

Resettlement and Rehabilitation / Involuntary Resettlement

- Resettlement is required for a range of development projects, e.g., irrigation projects, nuclear power plants and coal mining. Resettlement and rehabilitation (R&R) should be provided for those who are actually affected. Land, assets and livelihoods should be considered, and how the resettlement process leads to compensation, which is channeled to improved living standards.
- The big problem in R&R is that the market value doesn't match what is required. It is a big gap and this results in the evasion of stamp duty. One other problem is that we tend to monetize everything but compensating for loss of livelihood with wages doesn't always work. There have been situations where resettlement has taken place and land was given to project-affected villagers in a host village, but even after 25 years, the host villagers are unwilling to accept the project-affected people. Even with the best of efforts and intentions, it is possible not to get it right. There is a need to look at livelihoods with a more broad-based focus. Implementation governance should be integrated with the policy.
- With regard to involuntary resettlement, the present conditions are fine. The 4th version of the Bill that is awaiting parliament approval, is perfect in policy if not correct practically. It is taken from World Bank and UN documents, and has provided for everything that needs to be there.
- There is a need to identify Centres for Excellence, e.g., to train manpower on R&R. Such training is an absolute must. It is important to aggregate the knowledge and experience in these centres. About 1,400 people were recruited in the Upper Krishna project – which is even bigger than the Sardar Sarovar Project (SSP). All of them were trained. Training officials from the top to bottom is absolutely necessary. Trainers should be trained by these Centres and these trainers should provide further training. Such training should be explicitly mentioned in the borrower's loan agreement.
- Strengthening implementation of the RAP is required. Preparation of micro-plans requires a clear proforma / formats. Also, training on micro-plans should be provided to NGOs supporting their preparation and implementation.

Land acquisition

- The land acquisition (LA) cycle and the technical project preparation (DPR) cycle need to be better correlated in Bank projects. This is not often the case and the design consultants are often not around when the LA process is completed (sometimes it takes 3 years). This makes design corrections difficult. Explicit preference should be given to the negotiated process in the LA Act in order to ensure that the LA cycle moves in tandem with the technical DPR cycle.

Indigenous Peoples

- On Indigenous Peoples, India has probably gone beyond what the Bank requires. There are 5 different laws, e.g., the PESA Act (Free & Prior Informed Consent is the main question on which PESA dwells), R&R policy and Tribal Development Act.

Cultural Property

- In the present form, the Bank's safeguard policies concentrate on cultural resources of a higher level as opposed to such resources at the community level. For instance, a minor temple in a community is not given the required importance. In India, for every 100 people, there is a temple. In the preamble of the policy, there are only a few words used to describe such minor cultural properties. Greater elaboration is required. This is particularly relevant in India as it is a multi-religion country. In one project, about 2,500 temples had to be relocated in about 100 villages. In the Upper Krishna

project, one mosque, one temple and one church were all required in a particular location. Nobody occupied these properties and they were converted into a community centre.

Safety of dams

- In the Safety of Dams policy, there is a lot of emphasis on technical parameters. Dams store the water but during the lean months they dry up. There is no provision for water flow downstream in the lean months. This should be mandated as flora and fauna and drinking water availability are affected adversely downstream. Allowance for this water should be provided and deducted as not available for the power or irrigation.
- Also, the dam break analysis is an essential aspect. There is a lot of emphasis is on the technical side but not on the management side. For instance, unprecedented or huge rainfall may cause unanticipated impacts downstream. As downstream inhabitants may not be used to so much water flowing, some kind of continuing education programme should be done as a part of dam break analysis. These aspects as well as preventive evacuation should also be reflected in the policy on Safety of Dams.

Environmental Assessment / Forests

- Classification of forests is an issue in environmental assessment. The Supreme Court has provided a definition. However, there are forests without trees and instances where local Governments allow alternative use, such as university campuses, in these forestlands. The definition of a forest is thus a tricky issue and there are many other forest vs development issues that need to be addressed as well, for example in remote villages, where water pipelines cut through forest areas. Should these remote villages be connected or should they continue living as in the past, as museum pieces? These are the issues that need to be addressed.

EMP implementation

- Implementation of the EMP is the big challenge. A penalty clause is being introduced but the borrower/client should have the commitment to implement the EMP from the outset.

Social Development

- Social development is increasingly being emphasized. This is a healthy trend that needs to be further encouraged, because if it is not taken into consideration, only revenue and engineering aspects are covered. Often, the finance manager responsible for projects chooses to combine roles, e.g., social and communication consultant, to reduce costs, without paying heed to functional requirements.

Categorization

- There is a need for greater clarity on categorization across sectors and project types. This will help not only in projects that are directly funded by the Bank but also projects funded through financial intermediaries (Fis), who have their own categorization.

Environmental Assessment Report Structure

- EIA requirements of the Bank are different from those of the national regulator. For instance, the EIA report structures are different. It would be better if the same report structure were used, with additional sections being added as required. Also, the Government of India has established a National Accreditation Board for individuals conducting the EIA. For the accreditation as well,

preparing the report using the national regulatory requirements and reporting structure is the way forward. It would be preferable for the Bank to recognize and accept the same structure.

Manpower

- During project implementation, critical positions are created on an adhoc basis. Once the project is completed, then these posts are abolished. The situation is the same in most development sectors, including health and others. Manpower planning and commitment should be much more rigorous, and included in the loan agreements. Once these permanent positions are created, the incumbent staff should be trained.
- Creating safeguard positions only for the project period is limiting. It should be made a permanent feature of the organization. Otherwise, there is no continuity to the work initiated under the project. The idea should be to use the project implementation period to mainstream safeguards into the culture.

Information dissemination

- There is a need to make information on good practice widely available and to share information on how to do things better. There is also a need to change our approach towards disclosure. Presently, there is only limited or partial disclosure

Integration of policies

- Different Operational Policies (EA, Physical Cultural Resources, Involuntary Resettlement and Indigenous Peoples) are closely intertwined. Some examples of such inter-linkages, such as crematoria, and natural habitats, were discussed. These should be recognized and explicitly recognized in either the Project Agreement (PA) or the Development Credit Agreement (DCA).

Any additional comments or suggestions

Performance levels

- Users pay for the gaps and deficiencies in the administrative system. For instance, in water, a user fee is charged based on costing that is done by engineers and economists without paying adequate attention to maintenance costs. Therefore, what is said to cost Rs. 100 works out to Rs. 500, and this creates a need for viability gap funding. There are no standby pumps for 24/7 supply, there are pipeline leakages and the quality of pumps is poor. People are not getting the services but are being asked to pay the price. This form of privatization is not fair. Better performance standards need to be established.
- In development projects, disbursement indicators should be tied to project performance.
- In the state of Karnataka, the deficit has grown substantively in the last 5 years. The reasons for the deficit are the responsibility of the Government, not external funding agencies.
- There needs to be a seamless understanding between the project management unit and the rest of the implementing organization.
- Better institutional sustainability should be ensured. Promises made to the community should be kept. For this, maintaining the posts of social development officers after project closure should be considered. Many times, past commitments have not been met, and 15 years later, the public is asking about such commitments. Now, similar promises are being made again. It is difficult to have trust in future commitments given past history.

- Project stakeholders need to be educated to realize the benefits a project will provide. Sometimes, projects stimulate dreams that may or may not be realized. It is important to develop the baseline, and to sustain and improve on it. Projects should have small information centers – for example, in the context of lake remediation / restoration – so that people realize what has been achieved.