Report No. 177235-IN

The Inspection Panel

Report and Recommendation On a Request for Inspection

India

Vishnugad Pipalkoti Hydro Electric Project (P096124) Third Request for Inspection

October 21, 2022

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India: Vishnugad Pipalkoti Hydro Electric Project (P096124)
– Third Request for Inspection

A. Introduction

1. On July 12, 2022, the Inspection Panel (the "Panel") received a Request for Inspection (the "Request" or the "third Request") concerning the Vishnugad Pipalkoti Hydro Electric Project (P096124 – "VPHEP" or the "Project") in India. The Request was submitted by 83 community members (the "Requesters") of Haat village in Chamoli District, Uttarakhand. The Requesters asked the Panel to keep their identities confidential and authorized three individuals to represent them.

2. The Requesters allege that VPHEP has caused – and is likely to cause – them harm. They claim Project-related muck dumping is damaging their physical cultural resources. They complain that the Project did not explore alternative dumping sites. The Requesters also raise concerns regarding the resettlement of Haat village households and consequent loss of livelihoods. They claim the grievances of the affected community members are not heard. Furthermore, they fear the loss of their continuous supply of fresh water and question the safety of the dam once constructed.

3. The Panel previously reviewed two Requests for Inspection on this Project. The first Request was received on July 23, 2012, following which the Panel investigated and submitted its Investigation Report[1] to the Board of Executive Directors on July 1, 2014. On September 30, 2014, the Board approved the action plan included in the Management Report and Recommendation[2] submitted in response to the Panel's Investigation Report. The second Request was received on March 1, 2022. The Panel did not register this Request since it determined that the concerns raised therein were related to issues already investigated in 2014, and that it introduced no new evidence, as required under the Panel Resolution. The Panel therefore issued a Notice of Non-Registration[3] concerning the second Request on April 20, 2022.

4. The Panel registered the third Request on August 19, 2022, and Management submitted its response (the "Management Response" or the "Response") to the Request on September 21, 2022. A Panel Team (the "Team") visited India October 4-11, 2022, to inform its eligibility report and recommendation.

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[1] The Inspection Panel, The Inspection Panel, India Vishnugad Pipalkoti Hydro Electric Project Investigation Report, July 1, 2014.
[2] The World Bank, Management Report and Recommendation in Response to the Inspection Panel Investigation Report India Vishnugad Pipalkoti Hydro Electric Project (Loan No. 8078-IN), August 13, 2014.
[3] The Inspection Panel, Request for Inspection India: Vishnugad Pipalkoti Hydro Electric Project (VPHEP) (P096124) (Second Request for Inspection) Notice of Non-Registration, April 20, 2022.

5. In accordance with the Resolution establishing the Panel,[4] the purpose of this report is to recommend to the Board whether an investigation into the matters alleged in the Request is warranted. The Panel determined that the Requesters and the Request meet the technical eligibility criteria. However, the Panel is of the view that no harm has occurred to the Lakshmi Narayan Temple complex, the main allegation in relation to damage to physical cultural resources, as a result of the Project, and that there are strong commitments by both THDC India Limited ("THDC") and Management to preserve it. The Panel is further of the view that no household-level economic loss can be attributed to the Project. The Panel notes that THDC and Management acknowledge that water supply and the current GRM have shortcomings and are committed to improving them. Hence, the Panel does not recommend an investigation into the allegations made in this Request.

B. Description of the Project

6. VPHEP was approved on June 30, 2011, for a total project cost of USD 922 million. The International Bank for Reconstruction and Development (the "Bank") committed to a Loan of USD 648 million to the Borrower – THDC. THDC is also the implementing agency and is providing the remaining USD 274 million. The Loan is guaranteed by the Government of India.[5] After two cancellations of USD 100 million each,[6] Bank financing decreased to USD 448 million. The current closing date of the Project is June 30, 2023.

7. The Project development objectives are to "*(a) increase the supply of electricity to India's national grid through the addition of renewable, low-carbon energy; and (b) strengthen the institutional capacity of the Borrower with respect to the preparation and implementation of economically, environmentally and socially sustainable hydropower projects.*"[7]

8. According to the Project Appraisal Document (PAD), the Project has two components: 1) constructing the 444-megawatt hydroelectric project in Chamoli District, Uttarakhand, India, and 2) supporting capacity-building and institutional strengthening at THDC. The Bank Loan under the first component finances two main contracts for the construction of the VPHEP – notably, the engineering-procurement-construction contract for civil works and hydro-mechanical equipment, and the electro-mechanical contract. It also finances a consultant to undertake a desk review of the design, assist THDC in the execution of its project management functions, and provide training to THDC during Project implementation.[8] According to the PAD, THDC finances "*land acquisition, environment management, small-scale infrastructure works; etc.*"[9] in the first component of the Project. The second component builds on THDC's ongoing human resources development

[4] The World Bank Inspection Panel, Resolution No. IBRD 2020-0004 (the "Resolution"), September 2020.
[5] THDC India Limited is a joint venture which was majority-owned by Government of India (GoI) and the State of Uttar Pradesh. On March 25, 2020, the GoI sold its shares to NTPC Limited (NTPC). NTPC is majority-owned by the GoI. See https://www.thdc.co.in/en/content/company-thdcil.
[6] These cancellations took place in June 2019 and June 2021.
[7] The World Bank, Project Appraisal Document on a Proposed Loan in the amount of USD 648 million to THDC India Limited with the Guarantee of the Republic of India for the Vishnugad Pipalkoti Hydro Electronic Project (PAD), June 10, 2011, p. vi.
[8] PAD, p. 8.
[9] PAD, p. 8.

program and training initiatives. The issues raised in the Request relate to the first component.

9. This is a Category A Project, and the following safeguard policies are triggered: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Physical Cultural Resources (OP/BP 4.11), Involuntary Resettlement (OP/BP 4.12), Forests (OP/BP 4.36), Safety of Dams (OP/BP 4.37), and Projects on International Waterways (OP/BP 7.50). An EIA was prepared and disclosed in November 2009.[10] According to the Management Response, the Project developed a Rapid Environmental Impact Assessment (REIA) in 2021 during the extension of the environmental clearance process, per the advice of the Ministry of Environment, Forest and Climate Change (MoEFCC).[11]

C. Summary of the Request

10. The section below summarizes the issues raised in the Request. The Requesters provided nine supporting documents,[12] and the full Request is attached to this report as Annex 1.

11. **Muck Dumping and the Lakshmi Narayan Temple Complex.**[13] The Requesters claim the Lakshmi Narayan Temple (the "Temple") in Haat village was established by Adi Shankaracharya in the ninth century. They state that Adi Shankaracharya brought *Gaud Brahmins*[14] from Bengal to their community. According to the Requesters, the Temple represents "*a sacred bond and heritage*" to them. They say there are temples of other deities close to the Temple – namely *Shiv, Chandika, Ganesh* and *Surya Kund*. In addition, they claim the temples of local deities *Bagadwal, Bhymyal, Hanuman*, and *Bilweshwar* were established by "[their] *forefathers centuries ago and represents* [their] *rich culture and thriving traditions.*" The Requesters contend that in ancient times, Haat served as the *mukhyapadaav* (main base) of the pilgrims visiting Sri Badrinath shrine, making it an important heritage site. The Requesters claim the existence of a *tamrapatra* (an ancient copper inscription) "*dating to the 8-9th century*," which they allege proves the ancient historicity of Haat. The Request states the Haat village *gram sabha*[15] passed a resolution on March 28, 2022, declaring the Lakshmi Narayan Temple and other temples protected sites.

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[10] Management Response, p. 20.
[11] Management Response, p. 26.
[12] Supporting documents include: i) a resolution of Haat *gram sabha* appointing three individuals as representatives of the Requesters; ii) an Archeological Survey of India (ASI) report entitled, Inspection Note of Lakshmi Narayan Temple at Hatgaon (Village Hat), Pipal Koti, District Chamoli; iii) a letter from Indian National Trust for Art and Cultural Heritage (INTACH) entitled, Significant ancient village and temple sites at urgent risk from hydroelectric project; iv) 92 individual responses to socio-economic survey conducted with project-affected households; v) the English translation of the socio-economic survey questions; vi) a photo of an ancient copper inscription; vii) a resolution of Haat *gram sabha* declaring the Lakshmi Narayan Temple and other temples as protected by the *gram sabha*, viii) a report by two experts entitled, Suggestion for alternate location for muck dumping from edit tunnel at Hat village, and ix) Minutes of Prime Minister's Office meeting on 25.02.2019 regarding hydropower in Uttarakhand. The individual responses to the socio-economic survey are not disclosed for confidentiality.
[13] For the purpose of this report, the Lakshmi Narayan Temple complex includes the Lakshmi Narayan Temple (the Temple) itself and other smaller shrines in the vicinity of the Temple.
[14] *Gaud Brahmins* (or *Gaur Brahmins*) originate from Bengal and from some of the northern territories of India. The Brahmans are the highest social class in Hindu.
[15] *Gram sabha* is a village assembly, which allows all members of a village above 18 years old to vote on its decisions.

12. The Requesters state that in 2007 their village was designated as a dumpsite for the Project's muck, and it was acquired by THDC. Since then, the community members allege they cannot practice their rituals in the Temple. The Requesters allege that since 2016, tons of debris generated by the tunnel borer machine (TBM) have been dumped "*barely 10 meters*" behind the Lakshmi Narayan Temple without due consideration for their heritage and cultural practices. They claim the wall supporting the debris behind the Temple is "*a weak gabion wall, and liable to fall*." They also claim muck dumping in the village has continued, and "*the height of muck has crossed the height of the Chandika temple and the other group of temples.*" They raise concerns that the height of the muck will surpass that of the Temple once the work on the 13-kilometer (km) headrace tunnel (HRT) starts. The Requesters allege that the muck dumping in the village may cause "*irreversible destruction*" to the Lakshmi Narayan Temple. The Request cites a new report by the Archeological Survey of India (ASI),[16] which recommends conservation measures relating to the Temple, to stop muck dumping and to relocate the dumping area far from the Temple. According to the Requesters, THDC has done "*a grave disservice to the village of Haat and to the nation as a whole.*"

13. The Request claims the village should never have been "*uprooted*" due to the presence of the ancient temple. It alleges that THDC failed to explore alternative dumpsites. The Request cites a 2022 study that identified an alternative site that is allegedly "*not only very stable, resting on 10,000 year old rock formation, but also uninhabited and uncultivated* […] *close by on the opposite left flank of the river.*"

14. **Livelihood and Economic Conditions.** The Requesters claim that a memorandum of understanding (MoU) was signed between THDC and the Haat village headman and a few villagers "*in ignorance of their rights and without legal aid*" and under pressure. The Request states that since the 2014 Investigation, their awareness of their rights has increased.

15. The Requesters allege that community members who refused to take compensation and relocate voluntarily were evicted. They claim that on September 22, 2021, THDC "*along with more than 200 police men* [sic]*, 2 Poklan excavators and 1 bulldozer, forcefully entered the houses of villagers, threw out luggage/belongings and completely demolished their homes.*" The Request states the evicted community members include a widow and an elderly woman, and that some homeowners were absent during the eviction. The Request alleges some protesters were "*locked up in the police station.*"

16. The Requesters allege that since the resettlement of the Haat village, the socio-economic condition of 99 percent of Haat families has worsened. The Request includes a socio-economic survey recently conducted by the Requesters with 92 of the project-affected households. The Request provides the summary of the survey results. According to the Request, 50 families considered the compensation package insufficient to rebuild and resettle, and 10 families state they received no compensation.[17] The Request alleges 91 families – including a respondent from a

[16] Archaeological Survey of India (ASI) is under the Ministry of Culture, and regulates all archaeological activities in India per the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958. ASI also regulates Antiquities and Art Treasure Act, 1972. See https://asi.nic.in.
[17] The Request states that four families did not respond to the question.

scheduled tribe – "*reiterated very strongly*" that their social welfare, security, and economic status is worse than prior to resettlement. It also alleges the community is "*highly insecure, deprived of steady livelihood*," and "[n]*ot only has* [sic] *economic losses been sustained bringing them to a lower economic condition but permanent losses through loss of land, water, field, orchard, access to fodder and fuel have been sustained, that effectively prevents any potential for future growth.*" According to the Requesters, because they are solely, financially dependent on THDC they have lost their independence and self-reliance. The Requesters claim that before the resettlement, they had many other sources of livelihood that are no longer available, and that "[b]*efore with less money we were living better lives.*"

17. The Requesters allege their "*social fabric and community life*" was harmed by the resettlement. They also allege the destruction of the "*socio-cultural fabric of the village*" and are "*struggling for* [their] *identity*." The Request states that "[…] *now we are scattered and cut off from the rest of village community.*"

18. **Water Supply and Distribution.** The Requesters claim water is limited in the resettled locations. The Request states 70 individuals who responded to the aforementioned survey only receive water up to two hours daily and that an additional 12 receive water two to five hours daily, whereas prior to relocation they had ready supply of water. The Request asks that community members at the resettled locations regain "*all those essentials taken from* [them] *like fresh water* […]."

19. **Grievance Redress Mechanism.** In the same survey, the affected community members contend that their grievances are not heard. They claim to be "*helpless*" and that "*no one is listening*" to them. The Requesters verbally informed the Panel Team that their grievances are not being addressed.

20. **Dam Safety and Physical Progress of the Project.** The Requesters claim that the Project has not accounted for the increased threats of climate change-induced disasters and extreme weather events, citing examples of flooding in Kedarnath (2013) and Chamoli (2021) in Uttarakhand.

21. The Request claims that according to MoEFCC (March 18, 2021, Notification) if a project's physical progress is below 50 percent and requires a new environmental clearance, an associated public hearing or consultation process is required. The Request alleges that in July 2020 the Environmental Appraisal Committee reported physical progress at below 30 percent. The Request also alleges that THDC made "*a false claim*" in May 2021 to MoEFCC that it had achieved 51 percent physical progress.

D. Summary of the Management Response

22. The Management Response is summarized below and the full Response is attached to this Report as Annex 2.

23. Management states the Request is ineligible according to the Resolution establishing the Panel. It adds that Requests considered ineligible for investigation include those related to a

particular matter or matters over which the Panel has already made its recommendation upon receiving a prior request, unless justified by new evidence or circumstances not known at the time of the prior request.[18] Management believes the Bank has followed the policies and procedures applicable to the matters raised by the Request. Management concludes that the Requesters' rights or interests have neither been – nor will be – directly and adversely affected by a failure of the Bank to implement its policies and procedures.[19]

24. **Muck Dumping and the Lakshmi Narayan Temple Complex.** Management states that the Project has complied with OP 4.12 (Involuntary Resettlement) and is in line with OP 4.11 (Physical Cultural Resources).[20] Management reports that in 2011, Haat village was acquired as a muck disposal site under eminent domain applying OP 4.12. According to the Response, the entire village was acquired at the community members' request as they wished to relocate to the land they owned across the river. Management states all residential dwellings in the village have been dismantled.[21]

25. According to the Response, physical cultural resources – including the Lakshmi Narayan Temple – were assessed in line with OP 4.11 as part of Project preparation. The Project Environment Impact Assessment recognized the need to preserve the Temple and the Project developed a specific plan to preserve and upgrade the Temple complex.[22]

26. Management states that based on the 2006 Detailed Project Report (DPR) and the 2009 Environment Management Plan (EMP), the estimated total quantity of muck to be generated by the Project was 1.5 million cubic meters (m^3), and the estimated capacity of the muck disposal area at Haat village was 282,100 m^3.[23] Management states the usage of the TBM for excavation of the HRT[24] was not considered at that time. According to the Response, the 2021 REIA includes a reassessment of muck dumping needs, accounting for additional quantities of muck to be generated by the TBM. The REIA re-estimated the total muck to be generated by the Project at approximately four million m^3, and reassessed the capacity of the Haat disposal site at 1.27 million m^3.[25]

27. Management claims the Lakshmi Narayan Temple has not been affected by the works on site, and is at no risk of being affected from future works. Management states muck disposal is occurring elsewhere in Haat "*well away from the temple*,"[26] and is done in accordance with national regulations and under the required environmental permits. Management claims the activity behind the Temple is not muck dumping, but filling gravel to reinforce the slope supporting an access road. Management states gravel was also deposited to the right of the Temple to create a platform for a concrete plant that casts the segments for the HRT. According to the Response,

[18] Management Response, p. 4, para. 10.
[19] Management Response, p. 19, para. 62.
[20] Management Response, p. 30 and p. 9, para. 29.
[21] Management Response, pp. 8 and 9, para. 26.
[22] Management Response, p. 9, para. 29.
[23] Management Response, p. 26.
[24] A headrace tunnel connects water intake at the dam site to the power house for the generation of hydroelectricity.
[25] Management Response, p. 26.
[26] Management Response, p. 12, para. 34.

these segments are stored safely around the plant until their use in construction, and the concrete plant will neither expand nor impinge on the Temple complex.[27]

28. Management claims the gabion wall behind the Temple (100 meters long, up to nine meters wide at the base, strengthened with a 100-millimeter layer of aggregate) is not serving – and was never intended to serve – as a retaining wall for muck.[28] It also claims that the gabion wall has been constructed to protect the Temple from any slippage of the slope behind it.[29]

29. Management states THDC has from the start of the Project committed to preserve the Temple and has repeated these assurances to the community. Furthermore, in response to access and aesthetic concerns in the Temple area, THDC committed to restore land and landscaping once the Project facilities have been dismantled.[30] The Response describes other preservation efforts of physical cultural resources – including planting *Bilwa* trees[31] in consultation with the community, protecting small community temples in the village, and moving smaller temples and shrines in private homes with their residents.[32]

30. **Livelihood and Economic Conditions.** Management disputes the results of the socio-economic survey submitted by the Requesters, stating that it "*lacks methodological rigor as it is entirely based on self-declaration*"[33] and it "*does not capture the broad support provided by the Project through benefit sharing, community development funds, and targeted training programs.*"[34]

31. Management claims the 2019 end-term evaluation of the five-year Resettlement Action Plan (RAP) implementation reported that the community's socio-economic situation had improved. The evaluation report found that per capita incomes rose by more than 81 percent from agriculture, 50 percent from businesses, 34 percent from private sector employment, and 38 percent from labor activities in Eldana and Daswana – the two resettlement locations. Management states that the substantial increase in income derived from agriculture resulted from introducing improved agricultural techniques, and support from the nongovernmental organization hired for the RAP implementation, and from Government officers.[35] The Response notes that all Haat households, except the six which did not accept compensation, had moved to the resettlement locations by the time the end-term evaluation was carried out, and that 94 percent of the 77 households had moved to the resettlement locations by 2017.[36] Management states that "[i]*t is not reasonable, nor in line with Bank policy, to hold the Project responsible for any future changes in*

[27] Management Response, p. 12, para. 35.
[28] Management Response, p. 12, para. 36.
[29] Management Response, p. 10, para. 33.
[30] Management Response, p. 9, para. 27.
[31] *Bilwa* trees (or hard apple trees) are considered religious. Their three-pointed leaves represent Lord Shiva's trident and are used during religious ceremonies.
[32] Management Response, p. 9, para. 28.
[33] Management Response, p. 14, para. 39.
[34] Management Response, p. 14, para. 40.
[35] Management Response, p. 15, paras. 41 and 42.
[36] Management Response, p. 15, para. 41.

the socio-economic status of Project-affected people (PAPs), specifically at a time when the sources for such changes may be well beyond the relocation timeframe."[37]

32. The Response indicates in addition to implementation of the livelihood restoration plan, the Project supports activities such as a benefit-sharing mechanism, direct employment opportunities, livelihoods training, entrepreneurship development support, mitigation measures for possible loss of access to fuel and fodder in community forests, and widows' pensions.[38] Management states the Project is paying the equivalent of 100 days of minimum agricultural wages as a cash annuity to the households from all Project-affected areas to compensate for the temporary loss of access to the community forest for collecting fuel and fodder during the construction period.

33. Management states that in 2011, Haat village was acquired under eminent domain applying OP 4.12, and the community opted to self-relocate to nearby villages across the river where it held adjacent land parcels "*implying that this would enable them to retain their social fabric.*"[39] Management claims THDC constructed common property resources – such as a village *panchayat*[40] building, a primary school building, and pathways – and provided electricity and water supply to houses to ensure the community continued to have communal assets in the resettled location and retained their social cohesion.[41]

34. Regarding the eviction, according to Management, six Haat families did not sign the MoU, and refused to accept the compensation offered. Management claims, "[a]*fter having received ample notices over a period of ten years to vacate and surrender the buildings, the buildings eventually had to be secured with the support of local police, in line with national law.*"[42] Management states that the belongings of all households were inventoried by Government authorities and handed to THDC for safekeeping. According to Management, all but two of the households have collected their belongings. Management states THDC made special provisions for three residents who had no alternative accommodation outside Haat.[43]

35. **Water Supply and Distribution.** Management states the Haat community had limited water prior to resettlement, as water had to be fetched from natural sources.[44] Management claims THDC provided piped drinking water to all houses in the two main resettlement locations (Eldana and Daswana). Management reports that water supply for domestic needs at those resettled locations is currently 810 liters per day per household, which is above the state-prescribed minimum supply of at least 55 liters per capita per day. Management states the piped water supply had been increased – from an initial 20,000 liters per day to the current 64,000 liters per day – to meet the community's demand.[45] Management states THDC monitors the supply and quality of

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[37] Management Response, p. 15, para. 41.
[38] Management Response, pp. 16 and 17, paras. 46-53.
[39] Management Response, p. 42.
[40] Members of *panchayat* are selected by the members of *gram sabha*, and it is a local self-governing organization. *Panchayati raj* is a system of governance encompassing lower tiers of government, in which *gram panchayats* (village governments) are among the basic units of administration.
[41] Management Response, p. 42.
[42] Management Response, p. 32.
[43] Management Response. pp. 33 and 34.
[44] Management Response, p. 17, para. 54.
[45] Management Response, p. 17, para. 55.

water, and cleans the tanks at six-month intervals, and that the quality was found acceptable at the last monitoring in June 2022.[46]

36. Management believes the water shortage at the resettled location is likely the result of "*unfair water practices by community members* […]."[47] Management claims several households installed individual household water pumps to tap into the service delivery line to fill their personal water tanks, which affects water pressure and available volume, thereby affecting the houses at the end of the pipe network. Management states THDC has augmented the water supply to the tail end houses by increasing the diameter of the distribution pipes.[48] According to Management, the issue of unfair distribution needs to be addressed by the community, and is not a matter of compliance since THDC is providing sufficient quantities of water. Management states it suggested to THDC that it help the community find a solution for equitable water distribution and consumption, and to consider means to measure water distribution and consumption in the resettlement locations to develop a more equitable distribution and consumption plan.[49]

37. **Grievance Redress Mechanism.** Management reports that a VPHEP GRM was established in 2009. According to the Response, the GRM is functional, as grievances are received and resolved. THDC has received 330 grievances since its inception, of which 38 were received between February 2021 and July 2022.[50] The aggrieved persons continue to visit THDC offices, grievances are presented in writing or verbally, and recorded in the grievance register managed by THDC. Management claims the THDC team involves a *pradhan*[51] or a representative of a concerned village to resolve the grievances, and the District Administration is approached when the grievance is beyond the control or scope of THDC. Resolution is conveyed to the aggrieved person by letter or in person.[52]

38. According to Management, the GRM includes a Grievance Redress Committee (GRC) headed by an independent Chair and supported by the THDC social manager and *pradhan* of the land-affected villages. Management states the GRM has been managed by three THDC staff since the GRC Chair resigned during the COVID-19 pandemic. Management states "[t]*he GRC members from the land-affected villages also stopped meeting as no physical meetings were conducted.*"[53]

39. Management states THDC is reinstating the GRC by appointing the village heads from seven affected villages, and the next meeting with village representatives was scheduled for September 2022. The position of GRC Chair will be advertised after the village representatives are on board.[54]

40. **Dam Safety and Physical Progress of the Project.** Management states the safety of the VPHEP dam was assessed and cleared in line with OP 4.37, and THDC has put in place additional

[46] Management Response, p. 18, para. 58.
[47] Management Response, p. 18, para. 59.
[48] Management Response, p. 18, para. 59.
[49] Management Response, pp. 18 and 19, para. 60.
[50] Management Response, p. 39.
[51] A *pradhan* is the head of a *gram sabha.*
[52] Management Response, p. 39.
[53] Management Response, p. 39.
[54] Management Response, p. 39.

measures beyond policy compliance to ensure dam safety.[55] According to the Response, several operations procedures have been developed with particular attention to flood risks directly related to the VPHEP. Management reports that, after the structural loss of two hydroelectric powerplants in an upstream tributary of the Alaknanda River, where several workers perished, THDC reviewed the design of the VPHEP and raised the height of the coffer dam[56] by five meters to an elevation of 1,246 meters above sea level. THDC also established more robust early warning protocols and a standard operating procedure.[57]

41. Management states the development of hydropower projects is a matter of discussion with and decision by the Government of India, and the discussion about the value and risk of hydropower projects is beyond the question of compliance with Bank policies. Management states it is in no position to verify other hydropower projects not financed by the Bank.[58]

42. Responding to the physical progress of the Project, Management's Response of September 2022 states that the "[p]*hysical progress of the VPHEP stands now at more than 60 percent*,"[59] which corresponds to "*33 percent when considering only the two Project components covered by the Bank loan.*"[60] On the environmental clearance, Management reports that on August 16, 2022, the National Green Tribunal (NGT) concluded there was no procedural illegality in the environmental clearance.[61]

43. **Agreed Actions.** Management states that it agreed with THDC on two actions to address some of the concerns raised by the Requesters. First, THDC will bring forward its plan to plant vegetation to fully cover all dumping sites and areas adjacent to the Temple, and has agreed to construct additional drainage along the access road to the TBM platform to ensure better management of rain runoff. Second, in consultation with the community, THDC will support the community in setting up an appropriate mechanism for monitoring/regulating water use in the resettled locations to establish a more equitable supply of water for all households.[62]

E. Panel's Eligibility Assessment, Observations, and Review

44. The Panel's review is based on information presented in the Request, the Management Response, other documentary evidence, information gathered through conversations with different stakeholders, and the Panel Team's visit to India.

45. Panel Member Mark Goldsmith led the Team – composed of Panel Chairperson Ramanie Kunanayagam, Senior Operations Officer Serge Selwan, Investigations Officer Ayako Kubodera, and Research Assistant Rupes Dalai – on a mission to India October 4-11, 2022, to inform the

[55] Management Response, p. 42.
[56] A coffer dam is an enclosure built in a body of water so that water within it can be pumped out to create a dry working environment. Coffer dams are commonly used for the construction or repair of dams, and are usually dismantled once work is completed.
[57] Management Response, pp. 42-44.
[58] Management Response, pp. 45 and 47.
[59] Management Response, p. 47.
[60] Management Response, p. 47.
[61] Management Response, p. 26.
[62] Management Response, p. 19, para. 61.

Panel's eligibility assessment. During its visit, the Team met with officials of the Ministry of Finance, the Ministry of Power, and Bank Project staff in New Delhi, THDC staff at the Project site and virtually, and ASI officials in Dehradun. The Team also met with the Requesters, their representatives, and other affected community members in Haat. The Panel expresses its appreciation to all those mentioned for providing valuable information and for sharing their views. Particular thanks are extended to the World Bank Country Office staff in New Delhi for their assistance in organizing the Panel Team's visit, as well as for sharing guidance and protocols on COVID-19 prevention and mitigation measures.

46. The following review covers the Panel's determination of the technical eligibility of the Request according to the criteria set forth in the Panel Resolution (subsection E.1), observations on other factors (subsection E.2), and the Panel's review (subsection E.3) supporting the Panel's recommendation.[63]

E.1. Determination of Technical Eligibility

47. The Panel is satisfied that the Request meets all six technical eligibility criteria of the Resolution below.[64] The Panel notes that its confirmation of technical eligibility, which is a set of verifiable facts focusing to a large extent on the content of the Request as articulated by the Requesters, does not involve the Panel's assessment of the substance of the claims made in the Request.

- Criterion (a): "*The affected party consists of any two or more persons with common interests or concerns and who are in the borrower's territory*." The Request was submitted by 83 community members in the Project area in India, authorizing three individuals to represent them who asked to keep their identities confidential. The Team met with the Requesters and their representative during its visit to the Project site. The Panel therefore considers this criterion met.

- Criterion (b): "*The Request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the Requester*." The Requesters allege that Project-related muck dumping has harmed – and is likely to harm – the physical cultural resources in their village, particularly the Lakshmi Narayan Temple. They also allege that the Project failed to explore alternative dumping sites. The Requesters make claims relating to their resettlement, stating that the agreement to resettle was signed under duress. They also raise concerns about the eviction of community members who refused compensation, and about harm to their "*social fabric and community life*." According to the Request, the resettled community members are worse off economically. The Request states that the affected community members claim that their grievances are not heard. The Requesters claim limited availability of water in the resettled locations. They question the viability of the Project and the safety of the dam considering the increased threats of climate change, and the renewal process of the environmental clearance. The Panel determines this criterion is met.

[63] The Resolution, paras. 13-15 and 29.
[64] The Resolution, paras. 13-15 and 29.

- Criterion (c): "*The Request does assert that its subject matter has been brought to Management's attention and that, in the Requesters' view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures*." The Panel received earlier correspondence between the Requesters' representatives and the Bank concerning these issues. The Requesters were not satisfied with the Bank's response. The Panel considers this criterion is met.

- Criterion (d): "*The matter is not related to procurement*." The claims do not raise issues of procurement and thus this criterion is met.

- Criterion (e): "*For projects approved by the Executive Directors before the date of this Resolution* [September 8, 2020], *the related loan has not been closed or substantially disbursed or for projects approved by the Executive Directors on or after the date of this Resolution fifteen months have not yet passed from the date the related loan has been closed.*" At the time of receipt of the Request, the Project was active and 38.54 percent disbursed. Therefore, this criterion is met.

- Criterion (f): "*The Panel has not previously made a recommendation on the subject matter or, if it has, that the Request does assert that there is new evidence or circumstances not known at the time of the prior Request*." The Panel previously reviewed two Requests for Inspection on the Project.[65] The Panel notes that this third Request presents new evidence or describes new circumstances that relate to i) physical cultural resources, and specifically the allegation that muck dumping is threatening the stability and the existence of the Lakshmi Narayan Temple, ii) the allegation of worsening economic conditions of community members, iii) the allegation of limited accessibility to water sources by community members, and iv) the Requesters' claim that they are not being heard on these issues. The new evidence includes a report by ASI and a community-initiated socio-economic survey. The Panel notes the claims concerning the environmental clearance process which took place in 2021. The Panel has considered all the information received by the Requesters, and determined that as far as the remaining issues are concerned, the Request did not assert new evidence or circumstances not known at the time of the prior Request. The Panel considers this criterion met.

E.2. Panel Observations Relevant to its Recommendation

48. In making its recommendation to the Board and in line with its Operating Procedures, the Panel considers the following:

- whether the alleged harm and possible Bank non-compliance with its operational policies and procedures may be of a serious character;
- whether there is a plausible, causal link between the harm alleged in the Request and the Project, and

[65] See paragraph 3 of this report.

- whether Management has dealt appropriately with the issues, as per the Management Response, or has acknowledged non-compliance and presented a statement of remedial actions that address the Requesters' concerns.

49. The Panel understands the purpose of the Management Response under the Panel Resolution is to "*provide the Panel with evidence that it has complied or intends to comply with the Bank's relevant policies and procedures.*"[66] The Panel notes that in its Response, Management provides its views and consideration of the Request's technical eligibility criteria.[67] The Panel underscores that the assessment of eligibility is the Panel's prerogative, and is done independently of any views expressed by Management. The Panel considers it inappropriate for Management to analyze whether or not the Panel should register a Request in its Response, which is intended to be, *stricto sensu*, a response to that Request.

50. In the following section, the Panel provides its preliminary observations on the alleged harm and compliance, noting that in doing so, it is not making any definitive assessment of the Bank's compliance with its policies and procedures or any adverse material effect this may have caused.

51. During its visit to India, the Panel Team met with Bank staff and Government officials in New Delhi and Dehradun, and traveled to Haat and the neighboring villages, the Project area subject to this Request. The Panel Team spent a day-and-a-half with the community in Haat and their resettled locations in Daswana, Eldana, Mayapur, and Scheduled Tribe (ST) colony,[68] and spoke to approximately 100 people. The Team also met with THDC officials and completed a site visit with them. The Panel appreciates the readiness and willingness of all stakeholders to meet and openly share their views with the Panel.

52. **Muck Dumping and the Lakshmi Narayan Temple Complex.** The Panel Team, together with community members, conducted a walkthrough of the Lakshmi Narayan Temple and visited other shrines in the Temple complex. The community members told the Team that the Temple was constructed during the seventh and eighth centuries. According to them, the Temple was established by Adi Shankaracharya, a revered figure in Hinduism. The community members said for this reason the Temple cannot be moved or lifted. A community member told the Team that only their family members may make offerings in the inner sanctum, and that they have been the custodians of the Temple for many generations. This person said the Temple represents the religious, spiritual, and cultural, essence of the community.

53. The community member described the stone and the idol in the sanctum as carved from a single dolomite stone, which is unavailable in the Haat village area and brought from southern India. This person added that in the 1800s the deity's head was chipped and the upper structure of the Temple broke and the building around the inner sanctum was rebuilt. Community members also related some stories concerning the Temple, including one about a lion who threatened the community and was tied to the foot of the sanctum where a thick iron ring remains. The Panel was also shown at the back of the Temple what community members believe to be a crack in one of

[66] The Resolution, para. 19.
[67] These views are elaborated in the Management Response pages 4-6, paragraphs 10-15.
[68] Scheduled Tribe colony is where some of the scheduled tribe households relocated.

the stones of the original structure. The Panel notes that there is about three meters between the Temple and its compound wall, and a few more meters between this wall and the gabion wall (see Picture 1).

Picture 1: The gabion wall and the Temple's compound wall below it.

54. The other shrines the Panel visited are a short distance from the Lakshmi Narayan Temple, and are much smaller structures. These include a shrine dedicated to the Lord Shiva and another to Lord Ganesh and Surya Kund. Both were well-preserved. The Panel was shown two sources of water between the Temple and the shrines. According to community members, Project activities blocked the natural source of water used for daily purposes, and diverted the other water source, considered holy and used for offerings and religious rituals, the latter left flowing on the ground.

55. During meetings with the community, the Panel was told of its concerns about access to the Temple. Community members stated that they only visit the Temple three to four times per month or during festive periods because of the longer distances they must now walk. Some of the younger men claimed that, to access the Temple after 8 p.m., they need to show identification to THDC when crossing the bridge. They also told the Panel that worship and social gatherings at the Temple that previously took place twice daily when they lived in Haat village, are no longer possible as they now live further away. Some women stated that they cannot worship at the Temple alone as before, because they are conscious of male laborers working on the TBM platform. They explained that moving or lifting the Temple is "*bad luck*," and would cause natural disasters. They believe the flash floods and landslides at Kedarnath, Uttarakhand, in 2013 happened because an ancient Dhari Devi temple was lifted from its original site to allow for the filling of the reservoir of another dam.

56. In its 2021 report, the Archeological Survey of India stated that the Lakshmi Narayan Temple was established in the tenth or eleventh century while Adi Shankaracharya lived in the eighth or ninth century. The ASI report added that the other structures were "*devoid of any archeological or artistic features*."[69] In the meeting with the Team the ASI official stated that Adi Shankaracharya could not have established the Temple.[70] ASI also reported that the Temple was altered or reconstructed, with the exception of the lower portion that includes the inner sanctum. In its meeting with ASI, the Team was told that the Lakshmi Narayan Temple is not designated a Monument of National Importance or a State Protected Monument. The ASI informed the Team that temples like the Lakshmi Narayan Temple are common in that part of India, adding that, from an archaeological perspective, the Temple could be relocated closer to the villagers' current location.

57. ASI informed the Panel Team that muck dumping should not occur within 100 meters of the Temple complex due to the possibility of muck sliding from the upper-side and visual aesthetics. When asked why it recommended 100 meters, ASI informed the Team that it used the regulation concerning national monuments as a reference, but that this did not imply that the Temple had archeological value.

58. In a meeting with THDC officials, the Panel Team was told that three ASI surveys were conducted in 2013, 2017, and 2022, and all concluded that the Lakshmi Narayan Temple is not a site of historical importance. THDC officials informed the Team that they offered the community three options with regard to the Temple: i) relocate it, ii) lift it to the upper road level, and protect it and landscape its surrounding, or iii) protect it in its current location and landscape its surroundings to appear aesthetically pleasing. Management informed the Panel Team that an agreement was reached with the community on landscaping designs and showed the Team the April 2019 minutes of that meeting and the designs. It said these will be implemented once construction is completed. THDC officials informed the Team that in September 2022 the Uttarakhand Supreme Court issued a stay order on muck dumping within 100 meters of the Temple. They stated that THDC was awaiting the Court's decision and would honor it and follow the guidance from ASI for protecting the Temple. THDC officials stated that in all cases, they would honor the commitment to protect the Temple and implement the landscaping designs agreed with the community.

59. THDC officials informed the Panel Team that the gabion wall behind the Temple is a breast wall and not a retaining wall.[71] According to THDC officials a retaining wall confines dumped material behind it, and for this reason must be solid and made of reinforced concrete. A breast wall supports the access road beneath the terraced area but need not retain dumped material. The breast wall allows water to seep through it. THDC officials stated that such walls were common. The Team noticed that gabion walls are common and used in and outside the Project area. THDC officials informed the Team that they had commissioned the Indian Institute of Technology (IIT)

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[69] ASI, Inspection Note of Lakshmi Narayan Temple at Hatgaon (Village Hat), Pipal Koti, District Chamoli, April 2022, pp. 2 and 3.

[70] ASI, Inspection Note of Lakshmi Narayan Temple at Hatgaon (Village Hat), Pipal Koti, District Chamoli, April 2022, pp. 2 and 4.

[71] A breast wall is built to sustain the face of a natural bank of earth. A retaining wall is built to keep the land behind it from sliding.

to examine the strength of another gabion wall in the Project area and that IIT determined the wall was satisfactory for the loads considered in the study. The Panel recognizes that the IIT study did not specifically examine the gabion wall behind the Temple. The Panel notes that the IIT study confirms THDC's ability to design and install a gabion wall that is fit for its purpose.

60. THDC officials gave the Team a tour of the various Project sites, including the TBM platform – which, when fully installed, will be 110 meters long. THDC officials showed the Team the materials compacted to create the terrace where the TBM is installed. The Team visited the TBM and noted that TBM had already started the 13-km HRT. The Team was told that THDC had halted using the TBM momentarily for operational reasons. THDC officials also showed the Team where muck had already been dumped. The Panel understands that THDC anticipates approximately 600-800 meters of tunnel will be bored every month the TBM is in full operation, from around February 2023 and for approximately 18 months. The Panel notes that, as a result, the amount of muck to be dumped over this period will significantly increase.

61. In a meeting with the Panel Team, Management reiterated that there is no, nor will there be, any muck dumping on the Lakshmi Narayan Temple, and that the Temple is and will be protected. The Team was informed that the muck disposal amount was reassessed after the tendering process to include design changes. Management informed the Team that despite the change in volume, there is space sufficiently distant from the Temple complex to accommodate the muck produced by constructing the tunnel. Management informed the Team that it will remain in discussions with THDC and will monitor the commitments to protect the Temple.

62. **Livelihood and Economic Conditions.** The Panel Team spoke with many community members in the villages to which they had relocated and during community meetings and is grateful for the time they took to share their views. The Panel notes that some community members consider that a permanent job is a central part of livelihood restoration, there is thus a confusion in which they equate livelihoods to permanent jobs with TDHC or its contractors. Many community members wanted permanent employment with them and were disappointed that most jobs available were temporary. They stated community youth is having difficulty securing employment. Those working for THDC or its contractor with whom the Team spoke were concerned that once the construction stops, they will lose their jobs, or that the jobs do not match their current skill sets and they could do more. THDC officials informed the Panel that of the 533 PAPs employed, 118 were from Haat village (72 with THDC and 46 with its main contractor). The Team observed that several community members mentioned having a family member who worked or works with the THDC or its contractors.

63. The Team met with a group of women who received six months of stenography or stitching and sewing training. The women claimed they were unable to establish businesses based on the skills they learned. They added that some of the 18 youth who studied electrical, mechanics, and IT skills have not yet found jobs. The Team also met with a man who said he received six months of electrical training, four of which were in Delhi.

64. During its walkthrough at Daswana and Eldana (see Picture 2), community members told the Team they owned and used to farm land there when they lived across the river at Haat Village. They claimed they have less farmland now since they had to build their houses on a portion of

their farming plots when they relocated. Community members stated that previously, they sustained themselves on the produce from their larger plots when they lacked sufficient money. Some added they had to eliminate or reduce the number of their cows and bulls since there are no grazing areas and limited water. Some women stated they previously had six or seven cows and sold milk, but they now only have one or two. In Eldana, community members complained that THDC did not provide a culvert and that surface water runoff during rains flooded their farmlands and remained stagnant for 10 to 12 days. Many women informed the Team that they are not receiving the fodder annuity and must start their days much earlier to gather fodder. Almost of all the women claimed they have been going to the forest to collect fodder, firewood, and various fruit including one they use to make pickles to sell for additional income. They stated their incomes had decreased because of these factors.

Picture 2: View of Eldana.

65. The Team noted that most of the households from Haat Village had relocated across the river to Daswana and Eldana, which are neighboring villages. The two villages are connected by a footpath through a valley. Eldana borders Mayapur, to which Haat households had also relocated. The Team also observed farming land and gardens in these villages and that many houses had cowsheds. The Team noted that some houses had individual water storage tanks. Community members told the Team that Daswana and Eldana settlements were made up entirely of those who previously occupied Haat village.

66. The Team also met with THDC officials, who shared the extent of THDC's Corporate Social Responsibility program, which included supporting the community in areas such as public health (e.g., setting up free medical services with a male and a female doctor and an awareness-raising program for women and girls on menstrual hygiene), several training programs for the community members (including polyhouse farming, beekeeping, stitching and knitting, and onion cultivation), allowance for fodder, and widows' pensions. The Panel notes that community

members from Haat have been participating in the polyhouse farming and the beekeeping livelihood development projects of the program.

67. THDC officials informed the Panel Team that the Project has been paying annuities for access to the community forest to about 2,500 households from several villages that use the *van panchayat* (forest *panchayat*), and include former Haat residents. They reported that 16,000 Indian Rupees (INR) are paid annually per household accessing the community forest, based on the daily wage of an agricultural worker for 100 days per year.[72] This amount increased regularly according to inflation. They told the Team that the annuity payments will stop in June 2024, with the end of construction.

68. The Panel reviewed the Project's mid-term (2012) and end-term (2019) evaluation reports of the rehabilitation and resettlement programs conducted respectively by DHV India Pvt. Limited and CTRAN Consulting Limited, both third party specialist consultants. According to the end-term evaluation report, the study methodology included both qualitative and quantitative methods, analysis of secondary literature and database, stakeholder interviews, and field observations. Sixty-three households from Daswana, Eldana, and Hatsari hamlet[73] participated in this study. According to the end-term evaluation, the occupational pattern of the affected population in Haat village had changed. This review found that while the number of PAPs engaged in agriculture decreased 43.48 percent, those engaged in government or private employment, trade, and business increased.[74]

69. The Panel notes that the end-term evaluation revealed an increase in income during the post-project period in all major trades or occupations in affected and displaced populations. The Panel notes that the evaluation indicated "*a growth of 54.53% in the income of agriculture activities in 15 van panchayat affected villages and 81.85% increase in displaced village i.e. in Eldana and Daswana. It is due to introduction on HYV* [High Yield Varieties of seeds]*, training on land preparation and use of fertilizers, handholding support from NGO and resource persons from Agriculture and Horticulture officials. The major changes observed in the income level of labors as there is an increase of 73% in van panchayat affected villages and 37.93% in displaced village. The main reasons are availability of work throughout year especially in the project and nearby places/business centers*."[75]

70. **Water Supply and Distribution.** As noted above, as part of its visit to the Temple, the Team was shown two water points. Community members informed the Team that previously they had continuous access to natural water which was used as a collective resource by the community. They stated that they used one water source for their daily needs and the other was considered holy and was used for ceremonial purposes.

71. During its visit to the villages of Eldana and Daswana, the community showed the Team the water tanks installed by the Project (see Picture 3), through which piped water is supplied to

[72] As of October 20, 2022, INR 16,000 is equivalent to approximately USD 193.
[73] Hatsari hamlet adjacent to Haat village is part of the revenue village of Haat.
[74] CTRAN Consulting Limited, End-term Evaluation Report Monitoring & Evaluation of RAP Implementation of VPHEP, January 2019, pp. 31-34.
[75] CTRAN Consulting Limited, End-term Evaluation Report Monitoring & Evaluation of RAP Implementation of VPHEP, January 2019, p. 88.

each household. Some community members indicated that the water storage was only sufficient to provide water for half an hour per day. Others said they had two-and-a-half hours of water supply daily, divided between morning and evening. The community expressed its concerns about the quality of the water. Some community members stated that the tap water is stale and dirty, and they preferred the natural spring water source that was in Haat village and that had provided them with a continuous supply. Several members of the community alleged that during power cuts the water pumps do not work and they can remain without water for three or four days. During several meetings with the community, the Team heard that the residents of Daswana do not have access to the water bowser[76] since the village has no access road.

72. THDC officials informed the Team that they had provided four 5,000-liter storage tanks in Eldana and two additional 6,000-liter tanks in Daswana, which has a smaller population. The officials estimated that this much water should provide each household with 810 liters of water, or 185 liters per capita per day. They emphasized that this was more than three times the State-prescribed minimum supply of water, which is 55 liters per capita per day. The THDC officials indicated that the company provides a water bowser when it is informed by a community member that water is needed. They added that this occurred on average once per week. THDC officials informed the Team that the company plans to increase the water pipe's diameter and that the tender process had started. Furthermore, THDC officials stated that the company had engaged the State water authority to explore a more permanent solution.

Picture 3: Water tanks in Eldana and Daswana.

73. The Panel notes Management's and the company's mutual view that there is no issue with the water supply or capacity in the resettled locations, but that the water deficiency stems from

[76] A bowser is a mobile tanker that provides water in emergencies.

some community members having their own water tanks and pumps and using the water supplied by THDC for irrigation. The Panel observes that finding solutions through engineering may be feasible, and addressing the social tensions that could arise as a result of unequal water use may need further consideration.

74. **Grievance Redress Mechanism.** During the meetings with the community, the Team learned that some members are unaware of the grievance process or a specific contact point at THDC to raise their grievances. Community members informed the Team that when they attempted to raise grievances via mobile phone calls or in-person, THDC staff rarely picked up their calls, or they were denied access to THDC offices. Several community members informed the Team that they feared raising grievances about water or electricity, out of concern they might lose their jobs at THDC or with its contractor. The Team heard from various community members that family members who worked for THDC or its contractor were afraid to attend the meeting as they allegedly were threatened with losing their jobs if they were seen speaking with the Panel Team. The Panel understands THDC continues to receive grievances and the respective village heads are involved when a grievance pertains to their village.

75. According to Management the THDC has a grievance redress mechanism which includes provision for a Grievance Redress Committee (GRC). The Panel notes, per the Response, that the GRC is currently not in place since the pandemic restricted physical meetings and the independent person chairing the GRC had left the position. THDC officials informed the Team that the company is recruiting a credible, independent person to chair the GRC. When prompted about the nature of complaints, Management and THDC officials informed the Team that the predominant issues previously raised by the community members concerned rehabilitation and resettlement assistance, while the main issues currently raised are about access to electricity, water supply, employment, and access to the THDC hospital and to a *panchayat* facility.

76. During the meeting with THDC, the Team was shown the grievance registry for quarterly meetings, the last of which was held in May 2019 because of COVID-19 related restrictions, according THDC officials. THDC told the Team that the community members often call THDC staff to raise their concerns and grievances, and that these are being addressed. THDC officials informed the Team that they will assign the responsibility of receiving grievances to a staff member. They acknowledged that the record-keeping process is *ad hoc* and committed to improving it.

77. The Panel recognizes that Management has communicated to the Project that community members who work for the company and raise complaints about the Project should not experience any form of reprisal and employment contracts should not prohibit locals employed by the company and its contractor from attending community meetings or raising common, community concerns.

78. **Environmental Clearance.** As noted above, the Panel Team visited the Project site. This site tour included the coffer dam, used to divert the river at the dam site, the three 400-meter-long desilting tunnels, the site of the 250-meter-long and 42-meter-deep cave for the powerhouse, and the smaller cave for the transformers. The Panel observes that most of this work is in the mountain and not visible from outside, and that, with the exception of the HRT, the works are well advanced.

79. At a meeting with the Team, THDC indicated that it completed the environmental clearance process in August 2021 and the clearance was awarded for 10 years. As part of this process, the MoEFCC advised the company to develop a REIA. According to THDC officials this does not require a consultation process. The Panel observes that the Requesters did not raise concerns over the issuance of the environmental clearance during the Team's visit.

80. The Panel understands that the legality of the environmental clearance was challenged at the National Green Tribunal, which ruled in favor of THDC. The Panel notes that awarding an environmental clearance is a national process. Furthermore, this process was challenged in courts and deemed legal. The Panel considers this issue closed.

E.3. The Panel's Review

81. The Panel acknowledges the serious concerns of the Requesters and appreciates the additional information received during the recent eligibility visit and the productive discussions with them, as well as the trust they have placed in the Panel's process. The Panel also acknowledges Management's detailed response to the issues raised in the Request and its willingness to provide additional information.

82. **Muck Dumping and the Lakshmi Narayan Temple Complex.** The Panel Team observed that the Temple and the nearby shrines have been preserved and no muck dumping is occurring on or near them. The Panel notes the commitment by Management and the THDC to protect the Lakshmi Narayan Temple complex, also recognized in the Panel's 2014 Investigation Report.[77] The Panel notes Management's and THDC's commitments to abide by the decision of the Supreme Court of Uttarakhand in relation to muck dumping near the Temple complex and that the Project has agreed to follow ASI's guidance on how the Temple will be protected. The Panel also notes THDC's commitment to restore the source of holy water in Haat Village after construction. The Panel further notes Management's reiterated commitment to protect the Lakshmi Narayan Temple complex independent of the decision of the Supreme Court of Uttarakhand.

83. After careful consideration of the Project's current and future plan for muck dumping and visual observations at Haat site, the Panel does not believe harm has occurred to the Temple complex. Furthermore, the Panel is satisfied with the commitments made by THDC and Management to protect and preserve the Temple complex and with Management's commitment to monitor THDC's implementation, particularly during the period when the TBM is boring the HRT.

84. **Livelihood and Economic Conditions.** The Panel notes that the Panel's 2014 Investigation Report stated that the Haat community at that time asked for voluntary relocation to the other side of the river, and most of the resettlement had already occurred. The Panel also notes that several community members confirmed they used to farm land across the river from Haat village in the area where they have currently relocated to (Daswana and Eldana villages). The Panel also observes that the 2019 Project's end-term evaluation report of the rehabilitation and resettlement program revealed increased incomes in the post-project period for all major trades or

[77] The Inspection Panel, India Vishnugad Pipalkoti Hydro Electric Project Investigation Report, July 1, 2014, p. 57, para. 210.

occupations of the displaced population. The Panel recognizes that the claims of economic losses come several years after the resettlement occurred and three years after completion of the end-term evaluation, which in effect determined that livelihood had been restored, and therefore cannot be attributed to the Project.

85. **Water Supply and Distribution.** The Panel notes the Project has provided piped water to the villages of Eldana and Daswana and that the capacity is more than three times the State-prescribed minimum supply of water per capita per day. In addition, an emergency water bowser is provided if a member of the community experiences a water supply problem and reports this to the company. The Panel agrees with the view that better management of the water supplied is required. The Panel acknowledges THDC's commitment to engage with the State water authorities to seek a more permanent solution and Management's commitment to ensure that community members are supported in establishing an appropriate mechanism for monitoring and regulating water use in the resettled locations to create more equitable access to water for all households.[78]

86. The Panel agrees that there are differences in the water being supplied to the villages of Daswana and Eldana and what was available at Haat village. While water is now piped directly to each house, previous access was from a free-flowing water source used collectively. The Panel does not consider this change constitutes a harm. The Panel notes Management's proposed action is aimed at addressing the distribution problems.

87. **Grievance Redress Mechanism.** The Panel observes that there is no formal mechanism with a central point-of-contact, a defined process, and where records are systematically recorded and maintained. The Panel observed that the process of receiving complaints was neither consistent nor well-recorded. The Panel notes that there are regular stakeholder meetings where community views are recorded. The Panel recognizes that THDC has recently hired two experienced community facilitators and has two members of the Haat village as community liaison personnel. The Panel further notes that community members have the mobile numbers of several members of the THDC management team who respond to their calls, albeit on an ad hoc basis.

88. The Panel notes that both Management and THDC recognize the need to establish a more systematic GRM process. The Panel understands that the mechanism includes the GRC, whose operation was hampered by the pandemic and the vacancy left at its head. The Panel acknowledges THDC's commitment to recruit an independent person to chair the GRC and THDC's commitment to strengthen the GRM system.

F. Recommendation

89. The Panel notes that the Requesters and the Request meet the technical eligibility criteria set forth in the Panel Resolution. In conclusion and based on the above analysis, the Panel considers that no harm has occurred to the Temple complex as a result of the Project. The Panel also notes the strong commitments by both THDC and Management to preserve the Temple complex. The Panel notes that some community members have a misconception that a permanent job equates to livelihood restoration. The Panel believes that household-level economic losses are not supported by the data in the end-term resettlement evaluation report that concluded in 2019

[78] Management Response, p. 19, para. 61.

and that several external factors may have influenced the alleged losses in the three years since the end-term evaluation. The Panel considers that any alleged losses cannot be linked to the Project. The Panel notes the community chose where to relocate and water is supplied to Daswana and Eldana. The Panel notes that THDC and Management acknowledged that water supply has shortcomings and there are commitments to improve it. The Panel considers the current GRM to be a Project weakness. However, this has also been acknowledged by Management and THDC and commitments are in place to address it.

90. For the above reasons, the Panel does not recommend an investigation into the matters raised in the Request for Inspection. If the Board of Executive Directors concurs with this recommendation, the Panel will advise the Requesters accordingly.

Annex I

Request for Inspection
(Redacted)

THE WORLD BANK
IBRD • IDA | WORLD BANK GROUP

COMPLAINT (REQUEST FOR INSPECTION) FORM

To:

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

Section 1: Complaint

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

The Village of Haat, built around the 1000 year Laxmi Narayan temple, is a unique part of our village community and even of our national culture and heritage, in that the traditional and ancient practices of worship that link the village with the historical temple since centuries are still alive. However since 2007 when our entire village land was acquired by the THDCIL (Tehri Hydro Development Corporation India Limited) company as a muck dumping site for its Vishnugad-Pipalkoti hydro project. We have been scattered on the opposite (left) flank of the river and there has been a break in our traditional way of life. Our livelihood since that time is entirely dependent on THDCIL who has given some villagers jobs but mostly temporary. Coupled with loss of land, and the loss of our earlier agriculture based (cattle, orchards, farming, dairy) means of livelihood, the resulting insecurity and stress is tremendous. We were once self-reliant, and now reduced to the mercy of a company that looks solely to its own commercial interests.

The ancient temple is a sacred bond and heritage to us, which now stands endangered by muck dumping and which may be permanently destroyed. Such treasures, once destroyed can never be rebuilt; once the intimate and sacred bonds of village community to the temple are cut they can never be revived. After almost a decade of scattered existencewe have realized keenly the adverse consequences from the break in our social community and social fabric and are feeling profoundly the loss of identity, social well-being and security.

Recently the Archaeological Survey of India (ASI) itself has suggested that muck should not be dumped in the vicinity of the temple. Moreover an ancient copper plate inscription is also in the process of being studied by them which further proves the historicity of Haat. However the THDCIL has been brazen and callous enough to dump muck right behind this ancient monument. This massive neglect, this underplaying of the significance of the Haat site and the temple has brought us to the brink of losing this priceless heritage. It is monuments like this, traditions like these that teach us - as no text bookscan- about our identity, about our civilization, and what it means to be a mountain man and an Indian. *They are India,* because no country can exist without a profound sense of its own past, its own beginnings, its own roots. It is deplorable that such a site should be chosen for dumping muck, when a recent scientific study shows a stable site for dumping muck, nearby, just on the opposite flank of the river, moreover that is also uncultivated and uninhabited. It is an act of shameless convenience and arrogance by the company to act in this high-handed, thoughtless manner. It is a disservice to the entire nation, and not just to the limited community of Haat village.

The issues covered by the Inspection Panel in 2014 were dealing largely with the environment and the cultural significance or the river Alaknanda largely, on which river the hydroproject was planned. The local problems of Hatsaari hamlet were also addressed, which however is no longer an issue after the company switched the location of its switch yard from that hamlet. Moreover, since then the situation has drastically changed in terms of our awareness of our rights, the threat to the temple, the new site available for muck dumping, and bulldozing of 16 houses whose families had refused compensation. Critically, after nearly 8 years a clear picture has emerged about our livelihood problems and the horrific impact of a scattered existence, which was not evident at the time and not addressed. **Hence the entire village community of Haat through the three undersigned, are filing the following complaint (attached below) and requesting the Inspection Panel to investigate the matter.**

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

Vishnugad-Pipalkoti hydro electric project (VPHEP)

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

District- Chamoli, State-Uttarakhand, Country- India

4. Do you live in the project area?

Yes

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

Yes, the concerns were duly communicated to the world bank management. All the relevant communications related to our dissatisfaction were already communicated to the Inspection Panel in our first complaint of March 2022.

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

Operational Policies with regard to Rehabilitation and Resettlement, Physical and cultural resources and safeguard policies have been violated.

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

Yes

Section 2: Contact Information

8. Are you complainants or a representative of complainants?
Gram Sabha 'Haat' is the complainant which is being represented by its representatives here (resolution of Gram Sabha Haat is attached as **Annexure-1**).

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

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

Complainant 1 and 2	Complainant 3
Name	Name
[redacted]	[redacted]
Address	Address
[redacted]	[redacted]
Phone [redacted]	Phone [redacted]
Email [redacted]	Email [redacted]

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

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

[redacted]

NOTES:

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

DETAIL COMPLAINT:

To,

The Chair, Inspection Panel

Subject: Complaint regarding involuntary displacement, loss of cultural heritage via muck dumping in the vicinity of 9th century historical Laxmi Narayan temple, demolition of 16 houses of villagers who refused any compensation; inadequacy of livelihood and lowering of socio-economic well-being of Haat villagers after being shifted out from their village; the tearing apart of social fabric of Haat village

through scattered and isolated rehabilitation by the THDCL Vishnugad-Pipalkoti Hydro Electric Project (VPHEP), Chamoli, Uttarakhand.

Represented by: The entire village of Haat, as passed in an official resolution of the Village Panchayat, dated: 20.02.2022 and 08.07.2022 authorizing [redacted] And [redacted] to be the official representatives to the Inspection panel, World bank, for all its communications and interactions.

INTRODUCTION – PRESENTING NEW EVIDENCE NOT COVERED IN 2014 IP REPORT

We would like to file a fresh application for registering our complaint in view of the fact that all the evidence we are giving here is new, i.e after 2014 when the IP made an inspection report. All the documents, evidence, events which we are referring to herein have taken place only after 2014 and hence could not in any manner have been covered at the time of 2014 inquiry; and for identical reasons, nor could they have been included in the original complaint of 2012.

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

2. **HISTORICITY OF HAAT ACKNOWLEDGED BY ASI–ON 04.04.2022**
   The Archaeological survey of India (ASI) visited the site of Haaton 15.03.2022 and submitted a report on 04.04.2022. Since the Laxmi Narayan temple is an astounding 1000 years old, with the inner sanctum sanctorum still the original structure, it should have received immediately recognized the temple as an ancient monument and granted it due protection. The ASI in its report has admitted that the '*Laxmi Narayan temple is found to be worthy enough to be considered as ancient structure...*'and yet it is deplorable that such a site has not been protected and instead has been selected for dumping of debris. The report of ASI dated 04.04.2022 is hereby attached as **Annexure-2**.

3. **INTACH ALSO STRESSES THAT SITE OF HAAT VILLAGE SHOULD BE PROTECTED–ON 21.12.2021**
   Taking cognizance of the cultural importance of the village and ancient temple structures, the Indian National Trust for Art and Cultural Heritage (INTACH) also recommended restoring the entire village. A letter sent by INTACH which is copied to the World Bank and THDCIL states as follows:
   "Due to the high significance attached to the ancient temple site and Haat village, we urge THDC to recognize the ancient temples and remains as assets of national importance, and the funding agency,

World Bank to restore the impacted sites and also conserve the historic village in entirety as part of the project, to encourage World Bank's mandate of sustainable livelihood."

The letter dated 21.12.2021 of INTACH copied to THDC and the World Bank is hereby attached as **Annexure-3.**

4. VILLAGERS IN A WORSE SOCIO-ECONOMIC CONDITION THAN BEFORE RESETTLEMENT

Almost 99% of the families of Haat have reiterated very strongly that after resettlement they are much worse off than before, not just in social welfare and security but even in economic terms, despite the compensation package. To more accurately ascertain in what manner, on what basis, and why the villagers felt that they are worse off than before the [redacted] circulated a survey sheet with 20 questions (sample in English attached, along with all 92 filled in sheets). 92 families out of a total aprox 142 agreed to fill it in. 4 families (including [redacted]) who because they refused to take any compensation and whose houses were forcefully destroyed in September 2021, did not fill the sheet. The 30-32 families whose family person is either permanent or temporarily employed in THDCIL felt pressurized and therefore refused to give any feedback. Other 8-10 families who are currently residing far away from the village, have not been responded yet.

The main facts that emerge from the data of these circulars is –

a. **Only 1 person said they were better off than before.** [redacted] All the rest 91 families stated that they were worse off than earlier. The reasons they gave were:

(i) 'Stress due to temporary nature of jobs with THDCIL on which they are wholly reliant without knowing if we will be removed the next day, thereby also creating an overwhelming dependence on the company.

(ii) The socio-cultural fabric of village has been destroyed. We are struggling for our identity. We are socially weakened. Before we were like one family but no longer.

(iii) Lack of basic amenities and facilities in the displaced area

(iv) Economically deprived. Before we used to do farming in the village but now we are scattered and cut off from the rest of village community.

(v) We had water, wood and grass for animal husbandry and we were well-off in our village earlier. Now we are destroyed with neither a good water supply nor any permanent source of income.

(vi) Now financially we are solely dependent on THDC. We have lost our independence and self reliance. Before displacement, we had many other means for livelihoods that are no longer available. Before with less money we were living better lives.

(vii) We are landless and are in minority because we belong to schedule tribe.

(viii) We were exploited by the project authorities. We had no prior assessment of the situation after displacement that our life will be in such a deep hole.

(ix) We are helpless now. No one is listening.

(x) We are losing the heritage of our forefathers, how can we hope for a better social and economic life.'

b. Of the 92 interviews [redacted]. [redacted] temporary jobs with them and [redacted] not employed by the THDCIL.

c. 28 families stated that the money they received as the compensation package was enough to rebuild and resettle. 50 said the sum they received was not sufficient. 10 did not receive compensation and 4 did not respond.
d. Almost 70 people reported that they only received water for 0-2 hours daily, while 12 people received water for 2-5 hours daily. The others had other sources and were staying elsewhere.
e. 57 people stated that animal rearing, orchards and farming were their livelihood before resettlement. 35 stated that they had other employment means.
f. However after land acquisition only 24 continued with animal rearing, orchards or farming. 68 quit these livelihood means.
g. A majority of 69 found their earlier farming etc as sufficient means for livelihood, or at least providing some income. 22 found it insufficient. After land acquisition 41 found it insufficient.

Therefore a clear picture emerges of a community that is highly insecure and deprived of steady livelihood. Not only has economic losses been sustained bringing them to a lower economic condition but permanent losses through loss of land, water, field, orchard, access to fodder and fuel have been sustained, that effectively prevents any potential for future growth. The villagers have stated that they are now entirely dependent on market produce, thereby needing cash, whereas earlier they produced most of their own requirements and hence were self-reliant. Then there is irreversible loss of social fabric which cannot even be evaluated in monetary terms, it being far too intangible and far too valuable, which fact has unfortunately only hit home now in all its entirety, after a decade of uprooted, scattered existence. Finally, to crown the entire tragedy the village now faces the annhilation of 1000 years of heritage, and the devotion of generations, in the slow but irreversible destruction of a 1000 year old temple that is daily being buried under muck.

The copy of 92 survey sheets and English translation of survey sheet is attached herewith as **Annexure-4.**

5. THDCIL ENDANGERS TEMPLE BY DUMPING MUCK RIGHT BEHIND THE TEMPLE – March 2022

Tonnes of debris generated since 2016 by the Tunnel borer machine (TBM) machine has been dumped just behind the Laxmi Narayan temple at a distance of barely 10 metersfrom the sanctum sanctorum. The wall supporting this debris is a weak gabion wall, and liable to fall. Further in case of extreme weather events, cloudbursts and concentrated rainfall due to climate change, as Uttarakhand has been regularly witnessing since the last decade, the ancient temple is highlyendangered from burial under tonnes of flowing debris.

After the demolition of houses and forceful eviction of last cluster of 16 families on September 2021, THDCIL also started the muck dumping inside the village area in March-2022 even while our interaction with the World Bank and the Inspection Panel regarding rehabilitation was going on. It is still continuing till date and the height of muck has crossed the height of the Chandika temple and the other group of temples. Since the work on the main Head race tunnel has not even started, we can expect the height of the muck to also exceed the Laxmi Narayan temple eventually, which will then literally be a death sentence to the monument.

6. ASI REPORT APRIL-2022 INFORMS THAT MUCK IS ENDAGERING TEMPLES:

On application of the [redacted], thePrime Ministers office (PMO) directed Archaeological Survey of India (ASI) to conducta site visit at Haat. Thereafter officials of ASI Dehradun circle visited the area and prepared a report on 04.04.2022 which also accepts the presence of ancient Lakshmi-Narayan temple and recommends its conservation measures. ASI also recommended to stop muck dumping and remove the dumping zone far away from the temple. The report of ASI dated 04.04.2022 states as following:

1. *'At present a breast wall madeof wire cagesfilled with rock, is provided by THDC on the upperside of the temple which seems to inadequate to withstand the trust of the dumped soil/waste material. The pressure may increase during the rainy season due to formation of aquifer within the soil. THDC may provide a well designed RRC or Masonry wall and if possible, minimum dumping is suggested on the upperside of the temple.'*
2. *'The dumping area should be away from the temple.'*
3. *'THDC first should stop the muck dumping near the temple complex and should use other available area and construct outer boundary including main temple and other subsidiary shrine for the better preservation and protection of existing shrines.'*

In spite of this even today muck dumping is ongoing unabated.

7. ANCIENT COPPER INSCRIPTION (TAMRAPATRA) FOUND AT HAAT

That, in addition an ancient copper inscription '*tamrapatra*' also exists dating to the 8-9thcentury which proves the ancient historicity of the village Haat. The epigraphic study of this copper inscription is under process in the ASI and final report is expected in August. Yet initial information has confirmed that the inscription has been deciphered to have been made by a 9th century trader, it also mentions theHaat village and refers also to a temple. Thus validating the historicity of the place. The picture of copper inscription of Haat village is hereby attached as **Annexure-5**.

8. THDCIL CONDUCTS ARCHAEOLOGICAL SURVEY OF TEMPLE IN 2009 FOR ITS EIA

The archaeological report made in 2009 by the THDCIL itself acknowledges that Lakhmi-Narayan temple is located in 'project immediate affected area' (PIAA) i.e within 500 m of project site. It states as under:

"Lakshmi-Narayan is located in PIAA area at Hat. The temple can be dated to 9-10th century A.D. This temple has gone under many structural alterations & additions, but the garbhgrih / sanctum sanctorum is in its insitu position, partly buried."

Further the living traditions of the mountain villages has been acknowledged in the archaeological survey report which states –

'Besides archaeological remains such as cultural properties, sites, folklores, legends, buildings almost all 63 villages have preserved their paleontological, natural religious and sacred heritage in a very ritualistic and traditional manner.'

9. BUT THDCIL SUPPRESSES HISTORICAL IMPORTANCE OF LAXMI NARAYAN TEMPLE

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

"7.6 Impact on Physical and Cultural Resources:

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

The report made by the THDC in its EIA dated (uploaded) 2009, acknowledges that while the outer structure of the temple may have been partially overlaid and repaired in the past, the inner sanctum of the temple is still original. But this critical fact was concealed at the time of seeking clearance and land acquisition, and our village thoughtlessly designated as a muck dump zone. In fact the authorities if they were sincere, and had good intentions, would have restored the temple using experts to its old traditional architectural design and beauty. In fact they should have notified the ASI at the time itself and shifted the project elsewhere. However they did not contact the ASI except as late as 2016. This has resulted in a grave injustice not only to our community but to our national heritage.

10. ENTIRE GRAM SABHA OF HAAT PASSES RESOLUTION TO DECLARE TEMPLE AS PROTECTED HERITAGE SITE.

On 28.03.2022, in the meeting of gram sabhaHaat, a resolution declaring Lakhmi-Narayan and other temples as protected by the gram sabha, was passed. The resolution states as follows:

"आज सर्व सम्मतिसे ग्रामसभा हाट केसमस्त प्रतिनिधि और निवासी हम सभी ग्रामवासी हमारे इष्ट भगवान श्री लक्ष्मीनारायण के मंदिर और इसके साथही हाटगाँव के सभी मंदिर समूह) चंडिकादेवी, शिवमंदिर, विश्वकर्मामंदिर, सूर्यकुण्ड आदि को अपनी ग्राम-सभा द्वारा संरक्षित घोषित करते हैं. जिसमे या जिसके इर्द-गिर्द कोई भी क्षति या हानिकारक कृत्य स्वीकार नहीं किये जायेंगे. आगे हम यह घोषित करते हैं कि हाटग्राम भगवान लक्ष्मीनारायण मंदिर और अन्य मंदिर समूहों का सदियों से स्वामित्व-धारी है...."

"Today we all representatives and members of gram sabha Haat unanimously declare the temple of our Lord, Lakhmi-Narayan along with other group of temples of Haat i.e. Chandika devi, Shiv temple, Vishwakarma temple, Suryakund etc., as protected by our gram sabha. In and around which, no damaging or harmful activities would be acceptable. Further we declare that village Haat is the owner of temple of Lord Lakhmi-Narayan and other group of temples for centuries...." (English translation)

Thus even if the initially in 2009, the then village headman along with 7-8 villagers signed some sort of agreement with the company, today the entire village stands united claiming for protection of their heritage, social community, and traditions. In fact the MoUs signed by the villagers was done under pressure, in ignorance of their rights and without any legal aid. It was done because they felt they had no choice and were bullied by telling them that those who did not accept the deal now would get nothing at all in the future. The resolution dated 28.03.2022 passed by Haat village is hereby attached as **Annexure-6.**

11. FORCEFUL EVICTION AND DEMOLITION OF 16 HOUSES IN HAAT ON 22.9.21

On 22.09.2021, in violation of all the fundamental rights, the THDCL along with more than 200 police men, 2 Poklan excavators and 1 bulldozer, forcefully entered the houses of villagers, threw out luggage/belongings and completely demolished their homes. THESE WERE VILLAGERS WHO HAD REFUSED TO TAKE ANY COMPENSATION AND WHO HAD REFUSED TO RELOCATE.

The eviction was done in a brutal and heavy-handed manner. Some protestors, including a widow whose house was being razed was locked up in the police station and only in the evening was she dropped off on the main road. Her only son who serves in the army, was away from home serving his country. In some cases where the owners were absent, they bulldozed the house along with all its furniture and belongings. [redacted] reports that all her savings from selling milk, and stored under her bed was lost. Worship places in houses with ancient inherited deities, temples, cow shelters, pathways, and electricity

cables of village Haat were also destroyed, thereby making the villagers homeless, shelterless, helpless and devoid of their livelihood activities.

12. ALTERNATIVE SITE FOR MUCK DUMPING IDENTIFIED BY SCIENTEST IN 2022

That, since the THDCIL company has refused to acknowledge the concerns of the villagers and continues dumping muck in the site of village Haat and particularly in the close vicinity of the Laxmi Narayan temple, without searching for alternatives, the Gram Sabha Haat took its own initiative in the matter. It invited an eminent geologist of the region Dr.NavinJuyal, Ex-Scientist of PRL Ahmedabad, who has been extensively working in the Himalayan terrain for past 40 years along with his colleague Prof. Y.P. Sundriyal who is currently the head of department of geology in Garhwal University to address the issue. These expert scientists identified an alternate site which was not only very stable, resting on 10,000 year old rock formation, but also uninhabited and uncultivated. This site was also close by on the opposite left flank of the river and the muck could be transported there via trolleys their report states. Consideration of an alternate muck dump site would be a critical step to save the existence of our ancient historical village from extinction. The report prepared by Dr Juyal and Prof Sundriyal suggesting alternate dump site is hereby attached as **Annexure-7.**

13. WORLD BANK POLICIES VIOLATED:

(1) INVOLUNTARY RESETTLEMENT-

The method of operation of the THDCIL has also been in direct violation of this policy both in terms of livelihood and in avoidance of shifting communities. In light of the alternative muck dumping site available, (a) further becomes a very critical issue.

'INVOLUNTARY RESETTLEMENT

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

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

(2)PHYSICAL CULTURAL RESOURCES OPERATIONAL MANUAL

In severely endangering a 1000 year old temple and sacred place of living worship, and destroying existing heritage and traditions the THDCIL has done a grave disservice to the village of Haat and to the nation as a whole. It has proceeded without due consideration of the villagers or their traditional

practices, and it even had the arrogance and deceit to conceal the relevance of the temple in its EIA. This is in direct violation of the world bank policy on this matter as evident below -

'Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices.

Objective

3. The Bankassists countries to avoid or mitigate adverse impacts on physical cultural resources from development projectsthat it finances.

The following projects are classified during the environmental screening process as Category A or B, and are

subject to the provisions of this policy: (a) any project involving significant excavations, demolition, movement of earth, flooding, or other environmental changes; and (b) any project located in, or in the vicinity of, a physical cultural resources site recognized by the borrower. Projects specifically designed to support the management or conservation of physical cultural resources are individually reviewed, and are normally classified as Category A or B.'

(3)DAM SAFETY REGULATIONS

Increasing threats of Climate change induced disasters and extreme weather events like flooding, high and concentrated rainfall, flash floods, etc have not been accounted for at all. The recent human tragedy in Chamoli (2021) not far from Haat village, has shown how vulnerable the entire area is. HEPs are NOT safe. Point 12 below explains in detail how expert studies are now voicing against the building of HEP's, not only because of the likelihood of human disaster involved but also because of the very high threat of these expensive HEP's being washed away or thoroughly damaged themselves, as has been seen.

14. ENVIRONMENTAL CONCERNS VIOLATED:

(i) After June 2013 Kedarnath flood, concerns were raised on mushrooming of bumper to bumper hydro projects on Ganga and her tributaries. The Hon'ble Supreme Court in the matter of Alaknanda Hydro power Vs Anuj Joshi &Ors, Civil Appeal 6736 of 2013, took suo moto cognizance of this disaster and in its judgment dated 13.08.2013 directed to not grant any further clearances to hydro projects. Supreme Court also constituted an Expert Body for examining the adverse impacts of hydro projects in the Himalayan Ecology. The Expert Body submitted its report in April 2014, thereafter Supreme Court stayed the 24 proposed future projects on Ganga and her tributaries through its order dated 07.05.2014. The matter on under construction hydro projects (which includes Vishnugad-Pipalkoti project also) is still to be decided by the Supreme Court.

(ii) MoEF&CC also accepted the findings of Expert Body and admitted that existing and under construction Hydro projects have caused irreversible damage to Himalayan ecology and have played direct and indirect role in aggravation of June 2013 flood. MoEF&CC in its affidavit of 5.12.2014 also concluded on the basis of Expert Body findings, that *'It is pertinent to conclude that there has been a direct and an indirect impact of the HEPs in the aggravation of the floods of 2013.'*

(iii) Ministry of Jalshakti (then the MoWR&GR) also submitted its view before the Supreme Court on 31.05.2016 which raised serious question mark on the construction of these projects and concerns related to the security of these areas and rejuvenation of National river Ganga. It states as under:

"18.5 The region around these projects is located in a geologically unstable and seismically active area. Hence, the impact of any of the disasters will have a devastating effect on the people, flora and fauna and on the entire ecosystem as a whole, which is uncalled for and unwarranted for.

18.8 In the larger public interest, safety of the people living in these areas along with the interest of pristine environment, biodiversity, the unique ecological character of the area as well as the river and the commitment for the concept of sustainable development and precautionary principle (which has been reiterated by various judgments of the Hon'ble Supreme Court), there is a need for a review of these projects."

(iv) Since then, in 2013, even after witnessing the ravages of the Kedarnath floods, which shook the nation, the Vishnugad-Pipalkoti project commenced its construction work in a sporadic and haphazard manner even though the matter of HEP's in the Ganga-Himalaya was sub-judice and the projects were under a freeze. This demonstrates the utter irresponsibility of the project proponents in their mad haste, greed, and desire to undertake such projects. More recently the Prime Minister's office stated in its minutes dated 25.02.2019 that *'No new hydro electric project shall be taken up on River Ganga or its tributaries in the State of Uttarakhand……with respect to the projects under construction, the seven projects as recommended by MoWR, which are reported to be more than 50% complete (listed at Annexure I) may be taken up for further construction."*

The villagers claim from their own observations that hardly 30 percent of the work must be completed. The minutes showing decision of PMO is hereby attached as **Annexure-8.**

(v) That, the law (MoEF&CC Notification dated18.03.2021) mandates that if the physical progress of a project is below 50% during the expiry of its environmental clearance, then it has to go through a proper public hearing process to apply for fresh environmental clearance. However, THDCIL made a false claim in May 2021 to the MoEF&CC that the project had achieved a 51% physical progress. On this false claim it was granted a fresh environmental clearance. However, the Environmental appraisal committee (EAC) itself in its meeting minutes dated 29.07.2020 recorded the physical progress of the project is below 30%. It shows their total unconcern with public safety and welfare; it reveals their casual, unscientific and uniformed attitude towards a highly threatened and unstable environment. It shows the villagers that the THDCIL are not to be trusted with an honest dealing in any matter whatsoever.

15. HYDRO ELECTRIC PROJECTS (HEP'S) NOT A VIABLE OPTION ANY LONGER AS FLOODING EVENTS INCREASE

One of the major impacts of climate change is the receding of glaciers. Glaciers in the Himalayas especially are reported to be retreating faster than anywhere else in the world. Therefore extreme flooding in river beds and glacial streams is expected.Studies predict an increase in the magnitude of these extreme flows and the occurrence of floods in the Ganga basin. The melting glacier results in the formation of glacial lakes (GLOF) that can burst at any moment, and cause flooding in the river downstream. This was what occurred in the 2013 Kedarnath disaster. In this disaster not only were several HEP's damaged badly, but the maximum damage was also found to be in the vicinity of the HEP's. In the 2021 Chamoli disaster in the glacial stream of Rishiganga, Rishi-Ganga HEP was wiped out and Tapovan-Vishnugad HEP buried under tonnes of debris.

(1) IISc study dated 30.09.2021

The Indian Institute of Science (IISc) and the Indian Institute of Technology-Kanpur report provides insights into how climate change and human activities like building dams affect the region. It

analyses the effects of past human activity on the mountainous regions, focusing on two significant tributaries, Bhagirathi and Alaknanda.

It states, *"The impact of changing climatic conditions are more predominant in the Alaknanda basin. Our extreme frequency analysis also suggests an increase in the magnitude of extreme flows for different return periods in the Alaknanda basin. Further, the observed records indicate an increase in the frequency of extreme flood events in the UGB (upper Ganga Basin), especially in the Alaknanda basin."*

(2) <u>53 scientist study dated 10.06.2021</u>

Moreover, last year a detailed scientific report on the flood of 7th February by a group of 53 field experts across the world, is published on 10th June 2021 in a renowned journal 'Science'. This report also concluded as under;

"The Chamoli event also raises important questions about clean energy development, climate change adaptation, disaster governance, conservation, environmental justice and sustainable development in the Himalaya and other high mountain environments..... The disaster tragically revealed the risks associated with the rapid expansion of hydropower infrastructure into increasingly unstable territory."

(3) <u>NDMA study dated April-2022</u>

And now, on similar lines, theNational Disaster Management Authority (NDMA) too in its recent report of April-22 said that the government may need to pursue alternative sources of energy in the long run instead of relying on hydropower from Uttarakhand. The report of NDMA recommends as under:

"In the long run, the pursuit of alternative sources of energy will need to be looked at since this zone appears to be environmentally fragile. A separate study on that may be set up by the Ministry of Power." The relevant pages of the NDMA-2022 report is hereby annexed.

16. HEAVY ECONOMIC LOSSES SUSTAINED TO DOWNSTREAM HEP'S IN LAST DECADE

(i) The initial project cost of Vishnugad-Pipalkoti (444 Mw) was set to Rs 2800 crore, which as per 2021 report of Central Electricity Authority (CEA) has risen up to Rs 4900 crores. Further the physical progress of the project is below 30% as per EAC minutes. Further, much more increase in the project cost is anticipated due to harsh ecological challenges of the Himalayan terrain.

(ii) In a similar way, the initial cost of Tapovan-Vishnugad (520 Mw) project just upstream of the Vishnugad-Pipalkoti was set to Rs 4200 crore, which crossed a figure of Rs 13,000 crore in last year when the project was 70% completed. After this, barrage and tunnels were buried under debris in Rishi-Ganga flood, this flood further caused loss of about Rs 1600 crore. The past 15 years history of ecological challenges faced by these projects, is the testimony of economic non-viability of such projects in this highly sensitive Himalayan terrain.

(iii) Rishiganga HEP (13.5 Mw), located above Vishnugad-Pipalkoti, was completely washed away, total loss of about Rs 150 crore in February 2021.

17. ISSUES NOT COVERED IN 2014 IP REPORT

1. The 2014 report has not covered the issues reported above. In fact this is quite clear in the Executive summary itself where in outlining 'MAIN CLAIMS IN THE REQUEST' it states –'*The key issues are: environmental impacts from construction and operation of multiple dams; cultural and spiritual significance and special qualities of Alaknanda river and consideration of project externalities. The second state of claims relates to local environmental and socio economic impacts. Specifically these refer to issues of loss of water etc. in surrounding villages, risks relating to structures, landslides and*

earthquakes, risk to aquatic life and ecology from altered flow, and effects of sediment release. Local socio-economic impacts include: resettlement and restoration of livelihoods, gender impacts and local benefit sharing."

2. The 2014 investigation was mainly concerned with Hatsaari hamlet and not with Haat village.

3. The only cultural significance addressed was that of the Alaknanda river itself.

18. THE MAIN ISSUES NOT COVERED in 2014 WITH SPECIFIC REFERENCES FROM THE REPORT ITSELF ARE –

1. CULTURAL AND HERITAGE LOSS BY DESTRUCTION OF LAXMI NARAYAN TEMPLE

The report itself states that the Laxmi Narayan temple is considered a swayamprakat temple, implying that it is not the temple or the idol therein that is the primary object of holiness but the site itself. However no alternative site for muck dumping was ever considered. On page 57 pt 209 it states: ' *While the VHEPP will not submerge this swayamprakat temple and it does not have to be relocated it may experience construction related disturbance as one of the main tunnel adits is located near the temple.'*

There is no other reference to the great importance of this 1000 year old structure or the impact of muck dumping in its vicinity, or the sense of loss to the villagers by way of loss of centuries old traditions and heritage.

2. LIVELIHOOD LOSS OF HAAT VILLAGERS

The request did not include Haat livelihood but only Hatsaari. It states on page 69, pt 255, '*Because these issues of livelihood at Haat village were not raised explicitly in the Request for inspection, they are not addressed in the Management response.*

It also expresses concern about restoring pre-project livelihoods, which is exactly what the villagers are experiencing today. In page 71, pt 263 it states regarding Haat, '*This suggests a risk that vulnerable households may not succeed in restoring their pre-project livelihoods.'*

3. DESTRUCTION OF COMMUNITY OF HAAT VILLAGE

This issue finds no mention at all in the report. In fact it states on pg 70, pt 258, that the villagers '*welcomed the opportunity'* to re-locate to self-owned lands across the river. The consequent loss of community and torn social fabric which the villagers are now deeply affected and traumatized by, have occoured over the last 8 years, subsequent to this scattering. Therefore this situation went uninvestigated in 2014. Even at the time the villagers felt they had no choice, but today with increased education and awareness, and a first-hand bitter experience of their plight, and the immensity of what they have lost, the entire village has united in opposition.

4. VIABILITY OF HYDRO PROJECTS GIVEN RECENT DISASTERS VIA NEW STUDIES.
   This issue has not been addressed as the Chamoli disaster (Haat is located in Chamoli district) took place in 2021, and the studies referred to are all new and updated on the current situation and rethink of hydro-power. Even the 2013 Ravi chopra Committee report referred to in the IP report had nonetheless voiced these concerns.

5. ALTERNATIVE SITE FOR MUCK DUMPING

This finds no mention at all in the report although on pg 72, pt 265 it mentions that the World bank policy favours that involuntary resettlement should be avoided, by quoting policy, '*should be avoided where feasible, or minimized, exploring all alternative project designs.*'
This is precisely what the THDCIL company failed to do. And this is what the desperate villagers of Haat undertake to do on their own by inviting scientists.

6. THE VIEW OF THE ENTIRE VILLAGE COMMUNITY REGARDING ITS CURRENT DEGRADED SITUATION.
The IP report 2014 states that it only met a few people of Hatsaari. The villagers of Haat claim not to be have represented at all. Today the entire village is signing this Request, as we had done in the past, by an official resolution of the entire village. Also the resolution of the entire village as mentioned earlier, declaring their temple and village site as protected is an entirely new evidence and circumstances, showing most clearly just how tormented the entire village is.

7. COPPER INSCRIPTION FOUND IN VILLAGE DATING TO 9TH CENTURY.
This artifact of great historical value and evidence, finds no mention at all. This is not surprising since the 2014 team did not investigate the immense cultural and heritage loss of the site and the temple in any manner whatsoever. Today however, after the villagers realized they could raise their voice, the ASI and INTACH admit that the site and temple are worthy of conservation.

CONCLUSION:

2014 was 8 years ago, and in that time our world and lives have changed drastically. Mostly we are more aware of our rights, we have learnt the hard way of all that we have lost, and the insufficiency of any 'package' to compensate 1000 years old traditions and culture.

We are presenting new evidence and circumstances that were not considered at all at the time, since these were not part of the request investigated then, and further that nearly all the events related here occurred post 2014.

The threat to the 1000 year Laxmi Narayan temple, which has now been acknowledged also by the ASI, was not considered by the project seriously in 2009, or by the 2014 report since it was not their mandate. However this issue needs the most focused attention if we want to preserve irreplaceable and priceless nuggets of not just our village's but our nation's history.

We repeat our initial hopes that once again a thriving, living village emerges from the dust. We would like you to immediately recommend to stop muck dumping in the site of village Haat since there is an alternate site available. We would like you to recommend that our original village site become a model rehabilitation site, so that we can regain all our lost human rights and have all those essentials taken from us like fresh water, grazing land etc. and once again build our torn social fabric and community life. We would like each family to have cows and dairy; revival of lost crafts and permanent livelihoods independent of THDCL which can be worked out with us. We can rebuild our houses using organic materials as close to the original as is possible in todays times – without cement. We would like to regain our lost dignity. We would like to put an end to this struggle for justice and honesty and get on with our lives. In short we would like to achieve what has been professed by the World bank and

promised in the National rehabilitation policy – to be the same, if not better off than before, and to be rehabilitated en masse to avoid tearing apart the social fabric that holds our lives together.

This is a humanitarian issue. We are willing to cooperate. We want a better life for our future generations. We hope by this complaint that we have accurately portrayed our plight and inspired you to take an active stand. So far as the minutes show, our meeting with the world bank team and the THDCL have been fruitless. We are fighting from under rented roofs and losing our lives meanwhile. Hence we are reposing a lot of faith in the panel. We request you to investigate this issue in light of the new evidence and circumstances that have clearly emerged, and help us regain our lost heritage, social well-being and livelihoods.

दिनांक: 08/07/022

प्रस्ताव: ग्राम सभा- हाट, पीपलकोटी, चमोली, उत्तराखंड

(Resolution: Gram Sabha-Haat, Pipalkoti, Chamoli, Uttarakhand)

हम ग्राम सभा हाट के निवासी आज सर्व सम्मति से विश्व बैंक, इंस्पेक्शन पैनल के समक्ष, ग्राम सभा हाट के पुनर्वास और विस्थापन सम्बन्धी विषयों पर दूसरी याचिका दायर करने हेतु [redacted] को अधिकृत करते हैं. इंस्पेक्शन पैनल के समक्ष ग्राम हाट से सम्बंधित सभी विषयों को प्रस्तुत करने, पत्राचार और बैठक/वार्ता हेतु उक्त जन पूरी ग्राम सभा का प्रतिनिधित्व करेंगे.

[redacted]

(पृष्ठ संख्या -1-2-3-4)

(2)

भारत सरकार
Government of India
भारतीय पुरातत्व सर्वेक्षण
Archaeological Survey of India
देहरादून मण्डल
Dehradun Circle

प्रत्नकीर्तिमपावृणु

"धरोहर" त्यागी रोड देहरादून – उत्तराखण्ड
Phone No [redacted]
Fax No.
Email : [redacted]
Website: asidehraduncircle.in

फा०सं० [redacted]
No.
दिनाक 04-04-2022
Dated.

सेवा में,

निदेशक (स्मारक)
भारतीय पुरातत्त्व सर्वेक्षण
24–तिलक मार्ग, नई दिल्ली

ध्यानाकर्षण– अनुभाग अधिकारी (संरक्षण), भारतीय पुरातत्त्व सर्वेक्षण, 24–तिलक मार्ग, नई दिल्ली।

विषय–जिला चमोली के हाट गाँव, पीपल कोटी में लक्ष्मी नारायण मन्दिर की निरीक्षण आख्या के सम्बन्ध में।

महोदय,

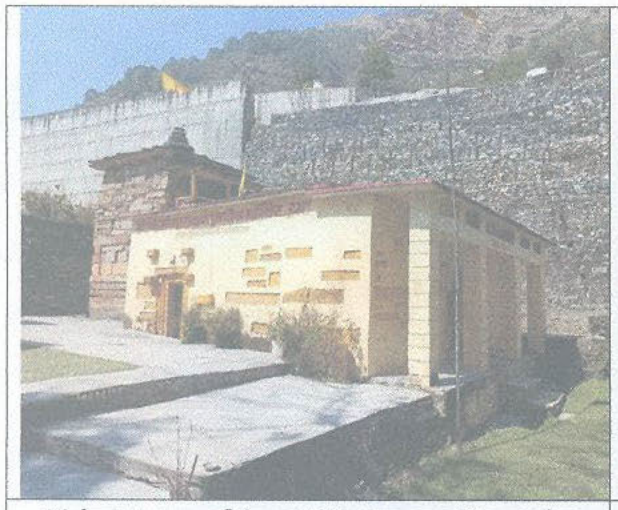
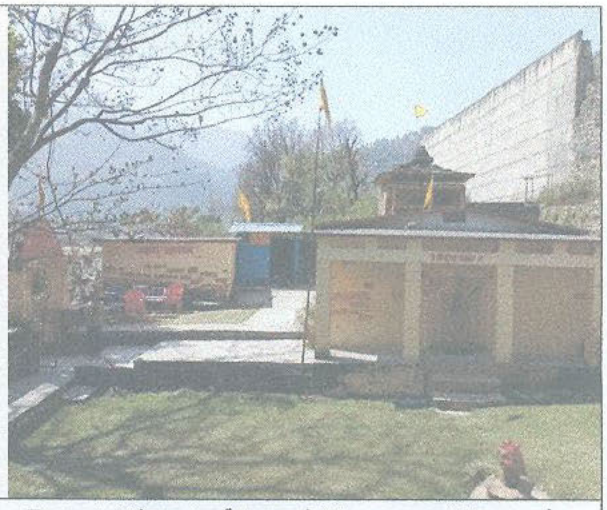
उपरोक्त विषयक आपके कार्यालय द्वारा प्राप्त ईमेल दिनांक 17.01.2022 एवं पत्रांक संख्या T-19024/12/2022-Monument दिनांक 14.03.2022, नई दिल्ली का सन्दर्भ ग्रहण करें, जिसके सन्दर्भ में दिनांक 14.03.2022 को जिला चमोली के हॉट गाँव, पीपल कोटी में लक्ष्मी नारायण मन्दिर का दौरा अधोहस्ताक्षरी तथा विभाग के अन्य सदस्यों के द्वारा किया गया जिसकी निरीक्षण आख्या आपके सुलभ संज्ञान हेतु प्रस्तुत है।

भवदीय

अधीक्षण पुरातत्तवविद्(प्रभारी)

Inspection Note of Lakshmi Narayan temple at Hatgaon (Village Hat), Pipal Koti, District Chamoli.

With reference to email dated 17.01.2022 received from A.O. Conservation Directorate Office, New Delhi and letter No. T-19024/12/2022-Monument dated on 14.03.2022 for conservation of Lakshmi Narayan temple at Hat Village, Pipalkoti, district Chamoli, Uttarakhand, undersigned visited on 14.03.2022 above village along with Sh. R K Meena ASAE Dehradun Circle, Sh. Neeraj Maithani CA Almora, Sh. Ashish Prasad Semwal Jr. CA Gopeshwar Sub Circle. During the visit Sh. Anirudh Bishnoi General Manager THDC, Dr. Manoj Ranger Manager Environment, Sh. J. S. Bisht AGM Mechanical, Sh. Ashutosh Pratap Singh, Sr. Engineer THDC, [redacted] of the Hat village were also present and shown village area of Hatgaon and Laxmi Narayan Temple and few other shrine located in vicinity.

	
Side View of Lami Narayan Temple	Front View of Lami Narayan Temple

The temple is situated in the village which is about 2 K.M. from Pipalkoti on the way to Chamoli, Hatgaon on the right bank of the Alaknand River. The village has now been relocated on the left bank of the river on an elevated flat surface. The area of the old village acquired by THDC for dumping and under their Hydro Electric Power Project.

The Lakshmi Narayan temple is a simple architecture both internally and externally. The temple on plan is consists of a garbhgraha (sanctum), an antarala (vestibule) and a mandapa (Portico). The temple is north facing. Except the sanctum, rests of the components are not old and are later added. The sanctum is tri-ratha on plan. On elevation, it is composed of Jangha and shikhara which

are devoid of any decorations. The temple is of nagara style (curvilinear spire) however, upper part of shikhara has undergone massive -alternations. A mutilated Gaja simha (rampant lion on elephant) is seen over the newly added roof of the mandapa which might be originally placed over the sukanasa. A projected sukanasa front over the antarala is generally adorned with Gaja-simha which is a common feature of the temples located in Garhwal region. The elevation of the temple is simple and consists of vedibandhana, jangha and sikhara. The lintel on doorway is depicted with Ganesha on the lalatbimbha.

Image of Lakshmi Narayan in main temple

During inspection, it was noticed that upper portion of the temple elevation was renovated in the past, however, lower portion of the temple is original. The top of the shikhara is camouflaged by wooden canopy which is surmounted with amalakas. The madapa is constructed of stone masonry and is rectangular on plan with slanting roof of R.C.C structure which is raised up to the jangha portion of the temple. The mandapa is a later added modern structure to the temple.

There is a modern structure to the east of the temple which is used as Bhogsala. The whole complex is provided with a boundary wall. Various levels of the temple, architectural members (amalakas, dwarshakhas) etc. suggest that the temple complex has gone through many alterations and additions. One isolated dwarshakha which is placed inside the madapa is badly mutilated and depicted with deities among whom only Surya can be identified. The western jangha portion of the Garbhagriha is seen bulging out.

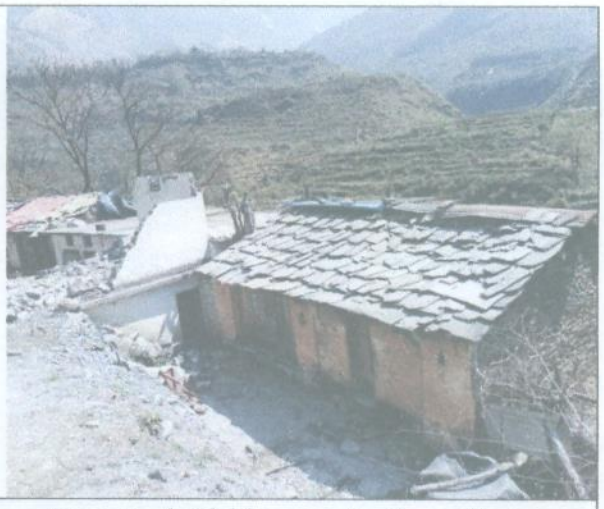
The whole shikhara portion of the temple requires dismantling and resetting to achieve original shape of the temple. Although, there is no evidence to ascertain the date of the temple but on the basis of architectural features it may be dateable to 11th – 12th century A.D. The image of Lakshmi Narayan enshrine sanctum is fully covered with clothes.

Other structures in the Hatgaon: [redacted] other local residents of the village has shown some other structures in the Hatgaon which they supposed to be of ancient in nature but on observation they are found to be simple houses or their remains which are devoid of any archaeological or artistic

feature. There might have been few ancient structures at some point of time but at present only ruins and scattered stone fragments were seen at the site.

During site visit, massive agitation was received from the local residents stating that the heritage village (Hatgoan) is being used only for purpose of muck dumping by THDC and substantial artistic and archeological structures are being buried under the dumps. However only Lakshmi Narayan temple is found to be worthy enough to be considered as ancient structure which is renovated many times and altered with cement, concrete roof of mandapa and walls.

Ruined Temple Remains



Vacated Old house in the village

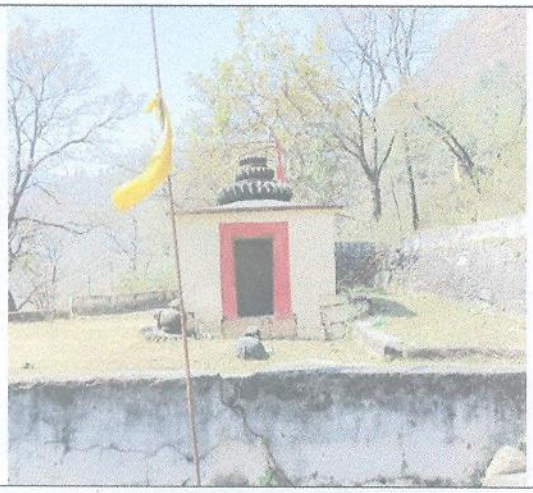
Remains of Ruined Houses

Ruined structure

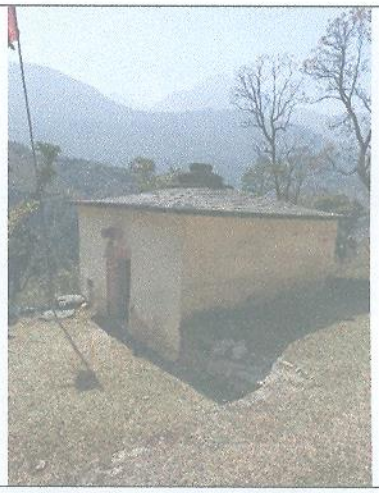
Remains of Ruined Houses

Remains of Ruined Houses

There are Chandika temple and temple of Mahadev is also located in the vicinity about 150-200 mtr. away from the Lakshmi Narayan temple but these ancient temples also altered with cement mortar. A small Nandi is also installed facing Mahadev Temple. The sanctum is square one. The Chandika temple is also having sanctum almost square on plan. A few other ancient ruined structures also noticed in the vicinity of Chandika and Mahadeva temple. A structure of Ganesha is also noticed kept on top of one such structure.



Mahadeva Temple



Chandika Temple

As per the discussion with villagers it is brought to our knowledge that there were few Naulas in the hat village but now ruins of the few such structures noticed. Ancient village which said to be established before the visit of Sankracharaya i.e. 8th – 9th Cent. This village perhaps the halting place for the pilgrims bound to Badrinath. But the structures of houses demolished by THDC after acquiring are mainly renovated time to time and converted into cement concrete R.C.C. houses are now covered with muck dumping carried out by THDC.

THDC officials approaching ASI since last 2-3 years for conservation of Lakshmi Narayan temple by ASI by depositing money under civil deposit work.

Recommendations/suggestion for restoration/conservation of Lakshmi Narayan Temple:

1. **Safety of the Temple:** at Present a breast wall made of wire cages filled with rock, is provided by THDC on the upper side of the temple which seems to inadequate to withstand the trust of the dumped soil/waste material. The pressure may increase during the rainy season due to formation of aquifer within the soil. THDC may provide a well designed RRC or Masonry wall and If possible, minimum dumping is suggested on the upper side of the temple.
2. The dumping area should be away from the temple complex.
3. **Approach pathway:** there is no proper approach pathway is available. A proper approach pathway may be provided.
4. **Vestibule (Mandapa):** First The modern plaster provided on the mandapa should be removed and the original structure may be inspected closely and further course of action will be decided accordingly. The documentation for Lakshmi Narayan temple and other temples is essential.
5. **Sanctum (Garbhgrah):** The whole shikhara portion of the temple requires dismantling and resetting to achieve original shape of the temple.
6. **Temple Ambiance:** The premise seems to be in good condition during the preliminary inspection. Although it can be improved by providing flooring and addressing minor repairing work in the boundary wall.
7. THDC acquired land and promised the restoration of the Lakshmi Narayan temple and other minor shrine in the vicinity. They rehabilitated villagers from right bank of Alaknanda to left bank of Alaknanda and provided basic facilities to the villagers. However, [redacted] are not interested in rehabilitation and demanding the entire village to be conserved as heritage village including temples. Since this is policy matter ASI not having any say.
8. THDC first should stop the muck dumping near the temple complex and should use other available area and construct outer boundary including main temple and other subsidiary shrine for the better preservation and protection of existing shrines.

Archaeological Survey of India, Dehradun Circle can work under civil deposit scheme if directorate office agreed and instructed us to bringing the

ancient temple remains along with other remains located near the temple to their past glory but first it is required that THDC make peace with the local resident otherwise team of Dehradun circle won't be able to perform their duties efficiently. Officials of THDC, are on liberty to approach the Director General, Archaeological Survey of India, New Delhi for taking up to the conservation/restoration works of the ancient remains as a deposit work.

THDC officials present at site were in opinion that the entire temple complex can be rehabilitated if villagers agreed for that and can be built temple on a road side location with the help of Heritage conservators or ASI.

They were also in opinion that entire temple complex can be lifted up on the same ground as Dhari Devi temple lifted up during Srinagar Hydro Electric Power Project on their own expenses.

04/04/22

(Manoj Kumar Saxena)
Superintending Archaeologist (I/c)
Archaeological Survey of India
Dehradun Circle, Dehradun

Indian
National Trust
for Art and
INTACH Cultural Heritage

[redacted]
Architectural Heritage Division

71, Lodi Estate, New Delhi - 110003
Ph. (D) : [redacted]
General :

Fax :
E-mail :

Website : www.intach.org

[redacted]

21st December 2021

Sub: Significant ancient village and temple sites at urgent risk from hydroelectric project

Dear [redacted]

This is in reference to the temples, remains and settlement of Haat Village that are very significant due to their historical and archaeological value. It is brought to our attention that these sites are under serious threat of disappearance owing to the ongoing Vishnugad-Pipalkoti Hydroelectric power project. Haat village is among the places that are impacted by the project. Other than its historicity, it also holds immense importance because of its sacred value and association with Adi Shankaracharya who established it.

The Archaeological Survey Report dated September 2009 was conducted by Archaeological Survey of India (ASI) for Environmental Studies for Vishnugad-Pipalkoti Hydroelectric power project. The report cites Lakshmi Narayan Temple located in 'Project Immediate Affected Area' and dates the temple to 9-10th century AD. Furthermore, based on the ground evidence, the remains and the entire settlement has significant historical and religious value and would date to similar ancient period.

The significant ancient complex (including the temple sites and remains) and village settlement must be included in the protected list of ASI. Instead, the hydroelectric power project is in dangerously close vicinity to the ancient settlement and sacred sites. Sadly, they are designated as 'muck dumping sites' of the power project, which renders this important heritage site at serious risk of permanent loss.

Due to the high significance attached to the ancient temple sites and Haat village, we urge THDC to recognise the ancient temples and remains as assets of national importance, and the funding agency, World Bank to restore the impacted sites and also conserve the historic village in entirety as part of the project, to encourage World Bank's mandate of sustainable livelihoods.

As the nation's premier organisation working in the field of heritage, especially unprotected heritage since 1984, we would be happy to provide any technical assistance for conservation of Haat village and ancient sites and remains.

Thanking you,

Regards,

[redacted]

Architectural Heritage Division, INTACH

[redacted]

CC: Shri R.N. Singh, Unit Head, THDC Vishnugad Pipalkoti

CC: Chairperson, World Bank Inspection Panel

Sheet: Details of Social/Financial status
Village Haat, Pipalkoti, Chamoli, Uttarakhand

Sheet No. …… Name:…… Date:……..

1. Total no. of members in the family:
2. Place of residence after rehabilitated from Haat village: (a) Dashwana; (b) Eldana; (c) Mayapur ; (d) Some other place
3. Total compensation given for rehabilitation: (along with 10 lakh rupee pkg): Rs……
4. Cost incurred for constructing a house after rehabilitation: (a) Upto 10lakh; (b) 10-20 lakhs; (c) 20-30 lakhs; (d) More than 30 lakh
5. Did you have to buy land for constructing a house? (a) yes; (b) No, I constructed on my own available land.
6. Did you manage to construct a house within the compensation money? (a) yes; (b) No.
7. Status of running water supply on rehabilitated site: (a) 0-2hrs; (b) 2-5hrs; (c) 5-10hrs; (d) More than 10hrs.
8. Agricultural land available with the family: (a) 1-5Naali; (b) 5-15 Naali; (c) 15- 25 Naali; (d) More than 25 naalis.
9. Before the land was taken, how much land was owned by you: : (a) 1-5Naali; (b) 5-15 Naali; (c) 15- 25 Naali; (d) More than 25 naalis.
10. Did you have fruit trees before the land was acquired? (a) Yes – Number:…… Species: Guava, Mango etc. (b) No
11. Profit from agriculture before the rehabilitation: (a) Rs.10000-20000; (b) Rs 20000 to 30000; (c) More than 30000; (d) Fulfilling the basic requirements of the family; (6) No benefit
12. Profit from agriculture after the rehabilitation: (a) Rs.10000-20000; (b) Rs 20000 to 30000; (c) More than 30000; (d) Fulfilling the basic requirements of the family; (6) No benefit
13. What was the source of income prior to rehabilitation: (a) Farming; (b) Animal husbandry; (c) Horticulture; (d) Other service/ business etc
14. Source of income after rehabilitation: (a) Farming; (b) Animal husbandry; (c) Gardening; (d) Other service/ business etc; (e) Job in THDC
15. Monthly income of the family: (a) Rs 10-20,000; (b) Rs 20000 to 30000; (c) Rs 30000 – 40000; (d) More than Rs 40000
16. Is any member of the family employed in THDC? (a) Yes; (b) No. If Yes, how many members of the family are employed: ……..
    Monthly income of the employed individual: (a) Rs 5-15000; (b) Rs 15-25000; (c) Rs 25-35000; (d) More than Rs 35000.
    Nature of employment: (a) Permanent; (b) Temporary
17. Are you totally dependent upon THDC for your financial status: (a) Yes ; (b) No.
18. Is anyone unemployed in the family in the age of 18-50? (a) Yes (b) No. If yes then how many members are unemployed-……
19. Do you find your financial and social status better than prior to rehabilitation? (a) Yes; (b) No.
20. If no then why is it so? ……..

Signature-……

Date/- 28/03/022

ग्राम पंचायत हाट: प्रस्ताव

आज सर्व सम्मति से ग्राम सभा हाट के समस्त प्रतिनिधि और निवासी हम सभी ग्रामवासी हमारे इष्ट भगवान श्री लक्ष्मीनारायण के मंदिर और इसके साथ ही हाट गाँव के सभी मंदिर समूह (चंडिका देवी, शिव मंदिर, विश्वकर्मा मंदिर, सूर्य कुण्ड आदि) को अपनी ग्राम-सभा द्वारा संरक्षित घोषित करते हैं. जिसमे या जिसके इर्द-गिर्द कोई भी क्षति या हानिकारक कृत्य स्वीकार नहीं किये जायेंगे. आगे हम यह घोषित करते हैं कि हाट ग्राम भगवान लक्ष्मी नारायण मंदिर और अन्य मंदिर समूहों का सदियों से स्वामित्व-धारी है.

हम यह प्रस्ताव पारित करते हैं कि हमारे इष्ट भगवान लक्ष्मीनारायण के मंदिर और इसके साथ हाट गाँव के अन्य मंदिर समूह को पूर्ण संरक्षण सरकार और विश्व बैंक द्वारा दिया जाना चाहिए. हमारी सदियों की परंपरा और मंदिर में लगातार पूजन, धार्मिक क्रियाकलापों के हमारे अधिकारों को सुनिश्चित करते हुए ग्राम हाट का सम्पूर्ण क्षेत्र संरक्षित किया जाना चाहिए.

पूर्व में पुरातात्विक तथ्यों और सत्य को दबाकर, छिपाकर, अवैध रूप से गाँव की भूमि का अधिग्रहण किया गया, बिना ग्राम सभा के प्रस्ताव के छल-पूर्वक चंद लोगों के साथ समझौता कर पूरे गाँव को विस्थापन में जबरन झोंक दिया गया और अंत में बल-पूर्वक गाँव नहीं छोड़ने वाले परिवारों को घरों से बाहर खदेड़ सम्पूर्ण ध्वस्तीकरण कर दिया गया. अतः इस घोर अन्याय के विरुद्ध हमारी मांग है कि हाट गाँव के पुरातात्विक, ऐतिहासिक और राष्ट्रीय महत्त्व के मद्देनजर, सम्पूर्ण गाँव को एक विरासत ग्राम के आधार पर उसकी मूल शैली में पुनर्निर्मित किया जाए. हमारी मांग है कि हमारे पूर्वजों की इस धरती ग्राम-हाट का पुनर्निर्माण कर हम सभी ग्रामीणों को पुनः अपने मूल स्थान हाट में पुनर्वासित किया जाए ताकि हम हमारे पूर्वजों की सांस्कृतिक और धार्मिक परम्परा और विरासत को संजोते और निभाते हुए अपना जीवन जी सकें.

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Suggestion for alternate location for muck dumping from edit tunnel at Hat village

[1]Y.P. Sundriyal and [2]Navin Juyal

[1]Department of Geology, HNB Garhwal University, Srinagar, Uttarakhand

[2]Formerly with Physical Research laboratory, Ahmedabad

Environmentally safe muck disposal in mountainous terrain during construction activity (be it hydropower tunnel or roads) poses a serious challenge to our engineers. This is because of the availability of adequate and geomorphologically safe accommodation spaces. This we have witnessed and still witnessing in the Chardham road widening project. The project proponents, out of compulsion, have to compromise by selecting the geologically unstable muck dumping sites such as the seasonal (dried) stream channels or the steep valley slopes. Such sites in Himalaya are prone to muck remobilization (if not adequately treated), during extreme weather events. If that happens, it would be a disaster for the people and infrastructures located in the lower reaches, as observed during June 2013 flash flood (Sundriyal et al., 2015). Therefore, it is prudent that before selecting a site for disposing of the muck, authorities must consider ecological, economic, social and cultural ramifications on the terrain and the people.

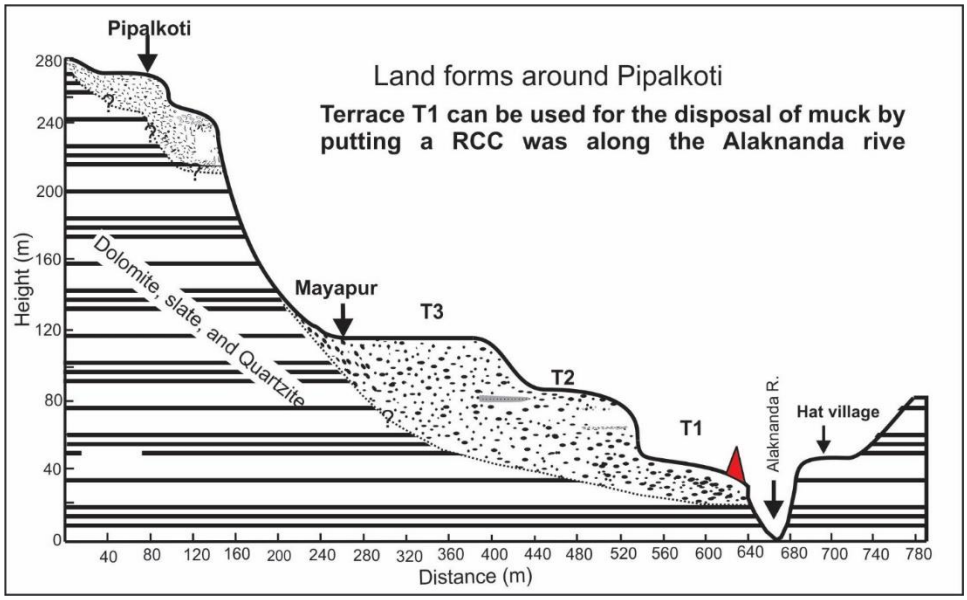

Figure 1. Three level of terraces carved on hard rock. The terrace sediments were deposited during last 10 thousand years and are fairly stable due to the presence of lime binding material (Juyal et al., 2010). The red triangle is the suggestive location for wall.

Recently during our geological study in the upper Alaknanda valley, we visited a village called Hat which is located on the northwestern flank of the Pipalkoti valley. This valley lies on the southern slope of the Main Central Thrust (MCT), which passes through Helong. The MCT is not only a tectonic boundary but also a physiographic division between the less rugged lesser Himalaya and the steeply rising Higher Himalaya. Consequently, the rocks are weak and fissile and frequently witness focused rainfall events in the form of cloud bursts. During the last 200 years or so, major flash floods were triggered from the zone of MCT. For example, in the sub recent to recent times, the most talked was the July 1970 and the recent one was the June 2013 disaster. The July 1970 Alaknanda flood devastated an entire roadside settlement called Belakuchi (located barely 5 km upstream from Hat village; Rana et al., 2013). The extreme topography coupled with focused rainfall leads to extremely vigorous earth surface processes around Pipalkoti valley. In view of this, engineering structures and the excavated sediment piles (muck) are highly prone to erosion. Hence the loose sediments (excavated muck from tunnels) must be securely protected so that during infrequent cloud bursts events, this sediment should not act as a force amplifier as observed during June 2013 Kedarnath and February 2021 Rishi Ganga floods (Sundriyal et al., 2015; Rana et al., 2021).

The current hydropower project's edit tunnel is being excavated above the Hat village, which has an extremely high slope (>45^0). Around Hat village, the river bed is located around 1000 m (river bed) to a height of 2800 m. The course of the Alaknanda River is broadly north-south and has cut a deep gorge in fissile dolomite, quartzite and slate rocks. These rocks belong to the calc zone of Chamoli and are sheared due to the presence of multiple local transverse faults (Gaur et al., 1977). A major third-order stream that flows along the eastern slopes (2800 m) and meets the Alaknanda River opposite Hat village. Besides this, there are few lower-order steams on the eastern slope. Along with the Alaknanda River, the streams have incised the older fluvial and alluvial fan deposits into three relatively flat surfaces (terraces T1 to T3), which occur between 140 m and 40 m above the river bed (see figure 1). The muck which is coming out of the tunnel is kept above the village, particularly above the 9th century Laxmi Narayan temple. This temple which the Shankaracharya established, has enormous religious and archeological significance. Considering the fragility of the terrain (discussed above), it is feared that in case of extreme weather events that are quite frequent during the Indian Summer Monsoon, the kind of protection is currently being given to the muck (above the temple) may not withstand the fury of the nature.

Also, this area lies in earthquake zone V, the last earthquake that riddled this area was in 1999

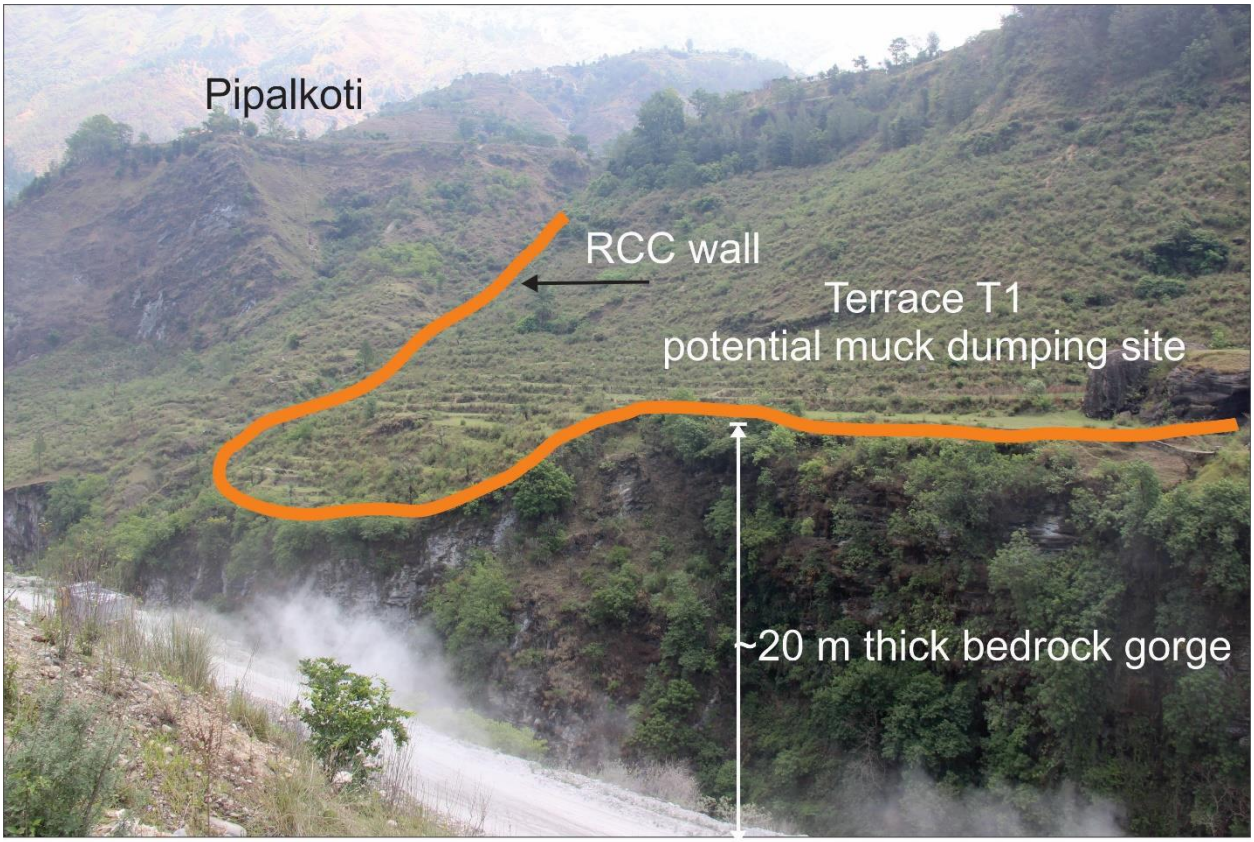

Figure 2. Alternate site located immediately opposite to Hat village. Details are discussed in the text.

(Chamoli earthquake). Therefore, an alternate site should be selected for muck disposal so that the temple is protected and brought back to its pristine glory. Towards this, we suggest that the terrace T1 (youngest terrace), carved on the hard rock on the opposite flank (see Figure 2) and is around 20 mt above the river bed, can be used as an alternate site for muck disposal. However, the terrace surface is not absolutely horizontal (which can be modified) and is uncultivated and uninhabited. The appropriate levelling and construction of an adequate RCC wall along the river will ensure the protection of the muck from erosion. Since the river cut through ~20 m dolomite rock, which would provide strong basement support for the RCC wall, ensuring muck does not get into the river during extreme weather events. The excavated much can be transported by putting a ropeway across the river from the edit tunnels above the Hat village.

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Record of Discussion held in the chamber of Principal Secretary to PM on 25th February, 2019 at 3.00 PM regarding mining in the Ganga River bed and its tributaries and the under construction Hydro Electric projects on Ganga.

[redacted]

d.

e.

f.

g.

List of Participants :

(1) [redacted]
(2)

(3)
(4)
(5)

From PMO:

(1) [redacted]
(2)

Annexure – I

Annexure-II

[redacted]

Annexure-III

[redacted]

Annex II

Management Response

MANAGEMENT RESPONSE TO THE REQUEST FOR INSPECTION PANEL REVIEW OF THE INDIA: VISHNUGAD PIPALKOTI HYDRO ELECTRIC PROJECT (VPHEP) (P096124) (THIRD REQUEST FOR INSPECTION)

Management has reviewed the Request for Inspection of the India: Vishnugad Pipalkoti Hydro Electric Project (VPHEP) (P096124) (Third Request for Inspection), received by the Inspection Panel on July 12, 2022 and registered on August 19, 2022 (RQ22/04). Management has prepared the following response.

September 21, 2022

CONTENTS

Annexes

Map

Photographs

ABBREVIATIONS AND ACRONYMS

ASI	Archaeological Survey of India
BP	Bank Procedures
CIA	Cumulative Impact Assessment
cm	centimeter
DPR	Detailed Project Report
EAC	Environmental Appraisal Committee
EAP	Emergency Action Plan
EC	Environmental Clearance
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GWh	Gigawatt hour
HCC	Hindustan Construction Company
HEP	Hydroelectric plant
HRT	Headrace Tunnel
IBRD	International Bank for Reconstruction and Development
IIT	Indian Institute of Technology
INTACH	Indian National Trust for Art and Cultural Heritage
IPN	Inspection Panel
km	Kilometer
m	meter
m^3	Cubic meter
masl	meters above sea level
mm	millimeter
MoEFCC	Ministry of Environment and Forests & Climate Change
MoU	Memorandum of Understanding
MoWRGR	Ministry of Water Resources, River Development and Ganga Rejuvenation
MW	Megawatt
NGO	Nongovernmental organization
NGT	National Green Tribunal
OP	Operational Policy
OPN	Operational Policy Note
PAP	Project-affected person
R&R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
RCC	Reinforced cement concrete
REIA	Rapid Environmental Impact Assessment
SLAO	Special Land Acquisition Officer
TBM	Tunnel Boring Machine
THDC	THDC India Limited (also referred to as THDCIL)
VPHEP	Vishnu Pipalkoti Hydro Electric Project

Currency Unit - Indian Rupee (INR)

As of September 21, 2022

US$1.00 = INR (or Rs.) 79.49
INR 1.00 = US$0.013

EXECUTIVE SUMMARY

The Project

i. ***The Vishnugad Pipalkoti Hydro Electric Project (VPHEP) is a 444 MW run-of-river hydropower generation project on the Alaknanda River in Uttarakhand, India***. The Bank-funded components of the Project are: (a) construction of the VPHEP (US$438 million); and (b) technical assistance for capacity building and institutional strengthening of the implementing agency, THDC India Limited (US$10 million).

ii. ***The objectives of the VPHEP*** are to: (a) increase the supply of electricity to India's national grid through the addition of renewable, low-carbon energy; and (b) strengthen the institutional capacity of THDC with respect to the preparation and implementation of economically, environmentally, and socially sustainable hydropower projects. VPHEP is expected to reduce greenhouse gas emissions by approximately 1.6 million tons carbon dioxide equivalent per year over the plant operation period.

The Request for Inspection

iii. ***This is the third Request for Inspection of the VPHEP.*** The Panel has previously received two Requests for Inspection on this Project. The First Request was received on July 23, 2012, and the Second on March 1, 2022. The Panel investigated the First Request and issued an Investigation Report on July 1, 2014. Management has been providing annual progress reports on the implementation of follow-up actions in response to the investigation. The Second Request was not registered by the Inspection Panel because it did not consider the concerns raised as new evidence, as required under the Inspection Panel Resolution.

iv. ***The Panel registered this Third Request on August 19, 2022. The Panel's Notice of Registration states that the Request presents new evidence or describes new circumstances that relate to***: (a) physical cultural resources and the allegation that muck dumping is threatening the stability and the existence of the Lakshmi Narayan temple; (b) the allegation of worsening economic conditions of community members; and (c) the allegation of limited accessibility to water supply by community members.

Management's Response

v. ***In Management's view, this Request does not meet the eligibility requirements set out in the Board Resolution establishing the Inspection Panel which requires new evidence or circumstances not known at the time of the prior request.*** This Third Request covers issues that either were already investigated in 2014, or issues that were raised in the Second Request in March 2022, and which the Panel considered as not qualifying as new evidence or circumstances. While this Third Request attached new

documents, these are neither substantive for the case, nor do they contain any new evidence or relevant information, as required by the Resolution.

vi. ***Management has carefully reviewed the issues raised by the Requesters and does not agree with the allegation of non-compliance and harm.*** In Management's view, the Bank has followed the policies and procedures applicable to the matters raised by the Request. While Management is sympathetic to the community concerns raised in the Request, it notes that these concerns do not result from the Project, are based on a misunderstanding of Project activities, and pertain to issues that have been earlier reviewed and addressed. Management offers the following responses and clarifications on the issues below.

vii. ***Alleged threat to the Lakshmi Narayan Temple: The Lakshmi Narayan temple has not been affected by the works on site, nor is it at risk of being affected by future works.*** The temple is not at risk from muck disposal, which is occurring at a distance from the temple. No muck is being or will be dumped behind or in the immediate vicinity of the temple. Management has included aerial photos showing that no muck is dumped behind the temple.

viii. ***The Requesters' allegation that the temple is at risk from muck dumping stems from a misunderstanding of the Project activities that are taking place around the temple.*** What the Requesters erroneously identify as "muck dumping" behind the temple is in fact gravel used to fill in and reinforce the slope behind the temple, which supports an access road to the platform for the tunnel boring machine (TBM). The fill material underneath the TBM platform is bound by vegetated slopes on both sides, and some vegetation at the foot of the hill. The gabion wall behind the temple is not a retaining wall for muck and is well designed, including appropriate drainage. Rainfall runoff flows along the access road to a nearby natural drain, so as to prevent slippage of the slope. In addition, THDC plans to construct drainage along the access roads and to replant the section.

ix. ***Physical cultural resources, including the Lakshmi-Narayan temple, were assessed in line with OP 4.11, as part of Project preparation.*** The Project Environmental Impact Assessment (EIA) recognized the need to preserve the temple and the Project developed specific plans to preserve and upgrade the temple complex. THDC commissioned the Archaeological Survey of India (ASI), the country's competent body for archaeological research and the conservation/preservation of cultural historical monuments, to further assess the Lakshmi Narayan temple in 2013 and 2017. At the request of the Government, ASI conducted yet another survey of the temple in 2022. These assessments confirm the overall degraded state of the temple. Contrary to the Request's assertion, ASI does not conclude that Haat should be preserved entirely. ASI's assessment of the age of the temple also contradicts the Requesters' claim of the temple's linkage to Adi Shankaracharya (a Vedic scholar and teacher).

x. ***Alleged deterioration of socio-economic conditions: Comprehensive studies carried out by the Project and reviewed by the Bank do not support the alleged "worsening***

economic conditions of community members." The Project has sponsored targeted and tailored mitigation measures, which were based on several studies assessing ex-ante the potential socio-economic impacts of the Project on local communities. The end-term evaluation report for the Resettlement Action Plan (RAP) finds improved socio-economic conditions for displaced households from Haat village in all the major occupations, which have not changed in the post-project scenario.

xi. ***The post-resettlement evaluation found a 37 percent increase in per capita income from agriculture, a 50 percent increase from business, 11 percent in the service sector and 42 percent in the labor sector in 7 land-affected villages.*** In Eldana and Daswana (the resettlement colonies to which the Haat villagers moved), the report found a more than 81 percent increase in per capita income from agriculture, a 50 percent increase from business, 34 percent in private sector employment and 38 percent from labor activities. The substantial increase for those with income derived from agriculture was noted as resulting from the introduction of improved agricultural techniques and support from the nongovernmental organization (NGO) hired for RAP implementation and government officers.

xii. ***Management notes that the socio-economic survey presented by the Requesters lacks methodological rigor as it is entirely based on self-declaration and perception.*** None of the responses have been verified or are supported by evidence. As such, the survey could be susceptible to well-known methodological challenges such as persuasive framing, and the issue of systemic under-reporting of income. First, the way the questionnaire has been structured leads to an inevitable conclusion that the community is fully dependent on THDC for its economic needs. This question is misplaced as the community itself demanded employment with THDC. While it is true that the amount of agricultural land was reduced following the land acquisition process, the survey fails to clarify the fact that most of the acquired land was not agricultural, and therefore its productivity was low. The fact that the average size of the houses constructed in the resettlement colonies is more than twice the size of the original houses is not captured in the survey, which only cites the higher cost of construction. Finally, the survey does not capture the broad support provided by the Project through benefit sharing, community development funds, and targeted training programs. In Management's view, the survey cannot be considered as credibly challenging the comprehensive studies that the Project has commissioned, which indicate positive socio-economic developments in the community.

xiii. ***<u>Water supply</u>: THDC is providing sufficient water for the domestic needs of the resettlement site, well above the state-prescribed minimum amount and greater than that previously accessed by the community. The alleged water shortage raised in the Request is caused by an unfair diversion of water among community members inside the resettlement colony.*** Several households have installed pumps tapping into the community's service delivery line to fill their personal rooftop tanks. Others also use the water to augment rainfed irrigation, especially for watering the vegetable plots close to the houses. This affects equitable water availability for some households. While this is not a matter of the Project's compliance with policy, THDC, which has

already enhanced supply recently in response to the community's complaints, is willing to support the community to also address this internal distribution challenge.

xiv. ***Management has carefully reviewed Project implementation arrangements to ensure that they continue to meet Bank policy requirements.*** It is noteworthy that the Project's engagement with the local community has been constant since 2006 and that the Borrower has been taking into account villagers' concerns regularly, which led to design adjustments. The Project's GRM remains in place and continues to address community concerns.

xv. Management does not believe that the concerns raised in the Request result from non-compliance with Bank policy. However, Management has nonetheless agreed with THDC on the actions below, which would help to address some of the Requesters' concerns:

- THDC will bring forward its plans to further enhance slopes around the temple by planting them with vegetation. THDC had already agreed to extend this plantation to fully cover all dumping sites once the works are completed. In addition, to ensure better management of rain runoff, THDC has agreed to construct drainage along the access road to the TBM platform.

- THDC will, in consultation with the community, support the community in setting up an appropriate mechanism (through either the Gram Sabha or a dedicated new committee) for monitoring/regulating water use in the resettlement areas to establish a more equitable access to water for all households.

I. INTRODUCTION

1. On August 19, 2022, the Inspection Panel registered a Request for Inspection, IPN Request RQ22/04 (hereafter referred to as "the Request"), concerning the India: Vishnugad Pipalkoti Hydro Electric Project ("VPHEP," or "the Project") (P096124) (Third Request for Inspection) financed by the International Bank for Reconstruction and Development ("IBRD," or "the Bank").

2. ***Structure of the Text.*** The document contains the following sections: Section II presents the Request; Section III provides background information on the Project; Section IV discusses special issues; and Section V contains Management's Response. Annex 1 presents the Requesters' claims, together with Management's detailed responses, in table format. Annexes 2 and 3 provide drawings of pertinent landscaping plans and engineering designs. A map of the Project and relevant photos are also provided.

II. THE REQUEST

3. The Request for Inspection was submitted by 83 community members of Haat village in Chamoli District, Uttarakhand (hereafter referred to as the "Requesters"). The Requesters have asked for confidentiality and authorized three individuals to represent them.

4. The Request contained several annexes, which were provided to Management with redactions to preserve confidentiality. They include the following:

- Resolution (in Hindi) of Gram Sabha Haat authorizing representatives;
- Report of Archaeological Society of India (ASI) on Lakshmi Narayan temple dated 04.04.2022;
- Letter dated 21.12.2021 from NGO Indian National Trust for Art and Cultural Heritage (INTACH) copied to THDC India Limited (THDC) and the World Bank concerning Haat village and temple;
- 92 survey sheets and English translation of survey sheet circulated to villagers;
- Picture of an allegedly ancient copper inscription regarding Haat village;
- Resolution dated 28.03.2022 passed by Haat village declaring temple as heritage site;
- Report prepared by Dr. Juyal and Prof. Sundriyal suggesting alternate muck dump site; and
- Minutes of Prime Minister's Office meeting on 25.02.2019 regarding hydropower in Uttarakhand.

III. PROJECT BACKGROUND

5. ***The Project.*** The VPHEP was approved on June 30, 2011, for a total Project cost of US$922 million. The Bank committed to a Loan of US$648 million to the Borrower, THDC, which is also the implementing agency and is providing the remaining US$274 million. The Loan is guaranteed by the Government of India. After two cancellations of US$100 million each, the current Bank financing amount is US$448 million. The current closing date of the Project is June 30, 2023. It is a Category A Project, and the following safeguard policies are triggered: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Physical Cultural Resources (OP/BP 4.11), Involuntary Resettlement (OP/BP 4.12), Forests (OP/BP 4.36), Safety of Dams (OP/BP 4.37), and Projects on International Waterways (OP/BP 7.50). Cumulative disbursements as of the date of this report amount to 41 percent of the Loan amount.

6. ***Project Objectives.*** The Project development objectives are to "(a) increase the supply of electricity to India's national grid through the addition of renewable, low-carbon energy; and (b) strengthen the institutional capacity of the Borrower with respect to the preparation and implementation of economically, environmentally and socially sustainable hydropower projects". The VPHEP has been designed as a 444 MW run-of-river hydropower generation project on the Alaknanda River in Uttarakhand, India. It will generate 1,636 GWh in a 90 percent dependable year, and it will help reduce the need to expand thermal generation in the Northern Grid of India.

7. ***Project Components.*** The Project has two components: (i) constructing the 444-MW hydroelectric project in Chamoli District, Uttarakhand, India; and (ii) supporting capacity building and institutional strengthening at THDC. The issues raised in the Request relate to the first component.

8. ***Previous Requests for Inspection***. The Inspection Panel ("the Panel") previously reviewed two Requests for Inspection on the Project. The first was received on July 23, 2012, following which the Panel investigated and submitted its Investigation Report[1] to the Board of Executive Directors (the "Board") on July 1, 2014 (the "2014 Investigation" or the "Investigation"). On September 30, 2014, the Board approved the action plan included in the Management Report and Recommendation[2] submitted in response to the Panel's Investigation Report; the Action Plan is still under implementation and Management is providing annual progress reports to the Board. The second Request for Inspection was received on March 1, 2022. The Panel did not register this Request since it determined that the concerns raised therein were related to issues already investigated in 2014 and that it did not introduce new evidence as required under the Panel Resolution. The Panel therefore issued a Notice of Non-registration concerning the second Request on April 20, 2022.[3]

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[1] https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/ip/PanelCases/81%20-%20Investigation%20Report%20%28English%29.pdf

[2] https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/ip/PanelCases/81%20-%20Management%20Report%20and%20Recommendation%20%28English%29.pdf

[3] https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/156-India-VPHEP%202-Notice%20of%20Non-Registration-20%20April%202022.pdf

9. ***Request for Inspection received on July 12, 2022.*** In their Request received by the Panel on July 12, 2022, the Requesters allege that VPHEP has already caused them harm, and that Project-related muck dumping is likely to harm physical cultural resources. They maintain that the Project neglected to explore alternative dumping sites. The Requesters also raise concerns regarding the involuntary resettlement of Haat village households and loss of livelihoods; they also have complaints about the quality of water supply services provided in the resettlement areas. They claim the grievances of the affected community members are not heard. Furthermore, they question the safety of the dam once constructed.

IV. ELIGIBILITY CONSIDERATIONS

10. ***Management submits that the Request is ineligible according to the Resolution Establishing the Panel.*** Requests that are considered ineligible for investigation include those related to a particular matter or matters over which the Panel has already made its recommendation upon having received a prior request, unless justified by new evidence or circumstances not known at the time of the prior request.

11. ***In Management's view, this Third Request solely covers either issues that were already investigated in 2014, or issues that were raised in the Second Request and which the Panel considered as not qualifying as new evidence or circumstances.*** Specifically, the Panel notes in its Notice of Registration that this Third Request presents new evidence or describes new circumstances in relation to: (i) physical cultural resources and the allegation that muck dumping is threatening the stability and the existence of the Lakshmi Narayan Temple, (ii) the allegation of worsening economic conditions of community members, and (iii) the allegation of limited accessibility to water supply by community members. However, as elaborated below, none of these three issues present new circumstances that were not raised in the earlier Requests, nor are the allegations supported by new evidence. The physical cultural resources and the resettlement and rehabilitation packages, including access to water supply, were all either reviewed or assessed by the Panel under the First or the Second Request. In fact, the Panel itself concluded in its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, that *"the concerns raised in this Request – including resettlement, rehabilitation and the protection of physical cultural heritage – relate to aspects of the Project that were addressed in the 2014 investigation. The Panel also notes Management's statement that the Lakshmi Narayan Temple and other small community temples in the village will be protected. […] The Panel further notes that the protective measures are currently under implementation."*

12. ***While the Third Request introduces new <u>documents</u>, these are neither substantive for the case, nor do they present new evidence or circumstances as required by the Panel Resolution:***

- *Report of ASI on the Lakshmi temple (dated 04.04.2022):* This report confirms the findings in the Environmental Impact Assessment/Environmental Management Plan (EIA/EMP) of the archaeological value of the temple and is also consistent with ASI's earlier reports. This report does not present new evidence or circumstances.

- *Letter dated 21.12.2021, from INTACH concerning Haat village and temple.* This letter does not contain any new information or evidence. INTACH is a nongovernmental organization having no official capacity, and as such is expressing its views as a third party on the matter. ASI remains the sole competent authority to opine on issues of archaeological historicity in India, and therefore this letter does not have any evidentiary value or add any new information.

- *92 survey sheets circulated to villagers:* As elaborated in more detail below, the survey lacks basic methodological requirements. The survey is entirely based on self-declaration, and none of the responses in the survey have been verified or are

supported by evidence. Moreover, many responses are inconsistent with findings of other studies evaluating the post-resettlement socio-economic status of the community. Hence, the survey cannot be considered credible, and therefore lacks any evidentiary value.

- *Picture of an allegedly ancient copper inscription regarding Haat village:* Management is not aware of the provenance of the copper inscription, its original location, or its historical relevance, and is hence unable to comment on it. Management further notes that none of the three ASI reports make any reference to any copper inscription, and therefore its relevance to the current case is not apparent.

- *Resolution (in Hindi) of Gram Sabha Haat authorizing representatives and Resolution dated 28.03.2022 passed by Haat village declaring temple as heritage site:* Management acknowledges the Haat Gram Sabha resolution declaring the Lakshmi Narayan and other temples as protected by the Gram Sabha. The cultural significance of the Lakshmi Narayan temple was already recognized in the EIA and reflected in the EMP, and as detailed below, THDC continues to undertake mitigation measures for this temple in a manner consistent with OP 4.11. Management also notes that the Gram Sabha has no authority to declare the historical character of buildings and their eligibility for archaeological protection and therefore this resolution does not have any evidentiary value or add any new information.

- *Report prepared by Dr. Juyal and Prof. Sundriyal suggesting alternate muck dump site.* The report asserts that muck is being dumped above the Lakshmi Narayan temple, which is incorrect. The report's considerations and conclusions are not relevant, because they are based on incorrect assumptions. Hence, this report does not have any relevance or evidentiary value.

- *Minutes of Prime Minister's Office meeting on 25.02.2019 regarding hydropower in Uttarakhand:* These minutes reflect the Government's decision that construction of the VPHEP was permitted to proceed after a detailed review conducted by the Government of India. Management fails to understand the relevance of this document for this Request.

13. ***In Management's view, the requirement to present new evidence or circumstances cannot be met by submitting a request that relates to the same matters over which the Panel has already made its recommendation twice previously, together with documents that either have no evidentiary value or substance or do not relate to the issue of material harm allegedly resulting from serious noncompliance with Bank policies.***

14. ***The Panel process does not provide for challenges to the Panel's decisions and findings by requesters.*** Hence, it does not provide for repeat filings of requests if requesters are not satisfied with the Panel's decision. Paragraphs 15(d) and 29(f) of the Panel Resolution articulate clear requirements to prevent repeat appeals from occurring. In Management's view, however, this is the case with the Third Request, where these clear requirements were not met.

15. ***As further elaborated below and in its 7th MAP Progress Report[4] submitted in February 2022, it is Management's view that all Project-specific claims of harm or potential harm raised in the Third Request have either already been addressed or are currently being addressed through mitigation and management measures.*** The Bank and THDC have maintained open channels of communication with the community to ensure that their concerns are heard and addressed, and THDC has committed to continue engaging with the community and the district administration to resolve any remaining concerns. Therefore, Management believes that this Third Request is not eligible for investigation.

[4] India - Vishnugad Pipalkoti Hydro Electric Project. Seventh Progress Report on the Implementation of Management's Action Plan in Response to the Inspection Panel Investigation Report. February 17, 2022.

V. MANAGEMENT'S RESPONSE

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

17. ***As explained above in more detail in section IV, this Request, in Management's view, is ineligible according to the Board Resolution establishing the Inspection Panel.*** This Third Request to investigate the Project covers issues that either were already investigated in 2014, or issues that were raised in the Second Request in March 2022, and which the Panel considered as not qualifying as new evidence or circumstances. While this Third Request attached new documents, these are neither relevant for the case, nor do they contain any new evidence or relevant information that would qualify as "new evidence or circumstances not known at the time of the prior request[s]," as required by the Resolution.

18. ***Management notes that the Panel's Notice of Registration mentions that this Third Request presents new evidence or circumstances that relate to the following issues***: "(i) physical cultural resources and the allegation that muck dumping is threatening the stability and the existence of the Lakshmi Narayan temple; (ii) the allegation of worsening economic conditions of community members; and (iii) the allegation of limited accessibility to water sources by community members."

19. ***Management's review of the matter demonstrates that the allegations raised in the Request are either not new and are being managed already, or are unsupported, and that the cited adverse impacts are not substantiated.*** Management has carefully reviewed the issues raised in the Request and responds in more detail to each of the issues below.

20. ***The Lakshmi Narayan temple has not been affected by the works on site, nor is it at risk of being affected by future works.*** Moreover, the Project has developed specific plans to preserve and upgrade the temple complex. The temple is not at risk from muck disposal, which is occurring well away from the temple. No muck is being or will be dumped behind or in the immediate vicinity of the temple. Management has included additional aerial photos showing that no muck is dumped behind the temple. The gabion wall behind the temple is not a retaining wall for muck and is well designed, including appropriate drainage. Rainfall runoff flows along the access road to a nearby natural drain, so as to prevent any slippage of the slope. In addition, THDC plans to construct drainage along the access roads and to replant the section.

21. ***Comprehensive studies carried out by the Project and reviewed by the Bank do not support the alleged "worsening economic conditions of community members."*** The Project has sponsored targeted and tailored mitigation measures, which were based on several studies assessing ex-ante the potential socio-economic impacts of the Project on local communities. The end-term RAP evaluation report finds improved socio-economic conditions for displaced households from Haat village in all the major occupations, which have not changed in the post-project scenario.

22. ***Management notes that the socio-economic survey presented by the Requesters lacks scientific and methodological rigor as it is entirely based on self-declaration.*** None

of the responses have been verified or are supported by evidence. As such, the survey could be susceptible to well-known methodological challenges such as persuasive framing, and the issue of systemic under reporting of income. Moreover, the survey does not capture the broader support provided by the Project through benefit sharing, community development funds, and targeted livelihood training programs. In Management's view, the survey cannot be considered as credibly challenging the comprehensive studies that the Project has commissioned, which were carried out by professional staff, qualified in surveying and evaluating the socio-economic status of communities. The end term evaluation survey clearly brought out that income levels of the community members especially from agriculture and business have increased multifold and the new houses constructed in the resettlement colonies on an average are more than twice the size of their previous houses. Even the occupational pattern has remained almost the same. Moreover, the survey responses do not capture grants and support that have been provided by the Project.

23. ***THDC is providing sufficient water for the domestic needs of the resettlement site, well above the state-prescribed minimum amount[5] and greater than that previously accessed by the community. The alleged water shortage raised in the Request is most likely caused by unfair diversion of water among community members inside the resettlement colony.*** Several households have installed pumps tapping into the community's service delivery line to fill their personal rooftop tanks. Others also use the domestic water to augment rainfed irrigation, especially for watering the vegetable plots close to their houses. The supply scheme has not been designed for either and hence, this affects an equitable water supply for households, especially those at the tail end of the line. While this is not primarily a matter of the Project's compliance with Bank policy, THDC, which has already enhanced supply recently in response to the community's complaints, is willing to support the community to also address this internal distribution challenge.

24. ***Management has carefully reviewed Project implementation arrangements to ensure that they continue to meet Bank policy requirements.*** It is noteworthy that the Project's engagement with the local community has been constant since 2006 and that the Borrower has been taking into account villagers' concerns regularly, which led to design adjustments.

25. Below, Management expands on its response to three of the allegations: (i) threat to Lakshmi Narayan temple; (ii) worse socio-economic conditions; and (iii) water supply.

Alleged threat to the stability and the existence of the Lakshmi Narayan temple

26. ***Background.*** Haat village was acquired in 2011 under eminent domain, applying OP 4.12. While acquisition of the entire village was not originally needed for the Project, it was acquired at the request of the community, which wished to be relocated to lands they already owned across the river. The relocation took place, and to date, all residential dwellings in the village have been dismantled as the area is now serving as one of four approved muck disposal sites for the Project work's excavation. THDC has, from the start of the Project,

[5] Per state regulations the minimum water supply for rural households has been determined at 55 liters/per capita/day. THDC is providing 810 liters/day/household in the resettlement colonies.

committed to preserve the village's Lakshmi Narayan temple, as evidenced in the Project's EIA and EMP and repeated assurances to the community.

27. Besides preserving the temple, THDC has also committed to undertake land restoration and landscaping to address access and aesthetic concerns for the temple area once civil works are completed, and Project facilities have been dismantled and removed. A post-construction landscaping plan of the temple and its surroundings has been prepared by THDC and reviewed by the Bank (see Annex 2).

28. ***In addition to the Lakshmi Narayan temple preservation efforts, other preservation efforts for physical cultural resources have been carried out in Haat village in accordance with the EMP.*** This includes: (i) planting of Bilwa trees in consultation with the Gram Pradhan and local community members; (ii) protecting other small community temples in the village; and (iii) moving smaller temples and shrines in private homes together with their residents.

29. Physical cultural resources, including the Lakshmi-Narayan temple, were assessed in line with OP 4.11, as part of Project preparation. The Project EIA recognized the need to preserve the temple and the Project developed specific plans to preserve and upgrade the temple complex. THDC commissioned the ASI, the country's competent body for archaeological research and the conservation/preservation of cultural historical monuments, to further assess the Lakshmi Narayan temple in 2013 and the study was revisited in 2017. At the request of the Government, ASI conducted yet another survey of the temple in 2022.

30. Notwithstanding the Project's commitment to preserve the temple, Management notes that the Request does not correctly represent ASI's assessment of the temple, which ASI notes has "gone through many alterations" and that "except the sanctum, rests of the components are not old and later added." Contrary to the Request's assertion that Haat should be preserved entirely, ASI concluded that the residential structures in Haat "are found to be simple houses or their remains which are devoid of any archaeological or artistic feature." Moreover, ASI's assessment of the age of the temple contradicts the Requesters' claim of the temple's linkage to *Adi Shankaracharya*.[6]

31. ***Management further notes that the letter by INTACH, presented as additional evidence, does not contain any new information.*** Moreover, INTACH is a nongovernmental organization having no official capacity, and as such is expressing its views as a third party on the matter. ASI remains the sole competent authority to opine on issues of archaeological historicity in India.

<u>Safety of the temple</u>

32. ***The Lakshmi Narayan temple has not been affected by the works on site, nor is it at risk of being affected by future works.*** As noted above, no muck is being or will be dumped behind or in the immediate vicinity of the temple. The temple is not at risk from muck disposal, which is occurring well away from the temple. On the contrary, the Project has developed specific plans to preserve and upgrade the temple complex. Once construction

[6] Indian Vedic scholar of the 8th century AD. ASI states the temple may be dated to 11th - 12th century AD.

works are completed, land remediation and landscaping will further improve the accessibility and appearance of the area around the temple.

33. ***The Requesters' allegation that the temple is at risk from muck dumping stems from a misunderstanding of the Project activities that are taking place around the temple.*** Muck is not being dumped behind the temple or in its immediate vicinity. What the Requesters erroneously identify as "muck dumping" behind the temple is in fact gravel used to fill in and reinforce the slope behind the temple, which supports an access road. The gabion wall has been constructed to protect the temple from any slippage of this slope. As seen in Photo 1 below, vegetation has already begun to grow and cover the area, disproving the claim of muck dumping taking place there. Both access roads are in use, which would not be possible if muck were being dumped, in particular in the area near the lower road. As explained below in more detail, the area around the temple will be revegetated and stability of slopes is being duly monitored.

Photo 1: Aerial photo of the temple complex and the surrounding project works (August 26, 2022). No muck is being dumped behind the wall to the north of the temple complex (i.e., behind the gabion wall).

34. ***Muck dumping occurs in other parts of the former village, well away from the temple.*** Management notes that THDC's use of the acquired village for muck dumping is fully in line with national regulations, and the required environmental permits have been obtained.[7] Since the temple will be preserved and accessibility is provided, no harm results from the muck dumping in the former village.

35. ***The same applies to the gravel platform visible to the right of the temple (see Photo 2).*** This gravel has been deposited there one time only, to create a platform for the concrete plant that is casting the segments for the headrace tunnel. The completed segments are being safely stored around the plant until they are used in construction. The area will not be expanded and does not impinge on the temple complex. The use of the area for this purpose also means that muck dumping around the temple would not be possible in any case, as it would interfere with the production and storage of the tunnel segments. The slopes of the platform will also be restored with vegetation once civil works are completed, and Project facilities have been dismantled and removed.

Photo 2. Platform to accommodate the concrete casting plant

36. ***The gabion wall behind the temple supports the slope and the access road behind the temple (see Photo 3).*** This wall does <u>not</u> serve as a retaining wall against muck, nor was this ever intended. The gabion wall is about 100 m long and up to 9 m thick at the base. This gabion wall was further strengthened with a 100-mm layer of aggregate. As can

[7] The muck disposal sites have been approved by the Ministry of Environment and Forests & Climate Change (MoEFCC) and mentioned in their Environmental Clearance (EC) of 2021. The EC has been upheld by India's highest court on environmental aspects, the National Green Tribunal (NGT), in its order of August 16, 2022.

be seen in Photo 4, there is no muck, or any other debris being retained by, or piled up against, this wall in any way. In fact, the gravel fill is reinforcing the slope at the foot of the TBM platform against any potential slippage. The wall has been designed taking into account various engineering aspects. Any runoff produced by rain flows along the access road to nearby natural drainage, protecting against slippage of the slope. Further, the gabion wall has been provided with several drains to reduce any potential hydrostatic pressure that may arise due to seepage of rainwater. THDC also plans to construct additional drains along the access roads to direct runoff to the natural drainage. Hence, the concerns that this wall would not be strong enough to withhold dumped muck do not have any merit as this is neither happening, nor is it planned in the future. This misunderstanding also appears in ASI's 2022 note,[8] as well as in the technical paper (*"Suggestion for alternate location for muck dumping from edit tunnel at Hat village"*) attached to the Request.

37. ***Management has reviewed the technical paper ("Suggestion for alternate location for muck dumping from edit tunnel at Hat village") attached to the Request.*** As a general remark, it should be noted that the paper starts from the incorrect assumption that muck is dumped and stored *"above the [..] temple."* Since this is not the case, the rationale and conclusion of the paper are not relevant.

38. ***Moreover, the paper does not provide a comprehensive analysis of muck dumping alternatives with regard to their technical, environmental, social, safety, and financial viability criteria.*** The muck dumping solution suggested by the paper would, in Management's view, introduce much greater environmental risk. A more detailed review of the paper can be found in Item 6 of Annex 1.

Photo 3. Cross-section view of gabion wall with access road to the right and temple complex (not visible) to the left. If the gabion wall was used to protect against stored muck, this access road would not be usable by vehicles.

[8] Inspection Note of Lakshmi Narayan temple at Hatgaon (village Haat) Pipal Koti, District Chamoli, Archaeological Survey of India (ASI) April 04, 2022 (Second attachment to the Request).

Photo 4. View of the back of the gabion wall (red roof of temple complex visible) showing that no muck is being dumped behind it

Alleged worsening economic conditions of community members

39. ***Management notes that the socio-economic survey presented by the Requesters lacks methodological rigor as it is entirely based on self-declaration.*** None of the responses have been verified or are supported by evidence. As such, the survey could be susceptible to well-known methodological challenges such as persuasive framing, and the issue of systemic under-reporting of income. The survey also does not capture the landowners' consent to relocation, which almost all of them provided in signed individual Memorandums of Understanding (MoUs) with THDC.

40. ***Moreover, the survey does not capture the broad support provided by the Project through benefit sharing, community development funds, and targeted training programs.*** In Management's view, the survey cannot be considered as credibly challenging the comprehensive studies that the Project has commissioned, and which were carried out by professional staff, qualified in surveying and evaluating the socio-economic status of communities. Apart from the mutually agreed compensation for lost assets, the Project has paid a special grant of INR 1 million (about US$12,520) to the displaced families of Haat. THDC has undertaken several community development activities with particular focus on women, children, disabled, and elderly persons, in areas such as health, education, drinking water, peripheral development, etc., in partnership with the relevant government departments, NGOs and private firms to promote sustained livelihood, overall development and well-being of the target communities. Benefits range from capacity building of the individuals to providing support to the community. The Project also has undertaken various activities for socio-economic improvement of the surrounding community. This include providing scholarships, extending educational facilities for girls, rural sports, rural medical

camps, access to the Project dispensary, etc. The Project is also paying the equivalent of 100 days of minimum agriculture wages to each family in the Project area to address the loss of fuel and fodder. This will be paid in a phased manner during the construction period. The Project, once commissioned, will provide 100 units of free electricity to each affected household per month for a period of 10 years from the date of commissioning.

41. ***Management notes that the community's socio-economic situation had improved when it was evaluated five years after the start of the resettlement process.***[9] Bank policy requires that *"displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them,"* and these efforts have been carefully reviewed and cleared by the Bank, carried out with sufficient budget, and are well documented. ***It is not reasonable, nor in line with Bank policy, to hold the Project responsible for any future changes in the socio-economic status of Project-affected people (PAPs), specifically at a time when the sources for such changes may be well beyond the relocation timeframe.***

42. ***The end-term RAP evaluation report found a 37 percent increase in per capita income from agriculture, a 50 percent increase from business, 11 percent in the service sector and 42 percent in the labor sector in 7 land-affected villages. In Eldana and Daswana (resettlement colonies), the report found a more than 81 percent increase in per capita income from agriculture, a 50 percent increase from business, 34 percent in private sector employment and 38 percent from labor activities.*** The substantial increase for those with income derived from agriculture was noted as resulting from the introduction of improved agricultural techniques and support from the NGO hired for RAP implementation and government officers.

43. ***The survey does not capture the fact that the average size of the houses constructed in the resettlement colonies are more than twice the size of the previous houses***. The increased size of the houses reflects the higher cost of construction that is cited in the survey.

44. ***The Project has developed targeted and tailored mitigation measures for project-affected households in plans that were based on several studies assessing ex-ante the potential socio-economic impacts of the Project on local communities, and these measures have been successfully implemented.*** The studies and plans include a comprehensive EIA, RAP, and a Rehabilitation Action Plan. The end-term RAP evaluation report finds improved socio-economic conditions for displaced households from Haat village.

45. ***Baseline data was provided by the Social Impact Assessment and compared with the RAP mid-term evaluation report (2012) and the end-term RAP evaluation report (2019).*** As per the baseline, the major occupation was agriculture, which the communities

[9] The 2019 end term evaluation was carried out at the end of RAP implementation (RAP implementation took 5 years). All Haat households (except the 6 who had refused to accept the compensation) had moved to the resettlement colony by the time the end term evaluation was carried out. Of the 77 households that moved to the resettlement colonies, 75 percent had done so by 2015, and 94 percent had moved by 2017.

are still practicing. Agriculture was followed by government service and then non-agricultural labor. None of these have changed in the post-project scenario.

46. ***In addition to the livelihood restoration measures planned and implemented in consultation with the community, the Project also supports benefit-sharing mechanisms that support the community.*** There are two categories of local development funds:

- The first includes dedicated funds of INR 90 million (about US$1.12 million) to be used for the 19 affected villages over five years, during the construction period. Investment plans would be prepared by the communities. Some contracts, up to INR 200,000 (about US$2,500), were implemented by the community members.

- The second requires, as mandated by the National Hydro Policy, that one percent of the plant's profit be available for local development activities in a wider area, comprising both directly and indirectly affected communities, after the commissioning of the Project.

47. THDC has, as a part of its efforts to restore the livelihoods of PAPs, employed a range of initiatives, which include direct employment opportunities, livelihoods training, and entrepreneurship development support. As the majority of the displaced community (140 out of total 148 displaced households), residents of Haat were often prioritized in the implementation of these initiatives, as detailed below.

48. Of the 551 PAPs who were employed by the Project, 122 PAPs are from the Haat community (72 hired by THDC and the remaining 50 by Hindustan Construction Company (HCC), the main civil works contractor on the Project). Of the 551 PAPs, THDC has employed 171 (18 as permanent employees; rest as contractual workers), while HCC has employed 218 PAPs directly and has provided income support to the rest through other means such as vendors, hiring of vehicles, leasing of land, renting of houses, etc.

49. ***In addition, several employment enhancement opportunities have been generated under the Project.*** Apart from direct employment under the Project, capacity building programs to enhance the income of PAPs were undertaken under the Project. In 2014-2015, THDC sponsored vocational training of 246 youths in sectors such as hotel management, motor mechanics, and masonry, or in occupations such as fitter, electrician, and excavator operator. In addition, contracts for small civil works construction such as pathways to temples (not located in Haat), boundary walls, and water supply works, up to INR 200,000, have been awarded to eligible PAPs.

50. ***Moreover, since September 2019, THDC has engaged a specialized livelihood development agency (Mrida) to develop land-based employment opportunities in the area and foster entrepreneurship among the PAPs and other community members.*** This initiative was in response to the growing demand from local communities for jobs with the Project, which it was not feasible for the Project to support. Mrida works with local communities to identify livelihood opportunities and helps them access those with technical assistance, accessing government subsidies, building market linkages, etc. So far,

a total of 104 pilots are under implementation benefitting 241 beneficiaries. Of these, 56 beneficiaries are from the Haat community.

51. ***Under the local development funds, by March 2022, THDC had implemented community development activities as part of its local benefit-sharing mechanisms with a total budget of INR 104 million (about US$1.42 million).*** These include, together with the construction / repair contracts noted above, construction of small community assets, extending health and education support to the community, and livelihood support.

52. ***Fuel and fodder access. The Project is implementing mitigation measures for possible loss of access to community forest lands for fuel and fodder.*** It is further financing the replanting of fodder material and trees in degraded areas as a compensation measure. Since 2012, each affected household has been provided with a cash annuity to compensate for the temporary loss of access to the van panchayat (i.e., community forest) for collecting fuel and fodder during the construction period. The annuity is equal to 100 days of minimum agricultural wages and is being paid to households from all Project-affected villages. As of July 2022, THDC had disbursed INR 122,786,400 (about US$1.57 million) to 2,596 families, including 86 from the Haat community. This allowance will continue until the end of the construction period.

53. Thirty-three widows from Haat have benefitted from the widow's pension. Pensions are being paid by Life Insurance Corporation of India (for 22 widows) and for remaining 11 widows by the State Bank of India. THDC has signed agreements with these two agencies and paid the premium under the pension scheme for the widows.

Alleged limited accessibility to water sources by community members

54. Prior to the resettlement, the Haat community did not have piped drinking water. Water had to be fetched from nearby natural sources, limiting the amount available to what could be carried by each household. Each household in the resettlement areas receives piped water at home through a water supply network built and maintained by THDC.

55. ***THDC is providing sufficient water for the domestic needs of the resettlement site, well above the state-prescribed minimum supply.*** Piped water supply to the resettlement colonies has been successively increased in response to demand from the community, from an initial 20,000 liters per day to 40,000 liters per day and again to the present 64,000 liters per day (or 810 liters per day per household). According to Uttarakhand state guidelines, rural water supply schemes should envisage provisioning at least 55 liters/per capita/day.[10]

[10] As per the manual on "Water Supply and Treatment," issued by the Central Public Health & Environmental Engineering Organization, for households with piped water supply but without sewerage, the minimum water supply has been determined at 70 liters/per capita/day. In 2019, this norm was revised to 55 liters/per capita/day for rural water supply. THDC is providing 810 liters/day/household in the resettlement colonies.

Photo 5: Individual water storage tanks on top of private residences in the Eldana resettlement colony.

56. After PAPs moved to the main resettlement colonies (Eldana and Daswana), THDC provided piped drinking water to all houses. The pumping facility set up by THDC includes a main tank of 24,000 liters capacity and two pumps, a 10 HP pump for Eldana and a 12 HP pump for Daswana.

57. There are two tanks of 6,000 liters capacity each in Daswana, and four tanks of 5,000 liters capacity each in Eldana. The total capacity of the tanks is 32,000 liters, and the water is pumped twice a day, securing an average, total water supply of 64,000 liters, or 810 liters per day per household in the two colonies.

58. THDC regularly monitors the supply and quality of water and cleans the tanks at six-month intervals. The last monitoring was done in June 2022 and quality was found acceptable.

59. ***The complaints of water shortage raised in the Request likely result from the unfair water usage practices by community members inside the resettlement colonies.*** Several households have installed pumps tapping into the service delivery line to fill their personal water tanks (see Photo 5 above). This affects the water pressure and available volume, and hence impacts equitable water supply to all houses in the village, with those houses located at the tail end of the piped network suffering the impacts more frequently. The supply network was not designed to support operation of individual household water pumps. In addition, some households are using the domestic water supply to augment rain-fed irrigation especially for vegetable plots close to their houses. ***This use of domestic drinking water for irrigation also contributes to the water scarcity complaints by community members, despite sufficient supply by THDC to the main line.*** In response to complaints, THDC has augmented the water supply to the tail end houses by increasing the diameter of the distribution pipes.

60. In Management's view, this is not a matter of policy compliance for the Project, ***as THDC is providing sufficient quantities of water***. ***The issue of unfair water diversion needs to be addressed by the community.*** Management has suggested that THDC offers to

assist the community to find a solution internally that would ensure equitable water distribution and consumption in the resettlement colony. Management has also asked THDC to consider means to measure water distribution and consumption in the resettlement colony to help establish a more equitable distribution and consumption plan.

Actions

61. Management does not believe that the concerns raised in the Request result from non-compliance with Bank policy. However, Management has nonetheless agreed with THDC on the actions below, which would help to address some of the Requesters' concerns.

- THDC will bring forward its plans to further enhance slopes around the temple by planting them with vegetation. Earlier, THDC successfully stabilized a large slope at the *Siyasain* dumping area by planting vetiver grass.[11] THDC had already agreed to extend this plantation to fully cover all dumping sites and will expand this to include the areas adjacent to the temple. In addition, to ensure better management of rain runoff, THDC has agreed to construct additional drainage along the access roads to the TBM platform, channeling the surface runoff to a nearby natural drain.

- THDC will, in consultation with the community, support the community in setting up an appropriate mechanism (through either the Gram Sabha or a dedicated new citizens' committee) for monitoring/regulating water use in the resettlement areas to establish a more equitable access to water for all households.

Conclusion

62. In Management's view, the Bank has followed the policies and procedures applicable to the matters raised by the Request. As a result, Management believes that the Requesters' rights or interests have not been, nor will they be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.

[11] *Chrysopogon Zizanioides*

ANNEX 1.
CLAIMS AND RESPONSES

No.	Claim	Response
1.	**OP 4.11 PHYSICAL CULTURAL RESOURCES OPERATIONAL MANUAL** In severely endangering a 1000 year old temple and sacred place of living worship, and destroying existing heritage and traditions the THDCIL has done a grave disservice to the village of Haat and to the nation as a whole. It has proceeded without due consideration of the villagers or their traditional practices, and it even had the arrogance and deceit to conceal the relevance of the temple in its EIA. This is in direct violation of the world bank policy on this matter as evident below – **UNIQUE HISTORICITY OF HAAT** That the village of Haat is an ancient hamlet deeply connected to the history of India. Around the 9th century Adi Shankaracharya established Laxmi-Narayan temple and along with it the village community of Haat for the continual worship. To this end he brought Gaud *brahmins* from Bengal and they settled here. In ancient time it was the main base *(mukhyapadaav)* of the pilgrims visiting Sri Badrinath shrine. The temple of Lakshmi Narayan established by Adi Shankaracharya still stands today in Haat and all rituals were being observed until 2007 onwards when the THDCL began acquiring land for the hydro project. Being the last stop before Badrinath, this temple provided an alternative place for worship for those who could not make the difficult trek all the way to Badrinath, thus making it an important heritage site. Around the main Laxmi-Narayan temple, there are group of temples of other deities namely Shiv, Chandika, Ganesh and Surya Kund all dated 8-9th Century. Besides, there are local deities (Bagadwal, Bhymyal, Hanuman, Bilweshwar) which were established by our forefathers centuries ago and represents our rich culture and thriving traditions. **HISTORICITY OF HAAT ACKNOWLEDGED BY ASI-ON 04.04.2022** The Archaeological survey of India (ASI) visited the site of Haat on 15.03.2022 and submitted a report on 04.04.2022. Since the Laxmi Narayan temple is an astounding 1000 years old, with the inner sanctum sanctorum still the original structure, it should have received immediately recognized the temple as an ancient monument and granted it due protection. The ASI in its report has admitted that the *'Laxmi Narayan temple is found to be worthy enough to be considered as ancient structure...* 'and yet it is deplorable	*Physical cultural resources, including the Lakshmi-Narayan temple, were assessed in line with OP 4.11 as part of Project preparation. The Project has developed specific plans to preserve and upgrade the temple complex. The temple has not been affected by the works on site, nor is it at risk to be affected by future works.* The Request cites the 2022 assessment of the temple by the ASI very selectively. "The Inspection report for the conservation of the Lakshmi Narayan temple at Hatgaon (Village Haat)" ("the Report") included a comprehensive assessment of the Lakshmi Narayan temple, as well as of a significant number of other structures and remains, which were "in the ambience of the temple." While the ASI called for the conservation of a very select number of identified remains, the Report points out that the remaining structures "which [were] supposed to be of ancient nature but […] are found to be simple houses or their remains which are devoid of any archaeological or artistic feature." The Report further states that "..only Lakshmi Narayan temple is found worth enough to be considered as ancient structure which is renovated many times and altered with cement, concrete roof and mandapa and hall." Finally, the Report mentions that THDC has approached ASI to take up the conservation work of Lakshmi Narayan temple for the last 2-3 years. The Report suggests that such work could be considered, but an agreement with the local community and THDC would be needed so that ASI could work efficiently. *Physical Cultural Resources assessment:* As described in the EIA[1] of the Project, in 2009, an Archaeological Survey Report was prepared covering an area within a 7-km radius of the Project sites. Out of 63 villages, 10 contained archaeological/heritage remains.[2] These remains are of various types (structures, pottery, religious statues, megalithic burials) and of diverse cultural significance, hence calling for tailored preservation measures. The survey carried out under the 2009 EIA identified the Lakshmi Narayan temple in Haat as the only monument of note, but went on to state that "this temple is not on the list of Protected monuments of Central and State Department of Archaeology." Based on these findings in the EIA, the Project EMP included a special plan for preserving and enhancing the

[1] Environmental Studies for VPHEP, November 2009, 2008026/EC/Final Report.
[2] See Section "3.10.4. Exploration Results" of the Environmental Impact Assessment, November 2009

	that such a site has not been protected and instead has been selected for dumping of debris. **INTACH ALSO STRESSES THAT SITE OF HAAT VILLAGE SHOULD BE PROTECTED-ON 21.12.2021** Taking cognizance of the cultural importance of the village and ancient temple structures, the Indian National Trust for Art and Cultural Heritage (INTACH) also recommended restoring the entire village. A letter sent by INTACH which is copied to the World Bank and THDCIL states as follows: *"Due to the high significance attached to the ancient temple site and Haat village, we urge THDC to recognize the ancient temples and remains as assets of national importance, and the funding agency, World Bank to restore the impacted sites and also conserve the historic village in entirety as part of the project, to encourage World Bank's mandate of sustainable livelihood.*"	Lakshmi Narayan temple, and for other identified cultural resources. THDC commissioned the ASI, the country's competent body for archaeological research and the conservation/preservation of cultural historical monuments, to further assess the Lakshmi Narayan temple and its surrounding in 2013. In response to requests from the community, THDC requested ASI to undertake an additional assessment in 2017. In 2022 ASI expressed its willingness to take up the restoration of the temple, subject to agreement with the local community, as mentioned above. The April 2022 Report noted the following: "Although there is no evidence to ascertain the date of the temple, but on the basis of the architectural features it may be dateable to 11th – 12th century A. D." ***It should be noted that the Adi Shankaracharya lived in the 8th century, hence a direct connection to the establishment of the temple is not possible.*** "The Lakshmi Narayan temple is a simple architecture, both internally and externally […] Except the sanctum, rests of the components are not old and later added. […] Various levels of the temple, architectural members […] suggest that the temple complex has gone through many alterations and additions". THDC is committed to the preservation of the Lakshmi Narayan temple as evidenced by its inclusion in the EMP and has also committed to enhancing the funds allocated for this purpose in the EMP, if so required. THDC has also been in regular contact with the ASI to ensure a professional and quality assessment of the site, as noted in the Report. *Current Status of Lakshmi Narayan temple:* Consistent with the recommendations set out in the 2014 Investigation Report (paragraphs 209-210), the Project has taken steps to mitigate any potential risk to the Lakshmi Narayan temple. Muck is being disposed of away from the temple. For further discussion of this issue, see Item 5. A post-construction landscaping plan of the temple and its surroundings has been prepared by THDC and will address access and aesthetic concerns for the area. In addition to the Lakshmi Narayan temple preservation efforts, other physical cultural resource preservation efforts have been carried out in Haat village in accordance with the EMP: - The Bilwa trees have been transplanted in consultation with the Gram Pradhan and local community members. - Other small community temples in the village will also be protected. The EMP has budgeted the funds for the

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		enhancement of village temples; THDC is willing to provide supplemental funds if needed. - Smaller temples and shrines in private homes have been moved with the residents.
2.	**ANCIENT COPPER INSCRIPTION (TAMRAPATRA) FOUND AT HAAT** That, in addition an ancient copper inscription *'tamrapatra'* also exists dating to the 8-9th century which proves the ancient historicity of the village Haat. The epigraphic study of this copper inscription is under process in the ASI and final report is expected in August. Yet initial information has confirmed that the inscription has been deciphered to have been made by a 9th century trader, it also mentions the Haat village and refers also to a temple. Thus validating the historicity of the place. **2014 – COPPER INSCRIPTION** This artifact of great historical value and evidence, finds no mention at all. This is not surprising since the 2014 team did not investigate the immense cultural and heritage loss of the site and the temple in any manner whatsoever. Today however, after the villagers realized they could raise their voice, the ASI and INTACH admit that the site and temple are worthy of conservation.	The existence of a copper inscription was brought to Management's attention in December 2021. Management is not aware of the provenance of the copper inscription, its original location, or its historical relevance, and is hence unable to comment on it. Management further notes that ASI does not refer to the "copper inscription" in any of its three reviews of the Haat site.
3.	**THDCIL CONDUCTS ARCHAEOLOGICAL SURVEY OF TEMPLE IN 2009 FOR ITS EIA** The archaeological report made in 2009 by the THDCIL itself acknowledges that Lakshmi-Narayan temple is located in 'project immediate affected area' (PIAA) i.e., within 500 m of project site. It states as under: *"Lakshmi-Narayan is located in PIAA area at Hat. The temple can be dated to 9-10th century A.D. This temple has gone under many structural alterations & additions, but the garbhgrih / sanctum sanctorum is in its in situ position, partly buried.*" Further the living traditions of the mountain villages has been acknowledged in the archaeological survey report which states – *'Besides archaeological remains such as cultural properties, sites, folklores, legends, buildings almost all 63 villages have preserved their paleontological, natural religious and sacred heritage in a very ritualistic and traditional manner.* ' **BUT THDCIL SUPPRESSES HISTORICAL IMPORTANCE OF LAXMI NARAYAN TEMPLE** Our village should never have been uprooted and rehabilitated in the first instance if the project authority (THDCIL) had accurately reported the presence of this ancient temple to which our village community is	***It is incorrect that THDC has "suppressed" the historical importance of the temple. Project documents clearly indicate the existence of the temple, its significance according to the classification by the competent national body ASI, as well as the proposed steps to manage, preserve and enhance the temple complex.*** ***The wording alleged in the Request ("The project does not have any impact on cultural resources") does not appear in the Project's EIA.*** In fact, the EIA has the following relevant provisions: **Section 2.4 Applicability of the World Bank Safeguard Policies (Page 9, Chapter 2 of the EIA report of 2009** states with regard to physical cultural resources that: *"Within the project affected area, there are few old, abandoned buildings / structures, which lie on the way from Haat village to Siyasain village. Pilgrims used to halt at this place during their journey to Badrinath. It is suggested that the exact age of the structures may be ascertained. However, for the proposed development there will be no impact on the structures. There is only a small possibility of impacts on cultural properties (such as community religious properties, sacred groves, and chance-finds). The EIA includes procedures to identify such properties, and mitigate and manage impacts in the case, such properties are impacted. During construction if any artifacts are found then the chance find procedure will be applicable."*

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	inextricably attached, and which makes it a protected site. But, unfortunately the company in its Environmental Impact Assessment (EIA) report stated as under: *"7.6 Impact on Physical and Cultural Resources:* ***The project does not have any impact on cultural resources within the project influence area and project immediate affected area.*** –(THDC, EIA report) The report made by the THDC in its EIA dated (uploaded) 2009, acknowledges that while the outer structure of the temple may have been partially overlaid and repaired in the past, the inner sanctum of the temple is still original. But this critical fact was concealed at the time of seeking clearance and land acquisition, and our village thoughtlessly designated as a muck dump zone. In fact the authorities if they were sincere, and had good intentions, would have restored the temple using experts to its old traditional architectural design and beauty. In fact they should have notified the ASI at the time itself and shifted the project elsewhere. However they did not contact the ASI except as late as 2016. This has resulted in a grave injustice not only to our community but to our national heritage.	**The Archaeological Survey Report (Page 186 – Chapter 3 of the EIA report of 2009)** states that "*It is suggested that the temples falling in the villages on the Right Hand Side of river Alaknanda may be considered for enhancement and beautification*". The paragraph also mentions Haat. Further, the report elaborates on the chance find procedure and describes the recommendations for management/conservation measures. The report also states that "A tentative budget of Rs.25,00,000/- (Rupees Twenty Five Lakhs) is proposed for Archaeological Management." **Section 3.10 of the EIA report of 2009 (Page 174-175)** states that: *"This temple has gone under many structural alterations & additions, but the garbhgrih/ sanctum sanctorum is in its in situ position, partly buried. Since this temple is not in the list of protected monuments of Central and State department of archaeology. Being in neglect for a long time, the idols of the Lakshmi-Narayan has been stolen away in place of the original sculpture/idol a modern cemented un proportionate figure has been placed within the original well carved stone frame depicting Dasa avtar images, five on either vertical pillars of the frame. Some Shikhar members such as amlkas are lying scattered in the complex. There is no priest in this temple."*
4.	**ENTIRE GRAM SABHA OF HAAT PASSES RESOLUTION TO DECLARE TEMPLE AS PROTECTED HERITAGE SITE.** On 28.03.2022, in the meeting of gram sabha Haat, a resolution declaring Lakshmi-Narayan and other temples as protected by the gram sabha, was passed. The resolution states as follows: *"Today we all representatives and members of gram sabha Haat unanimously declare the temple of our Lord, Lakshmi-Narayan along with other group of temples of Haat i.e. Chandika devi, Shiv temple, Vishwakarma temple, Suryakund etc., as protected by our gram sabha. In and around which, no damaging or harmful activities would be acceptable. Further we declare that village Haat is the owner of temple of Lord Lakshmi-Narayan and other group of temples for centuries....* " (English translation)	Management acknowledges the Haat Gram Sabha resolution declaring the Lakshmi Narayan and other temples as protected by the Gram Sabha. The cultural significance of the Lakshmi Narayan temple was also recognized by the EIA and reflected in the EMP; as detailed above, THDC continues to undertake mitigation measures for this temple in a manner consistent with OP 4.11. ***However, it should be noted that the Gram Sabha is not the competent administrative body to opine on the historical character of buildings and their eligibility for archaeological protection.*** ***Inspection Panel's observations and determination, April 20, 2022:*** In its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel indicated that "the concerns raised in this Request – including resettlement, rehabilitation and the protection of physical cultural heritage – relate to aspects of the Project that were addressed in the 2014 investigation. The Panel also notes Management's statement that the Lakshmi Narayan temple and other small community temples in the village will be protected. […] The Panel further notes that the protective measures are currently under implementation.

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5.	**THDCIL ENDANGERS TEMPLE BY DUMPING MUCK RIGHT BEHIND THE TEMPLE – March 2022** Tonnes of debris generated since 2016 by the Tunnel borer machine (TBM) machine has been dumped just behind the Laxmi Narayan temple at a distance of barely 10 meters from the sanctum sanctorum. The wall supporting this debris is a weak gabion wall, and liable to fall. Further in case of extreme weather events, cloudbursts and concentrated rainfall due to climate change, as Uttarakhand has been regularly witnessing since the last decade, the ancient temple is highly endangered from burial under tonnes of flowing debris. After the demolition of houses and forceful eviction of last cluster of 16 families on September 2021, THDCIL also started the muck dumping inside the village area in March-2022 even while our interaction with the World Bank and the Inspection Panel regarding rehabilitation was going on. It is still continuing till date and the height of muck has crossed the height of the Chandika temple and the other group of temples. Since the work on the main Head race tunnel has not even started, we can expect the height of the muck to also exceed the Laxmi Narayan temple eventually, which will then literally be a death sentence to the monument. **ASI REPORT APRIL-2022 INFORMS THAT MUCK IS ENDANGERING TEMPLES:** On application of the , the Prime Minister's office (PMO) directed Archaeological Survey of India (ASI) to conduct a site visit at Haat. Thereafter officials of AST Dehradun circle visited the area and prepared a report on 04.04.2022 which also accepts the presence of ancient Lakshmi-Narayan temple and recommends its conservation measures. ASI also recommended to stop muck dumping and remove the dumping zone far away from the temple. The report of ASI dated 04.04.2022 states as following: *'At present a breast wall made of wire cages filled with rock, is provided by THDC on the upper side of the temple which seems to inadequate to withstand the trust of the dumped soil/waste material. The pressure may increase during the rainy season due to formation of aquifer within the soil. THDC may provide a well designed RRC or Masonry wall and if possible, minimum dumping is suggested on the upper side of the temple.* ' *'The dumping area should be away from the temple.* ' *'THDC first should stop the muck dumping near the temple complex and should use other available area and construct outer boundary including main temple and other subsidiary shrine for the better preservation and protection of existing shrines.'*	***No muck is being dumped or will be dumped behind or in the immediate vicinity of the temple and the temple is not endangered by the Project works.*** The wall behind the temple is not connected to the muck dumping works. The purpose of this wall is exclusively to protect the temple by strengthening and supporting the slope behind it. ***Concerns have been expressed (including in the ASI Report quoted by the Requesters) that the gabion wall behind the temple may not be strong enough to act as a retaining wall for dumped muck. In actuality, these concerns are irrelevant because there is no muck dumping taking place behind the wall. The wall has been designed to support the slope behind it and is a robust structure, 9 m wide at its base.*** ***The same applies to the technical paper ("Suggestion for alternate location for muck dumping from edit tunnel at Hat village") attached to the Request. The paper is premised on the incorrect assumption that muck is dumped and stored "above the [...] temple" and hence the paper's conclusions are flawed and irrelevant.*** ***THDC confirmed that it is using other areas in the village, at a distance from the temple, for muck dumping.*** In the process of identifying sites to dump muck for the Project, THDC considered several sites within the Project area. Four were finally selected based on a set of criteria that included landscape, cost effectiveness, proximity to source of generation, possible impacts on groundwater/surface water sources, relief, scope of afforestation, and erosion control/sediment arrest. These sites have received all the requisite statutory and regulatory permissions, and are reflected in the latest EC of August 2021. This EC was reviewed and upheld by the NGT, India's apex body for environmental issues. ***The initial estimates of muck to be deposited under the Project were updated after the Project design was finalized. Since Haat, which had already been designated as a muck dumping site and the land acquired, had sufficient space to safely deposit the additional muck expected, the decision was made to fully utilize this site (along with the other three locations), with muck deposition in other parts of the former village, well away from the temple.*** **Inspection Panel's observations and determination, April 20, 2022:** • As indicated in the Panel's Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel noted that "*the muck dumping will not take place behind the wall of the temple.*"

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	In spite of this even today muck dumping is ongoing unabated. Finally, to crown the entire tragedy the village now faces the annihilation of 1000 years of heritage, and the devotion of generations, in the slow but irreversible destruction of a 1000 year old temple that is daily being buried under muck. **NOT ADDRESSED IN 2014 – CULTURAL AND HERITAGE LOSS BY DESTRUCTION OF LAXMI NARAYAN TEMPLE** The report itself states that the Laxmi Narayan temple is considered a swayamprakat temple, implying that it is not the temple or the idol therein that is the primary object of holiness but the site itself. However no alternative site for muck dumping was ever considered. On page 57 pt 209 it states: ' *While the VHEPP will not submerge this swayamprakat temple and it does not have to be relocated it may experience construction related disturbance as one of the main tunnel adits is located near the temple.* '' There is no other reference to the great importance of this 1000 year old structure or the impact of muck dumping in its vicinity, or the sense of loss to the villagers by way of loss of centuries old traditions and heritage.	• The Panel also noted that *"Protective measures were under implementation"* to mitigate any potential risk of muck dumping which would jeopardize the temple. • The Panel noted that "*similar commitments were also made by the Project authorities and covered in the 2014 Investigation Report."* • Indeed, in its 2014 Investigation Report, "*The Panel notes the importance of Management clarifying the issue of slurry disposal. The Panel notes the steps taken to use TBM technology to reduce harms from vibrations. The Panel also notes the provision in the Project of an insurance scheme to cover potential losses for structures falling within a 500m corridor along the tunnels. The Panel finds that these measures comply with Bank Policy OP/BP 4.01 as a step to reduce or mitigate potential harm. The Panel finds that, in compliance with OP/BP 4.37, Management took adequate measures to ensure the preparation of relevant studies by THDC during Project design, appraisal and implementation stages to mitigate the risks raised in the Request related to earthquakes, landslides and extreme weather events.*" The Management Report and Recommendation in Response to the Inspection Panel Investigation Report from 2014 notes that, "*Management welcomes the Panel's assessment of the Bank's compliance with the provisions of OP/BP 4.01 and 4.37. Management agrees that the disposal of tunnel excavation by-products should be done in a way that prevents any contamination of the river and in an adaptive management mode. The VPHEP anticipates that the excavated spoil from the TBM operation will be transported from the tunnel face via conveyor belt to a location from which it will be transferred to the spoil transport system, which may be by rail or diesel trucks. The spoil in this case will predominantly consist of rock pieces and will not be mixed with slurry or chemicals."* **Background, mitigation measures and current status:** The muck dump sites and the quantities to be deposited at these sites have been approved by the Government of India through the EC granted by the Ministry of Environments & Forests (as the MoEFCC was then known) to the Project on 08/22/2007 for ten years, which was later extended three times (for three years from 2017 until 2020, for one year from 2020 until 08/21/2021, and for 10 years starting from 08/26/2021). The 2021 EC provided by the MoEFCC mentions four dumping sites and the estimated quantum of muck to be generated and dumped in these identified sites.

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		PMF of 10840 cumec. (xvii) **Muck Disposal Areas**: Out of the 40.00 L cum (lakh cubic meter) of the total muck likely to be generated from the construction works of the project at least 14.00 L cum will be utilized for construction purposes of different project components, filling works and other infrastructure works. For dumping of the remaining muck i.e. 31.20 Lcum, four dump yards areas viz. (i) Haat, (ii) Jaisaal, (iii) Gulabkoti and (iv) Siyasain, have been earmarked adjacent to project components and are operational. In these 4 identified sites dumping will be done and further they will be restored and vegetated with proper landscaping. *Excerpt from the 2021 EC, indicating muck disposal areas* Based on an appeal by a few appellants, questioning the validity of the EC granted by the MoEFCC to the Project in 2021, on August 16, 2022, the NGT concluded that "*the environmental impacts of the Project have been minimized […], that the EAC has addressed the issues of environmental impacts including soil erosion, declining water quality, loss of aesthetic value, loss of aquatic biodiversity and impact of blasting and made detailed provisions to offset the adverse impact. […] There is no procedural illegality in the Environmental Clearance date 26/08/2022 […]*" ***Initial muck estimates were based on the Detailed Project Report (DPR), prepared in 2006, several years before launching the tendering process for the Project.*** The DPR did not consider usage of the TBM for excavation of the Headrace Tunnel (HRT). Based on the DPR, the 2009 EMP estimated the total quantity of muck to be generated by VPHEP at about 1.5 million m^3. Out of four identified dump sites, the capacity of the muck disposal area at Haat village was estimated at 282,100 m^3. MoEFCC, while extending the EC, advised the Project to develop a Rapid Environmental Impact Assessment (REIA) and update the EMP[3] to include a reassessment of muck dumping needs. Based on the updated, more detailed post-DPR design, and taking into account the construction of the various components of the Project (including HRT excavation using the TBM), the total quantity of muck to be generated by VPHEP was estimated to be about 4 million m^3. Of this, 3.12 million m^3 is to be dumped in dump yards, with the reassessed capacity of the Haat disposal site estimated at 1.27 million m^3. The 2021 EC reconfirms the total amount to be dumped at the four yards. ***The Requesters' allegation that the temple is at risk from muck dumping stems from a misunderstanding of the Project activities that are taking place around the temple. Muck is not being dumped behind the temple or in its immediate vicinity. What the Request erroneously identifies as "muck dumping" behind the temple is in fact material used to reinforce the slope behind the temple, which supports an access road to the site of the TBM. The gabion wall has been constructed to protect the temple from any slippage from this slope. Any rain runoff flows along the access road to a nearby natural drainage. Further, the gabion wall has been provided with several***

[3] The EMP was updated as a part of the REIA.

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		drains that are reducing any potential hydrostatic pressure that may arise due to seepage of rainwater. Vegetation has already begun to grow and cover the area, disproving the claim of muck dumping taking place there. Both access roads are in use, which would not be possible if muck were being dumped, in particular the lower road. Management specifically notes the following: • ***THDC confirmed that no muck dumping will take place behind the wall of the Lakshmi Narayan temple.*** • The gabion wall behind the temple is about 100 m long and up to 9 m thickness at the base (varying with height). This gabion wall was further strengthened with a 100-mm layer of shotcrete, which also improves its appearance. This wall does <u>not</u> serve as a retaining wall against muck, nor was this ever intended. There is no muck, or any other debris being retained by, or piled up against, this wall in any way. Hence, the concerns that this wall would not be strong enough to withhold dumped muck are irrelevant as this is neither happening, nor is it planned in the future. This misunderstanding also appears in ASI's 2022 note,[4] in response to the Requesters' allegation regarding muck dumping. • A complete post-construction landscaping plan of Lakshmi Narayan temple complex (from Lakshmi Narayan temple to Chandika Mata temple) was shared and discussed with the villagers (see Annex 2). • For the remainder of the distance up to the Chandika Mata temple, a Reinforced Cement Concrete (RCC) retaining wall has been provided, with the same purpose of protecting the temple complex from any slippage of the slope. • The slopes behind the walls are free draining. Drain pipes have been installed at 1-m distances to release any hydrostatic pressure. Drains 50 cm in diameter run the length of the walls at their feet to safely collect and dispose of rainwater as well as the water from the drainpipes. The surface runoff during rain flows along the access road into a nearby natural drain, further limiting any seepage due to standing water. In addition, THDC plans to construct additional drains along the access roads to the adjacent natural drain and undertake plantation on this section.

[4] Inspection Note of Lakshmi Narayan temple at Hatgaon (village Haat) Pipal Koti, District Chamoli, Archaeological Survey of India (ASI) April 04, 2022 (Second attachment to the Request).

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		• The landscaping plan of the future complex will include additional retaining walls on all sides, to protect the temple complex from the slope.[5]
6.	**ALTERNATIVE SITE FOR MUCK DUMPING IDENTIFIED BY SCIENTEST IN 2022** That, since the THDCIL company has refused to acknowledge the concerns of the villagers and continues dumping muck in the site of village Haat and particularly in the close vicinity of the Laxmi Narayan temple, without searching for alternatives, the Gram Sabha Haat took its own initiative in the matter. It invited an eminent geologist of the region Dr. Navin Juyal, Ex-Scientist of PRL Ahmedabad, who has been extensively working in the Himalayan terrain for past 40 years along with his colleague Prof. Y.P. Sundriyal who is currently the head of department of geology in Garhwal University to address the issue. These expert scientists identified an alternate site which was not only very stable, resting on 10,000 year old rock formation, but also uninhabited and uncultivated. This site was also close by on the opposite left flank of the river and the muck could be transported there via trolleys their report states. Consideration of an alternate muck dump site would be a critical step to save the existence of our ancient historical village from extinction. **2014 – ALTERNATIVE SITE FOR MUCK DUMPING** This finds no mention at all in the report although on pg 72, pt 265 it mentions that the World Bank policy favours that involuntary resettlement should be avoided, by quoting policy, *'should be avoided where feasible, or minimized, exploring all alternative project designs.* ' This is precisely what the THDCIL company failed to do. And this is what the desperate villagers of Haat undertake to do on their own by inviting scientists.	***Management has reviewed the paper ("Suggestion for alternate location for muck dumping from edit tunnel at Hat village") attached to the Request. As a general remark, it should be noted that the paper is premised on the incorrect assumption that muck is dumped and stored "above the [...] temple." Since this is not the case the rationale and conclusion are of the paper are not relevant.*** ***Moreover, the paper does not provide a comprehensive analysis of muck dumping alternatives with regard to technical, environmental, social, safety, and financial viability criteria. In Management's view, the muck dumping solution suggested by the paper introduces a much higher environmental risk, as explained below in more detail.*** **Muck dumping site at Haat:** An earlier analysis of alternatives, undertaken by THDC, considered a set of criteria when selecting muck dumping sites, including technical, environmental, social, safety, and financial ones. Specifically, the selection of dump sites took into consideration: geology, geotechnical aspects, topography, seismicity, river system, archaeology, occupational and community health and safety, financial viability, etc. When finalizing the location of muck dumping sites, utmost care was taken regarding safety and environmental factors, including a maximum distance for muck transportation to minimize the environmental and social impacts that could result from spillages, air quality deterioration, etc., as a result of hauling muck for longer distances. ***Moreover, the EIA and EMP of the Project include detailed engineering plans for muck management, with proper design of foot and slope protection.*** THDC has developed a detailed methodological and engineering solution for excavation, disposal, storage, and subsequent protection of the designated disposal areas, including in Haat village. Further, THDC has developed plans for protection and rehabilitation of the temple complex, and is in discussions with ASI on rehabilitation and conservation of the Lakshmi Narayan temple, as outlined earlier. ***Analysis of the proposed alternate dumping site presented in the paper.*** The paper suggests an alternate site on the left bank of the Alaknanda and proposes transport of muck by trolleys. Unlike the detailed analysis undertaken by THDC, the report does not provide a comprehensive analysis of muck dumping alternatives with regard to technical,

[5] Adjacent to the Chandika Mata temple is a small Shiv temple. All of these small temples fall within the temple complex.

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		environmental, social, safety, and financial viability criteria. Specifically, the following observations can be made regarding the alternative site proposed in the paper: • Most of the muck to be deposited at the Haat site is to come from the nearby TBM operation. The TBM, once fully operational, will involve uninterrupted tunnel excavation, requiring muck dumping to be continuously available. The proposed site would require road access, causing substantial additional costs and increasing the environmental and social footprint of the Project. • As per the EC and the REIA, the total volume of muck to be deposited at Haat is about 1.27 million m^3. It is obvious that, depending on the size of trolleys to be used for transport, it would be technically and environmentally very challenging to transport in a timely and safe manner the volume of muck produced by HRT excavation on a daily basis. • The following environmental and safety aspects also need to be considered: i. The muck has to be transported across the Alaknanda, increasing the risk of accidental spillage into the river; ii. Further, the muck produced by the TBM operation will be in slurry form, making it much more complicated to transport using ropeways due to the potential leakage from the trolleys. Constructing/establishing the slurry treatment plant on the left bank would have its own environmental and technical concerns. Even if the slurry treatment plant continues to be on the right bank at Haat, the treated sludge would still need to be transported to the other side, and risks of spillage would remain. iii. The proposed site ranges from 200 to 500 meters away from the mouth of the tunnel's adit (measured aerially). Also vertically, this may require to be hauled by over 50 meters for dumping (Figure 1 of the report) which has its own technical constraints for transport. • The present muck disposal site at Haat is well above the highest flood level of Alaknanda river, meaning the chance of muck falling into the river or getting washed away in case of flood flows is slight. Depositing the muck at the alternative location would bear a much higher environmental risk. According to Figure 1 of the report, the foot of the retaining wall at the alternative site is at least 20 m lower in altitude than the current site, making it more susceptible to flood flow risks in a

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		narrow gorge. In any case, the area suggested in the paper lies just above the river, with a higher possibility of erosion of the foundation/ protection of the dumping area, thereby making it much more prone to the risk of muck falling in the river. ***Thus, the alternate site mentioned in the above-mentioned report has much higher environmental risks compared to the current site, which was chosen by THDC after detailed assessment.*** **Background, mitigation measures and current status:** The REIA of 2021 has a chapter on alternatives, which indicates that initially five dumping sites were considered. However, only four were finally selected, namely (i) Haat; (ii) Siyasain; (iii) Jaisaal; and (iv) Gulabkoti. The site at Maina Nadi was excluded from further considerations, based on criteria indicated below. As indicated in the Muck Management Plan for the Project (part of the 2021 REIA), the four designated muck dumping sites were identified based on several criteria, including: landscape; cost effectiveness; proximity to source of generation; possible impacts on groundwater/surface water sources; relief; scope of afforestation; erosion control/sediment arrest; and social impacts. The Plan identifies modes of transportation for muck disposal; muck disposal options for implementation at each site; species selection for revegetation, and landscaping measures. The original Project design did not require the entire Haat village. Nevertheless, during consultations with THDC, the Haat community requested either to shift the powerhouse at least one kilometer from Haat or to relocate the entire village. Since it was not possible to shift the powerhouse for geological reasons, complete relocation was agreed in 2010, with the community opting to self-relocate on lands they owned on the left bank of the river. Following this agreement, the land in Haat village was acquired by THDC in 2011. The muck disposed at Haat village will have different forms, including boulders, gravel, crushed sand, and slurry. **Inspection Panel's observations and determination, April 20, 2022:** See the first three bullets of the Panel's observations in Item 5, above.
7.	**OP 4.12 INVOLUNTARY RESETTLEMENT-** ***The method of operation of the THDCIL has also been in direct violation of this policy both in terms of livelihood and in avoidance of shifting communities. In light of the alternative muck dumping site available, (a)***	***The resettlement process has been planned and conducted in compliance with OP 4.12. As mentioned above, the acquisition of the entire Haat village was done at the demand of the community during consultations. The community also opted for self-relocation to lands they already owned across the river. Management notes that collective and individual Memoranda of Understanding***

	[Policy objective to avoid/minimize displacement] further becomes a very critical issue.	***(MoUs) were signed with community members, and that compensation rates offered by THDC were well above market rates. However, 6 families from Haat did not sign the MoU and so far have refused to accept the compensation offered. THDC has deposited their compensation with the office of Special Land Acquisition Officer (SLAO) where they can collect it at any time.*** **Background, mitigation measures, and current status:** The resettlement instruments used under the Project, including the RAP and Rehabilitation Action Plan, were developed based on extensive consultations with the affected communities and local stakeholders. To ensure smooth implementation, the RAP was implemented by a local Uttarakhand NGO. These instruments have been reviewed and cleared by the Bank. The resettlement package that was offered included monetary compensation and livelihood rehabilitation measures. This package was decided after extensive consultations and the compensation paid for land was much higher than the prevailing rates (three to four times the government-established rates). The resettlement package included several items to accompany PAPs, such as a self-relocation allowance, a house construction grant, a rehabilitation allowance, a subsistence grant, a shifting grant, a cattle shed grant, and a special package of INR 1 million (about US$12,520) for loss of assets. THDC also agreed to pay for 100 units of electricity per month for a period of 10 years. In addition, special provisions were tailored to the needs of vulnerable groups as well as individuals rendered houseless due to the Project. THDC offered two compensation options, as follows: • Compensation at the *circle rate*[6] and various grants and allowances ranging from INR 58,400 to INR 290,000 based on degree of impact. Under this option, apart from the head of the household, all adult sons irrespective of marital status were considered as separate family, thereby increasing the benefits multifold; and • A negotiated rate of INR 100,000 per nali (about 200 m^2), inclusive of all R&R assistance. THDC worked out the compensation that would accrue under both the options for each household and shared this information to enable the household to make an informed choice. THDC also paid INR 150,000 to landless households so that they could purchase land for their house. The representatives of Haat community discussed and agreed with THDC on a package and process for relocation. Haat representatives signed a collective MoU with THDC

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		in the presence of the District Administration in 2009. This was followed by signing of individual MoUs: • 134 households signed the individual MoUs. • 6 households did not sign the MoU. These households continued to stay in Haat village even after land was acquired in 2011. Compensation was awarded to these six families, and is being held with the District Land Administration, but has not yet been collected. Following the agreement with the community, the land was acquired in 2011 under the Land Acquisition Act 1894 (though eminent domain), in line with OP 4.12. **Inspection Panel's observations and determination, April 20, 2022:** In its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel noted that *"the 2014 investigation addressed the issues of resettlement of the village, the restoration of livelihoods and the livelihood rehabilitation package."* The Panel also indicated its understanding of the conditions of acquisition of the village, *"acquired through eminent domain"* as well as the choice for self-relocation of the community, as *"it is noted in the Investigation report that 92 percent of the families from the [Haat] village requested relocation to the other side of the Alaknanda river."*
8.	**FORCEFUL EVICTION AND DEMOLITION OF 16 HOUSES IN HAAT ON 22.9.21** On 22.09.2021, in violation of all the fundamental rights, the THDCL along with more than 200 police men, 2 Poklan excavators and l bulldozer, forcefully entered the houses of villagers, threw out luggage/belongings and completely demolished their homes. THESE WERE VILLAGERS WHO HAD REFUSED TO TAKE ANY COMPENSATION AND WHO HAD REFUSED TO RELOCATE. The eviction was done in a brutal and heavy-handed manner. Worship places in houses with ancient inherited deities, temples, cow shelters, pathways, and electricity cables of village Haat were also destroyed, thereby making the villagers homeless, shelterless, helpless and devoid of their livelihood activities.	***Haat village was acquired in 2011 under eminent domain, applying OP 4.12. While acquisition of the entire village was not originally needed for the Project, it was acquired at the request of the community, which wished to be relocated jointly. The relocation took place; both collective and individual MoUs were signed and compensation well above market rates was paid.*** ***However, six families from Haat did not sign the MoU and so far have refused to accept the compensation offered. After having received ample notices over a period of ten years to vacate and surrender the buildings, the buildings eventually had to be secured with the support of local police, in line with national law.*** ***Residents of the 3 houses still inhabited were provided by THDC with alternative accommodation. The belongings of all households were collected and inventoried and kept safe to be picked up by the owners.*** ***The Request appears to be arguing on the erroneous premise that land acquisition by the Government applying eminent domain could be reversed if the affected parties refuse to engage in the process. This is not the case, and***

[6] This is the rate fixed by the Government for land and property tax assessment. The same rate is used to calculate compensation for land acquisition.

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		the land was acquired despite their refusal to accept compensation and relocate 11 years ago. **Background, mitigation measures and current status:** Following an agreement with the community, the land was acquired in 2011 under Land Acquisition Act 1894 (through eminent domain), in line with OP 4.12. By 2015, most of the inhabitants of Haat had moved out of the village, as had been agreed. In detail: • 148 households were displaced following the acquisition of the 31.62 ha of privately owned land for the construction of VPHEP infrastructure. • 140 of 148 of these households are from the Haat village; the remaining 8 include 5 from Jaisaal and 3 from Batula. • Out of these 140 Haat households, 134 have moved out. • Out of these 134 households: A) 127 of the resettled households from Haat have received all compensation due and moved into new homes. B) 7 households have accepted SLAO compensation. These 7 households have also moved out of the Haat village but have not taken the R&R assistance from THDC. The R&R package offered is still being held by THDC and can be claimed by the PAPs at any time. • 6 households have not yet accepted compensation for their houses and lands acquired by THDC. All compensation funds due to them have been deposited by THDC with the SLAO since 2011. **Process followed vis a vis six remaining families in Haat:** • From 2015 to 2021, THDC issued five individual notices to all six families as well as one public notice in local newspapers to collect their compensation and vacate the houses. • The individual notices were issued by registered post in February 2015, September 2015, March 2019, July 2021 and August 2021. • The final notice in August 2021 and additional public notice issued in local newspaper in September 2021 explained that the dismantling of structures was imminent. • The demolition of the structures was conducted by the District Administration after ample advance notice had been given. Only three residents did not have alternate

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		accommodation outside Haat; THDC made special provisions for them: A) House of [redacted] is nearing completion. THDC has extended her rental allowance of INR 11,000 per month for 3 more months. B) [redacted], given his age and disability, has expressed his desire to stay in the accommodation provided by THDC. THDC has agreed to host him and entrusted regular visits to his accommodation by their staff for day-to-day support. C) A third PAP, [redacted], is staying in a rented accommodation. He has recently asked THDC to consider paying his rent amount for six months so that [redacted] can construct a house once he receives his compensation. This request is in process. • The belongings of all residents whose structures were removed were inventoried by the government authorities and handed over to THDC for safekeeping. THDC has sent a notice to all householders that they may collect their belongings**. To date, all households except two have collected their belongings.**
9.	Some protestors, including a widow whose house was being razed was locked up in the police station and only in the evening was she dropped off on the main road. Her only son who serves in the army, was away from home serving his country. In some cases where the owners were absent, they bulldozed the house along with all its furniture and belongings. Reports that all her savings from selling milk, and stored under her bed was lost.	***Management sought information from THDC regarding the alleged incarceration of a widow.*** THDC is not aware of this widow being "locked up by the police." THDC informed the Bank that it had made accommodation arrangements for this widow, but that she preferred to stay at the house of the gram pradhan (village chief). THDC is constructing the replacement house for her (expected completion by September 30, 2022) along with a cow shed (already completed). She has been paid rent for six months by THDC. The owners' belongings were secured, inventoried and deposited before houses were dismantled. They were kept safe for their collection by the owners. Management notes that these six households have received ample notices to vacate the buildings over the past 10 years.
10.	**VILLAGERS IN A WORSE SOCIO-ECONOMIC CONDITION THAN BEFORE RESETTLEMENT** Almost 99% of the families of Haat have reiterated very strongly that after resettlement they are much worse off than before, not just in social welfare and security but even in economic terms, despite the compensation package. To more accurately ascertain in what manner, on what basis, and why the villagers felt that they are worse off than before the circulated a survey sheet with 20 questions (sample in English attached, along with all 92	***Management notes that the socio-economic survey presented by the Requesters lacks scientific and methodological rigor as it is entirely based on self-declaration. None of the responses have been verified or are supported by evidence. The way the questionnaire has been structured leads to an inevitable conclusion that the community is fully dependent on THDC for its economic needs. As such, the survey could be susceptible to well-known methodological challenges such as persuasive***

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	filled in sheets). 92 families out of a total approx. 142 agreed to fill it in. 4 families (including) who because they refused to take any compensation and whose houses were forcefully destroyed in September 2021, did not fill the sheet. The 30-32 families whose family person is either permanent or temporarily employed in THDCIL felt pressurized and therefore refused to give any feedback. Other 8-10 families who are currently residing far away from the village, have not been responded yet. The main facts that emerge from the data of these circulars is – **<u>Only 1 person said they were better off than before</u>.** All the rest 91 families stated that they were worse off than earlier. The reasons they gave were: 'Stress due to temporary nature of jobs with THDCIL on which they are wholly reliant without knowing if we will be removed the next day, thereby also creating an overwhelming dependence on the company. The socio-cultural fabric of village has been destroyed. We are struggling for our identity. We are socially weakened. Before we were like one family but no longer. Lack of basic amenities and facilities in the displaced area Economically deprived. Before we used to do farming in the village but now we are scattered and cut off from the rest of village community. We had water, wood and grass for animal husbandry and we were well-off in our village earlier. Now we are destroyed with neither a good water supply nor any permanent source of income. Now financially we are solely dependent on THDC. We have lost our independence and self-reliance. Before displacement, we had many other means for livelihoods that are no longer available. Before with less money we were living better lives. We are landless and are in minority because we belong to schedule tribe. We were exploited by the project authorities. We had no prior assessment of the situation after displacement that our life will be in such a deep hole. We are helpless now. No one is listening. We are losing the heritage of our forefathers, how can we hope for a better social and economic life.' Of the 92 interviews temporary jobs with them and- not employed by the THDCIL.	***framing, and the issue of systemic under reporting of income.*** ***Moreover, the survey results are in stark contrast with the results of the studies that the Project has commissioned, and which were carried out by professional staff, qualified in surveying the socio-economic status of communities.*** ***The survey correctly notes that agriculture landholding for some PAPs decreased post-land acquisition, but does not capture the fact that most of the land acquired was not agricultural and therefore its productivity was low. The concern regarding dependency on THDC raised in the survey is also misplaced as the community has consistently expressed demands for jobs in THDC and the Project. The fact that the average size of the houses constructed in the resettlement colonies has increased by 118 percent compared with the original houses is also not captured in the survey. The increased size of the houses reflects the cost of construction that is cited in the survey.*** **Background, mitigation measures and current status:** Apart from the mutually agreed compensation for lost assets, the Project has paid a special grant of INR 1 million (about US$12,520) to the displaced families of Haat. THDC has undertaken several community development activities with particular focus on women, children, disabled, and elderly persons, in areas such as health, education, drinking water, peripheral development, etc., in partnership with the relevant government departments, NGOs and private firms to promote sustained livelihood, overall development and well-being of the target communities. Benefits range from capacity building of the individuals to providing support to the community. The Project also has undertaken various activities for socio economic improvement of the surrounding community. This includes providing scholarships, extending educational facilities for girls, rural sports, rural medical camps, access to the Project dispensary, etc. The Project is also paying the equivalent of 100 days of minimum agriculture wages to each family in the Project area to address the loss of fuel and fodder. This will be paid in a phased manner during the construction period. The Project, once commissioned, will provide 100 units of free electricity to each affected household per month for a period of 10 years from the date of commissioning. Several studies have assessed ex-ante the potential socio-economic impacts of the Project on local communities and have suggested tailored mitigation measures to ensure that the standard of living of PAPs is not adversely impacted by the Project. These reports include a comprehensive Environmental Impact Assessment and Resettlement Action Plan. THDC hired the services of an NGO to implement the RAP that also included livelihood restoration measures. The

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	28 families stated that the money they received as the compensation package was enough to rebuild and resettle. 50 said the sum they received was not sufficient. 10 did not receive compensation and 4 did not respond. 57 people stated that animal rearing, orchards and farming were their livelihood before resettlement. 35 stated that they had other employment means. However after land acquisition only 24 continued with animal rearing, orchards or farming. 68 quit these livelihood means. A majority of 69 found their earlier farming etc. as sufficient means for livelihood, or at least providing some income. 22 found it insufficient. After land acquisition 41 found it insufficient. Therefore a clear picture emerges of a community that is highly insecure and deprived of steady livelihood. Not only has economic losses been sustained bringing them to a lower economic condition but permanent losses through loss of land, water, field, orchard, access to fodder and fuel have been sustained, that effectively prevents any potential for future growth. The villagers have stated that they are now entirely dependent on market produce, thereby needing cash, whereas earlier they produced most of their own requirements and hence were self-reliant. **2014 LIVELIHOOD LOSS OF HAAT VILLAGERS** The request did not include Haat livelihood but only Hatsaari. It states on page 69, pt 255, *'Because these issues of livelihood at Haat village were not raised explicitly in the Request for inspection, they are not addressed in the Management response.* It also expresses concern about restoring pre-project livelihoods, which is exactly what the villagers are experiencing today. Ln page 71, pt 263 it states regarding Haat, *'This suggests a risk that vulnerable households may not succeed in restoring their pre-project livelihoods.* '	Catchment Area Treatment Plan also includes measures for community development. The end-term evaluation report (third-party independent study commissioned by THDC in 2019 to evaluate the RAP implementation) generally finds improved socio-economic conditions for displaced households from Haat village. Baseline data was provided by the Social Impact Assessment and compared with the mid-term evaluation report (2012) and the end-term evaluation report (2019). As per the baseline, the major occupation was agriculture, which the communities are still practicing. Agriculture was followed by government service and then non-agricultural labor. None of these have changed in the post-project scenario. The report found a 37 percent increase in per capita income from agriculture, a 50 percent increase from business, 11 percent in the service sector and 42 percent in the labor sector in 7 land-affected villages. The report found that in Eldana and Daswana (resettlement colonies), there was a more than 81 percent increase in per capita income from agriculture, a 50 percent increase from business, 34 percent in private sector employment and 38 percent from labor activities. The substantial increase for those with income derived from agriculture, which was noted as resulting from the introduction of improved agricultural techniques and support from NGOs and officials. *Compensation packages*: See Item 7, above. *Community development* The Project supports benefit-sharing mechanisms, including two categories of local development funds. The first includes dedicated funds of INR 90 million to be used for the 19 affected villages over five years, during the construction period. Investment plans would be prepared by the communities. The second category requires, as mandated by the National Hydro Policy, that one percent of the plant's profit be available for local development activities in a wider area, comprising both directly and indirectly affected communities, after the commissioning of the Project. Under the local development funds, by March 2022, THDC had implemented INR 104 million for community development activities as part of its local benefit-sharing mechanisms. In addition, several employment opportunities are generated under the Project. For example, civil works carried out by contractors or by the gram panchayats are monitored by the beneficiary community. In addition, contracts for small

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		civil works such as pathway to temples, boundary walls, and water supply works, costing less than INR 200,000, have been given to eligible PAPs. Of the 551 PAPs who were employed by the Project, THDC has employed 171 PAPs, of whom 18 are on THDC's payroll and the rest through contracting agencies; HCC has employed 218 PAPs directly and the rest through other means such as vendors, hiring of vehicles, leasing of land, renting of houses, etc. Of the 551 people employed in the Project, 122 PAPs are from Haat. Out of 122 Haat residents, 72 are employed with THDC and the remaining 50 with HCC. Since the Project cannot employ everyone seeking jobs in the Project-affected villages, THDC engaged a specialized agency, Mrida, to develop land-based employment opportunities in the area and foster entrepreneurship among the PAPs and other community members. This will also help in promoting socio-economic development in the Project area. THDC has also committed to providing 100 kWh of free electricity per month for a period of 10 years to affected households, once VPHEP starts producing power. THDC has to date organized 3 health camps that benefited 175 community members. The dispensary at THDC colony has treated 22,327 community members. In addition, THDC has also extended its ambulance service to the community whenever required. Since 2010, 130 individuals have benefitted. All these are free of cost and have indirectly saved the community more than INR 6,200,000 in terms of physician consultation fees, travel to nearest health facility, cost towards medicines, etc. *Livelihood development projects:* A total of 104 pilots are under implementation benefitting 241 beneficiaries. Out of these, 56 are from Haat, as follows: - Polyhouse (6 beneficiaries): A greenhouse that allows higher yield with less water, fertilizer, and pesticides. - D-Hub (30 beneficiaries): A location that houses digital, online, banking, e-citizen, and skill development services, allowing the residents to access all services in one location, saving money and time. The D-hub promotes digital connectivity, digital skills development, and the adoption of new digital technologies, and it also serves as a training center for youths interested to learn computer operation. - Sewing and Knitting (15 beneficiaries). - Bee-keeping (5 beneficiaries). *Training and education support:*

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		- Vocational training (1 of 21 from Haat), industrial apprenticeship (7 candidates from Haat), scholarships to 1400 students. - In 2014-2015, THDC sponsored vocational training of 246 youths in sectors such as hotel management, motor mechanic, fitter, masonry, electrician and excavator operator. - THDC has also sponsored 137 students for higher education for a total of INR 4,773,000. - 67 small contracts (up to INR 200,000) have been given to the community for implementation. - 33 widows have benefitted from the widow's pension. THDC has provided the following amenities in the resettlement colonies: - RCC pathways; - 64,000 liters of drinking water is supplied on a daily basis to Eldana and Daswana for 79 relocated families.[7] Additionally, 40,000 liters are supplied to Mayapur and Dobhi Ghat where a few displaced families have resettled; - Solar streetlights; - Electricity supply; - School building; - Panchayat building. *Fuel and fodder access:* The Project is implementing mitigation measures for possible loss of access to community forest lands for fuel and fodder; it is also financing the replanting of fodder material and trees in degraded areas as a compensation measure. Since 2012, each affected household has been provided with a cash annuity for this loss of access to fuel and fodder sources. The annuity is equal to 100 days of minimum agricultural wages and is being pad to households from all Project-affected villages. To date, THDC has disbursed INR 122,786,400 to 2,596 families, including to 86 from the Haat village.[8] This allowance will continue until the end of the construction period. THDC will provide access paths to the van panchayat and / or grazing land for the affected persons. The Work Order for pathway construction has been issued and the work has started.

[7] The rest of the Haat families have moved to other locations, such as Mayapur, Dehra Dun, Gopeshwar and Delhi since they all had houses outside of Haat.
[8] Which also includes households from Hatsari hamlet.

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		Ability to bring grievances to the Grievance Redress Mechanism: The VPHEP grievance redress mechanism (GRM) was established in 2009 and is functional as grievances are being received and resolved. The GRM includes a Grievance Redress Committee (GRC) headed by an independent Chair and supported by the Manager (Social) from THDC and Pradhan (Chief) of land-affected villages. However, during the Covid-19 pandemic, the Chair of the GRC resigned and since then, despite multiple attempts, no Chair has been appointed. The GRC members from the land-affected villages also stopped meeting as no physical meetings were conducted. The aggrieved persons, however, continued to visit THDC offices and grievances have continued to be received, either in writing or verbally, and have been recorded in the grievance register maintained by THDC. The GRM continues to be managed by THDC staff (Additional General Manager, Social and Environment; Senior Manager, Social; and Social Mobilizers). To resolve grievances, the THDC team involves the Pradhan or a representative of the concerned village. The District Administration is approached in case the grievance received is beyond the control / scope of THDC. The aggrieved person is informed about the resolution either through letter (preferred method during the pandemic) or in person. Since inception, THDC has received 330 grievances, including 38 grievances received between February 2021 and July 2022. The latest grievance was received on July 26, 2022. THDC is in the process of reinstating the GRC by appointing the village heads from seven land-affected villages. The next meeting with village representatives is scheduled for September 2022 and, as soon as the village representatives are on board, the position of GRC Chair will be advertised. **Inspection Panel's observations and determination, April 20, 2022:** • While the Requesters claim that "*the request did not include Haat livelihood but only Hatsaari",* the 2014 Investigation Report did in fact assess the issue of livelihood and the Bank's compliance with the requirements of OP/BP 4.01 and OP/BP 4.12 for both Haat and Hatsari. For Haat, the Panel presents its analysis in the section *"Impacts at Haat – the issue of livelihoods" (Paragraph 255)*. This detailed assessment is separate from the analytical section

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		"Impacts at Hatsari – the issue of livelihoods." (Paragraph 251). • On Haat, in its Investigation Report dated 2014, "*the Panel notes the substantial steps taken under the Project to identify and address the resettlement needs of displaced families from Haat village under the THDC R&R Policy."* • In addition, in its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel noted that "*the 2014 investigation addressed the issues of resettlement of the village, the restoration of livelihoods and the livelihood rehabilitation package.*"
11.	Almost 70 people reported that they only received water for 0-2 hours daily, while 12 people received water for 2-5 hours daily. The others had other sources and were staying elsewhere.	***Water supply: THDC is providing sufficient water for the domestic needs of the resettlement site, well above the state-prescribed minimum supply. The alleged water shortage raised in the Request is caused by uneven consumption inside the resettlement colony. Several households have installed pumps tapping into the service delivery line to pump water to their personal tanks and some are using water for irrigation activities, to augment rainfed irrigation, especially for watering the vegetable plots close to their houses. To try to address this problem, THDC has also recently increased the diameter of distribution pipes to help improve the water supply.*** ***While this is not a matter of policy compliance, Management has suggested that THDC offer to assist the community to find a solution that would ensure equitable water distribution and consumption in the resettlement colony.*** *However, the underlying governance issue related to water use remains a challenge that the community needs to address internally, possibly through setting up a water management committee.* Management has also asked THDC to consider means to measure water consumption and distribution for the entire resettlement colony to help establish a more equitable consumption. Prior to the resettlement, the community in Haat village manually fetched water for their daily needs from nearby natural sources. After PAPs moved to the main resettlement colonies (Eldana and Daswana), THDC provided piped drinking water to all houses. The pumping facility set up by THDC includes a main tank of 24,000 liters capacity and two pumps, a 10 HP pump for Eldana and a 12 HP pump for Daswana. There are two tanks of 6,000 liters capacity each in Daswana, and four tanks of 5,000 liters capacity each in Eldana. The total capacity of the tanks is 32,000 liters, and the water is pumped twice a day, securing an average, total water supply of 64,000 liters, or 810 liter/day/per household in the two colonies. According to Uttarakhand state

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		guidelines, the rural water supply schemes should envisage provisioning at least 55 liter/per capita/day. THDC regularly monitors the supply and quality of water and cleans the tanks at six-month intervals. The last monitoring was done in June 2022 and quality was found acceptable. Several households have installed pumps tapping into the service delivery line to fill their own personal water tanks. Other households use the same water supply for agricultural irrigation. This affects the water pressure and available volume, and hence impacts equitable water supply to all houses in the village, with those houses located at the tail end of the piped network suffering the impacts more frequently. The supply network was not designed to support operation of individual household water pumps. In response to complaints, THDC has augmented the water supply to the tail end houses by increasing the diameter of the distribution pipes. Management will also suggest that THDC attempts to facilitate some monitoring mechanism within the community to ensure equitable supply to all.
12.	**Tearing apart of social fabric of Haat village through scattered and isolated rehabilitation** Thus even if the initially in 2009, the then village headman along with 7-8 villagers signed some sort of agreement with the company, today the entire village stands united claiming for protection of their heritage, social community, and traditions. In fact the MoUs signed by the villagers was done under pressure, in ignorance of their rights and without any legal aid. It was done because they felt they had no choice and were bullied by telling them that those who did not accept the deal now would get nothing at all in the future. **2014 - DESTRUCTION OF COMMUNITY OF HAAT VILLAGE** This issue finds no mention at all in the report. In fact it states on pg 70, pt 258, that the villagers *'welcomed the opportunity'* to re-locate to self-owned lands across the river. The consequent loss of community and torn social fabric which the villagers are now deeply affected and traumatized by, have occurred over the last 8 years, subsequent to this scattering. Therefore this situation went uninvestigated in 2014. Even at the time the villagers felt they had no choice, but today with increased education and awareness, and a first-hand bitter experience of their plight, and the immensity of what they have lost, the entire village has united in opposition.	***Haat village was acquired in 2011 under eminent domain, applying OP 4.10. While acquisition of the entire village was not originally needed for the Project, it was done at the request of the community. The relocation took place; both collective and individual MoUs were signed and compensation well above market rates was paid.*** ***Management notes that six villagers decided to not sign the MoU, which confirms that they had the liberty to make that choice.*** ***Management also notes that the allegation of "tearing apart of social fabric" was not investigated because it was never raised by the community, either during the preparatory consultations or throughout the 2014 Panel investigation. In fact, the entire Haat village requested relocation.*** Please see Item 7 above for more details. **Inspection Panel's observations and determination, April 20, 2022:** In its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel noted that "*the community opted for self-relocation to areas of their choosing. This was noted in the Investigation Report, which observed that 92 percent of the families from the village requested relocation to the other side of the Alaknanda River.*[9]"

[9] Section II "Project Background", page 3, Management Report and Recommendation in response to the Inspection Panel Investigation Report.

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	THE VIEW OF THE ENTIRE VILLAGE COMMUNITY REGARDING ITS CURRENT DEGRADED SITUATION. The IP report 2014 states that it only met a few people of Hatsaari. The villagers of Haat claim not to have been represented at all. Today the entire village is signing this Request, as we had done in the past, by an official resolution of the entire village. Also the resolution of the entire village as mentioned earlier, declaring their temple and village site as protected is an entirely new evidence and circumstances, showing most clearly just how tormented the entire village is.	**Background, mitigation measures and current status:** As noted in Items 6 and 7, the community opted to self-relocate on lands they owned on the left bank of the river. Most households chose to move to these nearby villages across the river (at least 1 km from Haat), where the majority of them had adjacent land parcels, implying that this would enable them to retain their social fabric. Collective and individual MoUs were signed in the presence of the District Administration, thus ensuring the transparency of the process. Six households declined to sign the MoU, which proves that there was a choice to do so without sanctions. In order to ensure the community continued to have communal assets in the relocation sites and retain their social cohesion, THDC constructed common property resources such as a village panchayat building, a primary school building, pathways, etc., and also provided electricity and water supply to the houses.
13.	**OP 4.36, Safety of Dams** Increasing threats of Climate change induced disasters and extreme weather events like flooding, high and concentrated rainfall, flash floods, etc. have not been accounted for at all. The recent human tragedy in Chamoli (2021) not far from Haat village, has shown how vulnerable the entire area is. HEPs are NOT safe. Point 12 below explains in detail how expert studies are now voicing against the building of HEP's, not only because of the likelihood of human disaster involved but also because of the very high threat of these expensive HEP's being washed away or thoroughly damaged themselves, as has been seen. **ENVIRONMENTAL CONCERNS VIOLATED:** After June 2013 Kedarnath flood, concerns were raised on mushrooming of bumper to bumper hydro projects on Ganga and her tributaries. The Hon'ble Supreme Court in the matter of Alaknanda Hydro power Vs Anuj Joshi &Ors, Civil Appeal 6736 of 2013, took suo moto cognizance of this disaster and in its judgment dated 13.08.2013 directed to not grant any further clearances to hydro projects. Supreme Court also constituted an Expert Body for examining the adverse impacts of hydro projects in the Himalayan Ecology. The Expert Body submitted its report in April 2014, thereafter Supreme Court stayed the 24 proposed future projects on Ganga and her tributaries through its order dated 07.05.2014. The matter on under construction hydro projects (which includes Vishnugad-Pipalkoti project also) is still to be decided by the Supreme Court. MoEF&CC also accepted the findings of Expert Body and admitted that existing and under construction Hydro projects have caused irreversible damage to Himalayan	***The safety of the Project dam was assessed and cleared in line with OP 4.37. THDC has put in place additional measures – beyond policy compliance – to ensure dam safety.*** In its **2014 Investigation Report,** the Panel found the Project to be in compliance with OP 4.37. The Panel found that "*In compliance with OP/BP 4.37, Management took adequate measures to ensure the preparation of relevant studies by THDC during Project design, appraisal and implementation stages to mitigate the risks raised in the Request related to earthquakes, landslides and extreme weather events. The Panel notes the importance of taking into account and addressing the potential risks raised in the Request in the studies to be prepared during Project implementation."* The Panel also stated in its 2022 Notice of Registration that "*In the Notice of Non-Registration concerning the second Request, the Panel noted that the 2014 Investigation addressed the issues of dam safety [..].*" **Background, mitigation measures and current status:** The following studies and analyses were conducted during preparation: • <u>*Downstream Impact Analysis for VPHEP*</u>: In 2008, a detailed report was presented to the Bank, analyzing the flow conditions of the Alaknanda river and their impact on the VPHEP assets as well as surrounding areas (Alaknanda river basin, Ganges river downstream, etc.). • <u>*Large-Scale Hydropower on the Alaknanda River - Cumulative Impact Assessment (CIA)*</u>: In 2012-2013, the Government of India conducted CIA of hydropower development in the Alaknanda Basin. One part of the study was conducted by the Wildlife

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	ecology and have played direct and indirect role in aggravation of June 2013 flood. MoEF&CC in its affidavit of 5.12.2014 also concluded on the basis of Expert Body findings, that *'It is pertinent to conclude that there has been a direct and an indirect impact of the HEPs in the aggravation of the floods of 2013.'* Ministry of Jalshakti (then the MoWR&GR) also submitted its view before the Supreme Court on 31.05.2016 which raised serious question mark on the construction of these projects and concerns related to the security of these areas and rejuvenation of National river Ganga. It states as under: *"18.5 The region around these projects is located in a geologically unstable and seismically active area. Hence, the impact of any of the disasters will have a devastating effect on the people, flora and fauna and on the entire ecosystem as a whole, which is uncalled for and unwarranted for.* *18.8 In the larger public interest, safety of the people living in these areas along with the interest of pristine environment, biodiversity, the unique ecological character of the area as well as the river and the commitment for the concept of sustainable development and precautionary principle (which has been reiterated by various judgments of !he Hon'ble Supreme Court), there is a need for a review of these projects.*" Since then, in 2013, even after witnessing the ravages of the Kedarnath floods, which shook the nation, the Vishnugad-Pipalkoti project commenced its construction work in a sporadic and haphazard manner even though the matter of HEP's in the Ganga-Himalaya was sub-judice and the projects were under a freeze. This demonstrates the utter irresponsibility of the project proponents in their mad haste, greed, and desire to undertake such projects. More recently the Prime Minister's office stated in its minutes dated 25.02.2019 that *'No new hydro electric project shall be taken up on River Ganga or its tributaries in the State of Uttarakhand.....with respect to the projects under construction, the seven projects as recommended by MoWR, which are reported to be more than 50% complete (listed at Annexure I) may be taken up for further construction.*" The villagers claim from their own observations that hardly 30 percent of the work must be completed. That, the law (MoEF&CC Notification dated 18.03.2021) mandates that if the physical progress of a project is below 50% during the expiry of its environmental clearance, then it has to go through a proper public hearing process to apply for fresh environmental clearance. However, THDCIL made a	Institute of India (focusing on biodiversity) and the other part of the study was conducted by the Indian Institute of Technology (IIT)-Roorkee (focusing on hydrological aspects). The recommendations of this study resulted in enhanced environmental flow to the VPHEP (from 3 m^3/s to 15.65 m^3/s), detailed fisheries studies and ecological monitoring. The values are to be adjusted during the operation stage, in line with the 2018 Order of the Ministry of Water Resources, River Development and Ganga Rejuvenation. ***The Panel found in its 2014 investigation report*** that *"Management complied with the provisions of OP/BP 4.01 by ensuring the preparation of a cumulative impact assessment for the Project and by incorporating the recommended increased minimum environmental flow into the Project to mitigate cultural, religious, and biodiversity impacts" (Para 139).* <u>Studies specifically targeting dam stability and safety</u> • *Dam Break Report (2015).* • *River Morphology Study* (by the Government of Uttarakhand with support of the World Bank – Uttarakhand Disaster Risk Reduction Project), providing a list of critical spots which require river training works, and a detailed study of nine critical points and DPRs for them (2018). Of the nine, five river morphological works have been recently completed. The Government of Uttarakhand is taking further implementation actions. <u>Additional studies handed over to the Inspection Panel during the 2014 investigation</u> • *Geological Baseline study* – by THDC Design Department. • *Seismic analysis of dam foundation system* – By IIT-Roorkee. • *Sediment handling and optimization study* – By DHI, Denmark. • *Site specific design earthquake parameters* – by IIT-Roorkee. <u>Emergency Operations Procedures</u> Several emergency procedures have been developed, based on the nature of the emergency. Such procedures cover the entire sequence of an emergency, from assessment to termination and follow-up. Particular attention has been given to flood risks directly related to the VPHEP. <u>Early Warning System</u>

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	false claim in May 2021 to the MoEF&CC that the project had achieved a 51% physical progress. On this false claim it was granted a fresh environmental clearance. However, the Environmental appraisal committee (EAC) itself in its meeting minutes dated 29.07.2020 recorded the physical progress of the project is below 30%. It shows their total unconcern with public safety and welfare; it reveals their casual, unscientific and uniformed attitude towards a highly threatened and unstable environment. It shows the villagers that the THDCIL are not to be trusted with an honest dealing in any matter whatsoever.	As defined in the 2016 Emergency Action Plan (EAP), an Early Warning System has been put in place, under which three types of notifications can be issued, based on the type of emergency: pre-alert notification, alert notification, warning notification. The responsibility for notification and communication lies with the Dam Control Room for internal communication, and with the Planning Department for liaison with State/District Authorities. A robust 24/7 communication system will be implemented upon operationalization of the Project (permanent control room above the level of dam top; with landline phone, mobile phone, fax, internet-connected computer). *Additional safety measures implemented following the 2021 February flash flood of the Alaknanda* • In February 2021, a glacial avalanche in an upstream tributary (Rishiganga) of the Alaknanda triggered massive flash floods. • Two HEPs upstream of VPHEP suffered significant structural losses and several workers perished. • VPHEP remained largely unaffected although the coffer dam was over-topped by flood waters that were 1-1.5 meters higher than its designed height. • **Following the floods, THDC reviewed the design and raised the height of the coffer dam by 5 meters, from elevation 1,241 masl to elevation 1,246 masl.** • To enhance critical communication between upstream and downstream areas, preventing human (workers, staff, communities) and infrastructural losses, **Early Warning Protocols were made more robust and a Standard Operating Procedure (SOP) has been established:** ➢ **Data Collection:** hourly (monsoon); otherwise daily ➢ **Data Transmission and Control Rooms:** GSM, Wireless or VSAT phones (ensuring 24/7 connectivity between control room at dam site, powerhouse, tailrace tunnel and other establishments). ➢ **Data processing and flood forecasting:** in collaboration with other upstream projects and organizations (NTPC, CWC, etc.) ➢ **Dissemination of forecast and warning:** Control room and dam site to first issue warning and simultaneous alerts by Central Command and Control Station. Siren alarms deployed.

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		 *Photo 6. Raised height of coffer dam (Following the 2021 Alaknanda flash floods, THDC reviewed the design and raised the height of the coffer dam by 5 m from elevation 1,241 masl to elevation 1,246 masl)*
14.	**Environment (flooding/climate change)** **HYDRO ELECTRIC PROJECTS (HEP'S) NOT A VIABLE OPTION ANY LONGER AS FLOODING EVENTS INCREASE** One of the major impacts of climate change is the receding of glaciers. Glaciers in the Himalayas especially are reported to be retreating faster than anywhere else in the world. Therefore extreme flooding in river beds and glacial streams is expected. Studies predict an increase in the magnitude of these extreme flows and the occurrence of floods in the Ganga basin. The melting glacier results in the formation of glacial lakes (GLOF) that can burst at any moment, and cause flooding in the river downstream. This was what occurred in the 2013 Kedarnath disaster. In this disaster not only were several HEPs damaged badly, but the maximum damage was also found to be in the vicinity of the HEPs. In the 2021 Chamoli disaster in the glacial stream of Rishiganga, Rishi-Ganga HEP was wiped out and Tapovan-Vishnugad HEP buried under tonnes of debris. **<u>IISc study dated 30.09.2021</u>** The Indian Institute of Science (IISc) and the Indian Institute of Technology-Kanpur report provides insights into how climate change and human activities like building dams affect the region. [t analyses the effects of past human activity on the mountainous regions,	***The Requesters' discussion about the overall value and risk of hydropower projects is beyond the question of compliance with Bank Policies. The broader issue about the development of hydropower in the state is a matter of discussion with and decision of the Government of India. Management, therefore, is not in a position to respond to the Requesters' views about hydropower.*** ***As far as the VPHEP is concerned, Management notes that it was one of seven hydropower projects in the state of Uttarakhand that were allowed to proceed with construction after the detailed review conducted by the Government of India, a decision which is also reflected in Attachment 8 (ref Para IIc and Annexure I) of the Request for Inspection.***

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	focusing on two significant tributaries, Bhagirathi and Alaknanda. It states, *"The impact of changing climatic conditions are more predominant in the Alaknanda basin. Our extreme frequency analysis also suggests an increase in the magnitude of extreme flows for different return periods in the Alaknanda basin. Further, the observed records indicate an increase in the frequency of extreme flood events in the UGB (upper Ganga Basin), especially in the Alaknanda basin."* **<u>53 scientist study dated 10.06.2021</u>** Moreover, last year a detailed scientific report on the flood of 7th February by a group of 53 field experts across the world, is published on 10th June 2021 in a renowned journal 'Science'. This report also concluded as under; *"The Chamoli event also raises important questions about clean energy development, climate change adaptation, disaster governance, conservation, environmental justice and sustainable development in the Himalaya and other high mountain environments. The disaster tragically revealed the risks associated with the rapid expansion of hydropower infrastructure into increasingly unstable territory.* ''. **<u>NDMA study dated April-2022</u>** And now, on similar lines, the National Disaster Management Authority (NDMA) too in its recent report of April-22 said that the government may need to pursue alternative sources of energy in the long run instead of relying on hydropower from Uttarakhand. The report of NDMA recommends as under: *"In the long run, the pursuit of alternative sources of energy will need to be looked at since this zone appears to be environmentally fragile. A separate study on that may be set up by the Ministry of Power."* **2014 - VIABILITY OF HYDRO PROJECTS GIVEN RECENT DISASTERS VIA NEW STUDIES.** This issue has not been addressed as the Chamoli disaster (Haat is located in Chamoli district) took place in 2021, and the studies referred to are all new and updated on the current situation and rethink of hydro-power. Even the 2013 Ravi Chopra Committee report referred to in the IP report had nonetheless voiced these concerns.	

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15.	**HEAVY ECONOMIC LOSSES SUSTAINED TO DOWNSTREAM HEP'S IN LAST DECADE** The initial project cost of Vishnugad-Pipalkoti (444 Mw) was set to Rs 2800 crore, which as per 2021 report of Central Electricity Authority (CEA) has risen up to Rs 4900 crores. Further the physical progress of the project is below 30% as per EAC minutes. Further, much more increase in the project cost is anticipated due to harsh ecological challenges of the Himalayan terrain. In a similar way, the initial cost of Tapovan-Vishnugad (520 Mw) project just upstream of the Vishnugad-Pipalkoti was set to Rs 4200 crore, which crossed a figure of Rs 13,000 crore in last year when the project was 70% completed. After this, barrage and tunnels were buried under debris in Rishi-Ganga flood, this flood further caused loss of about Rs 1600 crore. The past 15 years history of ecological challenges faced by these projects, is the testimony of economic non-viability of such projects in this highly sensitive Himalayan terrain. Rishiganga HEP (13.5 Mw), located above Vishnugad-Pipalkoti, was completely washed away, total loss of about Rs 150 crore in February 2021.	***Physical progress of the VPHEP stands now at more than 60 percent.[10] The number cited in the Request is incorrect.*** ***The Government of India commissioned on "Assessment of Cumulative Impact of Hydropower Projects in Alaknanda- Bhagirathi Basins." While assessing the cumulative impacts of various ongoing and proposed projects, the report also elucidates the localized and cumulative impacts of individual projects in Alaknanda river basin (Table 1A, page 22). For the VPHEP, while the report mentions moderate to high cumulative impacts on environment (the study also assessed that remedy is possible), it also mentions that impacts on springs, drinking water, water quality, irrigation, construction are localized and either negligible or low. On the cultural and religious places, the report has assessed negligible impacts. Importantly, the report has assessed that the project impacts on tourism and socio-economic would be positive.*** ***Management is neither in the position to verify the representation made in the Request about other hydropower projects, which are not financed by the Bank, nor are these representations in any way relevant to the assessment of the Project's compliance with Bank Policy.***
16.	**ISSUES NOT COVERED IN 2014 IP REPORT** The 2014 report has not covered the issues reported above. In fact this is quite clear in the Executive summary itself where in outlining 'MAIN CLAIMS IN THE REQUEST' it states-'*The key issues are: environmental impacts from construction and operation of multiple dams; cultural and spiritual significance and special qualities of Alaknanda river and consideration of project externalities. The second state of claims relates to local environmental and socio economic impacts. Specifically these refer to issues of loss of water etc. in surrounding villages, risks relating to structures, landslides and earthquakes, risk to aquatic life and ecology from altered flow, and effects of sediment release. Local socio-economic impacts include: resettlement and restoration of livelihoods, gender impacts and local benefit sharing.*" The 2014 investigation was mainly concerned with Hatsaari hamlet and not with Haat village. The only cultural significance addressed was that of the Alaknanda river itself.	**Inspection Panel's observations and determination, April 20, 2022:** In its Notice of Non-registration of the Second Request for Inspection, dated April 20, 2022, the Panel concluded that "*the concerns raised in this request* – [resettlement and livelihood rehabilitation, infrastructure and safety conditions, physical and cultural resources, environmental clearance, allegations of intimidation and reprisals] – *relate to issues already investigated in 2014 when the Panel received the previous Request. Therefore, they cannot be considered new evidence not known at the time of the prior Request, as required under the Inspection Panel Resolution".*
17.	**PRIOR CONTACT -** Yes, the concerns were duly communicated to the world bank management. All the relevant communications	***It is Management's view that all the Project-specific claims of harm/potential raised in the Request have either been already addressed or are currently being addressed***

[10] Corresponding to 33 percent when considering only the two Project components covered by the Bank loan.

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	related to our dissatisfaction were already communicated to the Inspection Panel in our first complaint of March 2022. So far as the minutes show, our meeting with the world bank team and the THDCL have been fruitless.	***through mitigation and management measures compliant with Bank policies.*** THDC and the task team have also maintained open channels of communication with the community to ensure that their concerns are heard and addressed. THDC has hired two community facilitators with the specific task of engaging with all Project-affected communities, including the community from Haat, on an ongoing basis. The task team has met with representatives of the Haat community several times since their concerns were first raised, including in December 2021, March 2022, and July 2022. During the July 2022 site visit, the community living in the resettlement sites raised some additional concerns that were discussed with THDC to find an effective solution. For instance, the community raised the issue of poor water supply for tail-end houses: THDC augmented the water supply by increasing the diameter of the pipe. Water supply to the resettlement colonies has been successively increased on the demand of the community from initially 20,000 liters per day to 40,000 liters per day and now stands at 64,000 liters per day. The community also raised the matter of damaged internal pathways in the resettlement colonies. THDC indicated that it had already issued work orders for both (i) repair of internal pathways of both the resettlement colonies as well as for (ii) a pathway to access community forest. THDC has committed to continue engaging with the community and the district administration to resolve any remaining concerns.
18.	**Additional Issue.**	**Helang village** ***While not related to the Project or the Request, Management would like to clarify some issues related to an incident in Helang Village in July 2022, since it has been erroneously linked with the Project in some sections of the media.*** Helang village is located approximately 2 km upstream of the VPHEP Dam, adjacent to the National Highway. On April 30, 2022, the inhabitants of Helang requested the District Administration to construct a community playground on public land in the village. The District Administration requested THDC to develop the playground using some of the excavated material to help level the ground. The leveling and fencing work was started in the presence of the District Administration on July 15, 2022. Management understands that, during the works that day, some community members opposed to the development of the playground got into a dispute with the police that the

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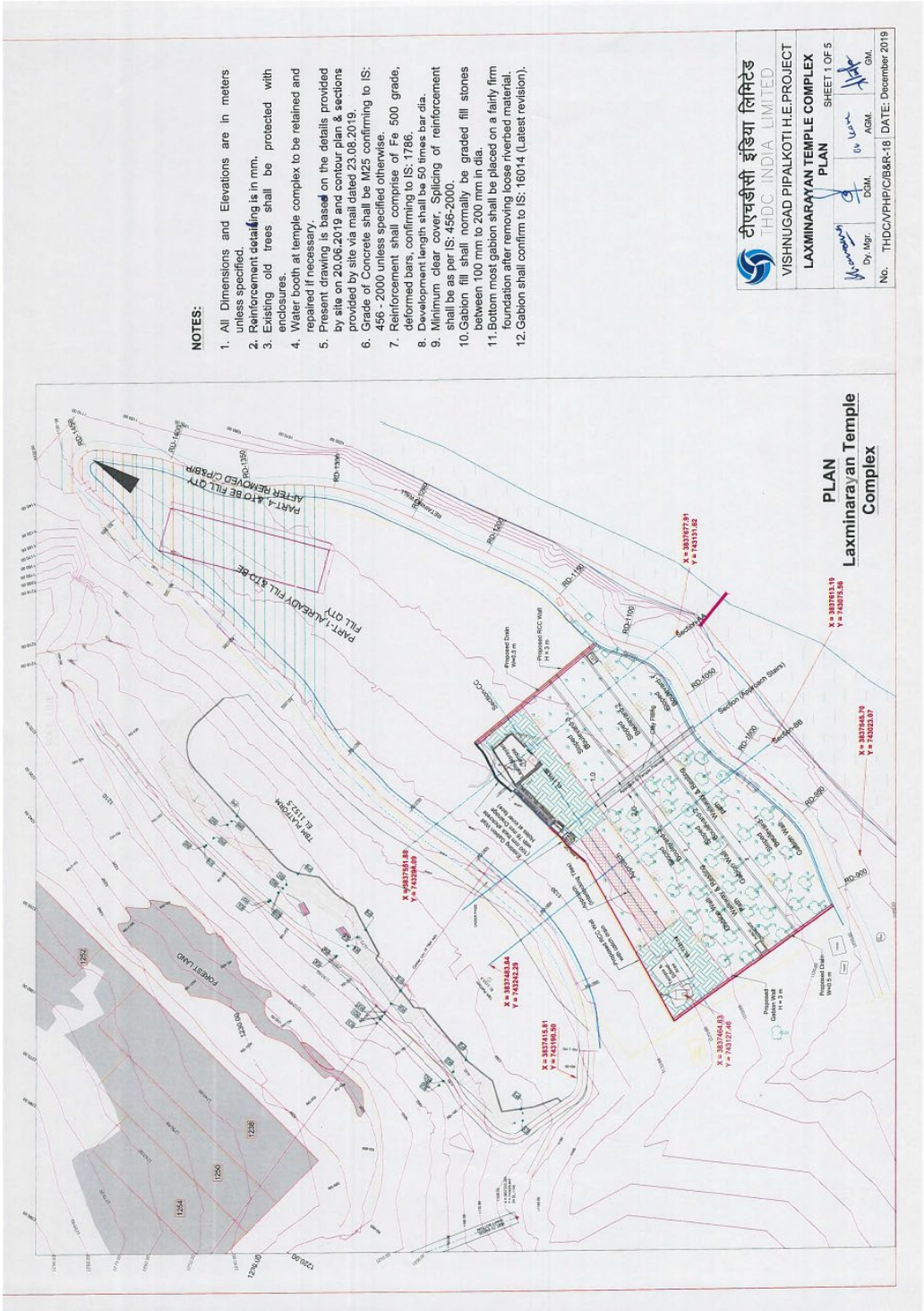
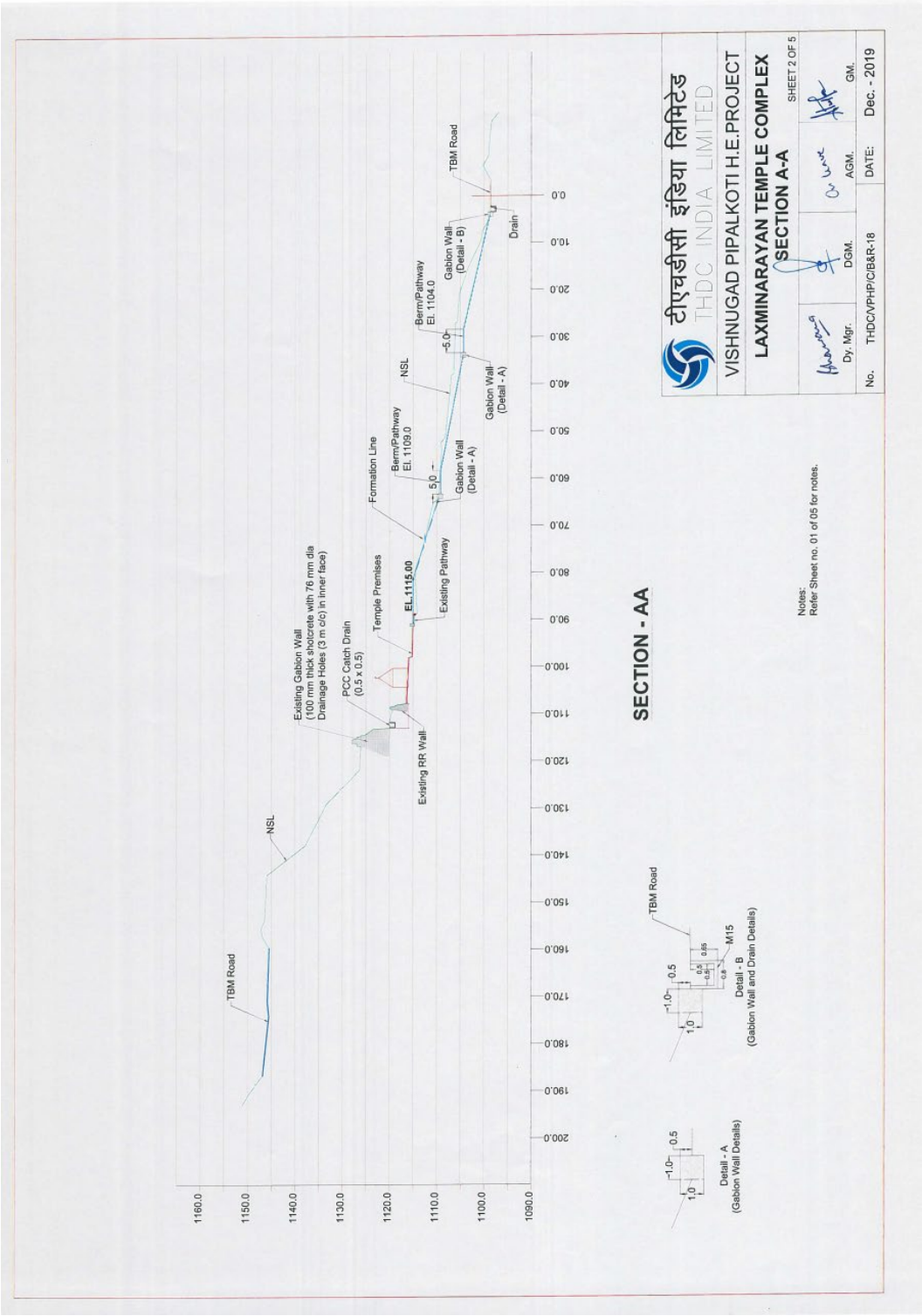
		District Administration had stationed there. The state government has announced an inquiry into the incident. To reiterate, the incident is not related to any Bank-financed project works, but to community civil works requested by the district authorities. THDC's role in supporting the construction, including by supplying material excavated from the VPHEP tunnel for ground-levelling, is entirely unrelated to the Project. Any suggestion that THDC is using the playground as a proxy muck-dumping site is erroneous. The Project has acquired sufficient land to safely deposit excavated muck and does not require additional space or recipients of muck for that purpose, such as the Helang works.

ANNEX 2.
POST-CONSTRUCTION LANDSCAPING PLAN OF THE ENHANCED TEMPLE COMPLEX

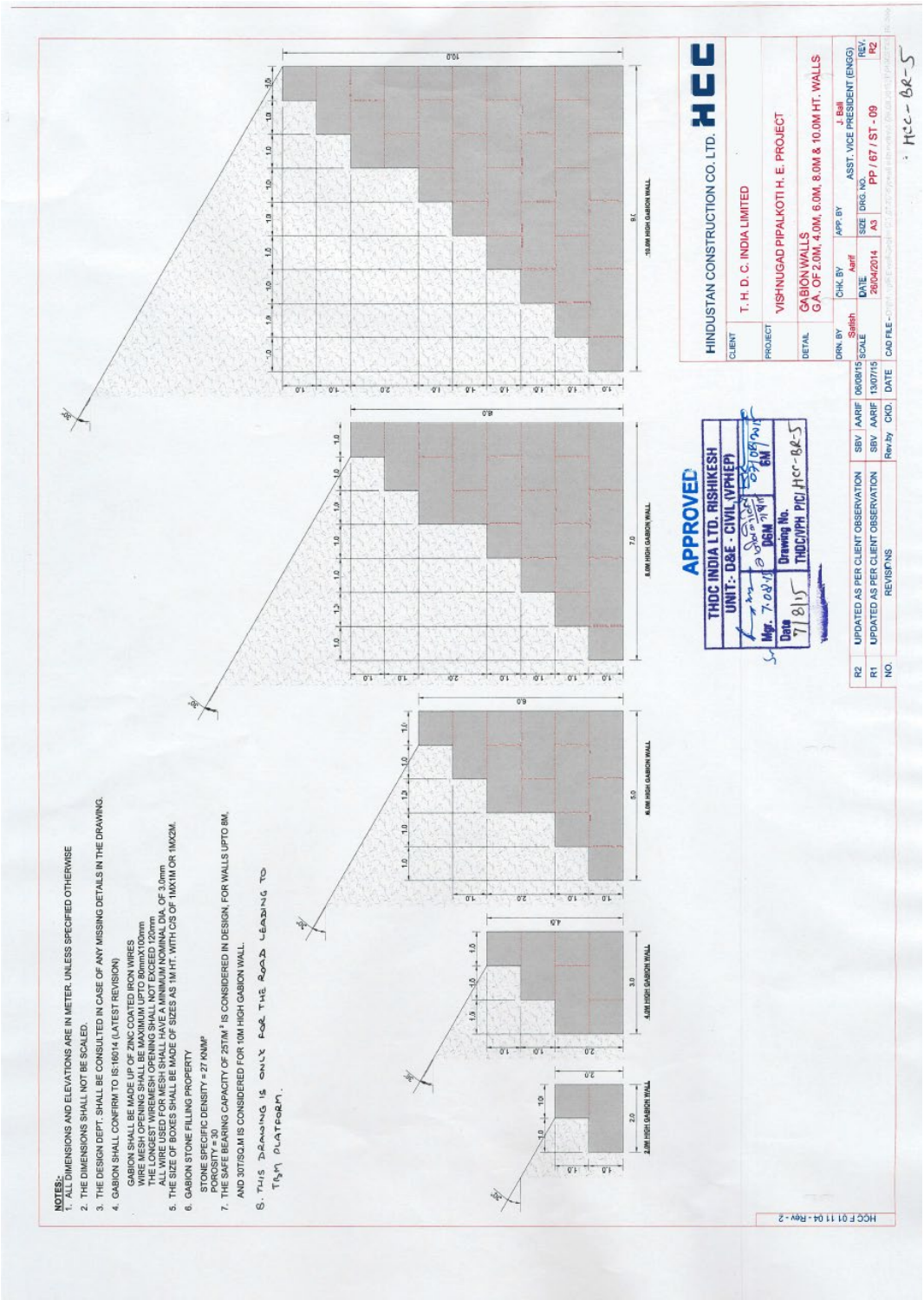


ANNEX 3:
CROSS-SECTION OF THE TEMPLE LANDSCAPE INCLUDING THE GABION WALL



ANNEX 3

ENGINEERING DESIGN OF THE GABION WALL



MAP

IBRD 35230
Project: India Vishnugad-Pipalkoti Hydro Electric Project (VPHEP)