by Professor Virginius Xaxa, corroborates the situation:

*“Community land of tribal communities is **recorded as Government land in survey and settlement operations** (emphasis added) and most State tenancy laws recognize only individually owned registered land. Such lands have not been fully surveyed and there is no record of user practices, which would be shown as Government land.”<sup>18</sup> The failure of the government to record Common Property Resources of Adivasis has been repeatedly exploited to alienate indigenous land to non-indigenous communities.*

Legislative developments regarding common property resources in *Adivasi* areas since 1996 provide further context to the fact that titular ownership in land records is in the name of the government, while customary rights are implied to be held by the people of the village. In particular, the Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA) and Jharkhand Panchayati Raj Act, 2001 (JPRA) effectively give *de facto* control of decision making as far as land use is concerned to the *Gram Sabha* in *Adivasi* areas.<sup>19</sup> These pieces of legislation recognise the collective ownership of the *Gram Sabha* over common property resources in the village. Specifically, the JPRA states in section 10(5), that the Gram Sabha in a Scheduled V area “shall protect and preserve the traditions and customs of people their cultural identity and community resource means (Sarna<sup>20</sup>, Masna<sup>21</sup>, Jaher Than etc)”, where *Jaher Than* is another name for *Jaher Sthal* (meaning sacred grove).

The Supreme Court of India held in the landmark *Samatha* judgement that all types of land in Scheduled Areas are subject to *Gram Sabha* consent: “the members of (Constituent) Assembly

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<sup>17</sup> Rashmi Katyayan, Jharkhand Land Manual, Crown Publications, 2015, p. 420. Photograph of the relevant section is attached as ANNEXURE- S6

<sup>18</sup> Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India, May 2014, P. 255-256, available at <http://www.indiaenvironmentportal.org.in/files/file/Tribal%20Committee%20Report,%20May-June%202014.pdf>

<sup>19</sup> **Jharkhand Panchayati Raj Act --- S. 10, Powers and Functions of the Gram Sabha and its Annual Meeting-** 1(a)(xi)- Managing natural resources such as land, water, forest falling within the limits of the village area according to the constitution and other relevant laws then in force, 1(a)(xxiv)- Management of public land, extension and development of village site, 1(a)(xxx) Taking care of ancient and historical monuments other than those which have been declared to be of national importance and maintaining grazing grounds and other lands lying within control of the Gram Sabha; S.10(5)- Additional powers and functions of Gram Sabha in scheduled area --- (i) It shall protect and preserve the traditions and customs of people their cultural identity and community resource means (Sarna, Masna, Jaher Than] etc.)...

(ii) the spirit of other relevant laws in force for the time being; It may manage the natural resources including land, water and forest within the village areas according to its tradition but in accordance with the provisions of the constitution and duly keeping in view;

**Panchayats (Extension to Scheduled Areas) Act---** S.4(d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution S. 4(e) every Gram Sabha shall- (i) approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level.

<sup>20</sup> Depending on the region, the words *Sarna*, *Jaher than*, *Jaher sthal*, *Jahira* are interchangeably used to refer to the sacred grove of an *adivasi* community, dedicated to their ancestors. It is the common community resource of the community.

<sup>21</sup> *Masna* refers to an *adivasi* community’s graveyard.

deliberated to protect tribal land for the economic empowerment, economic justice, social status and dignity of tribal persons. This entailed retention of land with the tribals, not only the land belonging to them, but also Government land in Scheduled Areas. ...This manifested the intent of the founding fathers...to prohibit transfer between tribals and non-tribals and provided for allotment of land to the members of the Scheduled Tribes in such areas.”<sup>22</sup>

The project authorities in this case were well aware of this *Gram Sabha* requirement. In a letter dated January 20, 2016, the Land Officer while giving his “No Objection Certificate” to the use of the impugned site for the Water Treatment Plant (WTP) in Giddhijhopri explicitly stated that construction can only happen after obtaining *Gram Sabha* approval (see ANNEXURE S1). In the past, the administration in Giddhijhopri village has undertaken development activities, such as the construction of the school, after explicit *Gram Sabha* consent. This is a well-established procedure that was wholly surpassed in this case.

It bears repeating that the common property resources on which the project is being built is crucial to the community. In Giddhijhopri, it is their *Jaher Than* (sacred grove) and traditional *Madhhatti* (graveyard and cremation ground) that they have been worshipping and using for generations and is the resting place of their ancestors. Destruction of a *Jaher Than* is an assault on an *Adivasi* community’s right to practice its own religion, a fundamental tenet of the Constitution of India.<sup>23</sup> In Giddhijhopri, there are two tombstones on the plot erected in memory of two members of the community after their death. The tombstones have the date of death as, “18.8.1987”. This shows that the community has been using this land as their graveyard for at least 32 years. In Purana Basti, the site was a martyrdom spot in memory of men from the village who gave their life for a separate Jharkhand state, where every year martyrdom day was observed.<sup>24</sup> The communities’ uninterrupted usage of the land for generations may also give rise to ownership rights under Indian land laws.<sup>25</sup>

## **B. Location of the WTP site in Giddhijhopri**

With respect to Giddhijhopri habitation, Bank management notes that in the “absence of sub-level maps, it is not possible to clearly identify whether the site lies within the informally-agreed land usage area of Giddhi Jhopri or Ranidih” and is more visible by the Ranidih habitation.<sup>26</sup>

The suggestion by Bank management and project authorities that the land falls outside Giddhijhopri village goes against evidence to the contrary. Communities in Ranidih or other villages have never claimed this site as their common property resource. In fact, until April 2016, in internal communication amongst various departments of the government, including the project authority (DWSD), the project site was repeatedly referred to as “*Giddhijhopri Dungri*” (Giddhijhopri Hill), or the location was listed as Giddhijhopri (see ANNEXURE S3 ). It was only after the community opposition came to light that the administration started referring to the site as “*Ghaghidih Dungri*”.

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<sup>22</sup> *Samatha v. State of Andhra Pradesh* (1997) 8 SCC 191

<sup>23</sup> Article 25(1), Constitution of India

<sup>24</sup> Old picture of the original site before construction of ESR clicked on a martyrdom day,

<sup>25</sup> S. 25(3) read with S.27, Limitation Act, 1963;

<sup>26</sup> Annex 1, Claims and Responses, ¶ 1

The “affected Indigenous Peoples’ communities” as required by OP 4.10 clause 11 is the Giddhijhopri community because as stated above, the WTP site is located in their village and it is their *Jaher Than* and *Maddhatti*.

## II. Violations of Operational Policy 4.10 and the Absence of Broad Community Support

Bank management has failed to comply with Operational Policy 4.10 on Indigenous Peoples, which outlines its responsibility to ensure broad community support before implementing a project that impacts Indigenous Peoples. Paragraph 11 of the policy states:

*“The Bank reviews the process and the outcome of the consultation carried out by the borrower to satisfy itself that the affected Indigenous Peoples’ communities have provided their broad support to the project. The Bank pays particular attention to the social assessment and to the record and outcome of the free, prior, and informed consultation with the affected Indigenous Peoples’ communities as a basis for ascertaining whether there is such support. The Bank does not proceed further with project processing if it is unable to ascertain that such support exists.”*

Bank Management has conceded that there is no endorsement of the Project in the revenue village for Purana Basti or the *Gram Sabha* from Purana Basti. As a result, this section mostly focuses on Management Response to the First Complaint.

With respect to Giddhijhopri, Bank management has conceded that the selection of the current Water Treatment Plant was endorsed by the Gram Panchayat of Madhya Ghaghidihi on February 6, 2016, however, the residents of Giddhijhopri habitation were not represented in this meeting.<sup>27</sup> Management concedes that what was required was to involve a Gram Sabha at Giddhijhopri habitation.<sup>28</sup> However, Management claims that project authorities and the *Mukhiya* met with members of Giddhijhopri community on February 4<sup>th</sup>, February 20<sup>th</sup> and March 11<sup>th</sup>, 2016.<sup>29</sup>

### A. *Gram Sabha* must be from the Giddhijhopri village community

In the case of the Bagbera Water Supply Project, Madhya Ghaghidihi is the village notified by the Governor. However, the whole Project falls in East Singhbhum district, which is a Fifth Schedule Area.<sup>30</sup> The Fifth Schedule of the Constitution of India lays out the fundamental principles for the governance of regions with substantial population of Scheduled Tribes

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<sup>27</sup> Management Response to Complaint 1, p. vi (¶ viii)

<sup>28</sup> Management Response to Complaint 1, p. 9 (¶ 35)

<sup>29</sup> Management Response to Complaint 1, p. 13 (¶ 49),

<sup>30</sup> 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>. Scheduled Areas are areas that are declared by the President of India to be

Scheduled Areas (Part C, Fifth Schedule, Constitution of India). These are areas with a preponderance of Tribal (*Adivasi*) population (Declaration of Fifth Schedule, available at

<https://tribal.nic.in/declarationof5thSchedule.aspx>; CR Bijoy, Panchayat Raj (Extension to Scheduled Areas) Act of 1996: Policy Brief, p.10 available at <https://www.undp.org/content/dam/india/docs/UNDP-Policy-Brief-on-PESA.pdf>).

(Adivasis).<sup>31</sup> Part IX of the Constitution of India, that lays out the *Panchayati Raj* system, on its own does not apply to Scheduled Areas.<sup>32</sup> Parliament extended Part IX of the Constitution of India to Scheduled Areas through the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). This was in recognition of the fact that *Adivasi* areas have independent, separate, and different structures of self-governance that are recognised by the Indian state.

One of the fundamental changes that PESA makes to Part IX is the definition of “village”. The village is the base unit of the *Panchayati Raj* system and the departure from the general definition of “village” in Part IX reflects the difference in the very nature of governance in *Adivasi* areas. Generally, population and geographic area are key considerations for drawing out a village under the *Panchayati Raj* system. However, in *Adivasi* areas (Fifth Schedule Areas), community is the key factor in forming a village. The definition of “village” in PESA provides that, “a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.”<sup>33</sup>

JPRA also makes this distinction for villages in Fifth Schedule Areas, defining a “village” as follow:

*“A village specified by the State Government, by notification in the official gazette to be a village for the purposes of this Act, and includes a village or a group of villages/ Tolas so specified. The word "village" includes a revenue village; but in the scheduled area, a 'village' means any such village in The scheduled area in which there will ordinarily be a residence or a group of residences, or a tola or a group of tolas, comprising such community which manages its activities according with its customs and usages.”*<sup>34</sup>

JPRA further elaborates on the meaning of *Gram Sabha* in a Scheduled Area:

*“GRAM SABHA in a scheduled area:- Ordinarily there shall be one GRAM SABHA for a village but if members of a Gram Sabha in a scheduled area, so desire they may constitute more than one Gram Sabha in a village in the manner which may be prescribed and in the area of each such Gram Sabha there shall be residence and group of residences or small villages or villages/group of tolas comprising of communities which shall manage their activities in according with customs and usages.”*<sup>35</sup>

The upshot of this is that Madhya Ghaghidih Gram Panchayat has several different villages within it, and therefore, by law, it has several different *Gram Sabhas*. Each *Gram Sabha* manages the affairs in its own area. There is not one *Gram Sabha* for the whole of Madhya Ghaghidih, and locally, a meeting of all the *Gram Sabhas* of Madhya Ghaghidih is called an Aam Sabha (loosely translated to “Regular Meeting”). Such an Aam Sabha does not have the mandate and powers of a *Gram Sabha*. The *Gram Sabha* in Giddhijhopri must comprise of people in Giddhijhopri.

Bank Management and project authorities were supposed to have rigorous consultations and consent of Giddhijhopri *Gram Sabha*, the relevant decision making body under law.

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<sup>31</sup> Art. 244 (1), Constitution of India.

<sup>32</sup> Art. 243(M)(1), Constitution of India, “243M. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.”

<sup>33</sup> S. 2(ii), Panchayat (Extension to Scheduled Areas) Act, 1996.

<sup>34</sup> S.2(ii), Jharkhand Panchayati Raj Act, 2001.

<sup>35</sup> S. 3(iii), Jharkhand Panchayati Raj Act, 2001.

## **B. Meetings with sections of the community do not constitute Free Prior Informed consultation**

Bank management claims that project authorities and the *Mukhiya* met with members of Giddhijhopri community on February 4<sup>th</sup>, February 20<sup>th</sup> and March 11<sup>th</sup>, 2016. As mentioned above, Indian law makes clear that what was required in this case was nothing short of a *Gram Sabha* in Giddhijhopri habitation. The meetings in February and March 2016 do not take away that requirement. In any case, the meetings do not constitute *Free, Prior and Informed consultation*, as required by OP 4.10, clause 11.

The meetings did not amount to “informed” consultations as community members were not provided any information on the impacts of the project, a failing that remains to this date. Moreover, the meetings were only with some members of the community and not the community as a whole, which requires a formal calling of a *Gram Sabha* assembly by the Giddhijhopri Majhi.

Nor did the meetings amount to “prior” consultation. In this case, communities heard about the project when construction machinery arrived on their common property resources. Communities were never given any information and had to collect money for getting information under the Right to Information Act. Communities realise from Management’s response that the Environment Management Plan is yet to be completed, and the Tribal Development Implementation Plan was not approved until much later when the project was near completion. There were no consultations until after complaints were made to the Inspection Panel. This is antithetical to the World Bank’s Indigenous People’s Safeguard Policy that requires free, prior, informed consultations for all projects impacting indigenous communities.

## **C. Project Construction through use of force and retaliatory cases**

As stated in the Giddhijhopri complaint, unarmed women and children from Giddhijhopri were beaten with batons by male police officers when they objected to project construction without *Gram Sabha* consent.<sup>36</sup> This resulted in serious injuries to some members of the community.<sup>37</sup> Some officers reportedly brandished their service revolvers to threaten the community.<sup>38</sup>

This use of force was pre-meditated as can be seen from a letter dated May 25, 2016 from the Executive Engineer of the DWSD to the Circle Officer (*see* ANNEXURE S5). The letter mentions that the Project is being monitored by the World Bank and asks for deputation of police force to start project construction.

Furthermore, according to minutes of a meeting held on July 15, 2016,<sup>39</sup> under the heading *Bhoomi Vivaad* (roughly translated as Land Dispute), all heads at the police station level were

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<sup>36</sup> First Request for Inspection, p. 11

<sup>37</sup> First Request for Inspection, p. 11

<sup>38</sup> *Id.*

<sup>39</sup> These minutes were a part of the reply filed by the district administration in response to a community complaint to National Commission for Schedule Tribes. The date of the meeting is the same as the date on which unarmed community members were beaten up by the police.



asked to identify habitual offenders, make them file bonds and take action (*see* ANNEXURE S5). Subsequently, cases were filed against several members of the community, including Ms. Sumitra Kisku, for peacefully opposing project construction on their sacred lands. Communities believe that the *Bhoomi Vivaad* refers to the forceful acquisition of the community's sacred land and was an act of retaliation against the communities to silence their opposition to the project. Peaceful protest and freedom of assembly is a fundamental right of the communities protected under the Indian Constitution and various international human right rights treaties.

Bank management has acknowledged that their compliance review team recorded constant opposition to the project from Indigenous communities during the Mid-Term review.<sup>40</sup> This should have put management on notice about the absence of broad community support, a mandatory requirement of OP 4.10, and prompted management to take immediate steps to investigate if the project had the required Indigenous Peoples Framework and if Indigenous communities opposing the project were consulted.

**D. Support for the project from non-Indigenous communities is irrelevant for assessing broad community support**

Bank management in its responses has referred to the support for the project from people residing outside of Giddihjhopri or Purana Basti.<sup>41</sup> Support of people outside of the complainant villages is irrelevant if the project components, in question, only harm the rights and resources of the complainant communities. This makes complainant communities the “affected communities” and OP 4.10, clause 11 mandates “broad community support” from them.

There is no denying that there is an acute shortage of water for families staying in apartment buildings in Bagbera, and other villages and there is a strong demand for the project from them. The vast mineral wealth of this area led to massive industrial expansion<sup>42</sup> at the cost of *Adivasi* rights and resources. There has been an influx of non-Indigenous migrants who come for employment opportunities in various sectors, and this has caused large scale urbanisation of *Adivasi* areas.<sup>43</sup> As a result, there has been a steep decline in the population share of *Adivasi* communities in East Singhbhum over the years.<sup>44</sup> The migration of non-Indigenous communities led to development of irregular residential colonies in rural *Adivasi* areas.<sup>45</sup> Bagbera colony that forms the Bagbera *Gram Panchayat* is an example of that. The urban industrial complex has expanded significantly, often through forceful government and private acquisition of *Adivasi* land, sometimes whole villages.

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<sup>40</sup> Management Response to Complaint 1, p. 10 (¶38)

<sup>41</sup> Example, Management Response to Complaint 1, p. 16 (¶60); Management Response to Complaint 2, p. 11-12 (¶41), p. 14(¶46)

<sup>42</sup> Census of India, 2011, District Census Handbook- Purbi Singhbhum, p. 13, available at [http://censusindia.gov.in/2011census/dchb/2012\\_PART\\_B\\_DCHB\\_PURBI%20SINGHBHUM.pdf](http://censusindia.gov.in/2011census/dchb/2012_PART_B_DCHB_PURBI%20SINGHBHUM.pdf)

<sup>43</sup> Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India, May 2014, p. 305, available at <http://www.indiaenvironmentportal.org.in/files/file/Tribal%20Committee%20Report,%20May-June%202014.pdf>

<sup>44</sup> पूर्वी सिंहभूम में 5 फीसदी घट गई आदिवासियों की आबादी ( 5% decline in Adivasi Population in East Singhbhum ), Dainik Bhaskar, October 7, 2018, available at <https://www.bhaskar.com/jharkhand/jamshedpur/news/tribal-population-decreased-in-east-singhbhum-0851117.html>

<sup>45</sup> *Supra* note 4 at p.8.

Despite this pressure, communities like Giddhijhopri have managed to survive and somewhat protect their resources from exploitation. They live according to their traditional governance and sustenance methods. They are some of the last surviving Indigenous communities in East Singhbhum.

Communities in Giddhijhopri are not against water supply to non-Indigenous people who need water. They believe providing that water cannot be at the cost of their rights and resources and they have a right to decide how their resources are to be utilized under the Bank's own policies as well as under the Constitution of India.

### **III. Violations of Operational Policy 4.01 on Environment Assessment and the Framework Approach for Safeguards**

In its responses to the community complaints, Bank management acknowledged that it failed to ensure a CB scheme-specific environmental assessment was prepared even though under the Project agreement between the Bank and the Government of Jharkhand scheme-specific EMPs had to be submitted to the Bank for prior review and approval.<sup>46</sup> Management acknowledged that the Bank did not follow up and claims the EMP is currently being updated to address identified weaknesses. To date, no EMP has been disclosed to communities.

Bank management's failure to assess the impacts of the CB Scheme and other glaring due diligence gaps raises serious questions about the Bank's decision to apply the "framework approach for safeguards" to the CB Scheme. Bank management defends its application of a "framework approach for safeguards" to the RWSS on the basis that there were a large number of schemes and most of them had not yet been identified at the time of the appraisal. However, the CB Scheme is an INR 237 crore (roughly USD 34 million)<sup>47</sup> project with big infrastructure components, spread across a broad geographical area that includes several Indigenous groups at the risk of losing their way of life, land, and resources to forced urbanisation. The framework approach is supposed to be a model for low-risk programmatic funding.<sup>48</sup> While the single village supply schemes may be well-fitting for a framework approach, the approach is not designed for large infrastructure projects like the CB Scheme and its associated impacts.

Applying a framework approach to the CB Scheme meant that important protections were set aside. In particular, the mandatory disclosure of environmental assessments to communities, as is usually required under OP 4.01 prior to Bank appraisal, as well as Board scrutiny of these documents at the time of approval was taken away. In other words, an independent project analogous to the CB Scheme would not have been appraised by the Bank nor received Board approval without an environment assessment. This approach cast aside well established due diligence duties, and frustrated meaningful consultations by the absence of credible information relating to the impacts of the project. Moreover, no rigorous alternatives analysis was conducted for the CB Scheme, including an analysis of whether single village schemes,

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<sup>46</sup> Management Response to Complaint 1, p. vi (¶x, xi).

<sup>47</sup> *Creating Waterways*, The Telegraph, available at, <https://www.telegraphindia.com/states/jharkhand/creating-waterways/cid/1319014>.

<sup>48</sup> Design & Implementation : Safeguards, June 06, 2013, The World Bank, available at <https://www.worldbank.org/en/topic/communitydrivendevelopment/brief/cdd-fiduciary-issues>

smaller schemes, or rainwater harvesting was considered by the Project authorities or Bank management.

That the Bank allowed the CB Scheme's design, planning, and construction without the mandatory consultations, environmental assessments and Indigenous Peoples planning, is unacceptable. The negative impacts of this approach have been significant, affecting the shared cultural property resources, human rights, and economic and social well-being of marginalized Indigenous communities.

#### **A. CB Scheme was not eligible under the Jharkhand level EA-EMF**

In terms of publicly available documents, the only Environment Assessment that was done was a broad assessment of a general water sanitation program in Jharkhand.<sup>49</sup> The Jharkhand Environment Assessment and Environment Management Framework (EA-EMF) involved a high-level assessment of water quality and water and sanitation needs across Jharkhand. The document appears to envisage smaller scale low-risk projects rather than large multi village schemes like the CB scheme. The impact assessment on the water supply component was conducted on the premise that **“no major construction works are involved (*emphasis added*)”**.<sup>50</sup> The EA-EMF adds that, **“the sub-project components involve simple, appropriate, low cost technologies that do not pose any significant environmental consequences...[and] will require small areas of land for the location of small groundwater pumping stations and, in some cases, small storage tanks. (*emphasis added*)”**<sup>51</sup> With two big water treatment plants, several big storage reservoirs, two large intake wells, and a pipe network across a vast geographical area, the CB scheme poses significant environmental and social consequences. As such, the EA-EMF is not commensurate to the risks associated with the project. The Bank appears not to have foreseen a project of the scale of the CB Scheme during the EA-EMF Phase, and to have subsequently failed to intervene during the procurement stage when it should have been clear to the Bank that this scheme was not eligible under the EA-EMF.

#### **B. Continued failure to assess hydrological impacts**

The issue of sludge management and hydrological implications are two examples of possible environmental implications of the CB scheme that communities remain in the dark about. Bank management asserts that there will be no hydrological impacts from the CB Scheme or that the failure to identify, assess, and disclose the sludge disposal site is of no consequence.<sup>52</sup> It is unclear on what basis these assertions are made. Compliance with World Bank's Safeguard Policies is, of course, not fulfilled through Bank management's assertions. What is required for any project of this scale is a detailed environmental assessment.

The Subarnarekha river is a seasonal river that has been under a lot of pressure. A lot of water is already extracted by industries in Ranchi, Adityapur, Jamshedpur, Chaibasa, etc. The city of Ranchi gets its water supply from Subarnarekha. Many experts have written and spoken about the ill health of the river. A rigorous environmental assessment of the project would have

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<sup>49</sup>Environmental Assessment & Environment Management Framework For the World Bank Assisted Water Supply Projects in Selected Districts of Jharkhand (*hereinafter* EA-EMF)

<sup>50</sup> EA-EMF, p.82

<sup>51</sup> EA-EMF, p. 82

<sup>52</sup> Para 58, p. 17 Response to second request; Para 55, p. 15 Response to first request

required a detailed study of the river flow, not just at the site of water extraction but many kilometers above and below it, and through different seasons. It would have also required a study on the past flow pattern of the river and how it has changed over the years, as well as the impacts on groundwater, including rock formations and river beds.

At present, the location of where sludge from the project will be disposed is unknown. Communities question whether a robust environment assessment of a water treatment project can be done without knowing where the toxic waste will be disposed, the mechanism for waste disposal, and mitigation measures that need to be taken.

### **C. Other safeguard violations arising from the framework approach**

The application of the safeguards approach resulted in further safeguards violations beyond OP 4.01. The project authorities did not apply the Safeguard Policy on Physical Cultural Resources to this project. According to Bank management, “the Environmental Assessment–Environmental Management Framework (EA-EMF) for Jharkhand...did not identify any project-induced risks or impacts related to the presence of physical cultural resources”.<sup>53</sup>

Moreover, no separate Indigenous People’s Plan was prepared for the CB Scheme. The Tribal Development Implementation Plan (TDIP), which lays down guidelines for the entire state was not approved until August 2018, when construction of the project started in 2016.

OP 4.10 on Indigenous Peoples requires an Indigenous Peoples Planning Framework (IPPF) for projects adopting a framework approach.<sup>54</sup> Bank management has acknowledged that the IPPF was not approved until August 2018, even though project construction started way back in 2015-2016. The IPPF provides guidelines on the types of sub-projects to be funded under this project. The Tribal Development Plan states that a pre-cursor to the screening of projects is a written application from the habitation.<sup>55</sup> However, no such application for the CB Scheme was made from Giddhijhopri or Purana Basti communities to the project authorities, which suggests that no prior screening of projects was done. A rigorous project screening would have brought to light the presence of Indigenous communities in project-affected areas. Instead, Bank management has effectively negated the distinctness of cultures and challenges faced by various Indigenous peoples in this area and failed to assess how the CB scheme will specifically impact Indigenous communities. No social assessment was done for the CB Scheme specifically, which is a mandatory requirement for all sub-projects under an IPPF.<sup>56</sup>

## **IV. Conclusion**

World Bank management made a series of time-bound commitments to address the multitude of policy violations in its responses to the community complaints. However, communities are yet to see any tangible progress on these commitments since the release of the Inspection Panel’s eligibility report. Few, if any, of the actions promised by management will redress the social, psychological, physical, cultural, and economic losses suffered by communities.

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<sup>53</sup> Management Response to Complaint 1, p. 5 (¶18)

<sup>54</sup> Operational Policy 4.10, Indigenous Peoples Policy, ¶13

<sup>55</sup> Jharkhand Tribal Development Plan, p. 50.

<sup>56</sup> Operational Policy 4.10, Indigenous Peoples Policy, ¶14

Communities have not received any response from Bank management to their email regarding intimidation and harassment from project authorities.<sup>57</sup>

During meetings with communities before the release of the eligibility report, management was focused on suspending the investigation process, rather than redressing the wrongs done by Bank management and project authorities during project implementation.

Neither management nor project authorities have made any attempts after the release of the eligibility report to consult with the communities about alternative sites for the *Madhhatti* or the *Shaheed Sthal*. Communities have also not received any Environment Management Plan or any further information about this project in their languages (*Ho* and *Santhali*) or in any other language. Communities are in the dark and as isolated from the project as they were before submission of their complaints to the Panel.

Sincerely,

Bineet Mundu  
(Advisor to Complainant communities)

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<sup>57</sup> Email from Bhagat Murmu to Xavier Chauvot De Beauchene , dated May 08, 2019, subject : Concerns regarding retaliation threats and harassment in IN Rural Water Supply and Sanitation Project.

## ANNEXURE S 1

Relevant portion underlined in Red

अंचल अधिकारी का कार्यालय, जमशेदपुर, पूर्वी सिंहभूम

पत्रांक 1141  
दिनांक 09.11.2015

प्रेषक,  
अंचल अधिकारी,  
जमशेदपुर ।

सेवा में,  
कार्यपालक अभियंता,  
पेयजल एवं स्वच्छता प्रमंडल,  
जमशेदपुर ।

विषय : बागबेड़ा छोटगोविन्दपुर ग्रामीण जलापूर्ति योजनान्तर्गत जलशोधन संयंत्र एवं जलमीनार निर्माण हेतु  
मुखण्ड का अनापत्ति प्रमाण पत्र निर्गत करने के संबंध में ।

प्रसंग : आपका पत्रांक 1141 दिनांक 09.11.2015 एवं इस कार्यालय के पत्रांक 35 दिनांक 06.01.2016 ।

महाराय,

उपर्युक्त विषयक आपके पत्रांक 1141 दिनांक 09.11.2015 के आलोक में जलमीनार एवं जलशोधन संयंत्र बनाने हेतु चयन किये गये भूमि का संशोधित प्रस्ताव निम्न प्रकार है :-

मौजा	थाना नं०	खाता नं०	प्लॉट नं०	रकबा	अभ्युक्ति
घाघीडीह	1169	1075	597/अश	80MX180M	<u>संबंधित ग्राम सभा का सहमति प्राप्त करने के पश्चात निर्माण किया जा सकता है ।</u>
खासमहल		TKM	591	35MX35M	खासमहल पदाधिकारी से सहमति/अनापत्ति प्राप्त करने के पश्चात निर्माण किया जा सकता है ।
		TKM	582	35MX35M	

सुलभ प्रसंग हेतु संबंधित भूमि का ट्रेड नक्शा संलग्न है ।

अनुलग्नक : यथोक्त ।

विश्वासभाजन  
09/11/16  
अंचल अधिकारी  
जमशेदपुर



ANNEXURE S 2: Old picture of the original site before construction of ESR clicked on a martyrdom day



60 385  
25.4.16

पत्रांक - जमशेदपुर, दिनांक -

प्रपक,  
सहायक अभियन्ता,  
पेयजल एवं स्वच्छता अवर प्रमंडल,  
जमशेदपुर।

सेवा में,  
अनुमंडल पदाधिकारी,  
धातुभूम अनुमंडल,  
जमशेदपुर।

विषय:- जलशोधन संयंत्र (WTP) स्थल, गिद्धी झोपड़ी, घाघीडीह मौजा में कार्य प्रारम्भ के दरम्यान कानून-व्यवस्था की समस्या उत्पन्न होने के संबंध में।

महाशय,

उपरोक्त विषय में सूचित करना है कि बागबेड़ा वृहद ग्रामीण जलापूर्ति योजना अन्तर्गत जलशोधन संयंत्र (WTP) स्थल, गिद्धी झोपड़ी, घाघीडीह मौजा, जिनका खाता संख्या - 1075, प्लॉट संख्या - 597/अश, रकबा - 80 मी0 x 180 मी0, क्षमता 37 MLD है, का दिनांक 27.04.2016 से चहारदिवारी एवं मिट्टी जाँच का कार्य प्रारम्भ करना है। उक्त भूखण्ड का अनापत्ति प्रमाण-पत्र अंचलाधिकारी, जमशेदपुर द्वारा प्राप्त है। इस स्थल पर एक माह पूर्व भी कार्य प्रारम्भ करने का प्रयत्न किया गया था, परन्तु स्थानीय ग्राम प्रधान (गिद्धी झोपड़ी), श्री सुखराम किस्कू एवं अन्य ग्रामीणों द्वारा कार्य को रोक रखा गया।

अतः श्रीमान से अनुरोध है कि उक्त स्थल पर कार्य के दरम्यान कानून-व्यवस्था की समस्या उत्पन्न न हो, इसके लिए आवश्यक पुलिस बल/आर्मी (फोर्स) की प्रतिनियुक्ति कराने की कृपा करना चाहेंगे।

विश्वासभाजन,  
ह0/-  
सहायक अभियन्ता,  
पेयजल एवं स्वच्छता अवर प्रमंडल,  
जमशेदपुर।

ज्ञापांक - 92 दिनांक - 23.04.2016

प्रतिलिपि:- कार्यपालक अभियन्ता, पेयजल एवं स्वच्छता प्रमंडल, जमशेदपुर को सूचनाई समर्पित।

सहायक अभियन्ता,  
पेयजल एवं स्वच्छता अवर प्रमंडल,  
जमशेदपुर।

Letter dated 23.04.2016 from Assistant Engineer, Drinking Water & Sanitation Dept. to Circle Officer.  
Subject (loosely translated): Regarding law and order issues while starting work at Water Treatment Plant Site in Giddhijhopri, Ghaghidihi village.



पत्रांक -

1115

जमशेदपुर/ दिनांक - 31-10-15

पेय

पत्र

प्रेषक.

प्रेषक,

कार्यपालक अभियन्ता  
पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

सेवा में,

अनुमंडलाधिकारी  
धालभूम अनुमंडल, पूर्वी सिंहभूम।

विषय:-

बागबेड़ा छोटागोविन्दपुर ग्रामीण जलापूर्ति योजनान्तर्गत विभिन्न अवयवों के अनापत्ति प्राप्त स्थलों पर स्थानीय नागरिकों के अनाधिकृत रूप से कब्जा करने के संबंध में।

महाशय,

उपरोक्त विषय के संबंध में कहना है कि छोटागोविन्दपुर-बागबेड़ा ग्रामीण जलापूर्ति योजना (विश्व बैंक सम्पोषित परियोजना) अन्तर्गत विभिन्न अवयवों यथा जलशोधन संयंत्र, जलमीनार आदि स्थलों जिनका अनापत्ति प्रमाण-पत्र अंचलाधिकारी द्वारा प्राप्त, पर स्थानीय नागरिकों द्वारा अनाधिकृत रूप से कब्जा करने एवं निर्माण कार्य में बाधा उत्पन्न किया जा रहा है। अंचलाधिकारी, जुगसलाई-सह-गोलमुरी प्रखण्ड अनेक बार वार्ता करने के पश्चात भी भूखण्ड पर कार्यारम्भ नहीं हो पा रहा है। यह जलापूर्ति योजना प्रारम्भ हुए लगभग छः माह गुजर गए हैं, परन्तु जमीन के अभाव में अभी तक निर्माण कार्य प्रारम्भ नहीं हो पाया है। विरोध स्थल की सूची निम्न प्रकार है:-

क) छोटागोविन्दपुर ग्रामीण जलापूर्ति योजना

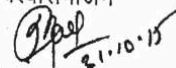
क्र०	मौजा	थाना सं०	स्थल	अवयव	जमीन का प्रकार
1	गदड़ा	1191	जे.जे. कॉलेज के पास	जलमीनार	झारखण्ड सरकार
2	सरजामदा	1164	रोमांटिक फुटबॉल मैदान	जलमीनार	झारखण्ड सरकार
3	हलुदबनी	1165	तिलकागढ़	जलमीनार	झारखण्ड सरकार
4	कालीमाटी		म० वि० परसुडीह के पीछे	जलमीनार	झारखण्ड सरकार

ख) बागबेड़ा ग्रामीण जलापूर्ति योजना

क्र०	मौजा	थाना सं०	स्थल	अवयव	जमीन का प्रकार
1	घाघीडीह	1169	घाघीडीह पहाड़ी / गिद्धी झोपड़ी	जलशोधन संयंत्र	झारखण्ड सरकार
2	घाघीडीह	1169	टी.आर.एफ. कॉलोनी के पास	जलमीनार	झारखण्ड सरकार

अतः आग्रह है कि एक बैठक का आयोजन करना चाहेंगे जिसमें पेयजल एवं स्वच्छता विभाग के सहायक अभियन्ता, अंचलाधिकारी, जमशेदपुर एवं संबंधित थाना प्रभारी यथा परसुडीह, छोटागोविन्दपुर एवं बागबेड़ा भाग लें, ताकि मामले का निष्पादन हो सके।

विश्वासभाजन



कार्यपालक अभियन्ता  
पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

कृ.पू.उ.

कार्यपालक अभियन्ता का कार्यालय,  
पेयजल एवं स्वच्छता प्रमण्डल, जमशेदपुर।

पत्रांक - 1105

जमशेदपुर/ दिनांक - 29/10/2015

प्रेषक,

कार्यपालक अभियन्ता  
पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

सेवा में,

अंचलाधिकारी,  
प्रखण्ड- गोलमुरी-सह-जुगसलाई।

विषय:- बागबेड़ा छोटागोविन्दपुर ग्रामीण जलापूर्ति योजनान्तर्गत  
जलशोधन संयंत्र एवं जलमीनार निर्माण हेतु भूखण्ड का अनापत्ति  
प्रमाण-पत्र निर्गत करने के संबंध में।

प्रसंग:- सहायक अभियन्ता, पेयजल एवं स्वच्छता अवर प्रमण्डल, जमशेदपुर के  
पत्रांक 159 दिनांक 16.09.2015

महाशय,

उपरोक्त प्रासांगिक विषय के संबंध में पुनः सूचित करना है कि बागबेड़ा  
छोटागोविन्दपुर जलापूर्ति योजना का कार्य प्रारम्भ हुए छः माह गुजर गया है। पूर्व में  
जलशोधन संयंत्र एवं जलमीनार निर्माण के लिए स्थल घाघीडीह पहाड़ी का अनापत्ति  
आपके स्तर से प्राप्त था, परन्तु स्थानीय लोगों द्वारा "अपना धर्म" स्थल बताकर इसका  
विरोध किया गया। आपने भी इसके लिए अलग जमीन तलाशने की बात कही थी।  
स्थानीय लोगों के सहयोग से उक्त कार्य हेतु निम्न स्थल/भूखण्ड का चयन कर  
लिया गया है:-

क्र०	मौजा	टोला	थाना सं०	खाता सं०	प्लॉट सं०	रकबा
1	घाघीडीह	गिद्धी झोपडी	1169	-	597	120mx120m
2	घाघीडीह	नागाडीह	1169	-	4346	40mx40m
3	लुआबासा	बोनडीह	1292	261	205/308	50mx50m

अतः कार्य की प्राथमिकता को देखते हुए उक्त भूखण्ड का अनापत्ति  
प्रमाण-पत्र यथाशीघ्र निर्गत किया जाय ताकि योजना में अनावश्यक विलम्ब न हो।

विश्वासभाजन

कार्यपालक अभियन्ता

पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

ज्ञापांक - 1105

जमशेदपुर/ दिनांक - 29/10/2015

प्रतिलिपि :- अनुमण्डल पदाधिकारी, धालभूम को आवश्यक कार्रवाई हेतु सूचनार्थ।

कार्यपालक अभियन्ता

पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

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पत्रांक - 653

प्रेषक,

कार्यपालक अभियन्ता,  
पेयजल एवं स्वच्छता प्रमण्डल,  
जमशेदपुर।

सेवा में,

अनुमंडल पदाधिकारी,  
धालभूम अनुमंडल,  
जमशेदपुर।विषय:- जलशोधन संयंत्र (WTP) स्थल, गिद्धी झोपड़ी, घाघीडीह मौजा में कार्य प्रारम्भ के  
दरम्यान कानून-व्यवस्था की समस्या उत्पन्न होने के संबंध में।प्रसंग:- सहायक अभियन्ता, पेयजल एवं स्वच्छता अवर प्रमंडल, जमशेदपुर का ज्ञापांक-92,  
दिनांक 23.04.2016

महाराज,

उपरोक्त विषयक प्रासांगिक पत्र के संदर्भ में कहना है कि बागबेड़ा वृहद ग्रामीण जलापूर्ति योजना अन्तर्गत जलशोधन संयंत्र (WTP) स्थल, गिद्धी झोपड़ी, घाघीडीह मौजा, जिसका खाता संख्या-1075, प्लॉट संख्या-597/अंश, रकबा-80 मी० x 180 मी० क्षमता 37 MLD है। सहायक अभियन्ता, पेयजल एवं स्वच्छता अवर प्रमंडल, जमशेदपुर द्वारा प्राप्त पत्र में वर्णित दिनांक 27.04.2011 को घहारदीवारी एवं मिट्टी जाँच का कार्य प्रारम्भ करना था। उक्त भूखण्ड का अनापत्ति प्रमाण-पत्र अंचलाधिकारी, जमशेदपुर द्वारा प्राप्त है। इस स्थल पर काफी समय से आपसी सामंजस्य बनाकर कार्य करने का प्रयास किया जा रहा है। परन्तु स्थानीय ग्राम प्रधान (गिद्धी झोपड़ी) श्री सुखराम किस्कू एवं अन्य ग्रामीणों द्वारा कार्य को बाधित किया जा रहा है।

भवदीय को इस संदर्भ में कहना है। यह एक बहुउद्देशीय परियोजना है, इसमें भारत सरकार एवं विश्व बैंक द्वारा Monitoring किया जा रहा है। ग्रामीणों के विरोध के कारण योजना का प्रगति नहीं हो पा रहा है। जिससे ग्रामीणों को परियोजना का लाभ मिलने में अनावश्यक विलम्ब हो रहा है।

अतः श्रीमान से अनुरोध है कि उक्त स्थल पर कार्य करने हेतु आवश्यक पुलिसबल/फोर्स की प्रतिनियुक्ति करने हेतु आवश्यक कार्रवाई करना चाहेंगे, जिससे संबंधित एजेंसी निर्मय होकर योजना को जल्द से जल्द पूर्ण करने हेतु कार्य कर सके, जिससे ग्रामीणों को शुद्ध पेयजल की आपूर्ति की जा सके। कृपया इस दिशा में गम्भीरता पूर्वक आवश्यक कार्रवाई करना चाहेंगे।

विश्वासभाजन,

कार्यपालक अभियन्ता,

पेयजल एवं स्वच्छता प्रमंडल,  
जमशेदपुर।

ज्ञापांक - 653

जमशेदपुर, दिनांक - 25/5/16

प्रतिलिपि:- उपायुक्त, पूर्वी सिंहभूम, जमशेदपुर को सूचनार्थ समर्पित। कृपया अनुरोध पूर्वक कहना है कि इस दिशा में अपने स्तर से भी आवश्यक कार्रवाई करना चाहेंगे।

कार्यपालक अभियन्ता,

पेयजल एवं स्वच्छता प्रमंडल,  
जमशेदपुर।

जिला दण्डाधिकारी एवं उपायुक्त का कार्यालय,  
पूर्वी सिंहभूम, जमशेदपुर।

(विधि-व्यवस्था शाखा)

दिनांक 15/07/2016 को पूर्वी सिंहभूम, जिला अन्तर्गत विधि व्यवस्था एवं खनन टास्क फोर्स के संबंध में आहूत बैठक की कार्यवाही- उपस्थिति:-

1. जिला दण्डाधिकारी एवं उपायुक्त, पूर्वी सिंहभूम, जमशेदपुर।
2. वरीय पुलिस अधीक्षक, पूर्वी सिंहभूम, जमशेदपुर।
3. अपर उपायुक्त, पूर्वी सिंहभूम, जमशेदपुर।
4. अपर जिला दण्डाधिकारी, विधि व्यवस्था, पूर्वी सिंहभूम, जमशेदपुर।
5. पुलिस अधीक्षक, ग्रामीण, पूर्वी सिंहभूम।
6. वन प्रमण्डल पदाधिकारी, जमशेदपुर।
7. अनुमण्डल पदाधिकारी, धालभूम, जमशेदपुर।
8. अनुमण्डल पदाधिकारी, घाटशिला।
9. अपर मुख्य चिकित्सा पदाधिकारी, पूर्वी सिंहभूम, जमशेदपुर।
10. अनुमण्डल पुलिस पदाधिकारी, घाटशिला।
11. कार्यपालक अभियन्ता, विद्युत प्रमण्डल, जमशेदपुर।
12. कार्यपालक अभियन्ता, विद्युत प्रमण्डल, घाटशिला।
13. महाप्रबंधक, बी०एस०एन०एल०, जमशेदपुर।
14. जिला आपूर्ति पदाधिकारी, पूर्वी सिंहभूम, जमशेदपुर।
15. जिला परिवहन पदाधिकारी, पूर्वी सिंहभूम, जमशेदपुर।
16. सहायक आयुक्त उत्पाद, पूर्वी सिंहभूम, जमशेदपुर।
17. महाप्रबंधक, यू०सी०आई०एल०, जादुगोड़ा।
18. महाप्रबंधक, एच०सी०एल०, घाटशिला।
19. जिला खनन पदाधिकारी, पूर्वी सिंहभूम, जमशेदपुर।
20. अधीक्षक, केन्द्रीय कारा, घाघीडीह, जमशेदपुर।
21. अधीक्षक, उप कारा, घाटशिला।
22. निरीक्षक, विधिक माप विज्ञान, टेलको/बिष्टपुर, जमशेदपुर।
23. क्षेत्रीय पदाधिकारी, झारखण्ड राज्य प्रदूषण नियंत्रण बोर्ड, जमशेदपुर।
24. वाणिज्य-कर उपायुक्त, जमशेदपुर अंचल, जमशेदपुर।
25. ड्रग निरीक्षक, जमशेदपुर।
26. जिला जन सम्पर्क पदाधिकारी, पूर्वी सिंहभूम, जमशेदपुर।

सर्वप्रथम जिला दण्डाधिकारी के द्वारा सभी उपस्थित पदाधिकारियों को स्वागत किया गया तथा कहा गया कि इस बैठक का मुख्य उद्देश्य प्रशासनिक पदाधिकारियों एवं पुलिस पदाधिकारियों के बेहतर समन्वय स्थापित करना है जिससे कि जिला अन्तर्गत विधि व्यवस्था बनी रहे। वरीय पुलिस अधीक्षक के द्वारा भी कहा गया कि यदि पदाधिकारियों एवं पुलिस पदाधिकारी के बीच बेहतर समन्वय स्थापित रहेगा तो प्रशासन विधि व्यवस्था की किसी भी समस्या का समाधान करने हेतु सक्षम होगा।



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## 1. भूमि विवाद :

- निर्णय लिया गया कि सभी थाना प्रभारी अपने थाना के स्तर से habitual offenders पहचान करने, ज्यादा से ज्यादा बॉण्ड भरवाना यह थाना प्रभारी खुद संज्ञा लेव कार्रवाई करेंगे ताकि रोड जाम शांति व्यवस्था भंग नहीं हो। एक सप्ताह के अन्दर हर थाना से सूची निश्चित रूप से संबंधित अनुमण्डल पदाधिकारी को समर्पित करना सुनिश्चित करेंगे। तत्पश्चात अनुमण्डल पदाधिकारी नियमानुसार अग्रेत्तर कार्रवाई सुनिश्चित करेंगे तथा habitual offenders की सूची विधि व्यवस्था शाखा में भेजेंगे एवं यह शाखा उक्त सूची को वरीय पुलिस अधीक्षक, पूर्वी सिंहभूम, जमशेदपुर के पास आवश्यक कार्रवाई हेतु भेजेगे।
- निर्णय लिया गया कि अंचल स्तर से संबंधित अनुमण्डल पदाधिकारी एवं पुलिस पदाधिकारी प्रत्येक माह भूमि विवाद से संबंधित मामलों की संयुक्त समीक्षा करेंगे एवं सरकारी जमीन विवाद में Cr. P.C-107, 109, 110 एवं 144 के तहत कार्रवाई करना अनुमण्डल पदाधिकारी सुनिश्चित करेंगे कि संबंधित अंचल अधिकारी से 15 दिन के अन्दर भूमि विवाद संबंधी प्रतिवेदन प्राप्त करेंगे।

अनाबाद : खेती नहीं की जाने वाली वह भूमि जो सरकार के कब्जे में हो। लेकिन, ऐसी भूमि का उपयोग, 1 जनवरी 1946 ई० से एवं खतियान भाग II के अनुसार, झारखंड सरकार और गांव के रैयतों के द्वारा उनके परंपरागत अधिकार के अनुसार भी किया जाता है।

अनाबाद : देखिए, अनाबाद।  
मालिक / गांव के सर्वसाधारण की  
अनाबाद झारखंड भूमि जैसे-रास्ता, पगडंडी,  
सरकार / गांव की जनता का प्रार्थना  
अनाबाद स्थल, गांव के जानवरों  
सर्वसाधारण के लिए आराम करने की  
जगह (अरवर), गांव के  
तालाब, गांव की गैर-कृषि  
सामुदायिक भूमि, आदि  
जिनका अधिकार गांव  
के लोगों में निहित है।  
इस पर न तो सरकार  
को और न ही गांववालों  
को अतिक्रमण करने का  
अधिकार है और न ही  
वे उन्हें उन उद्देश्यों को  
छोड़कर जिनके लिए  
उनका उपयोग होना तय  
है, किसी अन्य उद्देश्य के  
लिए प्रयोग में ला सकते  
हैं। ये जमीन अनाबाद  
के समान ग्राम सभा की  
जमीन है।