Asian Development Bank Accountability Mechanism
Compliance Review Panel

REPORT ON ELIGIBILITY

To the Board of Directors
on
Compliance Review Panel Request No. 2022/3
on the
Rajasthan Urban Sector Development Program in India
(Asian Development Bank Loan 3183)

21 October 2022

This document is being disclosed to the public in accordance with ADB’s Access to Information Policy.
ABBREVIATIONS

ADB – Asian Development Bank
AMP – 2012 Accountability Mechanism Policy
AMR – ADB Management’s Response
CRP – Compliance Review Panel
PIU – project implementing unit
PMU – project management unit
SARD – South Asia Department

NOTE
In this report, “$” refers to United States dollars.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.
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I. BACKGROUND

1. On 19 August 2022, a request for compliance review (the Complaint) was forwarded by the Complaint Receiving Officer (CRO) of the Asian Development Bank (ADB) Accountability Mechanism to the Compliance Review Panel (CRP) in respect of ADB Loan No. 3183: Rajasthan Urban Sector Development Program (the Project) in India.\(^1\)

2. In accordance with para. 178 of the 2012 Accountability Mechanism Policy (AMP) and associated operational procedures on the Accountability Mechanism,\(^2\) the CRP carried out an initial assessment and concluded that the complaint fell within the mandate of the compliance review function. The CRP therefore requested an ADB Management response to the complaint.

3. After reviewing all relevant documents and consultations, the CRP determined, on the basis of the exclusion specified in para. 142 (ii) read with para. 180 of the AMP, that the complaint was ineligible for compliance review. At the time of this eligibility determination, prior good faith efforts to resolve issues with ADB’s South Asia Department (SARD) have been initiated by the complainants but had not received a substantive response from SARD. Accordingly, the CRP is unable to conclude that the complainants "made prior good faith efforts to resolve issues with the operations department concerned" in accordance with the above provisions of the AMP.

II. THE PROJECT

4. The Project, which is the subject of the Complaint, is a project loan of $250 million that is part of the Government of Rajasthan’s sectoral development program to improve water supply and wastewater services for its residents. The project loan was approved together with (i) a program financed by a policy-based loan (Loan 3182-IND) to support policy reforms, including institutional development and governance improvement in the urban sector in the State; (ii) a grant (Grant 0413-IND); and (iii) a technical assistance (TA 8749) for capacity building of institutions in the urban sector in Rajasthan.\(^3\)

5. The Project invests in the water distribution network in five project cities and sewerage systems in six project cities. Its output includes water supply system rehabilitated and expanded in five project cities; wastewater system rehabilitated and expanded in six project cities; and capacity building and efficient program management implemented. Activities relating to the rehabilitation and expansion of water supply system include (i) distribution network improvement, including digital network systems; (ii) provision of individual property connections to households, especially the poor and households headed by women; (iii) provision of 24-hour water supply; and (iv) improvement of water supply efficiency by reducing non-revenue water and energy losses of electromechanical machinery. Under the rehabilitation and expansion of the wastewater system in six project cities, the activities include (i) rehabilitation and expansion of the sewerage network, including separation of sanitary sewers from drains, and property connections; (ii) modernization and expansion of wastewater treatment plants; (iii) use of wastewater as a resource, including recycling of wastewater, and energy generation through sludge digestion and gasification; (iv) septage management and decentralized wastewater treatment systems in suitable areas; and (v) total sanitation and solid waste management. Sri Ganganagar, where the complainants reside, is

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\(^1\) Information about the Project is available at [https://www.adb.org/projects/42267-026/main](https://www.adb.org/projects/42267-026/main).


\(^3\) ADB. 2014. Report and Recommendation of the President to the Board of Directors: Proposed Loans and Technical Assistance Grant and Administration of Grant to India for the Rajasthan Urban Sector Development Program. Manila.
one of six (6) cities where separate subprojects were developed for the implementation of water supply and sewerage systems improvement.

6. The borrower is the Government of India with the Government of Rajasthan, acting through its Local Self Government Department (LSGD), as executing agency, and the Rajasthan Urban Infrastructure Development Project (RUIDP) as implementing agency. 4 A project management unit (PMU) and a project implementing unit (PIU) for each of the six (6) project cities are responsible for the day-to-day implementation of the Project in the project cities.

7. The project loan was approved on 24 October 2014; became effective from 25 November 2015; and closed on 16 February 2021. At the time of loan closure, $109.57 million had been disbursed following partial loan cancellation at the request of the borrower. The Project was categorized as B for both environmental and involuntary resettlement impacts and C for indigenous peoples’ impacts. In Sri Ganganagar, the contractor for the civil works is Larsen & Toubro Limited (L&T). As stated in the ADB Management’s Response (AMR), L&T’s contract, which has 6 January 2017 as start of works, includes 10 years of operations and maintenance. It provides that works should be completed within 3 years from start of works, with a defect liability period of one year from works completion. As of 9 August 2022, overall works progress is reportedly approximately 95%. The Government of Rajasthan has financed the remaining works that had not been completed at the time of loan closure, and these are expected to be completed by 31 December 2022.

III. THE COMPLAINT

8. The complaint was submitted by 25 complainants. All but one requested that their names and contact details be kept confidential. Issues raised in the complaint include inconvenience due to construction works carried out without respect for fundamental and human rights; lack of accountability of the implementing agency, employer’s representative, and contractor; damage to properties; rainwater flooding due to raised street levels, poor quality of restored roads; and disturbance to people’s daily life (Appendix 1 of this report).

9. On 25 August 2022, the CRP met virtually with one of the complainants. The complainant concerned explained how the complaint had come about and confirmed that he was not acting as a representative of any of the other complainants. The CRP sought further information to establish whether the complainants had yet raised their concerns with the operations department concerned (in this instance SARD) and explained that the complaint may be excluded from eligibility in the absence of good faith efforts by the complainants to resolve the issues with SARD. The CRP established that at that point no contact had been made with SARD. It did not appear that the complainants had been aware of this requirement before they had filed their complaint with the Accountability Mechanism through the CRO. Thereafter, on 27 August, the complainant concerned emailed the Project Officer and the Country Director of ADB’s India Resident Mission providing information and supporting materials regarding the complaint and the identities of the complainants. He received an acknowledgment, but there was no further contact.

10. A second virtual meeting organized by the CRP was held on 28 September 2022 and was attended by four (4) complainants. At this second meeting, the complainants elaborated further on the issues raised by them in their complaint. This included the following points: (i) that representatives of the contractor had only proposed a solution to one of the complainants, through contacts that were not appropriately handled; (ii) that following the raising of public street levels,
homes flooded with rainwater even during normal rains and not only during heavy rains; (iii) the sewerage design is such that there is a reverse flow to bathrooms during rain; (iv) during construction, damage to private property has occurred, with cracks developing; (v) subcontractors engaged on the work do not have the competence needed to appreciate the problem; and (vi) absence of an effective system for addressing grievances. The complainants also confirmed that they had not yet met with any ADB staff member, either virtually or in person and that no substantive contact had been made with them by SARD following the email of 27 August 2022. One complainant informed the CRP that representatives of the contractor had contacted him about their complaint. An interpreter engaged by the CRP joined both meetings with complainants, and after each, complainants shared additional documents relating to their complaint with the CRP.

IV. ADB MANAGEMENT’S RESPONSE

11. In accordance with para. 178 of the AMP, ADB Management submitted a response to the CRP on 26 September 2022 (dated 23 September 2022) setting out Management’s view on how ADB complied with relevant ADB operational policies and procedures during the processing and implementation of the Project (Appendix 2 of this report). Supporting documents referenced in the AMR as well as a number of additional project documents were also later provided by ADB Management at the CRP’s request.

12. The AMR expresses Management’s view that the Complaint should be excluded from compliance review by the CRP pursuant to the AMP on the basis that (i) the complainants have not yet made good faith efforts to address the Complaint with the SARD; and (ii) there is a lack of evidence that the direct and material harm alleged by complainants as the result of ADB’s failure to follow its operational policies and procedures. The AMR also sets out Management’s view of ADB’s compliance with relevant operational policies and procedures, noting that: (i) an initial environmental examination (IEE) had been prepared and given the scale and scope of the Project, significant adverse impacts were not anticipated; (ii) public consultations had been conducted and documented during project preparation; (iii) a grievance redress mechanism was included in the IEE and the Loan Agreement and Project Agreement to ensure that grievances would be addressed; (iv) a PMU and PIUs had been established, and contractors’ staff and consultants had been engaged for safeguards implementation prior to project commencement; (v) monitoring and reporting requirements for the sub-project had been established and monitoring reports had been provided to ADB on a semi-annual basis up until the latest January–June 2021 report; (vi) regular review supervision missions had been carried out during project implementation; (vii) four-tier grievance mechanism was established and grievances were received and resolved; and (viii) monitoring reports, records of ADB supervisions and progress reports indicate that consultation and participation activities had been undertaken.

13. The AMR suggests that the issues raised in the Complaint can be grouped into three categories: (i) inconvenience caused during the construction phase; (ii) rainwater entering houses; and (iii) quality of the restored roads. The AMR asserts that these issues have not arisen from ADB’s noncompliance with its operational policies and procedures. Further, the AMR notes that some of the issues complained of had been raised and resolved in June 2021, and did not justify consideration under the last resort mechanism of the Accountability Mechanism.

14. In a virtual meeting with the CRP on 3 October 2022, the ADB project team said that they had initiated follow-up and fact-checking with the executing agency/implementing agency. They confirmed that the ADB Project Officer acknowledged receipt of the complaint that was emailed to ADB by the complainants on 27 August 2022. Further follow-up would be undertaken after the
fact-check had been completed and during a mission planned for the first week of November. After the virtual meeting with the CRP, the ADB project team shared additional documents. These confirmed that to identify an appropriate course of action the ADB project team will seek to obtain: (i) an inventory of roads less than 4 meters wide, where the entire road width had been resurfaced following works under the subproject; (ii) an inventory of properties located on such roads that are at the level of the resurfaced road or lower; (iii) a preliminary analysis of drainage systems and their capacity adjacent to such properties; and (iv) a preliminary analysis of properties at potential risk of flooding under normal and extreme rain event conditions.

V. ELIGIBILITY

15. The CRP’s eligibility assessment process involved the following steps:

(i) review of the complaint and other documents (including videos) provided subsequently by the complainants to the CRP;
(ii) review of the ADB Management’s response, including related project documents subsequently requested by the CRP;
(iii) two virtual meetings between the CRP and the complainants; and
(iv) discussions with the ADB project team.

16. The CRP has made its determination of eligibility on the basis of provisions of paras. 142, 179 and 180 of the AMP, which state:

“142. Complaints will be excluded if they are…
(ii) about matters that complainants have not made good faith efforts to address with the operations department concerned;…

179. Within 21 days of receiving the ADB Management’s response, the CRP will determine the eligibility of the complaint. The CRP will review the complaint, ADB Management’s response, and other relevant documents. To find a complaint eligible, the CRP must be satisfied that the complaint meets all the eligibility criteria, satisfies the scope, and does not fall within the exclusions (para. 142 and paras. 145-149). The CRP must be satisfied that (i) there is evidence of noncompliance; (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project-affected people; and (iii) noncompliance is serious enough to warrant a compliance review.

180. As part of the eligibility determination, the CRP will review and determine whether the complainants made prior good faith efforts to resolve issues with the operations department concerned. The CRP will forward the complaint to the operations department concerned if the complainants did not make such efforts.”

17. The CRP has also considered para. 151 of the AMP, which states, in part, that:

“151. The complaint must specify the following:…
(vii) a description of the complainants’ good faith efforts to address the problems first with the operations department concerned, and the results of these efforts;…”

18. Following these steps, and in consideration of the specific eligibility issue raised regarding ‘prior good faith efforts’, the CRP decided that it was not necessary to carry out a site visit in order to arrive at a robust determination of eligibility in respect of the complaint. The paragraphs below further elaborate on the CRP’s eligibility determination.
19. In accordance with para. 179 of the AMP, the CRP must be satisfied that the complaint meets all the eligibility criteria in the AMP; satisfies the scope; and does not fall within the exclusions set out in para. 142 and paras. 145–149 of the AMP. Para. 179 additionally states that the CRP must be satisfied that: (i) there is evidence of noncompliance; (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project affected people; and (iii) the noncompliance is serious enough to warrant a compliance review.

20. Para. 180 of the AMP sets out an additional matter that the CRP must address as part of the eligibility determination, i.e., whether the complainants made prior good faith efforts to resolve issues with the operations department concerned. As noted above, this is one of the exclusions from eligibility under para. 142. If it concludes that they did not make such efforts, the CRP forwards the complaint to the operations department concerned (in this instance SARD).

21. The CRP notes that prior to filing their complaint with the CRO the complainants had not raised the issues in their complaint with SARD, though they had alerted ADB of their concerns by means of ‘mentions’ on the social media platform Twitter earlier in August. The CRP notes that the AMR describes SARD’s efforts to clarify the nature of the issues raised internally and with the executing/implementing agencies as a result of this indirect contact; but those efforts have not yet included contact by SARD with the complainants themselves.

22. During discussions with the complainants, the CRP formed the view that the complainants had not previously appreciated that failure to attempt to resolve their issues directly with SARD could have consequences for their eligibility of their complaint under the AMP.

23. Following the initial discussion with the CRP on 25 August, on 27 August the complainants emailed SARD (specifically, the Country Director of the ADB India Resident Mission and the Project Officer) with details of their grievance and requested that directions be issued to rectify the wrongs that they had asserted in their email. The complainants received an initial acknowledgement of receipt from ADB but had not received a substantive response or other communication from SARD at the time of the CRP’s virtual discussion with a group of complainants. They were not aware that SARD had taken any action to follow up on the issues that they had raised.

24. The CRP welcomes steps taken by SARD to address the issues raised by the complainants. However, the complainants were not informed of these steps. SARD did not offer the complainants an opportunity to engage in good faith discussion to resolve their concerns after it received an email about the complaint on 27 August 2022; nor did it tell them when they would hear from the ADB project team. The ADB project team has a key role to play in enabling affected people to engage in prior good faith efforts to resolve their issues. The absence of any substantive engagement with complainants by the ADB project team for over a month fell short of what was needed for the complainants to make an informed decision on whether their own efforts to initiate engagement had run their course.

25. Notwithstanding the CRP’s view on the shortcomings of SARD’s handling of communication with the complainants, it would not be appropriate to determine at this point that the complainants’ prior good faith efforts to engage with the operations department have come to an end. From the complainants’ side, no further steps could be expected to have been taken by them during the period of the CRP’s eligibility assessment as they were waiting for SARD to respond in substance so that they could discuss their issues further. Complainants whom the
CRP met with during its virtual discussions expressed a willingness to engage with the operations department. The CRP would have preferred SARD to have offered them an opportunity to do so during the period of the eligibility assessment to enable the CRP to take a view on whether complainants’ prior good faith efforts had concluded without resolution of the issues, so that they could proceed through the last resort Accountability Mechanism.

26. While the complainants have presented initial evidence of direct and material harm, the CRP is not in a position to make any determination in this report on whether there is preliminary evidence of noncompliance with ADB’s operational policies and procedures, nor on whether any such noncompliance caused direct and material harm. Furthermore, in light of the foregoing analysis, there is no need for the CRP to consider the remaining eligibility criteria and exclusions set out in para. 179 of the AMP.

VI. CONCLUSION

27. Pursuant to the exclusion from eligibility set out in para. 142(ii) and referred to in paras. 179 and 180 of the AMP, the CRP determines that the complaint is ineligible for compliance review.

28. In accordance with para. 180 of the AMP, the CRP will now forward the complaint to SARD, the operations department concerned, for it to seek to resolve the complainants’ issues with them. The CRP notes para. 195 of the AMP requires SARD to track the process and results in resolving the complainants’ issues and further suggests that the ADB project team updates the CRP on a quarterly basis, or more frequently if appropriate, until issues raised by the complainants have been resolved. The CRP further requests that at the end of the process, SARD provide the CRP with a copy of the report summarizing the complaint, issues, actions taken to address the problems or issues, decisions or agreements by parties concerned, results, and lessons, in accordance with para. 196 of the AMP.

29. The CRP notes that following any further engagement with SARD, if the complainants are of the view that their good faith efforts to resolve the issues have been unsuccessful, they are free to submit a new complaint to the Accountability Mechanism through the CRO. The CRP reminds the complainants however that para. 142(iv) of the AMP provides that complaints about ADB-assisted projects for which 2 or more years have passed since the loan closing date are excluded from eligibility. In this instance, the loan closing date was 16 February 2021, so any such complaint would need to be submitted on or before 15 February 2023.

Elisea Gozun  
Chair, Compliance Review Panel

Halina Ward  
Member, Compliance Review Panel

Vaideeswaran Sankaran  
Member, Compliance Review Panel
REQUEST FOR COMPLIANCE REVIEW

Asian Development Bank (ADB), Accountability Mechanism, Complaint Form
(Add rows or pages, if needed)

A. Choice of function - problem solving or compliance review (Choose one below)

☐ Special Project Facilitator for problem solving (Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)

☑ Compliance Review Panel for compliance review (Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)

B. Confidentiality

Do you want your identities to be kept confidential? ☐ Yes ☐ No

C. Complainants (Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)

<table>
<thead>
<tr>
<th>Name and designation (Mr., Ms., Mrs.)</th>
<th>Signature</th>
<th>Position/Organization (if any)</th>
<th>Mailing Address</th>
<th>Telephone number (landline/mobile)</th>
<th>E-mail address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. AMARINDER BHATIA (LEGAL PRACTITIONER)</td>
<td>Anon</td>
<td>LEGAL PRACTITIONER</td>
<td></td>
<td></td>
<td></td>
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D. Project

<table>
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<tr>
<th>Name</th>
<th>RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT</th>
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<tr>
<td>Location</td>
<td>SRI GANGANAGAR, RAJASTHAN, INDIA</td>
</tr>
<tr>
<td>Brief description</td>
<td>WATER AND SEWERAGE PROJECT, CONTRACTED TO LARSEN AND TOUBRO BY RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT (with Loan Assistance from Asian Development Bank)</td>
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E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?

1. Complete Inconvenience to the People of the City, with no respect for Fundamental and Human Rights during the Construction Activity.
2. No Accountability shown by the Employers Representative during the Construction Activity, no care regarding protection or securing the interest of the people, were shown by the RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT AUTHORITIES AND LARSEN AND TOUBRO.
3. Property Damage Caused to the People’s Houses in the Name of Development.
4. Due to Indiscriminate raising of Public Streets many Houses have gone below the Level of Public Street and a consequence of the same is that, during the rain, water from drain overflows and enters/ gushes into the Houses of the People (This could have been prevented if Engineers had shown some care for the People and if they would have come up with a site specific solution, and not raised the level of the Public Street) (But the GROUND realities are that People were not even informed in advance about the construction activity in their area)
5. The Houses which have come in Equivalence to the Public Streets are Equally affected as the Rain Water Gushes into their Houses, due to indiscriminate raising of Public Streets.
6. Situation of Public Streets after Road Restoration, can be seen in the videographic as well as photographic report sent via email.
7. People’s Right to Life has been Disturbed.

Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?  □ Yes. If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

Copy of the Efforts made at city level, prior to solve the problem/issues, made are being Annexed with this Complaint and there was no Outcome of the efforts.
F. Optional Information

1. What is the complainants’ desired outcome or remedy for the complaint?
   Before Praying for a Desired Outcome or Remedy, there is a Question-
   
   Question: Due to Indiscriminate raising of Public Streets, many houses have gone below the level of Public Street, which could have been prevented by diligent behavior of the Site Engineers as well as Good Policy but in the Name of Development, People only got Pain and Loss, Should the People raise the Plinth of their Houses or Should they Built a New Home Now?
   
   For any Human Being who has suffered, due to Negligent behavior of some Authority, what relief can they Pray for and what relief do they deserve is a Question of Accountability of the Persons in Power,
   
   In the Personal Opinion of the Aggrieved Complainant, the fair remedy seems to be, wherever the people are genuinely affected by the indiscriminate raising of Public Street, the Public streets should be restored to its Prior Existing Level and if that does not seems fair to the respondent authorities, they should themselves tell what relief do the people deserve (HERE the ACCOUNTABLE/ RESPONSIBLE PERONS SHOULD THINK OF THIS SITUATION, IN WHICH, THEIR LIFE TIME SALARY got DEPOSITED INTO SOMEBODY’S ELSE’S ACCOUNT DUE TO NEGLIGENT BEHAVIOUR OR MISTAKE OF A BANK EMPLOYEE AND FURTHER THE BANK POLICY SAYS, THAT IT CANNOT BE CORRECTED OR RECTIFIED)
   
   It is a matter of Human Rights, Fundamental Rights and It is most sincerely Prayed before Hon’ble Authorities that suo moto cognizance to rectify the wrong, be taken by the Authorities. (Please Consider the Ground Level Videographic as well as Photographic Report.

2. Anything else you would like to add? PDF of Previously done Efforts: Videographic ground level report.

Name of the person who completed this form: AMARINDER BHATIA
Signature: Amarnin Date: August 11, 2022

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

Complaint Receiving Officer (CRO), Accountability Mechanism
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086, E-mail: amcro@adb.org
**Officer Details**

**Officer**
Sh. Ashish Gupta

**Address**
Rajasthan Urban Infrastructure Finance and Development Corporation Ltd(RUIDP)
SE,RUIDP, Sri Ganganagar
BSNL Building, Second Floor, Jawahar Nagar,
SriGanganagar

**View Application Details**

Specific details of information required

Date: 17 February 2021

Under The Right to Information Act, 2005

To
Public Information Officer
Rajasthan Urban Infrastructure Finance and Development Corporation Limited
AVS Building, Jawahar Lal Nehru Marg,
Jaipur 302017

To
Project Director
Project Management Unit
Rajasthan Urban Infrastructure Finance and Development Corporation Limited
AVS Building, Jawahar Lal Nehru Marg,
Jaipur 302017

To
Superintending Engineer
Sri Ganganagar
Rajasthan 335001

Subject: Regarding information associated with work going on in Project Cities under Phase 3 which is Sri Ganganagar, Rajasthan

Respected Authority

Facts regarding why information is sought-

1. On 19th January 2021, a team of people arrived in Mukharjee Nagar outside House Number 209, Sri Ganganagar, Rajasthan 335001.
2. The team started their work for cutting and breaking and digging the Public Streets from House number 209 Mulcharjee Nagar onwards and so on 210, 211, 212, 213, 214, 215 etc.

3. To lay the Sewer Pipeline. (Public Street Digging Count 1)

4. To lay the Water Pipeline. (Public Street Digging Count 2)

5. To Construct a Manhole Chamber above sewer line. (Public Street Digging Count 3)

6. To Lay another Chamber outside some houses. (Public Street Digging Count 4)

7. To - Connect the Chambers outside the houses to the Main Manhole Chamber through Pipe. (Public Street Digging Count 5)

8. During this process of digging the Public Streets for various purpose mentioned above- various water pipelines and wires underground had been broken, however water pipelines were repaired.

9. But water pipelines of various houses were broken during the Public Street Digging through Excavators.

10. The water pipelines of some houses were broken not just once or twice but thrice. First time during the digging to lay the sewerage pipe, second time during the laying of water pipeline and lastly during the laying of road grit.

11. During this process of laying the sewer lines and water lines, construction of manhole chambers, chambers outside houses done by the Contractor 1(unknown) followed by laying of road grit by Contractor 2(unknown)

12. It has been witnessed that all the houses except house number 202 and 211 Mulcharjee Nagar, chambers have not been connected to the main chamber through Pipe.

13. It has been witnessed that the work of laying of road grit by the contractor 2 had been started, without completing the connection of underground pipes from chamber outside house to main chamber by contractor 1.

14. It has also been witnessed that the road between house number 210 and 211 was initially not required to be touched but the contractor 1 had already laid the sewer pipeline beneath the road, which work was not to be done by contractor 1 as the road being the cemented road (was to be given to another contractor later) (Fact revealed by Mr. Rajnish Saini)

15. After the above following incidents, now the people of the locality are left with uneven broken roads which are not even fit for a two wheeler driving or even walking.

16. On 11th February 2021 at 14.47, through a telephonic call to Mr. Ashish Gupta, it was informed that the chambers of House Number 202 and 211 have not been connected to the main Chamber through underground pipe and rest all the houses have been connected.

17. Mr. Ashish had no doubt responded to the call and with respect to the telephonic call I had received a call from Mr. Rajnish Saini at 15.01 to address the concern.

18. The concern was addressed to Mr. Rajnish Saini regarding inconvenience being faced by the people of the locality due to non completion of work from the past 23 days and regarding the connection of two chambers through underground pipe into the main chamber.

Mr. Rajnish had replied and assured that within 3 days the underground connection would be done as the contractor 1 do not have the pipes now.

19. As on 16 February 2021, neither the underground connection of the remaining two houses has been done nor have the roads been leveled or restored.

Under the Right to Information Act, 2005 point wise information is being sought in the light of the above facts and work going on in Sri Ganganagar.

Information being sought for Points below

1. Please share the area wise planning map with expected or exact dates of work beginning and completion of Mukharjee Nagar, Sri Ganganagar, Rajasthan 335001.
2. Please share the email, phone number, address of grievance cell where people can report their grievances.

3. In the above case, facts mentioned, the time taken has been 23 to 25 days for an area less than 100 meters and even after which the restoration of roads and some work like joining of underground pipe has been left incomplete. Is this the usual speed at which the work is done?

4. In how many days an area of 100 meters is completed with road restoration works for the project going on in Sri Ganganagar?

5. Please share a copy of underground mapping and properties and asset mapping.

6. Please share a copy of report or map showing areas included in 5 different zones of Sri Ganganagar.

7. Has Larsen and Toubro delegated the work to various sub-contractors?

8. What is the expected Project Completion Date for Sri Ganganagar?

9. When will the Public Streets/Roads in Mukherjee Nagar, Sri Ganganagar be restored?

10. How Larsen and Toubro/RUIDP ensure that people are not facing any inconvenience during the ongoing project activities?

11. Do Larsen and Toubro/RUIDP publish in newspaper or prepare a notice with regard to specific areas and inform the people well in advance about upcoming construction activities in the area?

12. Please share sample map/plan of how work is to brought till final stage of completion for example: step 1 laying of sewer, step 2 laying of water line, step 3 step 4 and so on.

The information is in Larger Public Interest.

It is the most humble prayer of the people to the authorities to please look into the matter and resolve the issues.

The fundamental rights of the people are being affected.

People are not able live peacefully neither can they travel safely because of the uneven roads and many streets are kept blocked for days and cannot be accessed, people fear what will they do in case of medical emergencies?

Please provide the above requested information point wise electronically or through speed post at the address/ email mentioned below.

In case the information is not associated with your good office please transfer the application whole or in part to the correct public authority as per the Right to Information Act.

Wishing you the best of health

Yours Sincerely

AMARINDER ARVIND BHATIA
Office of Superintending Engineer
Rajasthan Urban Infrastructure Development Project (RUIDP)
Address: 2nd Floor, BSNL Building, Gagan Path, Jawahar Nagar Sri Ganganagar-335001
Email: ruidpsriganganagar@gmail.com, sgnr.ruidp@rajasthan.gov.in Ph. No. 0154-2461190

No. 953

Date: 31/3/21

Sh. Amarinder Arvind Bhatia,

Sub.: Regarding information associated with work going on in project cities under Phase III which is Sriganganagar, Rajasthan.

With reference to the above cited subject, kindly find enclosed herewith the pointwise reply of information as required by you.

Encl.: As above

Superintending Engineer,
RUIDP, PIU, Sriganganagar
1. Please share the area wise planning map with expected or exact dates of work beginning and completion of Mukharjee Nagar, Sri Ganganagar, Rajasthan 335001.

The water supply and sewerage project of SGNR was awarded to M/s L&T construction Chennai for execution. The required map of Mukharjee Nagar, Sri Ganganagar is attached as requested.

2. Please share the email, phone number, address of grievance cell where people can report their grievances.

Toll Free No-180018002453
SE,PIU office Mail -SGNR.RUIDP@RAJASTHAN.GOV.IN
PMDSC office Mail- sanagar.pmdsc@rusdp.com
M/s L&T office Mail-sgnrIntww@gmail.com

3. In the above case facts mentioned, the time taken has been 23 to 25 days for an area less than 100 meters and even after which the restoration of roads and some work like joining of underground pipe has been left incomplete. Is this the usual speed at which the work is done?

No. The installation works got delayed in some locations because of the existing old & weak underground utilities / Crossing drains and often damaged due to the vehicular traffic.

4. In how many days an area of 100 meters is completed with road restoration works for the project going on in Sri Ganganagar?

It is purely depends on the locality, Underground utilities and crossing drains which are the factors mainly influence the rate of progress of works.

5. Please share a copy of underground mapping and properties and asset mapping.

Map enclosed as requested.

6. Please share a copy of report or map showing areas included in 5 different zones of Sri Ganganagar.

Map enclosed as requested.

7. Has Larsen and Toubro delegated the work to various sub-contractors?

The contract has been awarded by RUIDP to M/s L&T

8. What is the expected Project Completion Date for Sri Ganganagar?

Tentative project completion date is 31 December-2021.

9. When will the Public Streets/Roads in Mukharjee Nagar, Sri Ganganagar be restored?

The pipeline installation works and testing are under progress. At present the Roads are motorable.
10. How Larsen and Toubro/RUIDP ensure that people are not facing any inconvenience during the ongoing project activities?

RUIDP engaged COMMUNITY AWARENESS & PARTICIPATION CONSULTANT (CAPC) for ensuring & addressing the people issues before commencement and during execution of the works.

11. Do Larsen and Toubro/RUIDP Publish in Newspaper or prepare a Notice with regard to specific areas and inform the people well in advance about upcoming construction activities in the area?

CAPC team visits and make residents aware about the works by conducting the door to door awareness program and distributing the templates before starting the work in any area.

12. Please share sample map/plan of how work is to brought till final stage of completion for example: step 1 laying of sewer, step 2 laying of water line, step 3 step 4 and so on.

Map enclosed as requested.
Officer Details

Officer
Sh. Ashish Gupta

Address
Rajasthan Urban Infrastructure Finance and Development Corporation Ltd (RUIDP)
SE, RUIDP, Sri Ganganagar
BSNL Building, Second Floor, Jawahar Nagar,
Sri Ganganagar

View Application Details

Specific details of information required

Date: 7th June 2021

Under The Right to Information Act, 2005

To
The Principal Secretary
PWD
Jaipur, Rajasthan

To
The Chief Engineer
Office of Chief Engineer
PWD
Jaipur, Rajasthan

To
The Superintendent Engineer
Public Works Department Circle
Sri Ganganagar
Rajasthan 335901

To
The Executive Engineer
Public Works Department Division
Sri Ganganagar
Rajasthan 335901
Subject: Regarding indiscriminately raising the level/height of Public Streets of Mukharjee Nagar and other areas of Sri Ganganagar.

Respected Authority

Facts Leading to R.T.I. Application

1. Under the RUIDP Phase 3 the Project city of Sri Ganganagar has been witnessing ongoing construction works related to water supply distribution network system and sewerage system.

2. The contract for Sri Ganganagar was awarded to L&T construction.

3. After the laying of sewerage as well as water lines, the responsibility of Road Restoration works is also to be taken care by L&T construction.

4. The people of the city have witnessed immense hardships during these construction activities, Example: Roads not being built for months and also underground utilities which were damaged during the process were not restored in timely manner.

5. After months of hardships and complaints people finally got some relief.

6. The most important fact to be brought to the notice of the respective authorities through this RTI Application is that the Level of the roads has been raised 4 inch above the previous road level.

7. Also, some roads which were not supposed to be broken were also mistakenly broken because there was no supervisor at the site from L&T construction. (Cemented Road Between House Number 202, 203 Mukharjee Nagar and House Number 210 and 211 Mukharjee Nagar was broken and the level of the road has been raised 4 inch above the previous road.)

8. It has been repeatedly brought to the attention of the officers of the departments through the Judicial Precedents of Hon’ble High Courts that height of the Road/ Public Street should not increase when relaying of roads is done.

9. This is to bring to the attention of the respective authorities through this RTI Application that height of the Cemented Road between House Number 210, 203 Mukharjee Nagar and 211 and 202 Mukharjee Nagar has been raised 4 inches above the previous road height and also the height/level of the Bitumen Road has been raised.

10. The level/height of the Roads have been indiscriminately raised without milling the previous road in some areas and Public Streets, because of which the residents have to face hardships as the foundation of the houses have gone below the road and now the water during rains gushes into houses causing serious damage to the property and giving residents pathetic experience as the water from drain gushes into houses with overflowed rain water.

11. It is due to the negligent behavior of the L&T Construction company that the people are now at loss and damage has been done to the property of the people/ residents of Mukharjee Nagar.

12. Another very important issue to be highlighted here is that the newly constructed roads have started depressing in some parts which raises question regarding the quality of the roads.

13. The platform of the houses going below the level of roads causes serious damage to the properties of the people.

14. It is in the light of the incidents priorly happened this R.T.I. Application is being filed.

In the light of the above Facts

Under the Right to Information Act, 2005
Please provide the information regarding the following points mentioned below.

1. Please provide a certified copy showing permission given to RUIDP/ L&T Construction to raise the level/ height of the Roads/ Public Streets of Mukharjee Nagar Sri Ganganagar Rajasthan and other parts of the city.

2. Please provide details regarding, if the work was or is being supervised by officials of PWD department Sri Ganganagar, whether the Roads are being built according to prescribed standards and Norms.
3. Please provide the details Email, Phone Number, Address/Portal of Grievance cell of PWD Department where people can report their grievances.

The information is sought in Larger Public Interest and correct action and initiatives are expected from the respective authorities to rectify the problem.

Please provide point wise details of the information requested above electronically or through speed post at the Address/Email mention below.

In case the information is not associated with your good office please transfer the application to the correct public authority as per Right to Information Act, 2005.

Wishing you the best of health

Yours Sincerely

Name of the Applicant: Amrinder Bhatia
Office of Superintending Engineer
Rajasthan Urban Infrastructure Development Project (RUIDP)

Address: 2nd Floor, BSNL Building, Gagan Path, Jawahar Nagar Sri Ganganagar-335001
Email: ruidpsriganganagar@gmail.com, sgnr.ruidp@rajasthan.gov.in
Ph. No. 0154-2461990

No. 342  Date: 25/8/21

Sh. Amarinder Bhatia,

Sub.:--Regarding information associated with Road work under Phase III
      of Sriganganagar.

With reference to the above cited subject, kindly find enclosed herewith the pointwise reply of information as required by you.

Encl.:--As above

Superintending Engineer,
RUIDP,PIU,Sriganganagar
<table>
<thead>
<tr>
<th></th>
<th>Please provide a certified copy showing permission given to RUIDP/ L&amp;T Construction to raise the level/ height of the Roads/ Public Streets of Mukharjee Nagar Sri Ganganagar Rajasthan and other parts of the city.</th>
<th>As per attached Annexure- A</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The Work is under the supervision of the following Staff:-</td>
<td>L&amp;T officials - Darshan Kalsi (Mo. 9878439547), Resham (Mo. 8209200523 ), Shiv Mangal Pandey (Mo. 9983395658)</td>
</tr>
<tr>
<td></td>
<td>PMDSC official - Arpit (8426965090), Praveen Mittal (7726903104 ), Chandan (7004937785), Laxman (9893222437 )</td>
<td>PIU Ruidp officials - Suresh Kumawat (9928502816 ), RK Yogi (9414479391)</td>
</tr>
<tr>
<td>3</td>
<td>Please provide the details Email, Phone Number, Address/Portal of Grievance cell of PWD Department where people can report their grievances.</td>
<td>Grievance cell Toll Free No. - 18001802453 <a href="mailto:ruidpsriganganagar@gmail.com">ruidpsriganganagar@gmail.com</a>, <a href="mailto:sgr.ruidp@rajasthan.gov.in">sgr.ruidp@rajasthan.gov.in</a></td>
</tr>
</tbody>
</table>
6.38 Road restoration

Road restoration is a critical activity which requires special attention of the contractor. Following guidelines should be followed:

a) The contractor shall have to restore the road up to WMM stage including refilling trench in layers, watering, rolling and compacting to within 10 days after trenching is completed in a particular street/reach. The contractor shall ensure that total uncovered length of WBM does not exceed 5.0KM at any stage of work and will complete the bituminous work regularly.

b) Contractor shall erect informative board at his own cost showing type of work, inconvenience expected and timeline for various construction activities going to take place in a particular street or a particular reach of road as per direction of Employer’s Representative in charge.

c) Contractor shall deploy a community outreach team headed by a qualified social expert (post graduate in sociology) having minimum 3 years’ experience of social activity work with government recognized NGO or other government institutes to make strong relation with public prior to start of work in a particular ward/area.

d) The contractor shall have to do the sequencing of activities as per direction of Employer’s Representative in charge to synchronize sewer work and water pipe line work to minimize the road excavation and restoration in the street which will have both pipe lines.

e) The cutting of existing C.C. pavement shall be done by using mechanical cutter to ensure cutting in regular line and the laying of C.C pavement shall be done below 30 degree ambient temperature.

6.38.1 Provisions of road restoration - Sewer

a. For laying sewer on B/T Surface a. for road width up to 4 m, restoration up to WMM stage in trench width and bituminous work (wearing surface) in full width of the Existing Road.

b. for road width 4 m to 7 m, restoration up to WMM stage in trench width and bituminous work (wearing surface) in entire road width up to 7m. For road width more than 7m, restoration limited to 7 m (2 lanes) to cover the trenches (may be one lane over each trench).

6.38.2 For laying Sewer on CC Road

a. For road width less than 4.0m, restoration up to PCC stage (lean concrete) will be in trench width and CC pavement of M-30 grade in full width.

b. For road width more than 4.0m, restoration by lean concrete and pavement in M-30 grade in trench width only.

In Bituminous road restoration, Use of Paver is mandatory for carriage way width above 3.75 m of road restoration.

Notwithstanding all which has been laid down on road restoration, Employer’s representative with reasons recorded and prior permission of PIU incharge will be authorized to come up with the site specific solution based on prevailing ground situation.

If contractor fails to adhere the provisions of time cap for road restoration mentioned in a) above, he shall be penalized as below:-
PLINTH/Foundation of a house gone below the level of public street

Rajasthan Urban Infrastructure Development Project with loan assistance from ASI SAN Development Bank executed by Larsen and Toubro
RAIN WATER ENTERED A HOUSE DUE TO
INDICRIMINATE RAISING OF PUBLIC STREETS
QUALITY OF PUBLIC STREETS GIVEN TO SRI
GANGANAGAR, RAJASTHAN, INDIA

BY LARSEN AND TOUBRO

IN 555CRORE ASIAN DEVELOPMENT BANK’S LOAN
ASSISTED RAJASTHAN URBAN INFRASTRUCTURE
DEVELOPMENT PROJECT
HOLLOW DEPRESSED PUBLIC STREETS
AFFECTED HOUSE DUE TO INSCRIMINATE RAISING OF PUBLIC STREETS BY LARSEN AND TOUBRO IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
SITUATION OF PUBLIC STREET AFTER ROAD RESTORATION BY LARSEN AND TOUBRO IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
AN AFFECTED HOUSE DUE TO INDICRIMINATE RAIISING OF PUBLIC STREET BY LARSEN AND TOUBRO IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
A PHOTOGRAPH FROM A CONSTRUCTION SITE

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
AFFECTED HOUSES ON BOTH THE SIDES OF THE PUBLIC STREETS, DUE TO INDICRIMINATELY RAISING THE LEVEL OF PUBLIC STREET BY LARSEN AND TOUBRO IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
QUALITY OF PUBLIC STREETS GIVEN TO SRI GANGANAGAR IN 555 CRORE WATER AND SEWERAGE PROJECT

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
QUALITY OF PUBLIC STREETS GIVEN TO SRI GANGANAGAR IN 555 CRORE WATER AND SEWERAGE PROJECT

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
QUALITY OF PUBLIC STREETS GIVEN TO SRI Ganganagar IN 555 CRORE WATER AND SEWERAGE PROJECT

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSISTANCE FROM ASIAN DEVELOPMENT BANK
A CHAMBER CONSTRUCTED BY LARSEN AND TOUBRO
IN COMPLIANCE TO THE EXISTING STREET

IN RAJASTHAN URBAN INFRASTRUCTURE
DEVELOPMENT PROJECT WITH LOAN ASSISTANCE
FROM ASIAN DEVELOPMENT BANK
QUALITY OF PUBLIC STREET GIVEN TO SRI Ganganagar BY Larsen AND TOUBRO

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
QUALITY OF MANHOLE CHAMBER COVER, IN 535 CRORE WATER AND SEWERAGE PROJECT EXECUTED BY LARSEN AND TOUBRO IN SRI GANGANAGAR, RAJASTHAN, INDIA

IN RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT WITH LOAN ASSITANCE FROM ASIAN DEVELOPMENT BANK
THERE ARE VARIOUS HOUSES AFFECTED DUE TO INDISCRIMINATE RAISING OF PUBLIC STREETS, WHICH COULD HAVE BEEN PREVENTED WITH DUE DILIGENCE AND A GOOD POLICY.

BUT IN THE NAME OF DEVELOPMENT PEOPLE GOT PAIN AND LOSS AND PERMANENT DAMAGE TO THEIR PROPERTIES AS WELL CITY.

A VIDEOGRAPHIC REPORT LINK IS BEING SHARED FOR REFERENCE TO SHOW HOUSES GONE BELOW AND SITUATION OF THE CITY IN THIS ASIAN DEVELOPMENT BANKS, LOAN ASSISTED PROJECT:

https://youtu.be/b2Hva10zY4A

SITUATION OF THE CITY OF SRI GANGANAGAR

https://youtu.be/5wAJ7Ojg1hM

A WEBSITE LINK OF RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT

https://urban.rajasthan.gov.in/content/raj/udh/ruidp/en/home.html
Appendix 1

Rajasthan Urban Infrastructure Development Project
APS Building, Jawahar Circle, JLN Marg, Jaipur - 302017
Tel No.: 0141-2721966, Fax No.: 0141-2721919
Email: mail.ruidp@rajasthan.gov.in web site: www.ruidp.rajasthan.gov.in

No. 73 (29)/2013/RUIDP/PMU/PH-p/156/ECB 03/21133-2447

Date: 2 Feb, 2015

Loan No. and Title: 3183.ND, Rajasthan Urban Sector Development Program

Conduct Package Number & Name: RUIDP/PSG/11; Construction of Work of Water Supply Production and Distribution Network Improvement with House Service Connections for Non-Revenue Water Reduction and Continuous Water Supply and providing Sewer Network with House Connections, Construction of Sewage Pumping Station & Allied Works and Operation Services of the Entire System for 10 Years at Siit Ganganagar

Deadline for submission of Bids: 10:00 hours on 16 March, 2016

1. India has received financing from the Asian Development Bank (ADB) towards the cost of Rajasthan Urban Sector Development Programme. Part of this financing will be used for payments under the contract named above. International competitive bidding will be conducted in accordance with ADB’s Single Stage, Two Envelope bidding procedure and is open to all bidders from eligible source countries as described in the Bid Document.

2. The Local Self Government Department represented by Rajasthan Urban Infrastructure Development Project (RUIDP); hereinafter referred to as the “Employer”, invites online bids / sealed bids from eligible bidders for the work for Construction of Work of Water Supply Production and Distribution Network Improvement with House Service Connections for Non-Revenue Water Reduction and Continuous Water Supply and providing Sewer Network with House Connections, Construction of Sewage Pumping Station & Allied Works and Operation Services of the Entire System for 10 Years at Siit Ganganagar on performance-based. Bidders would tender online bids as per instructions in following paragraphs:

3. To be qualified for the contract package, the bidder should as a minimum meet the following requirements:
   a) Average annual construction turnover (with or without Operation and Maintenance (O&M)) of INR 200 million or US$ 34 million calculated as total tendered payments received for contracts in progress or completed, within the last 3 years (Financial Year 2012-13, 2013-14 & 2014-15 or as per International practice);
   b) Participation in at least (i) one contract in water supply sector where the value of the completed and commissioned or substantially completed work exceeded INR 100 million or two contracts in water supply sector where the value of the completed and commissioned or substantially completed work exceeded INR 200 million and (ii) one contract in sewerage sector where the value of the completed or substantially completed work exceeds INR 1200 million or two contracts in sewerage sector where the value of the each completed or substantially completed work exceeds INR 600 million or three contract in sewerage sector where the value of each completed or substantially completed work exceeds INR 400 million, within the last 10 years (from 1 April 2006 to bid submission date); and
   c) Must other financial and operational requirements as indicated in the Bidding Document. However for complete eligibility and qualification requirements, interested bidders should refer to the Bidding Document.

4. To obtain further information and inspect the bidding documents, bidders should contact:
   Additional Project Director,
   Rajasthan Urban Infrastructure Development Project,
   APS Building, Jawahar Circle, JLN Marg, Meera Nagar, Jaipur - 302017
   Tel No.: 0141-2546404, Fax No.: 0141-2721919
   Email: mailruidp@gmail.com; mail.ruidp@rajasthan.gov.in
   web site: www.ruidp.rajasthan.gov.in
5. For bid submission:
   a) participating bidders should be registered on http://eproc.rajasthan.gov.in through
digital signature certificate (DSC).
   b) cost of bidding document INR 5000 (Rs. Five thousand only) or equivalent US$ 85 in
   form of demand draft (DD) in the name of Project Director, RUDDP, payable at
   Jaipur & for RIL, amount to INR 1000 (Rs. One thousand) or equivalent US$ 17
   in the name of Managing Director, RIL, payable at Jaipur is to be submitted after
   online submission of bid but before the deadline specified in table below. Technical bid
   should be accompanied with bid security as indicated in bid document. Bidder will
   upload scanned copy of DD’s and bid security document on e-procurement web site.
   DD’s, bid security and other documents in physical form should reach to office of the
   Project Director, RUDDP before the date and time specified in table below.

<table>
<thead>
<tr>
<th>S. N.</th>
<th>Events</th>
<th>Date &amp; Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Start Date of downloading of Bid Document</td>
<td>from 16:00 hours on 5 Feb, 2016</td>
<td><a href="http://eproc.rajasthan.gov.in">http://eproc.rajasthan.gov.in</a></td>
</tr>
<tr>
<td>(b)</td>
<td>Date &amp; time for start of online submission of Bids</td>
<td>from 02:59 hours on 19 March, 2016</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>Deadline for online submission of Bids</td>
<td>up to 18:00 hours on 19 March, 2016</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>Pre-bid Meeting</td>
<td>at 15:00 hours on 25 Feb, 2016</td>
<td>Office of the Project Director, Rajasthan, Urban Infrastructure Development Project, AVS Building, 1st Floor, Jawahar Circle, JLN Marg, Maliyka Nagar, Jaipur - 302 017 0141-2721666</td>
</tr>
<tr>
<td>(e)</td>
<td>Deadline for submission of the original documents as required in the sub-clause (F)(11) of Section 2. Bid Data Sheet of bid Document</td>
<td>at 15:00 hours on 22 March, 2016</td>
<td></td>
</tr>
<tr>
<td>(f)</td>
<td>Date of opening of Technical bids</td>
<td>at 15:30 hours on 22 March, 2016</td>
<td>Outcome</td>
</tr>
<tr>
<td>(g)</td>
<td>Date of opening of Price bids</td>
<td>Will be intimated to all technically responsive bidders later.</td>
<td></td>
</tr>
</tbody>
</table>

6. Any addendum clarification to the bidder’s queries and corrigendum etc. will be published on the RUDDP website www.nidco.rajasthan.gov.in and e-proc web site http://eproc.rajasthan.gov.in and will not be published in Newspapers. In case there is a holiday on the day of opening of bid, activities assigned on that date shall be carried out on the next working day.

7. All the prospective bidders are encouraged to participate in the Pre-bid meeting and it is, advised that the work sites are visited and bid documents are studied thoroughly.

Project Director
PETITION PRAYING INCLUSION OF CONDITIONS IN THE
ADB POLICY SECURING HUMAN AND FUNDAMENTAL
RIGHTS OF THE PEOPLE

1. WHAT COMPELLED THE PETITIONER TO WRITE
TO ADB? (The Expression Petitioner denotes the Writer in this
Petition)

- In the City of Sri Ganganagar, Rajasthan, India,
  with the Loan Assistance from ASIAN
  DEVELOPMENT BANK, THE RAJASTHAN
  URBAN INFRASTRUCTURE DEVELOPMENT
  PROJECT, UNDER ITS PHASE 3 has come up
  with Water and Sewerage Project which has been
  Contracted to Larsen & Toubro for execution

During the execution of works carried out by Larsen and Toubro,
Zero respect for Human Rights were shown, Zero accountability
with regard to work was shown in this ADB Loan assisted
Project.

2. Why is the Petitioner saying that Zero Respect for Human
Rights were shown, Zero Accountability with regard to
work was shown in this ADB Loan Assisted Project?

- During the execution of works, People had to go
  through serious hardships because of the manner in
  which the execution of works at site were carried
  out by Larsen & Toubro,

Public Streets were excavated and left vacant for 10-15
days without any space left for pedestrians, without
any communication address of the Contractors, no
advance notice with regard to construction activities were given, underground utilities were left unrepaired for various days, existing water lines were broken various times and no timely repair work was done, no timely restoration of Public Streets due to which Senior citizens riding on bicycle had fallen and injured and the senior citizens who live alone and use a landline number, their underground telephone lines were broken and the Senior Citizens had to themselves run behind Government Departments to get their Telephone Lines Repaired. {ALL OF THESE INCIDENTS ARE DISTURBING BUT THE MOST DISTURBING ARE-

THE HOUSES OF THE PEOPLE WHICH WERE BUILT IN COMPLIANCE TO THE EXISTING STREETS.

(NEITHER RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT AUTHORITIES, NOR THE LARSEN AND TOUBRO ENGINEERS BOTHERED TO SECURE THE INTEREST OF THE RESIDENTIAL HOUSES OWNERS)

THE LEVEL OF THE PUBLIC STREETS WERE INDICRIMINATELY RAISED DUE TO WHICH THE PLINTH/FOUNATION OF MANY HOUSES HAVE GONE BELOW THE LEVEL OF PUBLIC STREETS AND MANY HAVE COME IN EQUIVILANCE TO THE PUBLIC STREETS, DUE TO INSENSITIVE BEHAVIOUR AND NO RESPECT FOR HUMAN RIGHTS OF THE PEOPLE.
DUE TO INDISCRIMINATE RAISING OF PUBLIC STREETS THE WATER FROM DRAIN DURING THE RAINY DAYS OVERFLOWS AND GUSHES/ENTERS THE HOUSES OF THE AGGRIEVED PEOPLE, LEAVING THEM IN SUCH UNCOMFORTABLE CONDITION (COMpletely VIOLATING HUMAN AND FUNDAMENTAL RIGHTS OF THE PEOPLE)

IN ADDITION TO THE ABOVE MENTIONED THE QUALITY OF WORK DONE BY LARSEN AND TOUBRO NEEDS SPECIAL ATTENTION IN THIS ASIAN DEVELOPMENT BANK'S LOAN ASSISTED PROJECT

THROUGH THE PHOTOGRAPHS AND VIDEOS, AN EFFORT TO SHOW THE GROUND REALITY OF THIS A.D.B. LOAN ASSISTED PROJECT IS BEING DONE.
INDISCRIMINATELY RAISED PUBLIC STREET BY LARSEN AND TOUBRO DUE TO WHICH, DURING RAINY DAY, DRAIN WATER OVERFLOWS AND ENTERS/GUSHES INTO THE HOUSES OF THE PEOPLE.

(THIS COULD HAVE BEEN PREVENTED IF THE SITE ENGINEERS THOUGHT ABOUT SITE SPECIFIC SOLUTION AND BOTHERED TO RESPECT HUMAN AND FUNDAMENTAL RIGHTS)

(ADB LOAN ASSISTED PROJECT)
QUALITY OF PUBLIC STREETS

SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION WORK WAS COMPLETED IN THE ADB LOAN ASSISTED PROJECT
CONSEQUENCES OF INDICRIMINATELY RAISED PUBLIC STREET
CONSEQUENCES OF INDCRIMINATELY RAISED PUBLIC STREET
HOLLOW PUBLIC STREETS, AFTER ROAD
RESTORATION WORKS WERE COMPLETED BY LARSEN
AND TOUBRO

The Public streets are Depressing and vehicles are falling in the
depressed hollow Public Streets

ADB LOAN ASSISTED PROJECT
A PHOTO FROM A CONSTRUCTION SITE DURING THE EXECUTION OF WORKS
HOLLOW PUBLIC STREETS, AFTER ROAD RESTORATION WORKS WERE COMPLETED BY LARSEN AND TOUBRO

ADB LOAN ASSISTED PROJECT

WATER AND SEWERAGE PROJECT BY RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO IN SRI GANGANAGAR, RAJASTHAN, INDIA

ASIAN DEVELOPMENT BANK LOAN ASSISTED PROJECT

RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT
SITUATION OF PUBLIC STREETS, AFTER ROAD RESTORATION WORKS WERE COMPLETED BY LARSEN AND TOUBRO

ADB LOAN ASSISTED PROJECT

RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO IN SRI Ganganagar, Rajasthan, India

Asian Development Bank Loan Assisted Project

Rajasthan Urban Infrastructure Development Project
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO IN SRI GANGANAGAR, RAJASTHAN, INDIA

RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT

ASIAN DEVELOPMENT BANK LOAN ASSISTED PROJECT
SITUATION OF PUBLIC STREETS AFTER ROAD RESTORATION BY LARSEN AND TOUBRO IN SRI GANGANAGAR, RAJASTHAN, INDIA

RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT

ASIAN DEVELOPMENT BANK LOAN ASSISTED WATER AND SEWERAGE PROJECT
THIS IS HOW THE CHAMBERS HAVE BEEN FITTED BY LARSEN AND TOUBRO IN SRI GANANAGAR, RAJASTHAN, INDIA

RAJASTHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT

ASIAN DEVELOPMENT BANK LOAN ASSISTED PROJECT
ASIAN DEVELOPMENT BANK LOAN ASSISTED PROJECT
BY RAJASTHAN URBAN INFRASTRUCTURE
DEVELOPMENT PROJECT

EXECUTED BY LARSEN AND TOUBRO

IN SRI GANGANAGAR, RAJASTHAN, INDIA
Government of Rajasthan
Office of Project Director
Rajasthan Urban Infrastructure Development Project
AVS Building, Jawahar Circle, JLN Marg, Jaipur - 302017
Tel No.: 0141-2721996, Fax No.: 0141-2721919
Email: mail@rudp.rajasthan.gov.in
web site: www.rudp.rajasthan.gov.in

No. F3 (2013/38)/RUDP/PMU-FIN/III/ECR 01/ 249.3 8 - 9.7
Invitation for Bids No. - RUDP/ECR/2016

Date: 2 Feb, 2016

Loan No. and Title: 3183-IND, Rajasthan Urban Sector Development Program

Contract Package Number & Name: RUDP/PMU-FIN/III/ECR 01/ 2-12.3 8 - 9.7

Deadline for submission of Bids: 18.00 hours on 19 March, 2016

1. India has received financing from the Asian Development Bank (ADB) towards the cost of Rajasthan Urban Sector Development Program. Part of this financing will be used for payments under the contract named above. International competitive bidding will be conducted in accordance with ADB's Single Stage: Two Envelope bidding procedure and is open to all Bidders from eligible source countries as described in the Bid Document.

2. The Local Self Government Department represented by Rajasthan Urban Infrastructure Development Project (RUDP), hereinafter referred to as the "Employer", invites online bids / sealed bids from eligible bidders for the work for Construction of Work of Water Supply Production and Distribution Network Improvement with House Service Connections for Non-Revenue Water Reduction and Continuous Water Supply and providing Sewer Network with House Connections. Construction of Sewage Pumping Station & Allied Works and Operation Services of the Entire System for 10 Years at Sri Ganganagar on performance based. Bidders would submit online bids as per instructions in following paragraphs.

3. To be qualified for the contract package, the bidder should at a minimum meet the following requirements:
   a) Average annual construction turnover (with or without Operation and Maintenance (O&M)) of INR 2000 million or US$ 34 million calculated at total certified payments received for contracts in progress or completed, within the last 3 years (Financial Year 2013-14, 2014-15 or as per International practice);
   b) Participation in at least (i) one contract in water supply sector where the value of the completed and commissioned or substantially completed work exceeds INR 100 million or two contracts in water supply sector where the value of the each contract completed or substantially completed work exceeds INR 600 million and (ii) one contract in sewage sector where the value of the completed or substantially completed work exceeds INR 1200 million or two contracts in sewage sector where the value of the each contract completed or substantially completed work exceeds INR 800 million or three contracts in sewage sector where the value of the completed or substantially completed work exceeds INR 400 million, within the last 10 years (from 1 April 2005 to bid submission date); and
   c) Meet other financial and experience requirements as indicated in the Bid Document. However for complete eligibility and qualification requirements, interested bidders should refer to the Bid Document.

4. To obtain further information and inspect the bidding documents, bidders should contact:
   Additional Project Director,
   Rajasthan Urban Infrastructure Development Project,
   AVS Building, Jawahar Circle, JLN Marg, Mabyn Nagar, Jaipur -302017
   Tel No.: 0141-2548404, Fax No.: 0141-2721919,
   Email: mail@rudp@gmail.com; mail@rudp.rajasthan.gov.in
   web site : www.rudp.rajasthan.gov.in
5. For bid submission:
   a) participating bidders should be registered on http://reproc.rajasthan.gov.in through
digital signature certificate (DSC).
   b) cost of bidding document INR 5000 (Rs. Five thousand only) or equivalent US$ 85 in
form of demand draft (DD) in the name of Project Director, RUIDP, payable at
Jaipur. Fee for RSL is INR 1000 (Rs. One thousand) or equivalent US$ 17
in the name of Managing Director, RSL, payable at Jaipur is to be submitted after
online submission of bid but before the deadline specified in table below. Technical bid
should be accompanied with bid security as indicated in bid document. Bidder will
upload scanned copy of DD's and bid security document on e-procurement website.
DD's, bid security and other documents in physical form should reach to office of the
Project Director, RUIDP before the date and time specified in table below.

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<tr>
<th>S.</th>
<th>Events</th>
<th>Date &amp; Time</th>
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<tr>
<td>(i)</td>
<td>Start Date of downloading of Bid Document</td>
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<td>25 Feb, 2016</td>
<td>Director, Rajasthan</td>
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<td>Urban Infrastructure Development Project, AV5</td>
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<td>0141-2721966</td>
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<td>(vi)</td>
<td>Deadline for submission of the original documents as required in the sub-clause ITB 11 of Section 2: Bid data sheet of tender Document</td>
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<td>Date of opening of Technical bids</td>
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<td>22 March, 2016</td>
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<td>(viii)</td>
<td>Date of opening of Price bids</td>
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6. Any addendum, clarification to the bidder's queries and corrigendum etc will be published
on the RUIDP website www.ruidp.rajasthan.gov.in and e-proc web site
http://reproc.rajasthan.gov.in and will not be published in Newspapers. In case there is a
holiday on the day of opening of bid, activities assigned on that date shall be carried out
on the next working day.

7. All the prospective bidders are encouraged to participate in the Pre bid meeting and it is
advised that the worksites are visited and bid documents are studied thoroughly.

Project Director
Appendix 1

Phase-II

On request of State Government, Department of Economic Affairs (DEA) Government of India (GoI) approved for project loan assistance of US$250 Million & program loan assistance of US$250 Million from ADB. Loan agreements are signed on 11 Sept, 2015 and made effective on 25 Nov, 2015.

Project Loan of US$250 million & Program loan of US$250 million (Project Loan Program Loan of US$50 million) will be implemented simultaneously.

Total Project cost is equal to US$550 Million (net) estimated to Rs. 3055 Cr. Including Rs. 550 Cr, state share considering G site equal to NR (0).

Under Project I (Loan component), water management works in six project cities namely Sriganganagar, Hanumangarh, Jodhpur, Bikaner, Bikaner (sewerage only) and Tonk are included. Main work under the project will be related to water supply distribution network improvement, sewerage system including sewerage network and treatment plant, house service connections in water supply and sewerage sectors, recycling of waste water and digital networking etc.

Program Loan component will support policy reforms and consolidate institutional development and governance improvement in the urban sector in the state. Drain works in Banswara and Mount Abu and sewerage works in Ganganagar area of Bikaner city, Udaipur, Sawai Madhopur, Kota, Jhalawar and Mount Abu are approved to be taken up under Program Loan component. Program loan fund is scheduled to be released in two tranches against compliance of agreed policy reforms. On compliance with 1st tranche policy reform requirement, amount of US$25 million has been released by ADB in December, 2016. 2nd tranche of program loan equal to US$25 million is scheduled to be released in year, 2019.

Under the project, provision is for single contract in each town having complete scope of work like Water Supply Distribution network improvement on UWWTP basis for continuous pressurized supply. NWWR reduction and 100% metered house service connections etc and Sewerage network, treatment, house connections, septage management, issue of treated effluent etc. Provision of long term (15 years) Operation and Maintenance is included in the contracts.

Program Management, Design & Construction Supervision Consultant (PM & DCSC) is mobilized on 20.08.2015 and is working at the project.

Community awareness and participation consultant (CAPC) and Bill and Milestone consultant are mobilized from 01.01.2016.

Under Project Loan

- Tonk: Contract for work packages of Tonk is awarded in favour of Pan India JV with Jaincon Construction (India) for Rs. 388 Cr. Work was terminated and renewed to M/s. Ehyd-TCP Jv Pvt. Ltd. New Delhi on dated 17.12.2020.
- Pali Package I: Contract for Pali package I works in favour of L&T for Rs. 496 Cr. have been awarded and under execution.
- Pali Package II: Contract for Pali Package II works in favour of Vahini Praksh Pungalay for Rs. 94 Cr. have been awarded and is completed physically.
- Sriganganagar: Contract for Sriganganagar works in favour of L&T for Rs. 595 Cr. have been awarded and is under execution.
- Jodhpur: Contract for Jodhpur work in favour of L&T for Rs. 257 Cr. have been awarded and is completed physically.
- Bikaner: Contract for Bikaner work in favour of L&T for Rs. 399 Cr. awarded to M/s Rajpal Infrastructure Pvt. and is under execution.
- Hanumangarh: Contract for Hanumangarh work for Rs. 261 Cr. awarded in favour of M/s Technofab Engg., Ltd. New Delhi and is terminated and drop the work.

Under Program Loan:

- Bikaner: Contract for sewerage works in Bikaner awarded for Rs. 229 Cr. awarded in favour of M/s Rajpal Infrastructure Pvt. in Ganganagar area and is completed physically.
- Sawai Madhopur: Contract for Sawai Madhopur sewerage works for Rs. 112 Cr. awarded in favour of SGC JV AEC and is under execution.
PETITION PRAYING INCLUSION OF CONDITIONS IN THE
ADB POLICY SECURING HUMAN AND FUNDAMENTAL
RIGHTS OF THE PEOPLE

To
Hon’ble President
Hon’ble Board of Governors
Hon’ble Board of Directors
Hon’ble Members of Management
& Departments and Country Offices
Asian Development Bank
6 ADB Avenue, Mandaluyong City 1550
Metro Manila
Philippines

SUBJECT: Regarding work going on in the city of Sri Ganganagar, Rajasthan, India

With Loan Assistance from ASIAN DEVELOPMENT BANK
Contracted to Larsen and Toubro by RAJASHAN URBAN INFRASTRUCTURE DEVELOPMENT PROJECT

{ADB—RUIDP—LARSEN&TOUBRO—SRI
GANGANAGAR, RAJASTHAN, INDIA}
With Due Respect to the Mission of The Asian Development Bank, which is “The Asian Development Bank (ADB) envisions a prosperous, inclusive, resilient, and sustainable Asia and the Pacific, while sustaining its efforts to eradicate extreme poverty in the region”

In the Light of above Facts and Circumstances, We the People most Sincerely Pray

PRAYER

1. That, Asian Development Bank includes and gives utmost priority to the Fundamental and Human Rights of the People and include terms in its policy specifically as a condition before sanctioning any Loans.

Yours Sincerely

Amarinder Bhatia

“The Best Gift, We as human Beings can Leave behind is a better environment for the upcoming generation”

Grateful

ELECTRONICALLY FILED VIA EMAIL DATED 10 AUGUST 2022
ADB MANAGEMENT’S RESPONSE

Memorandum
Asian Development Bank
South Asia Department

23 September 2022

To: Elisea G. Gozun
Chair, Compliance Review Panel and concurrently Head, Office of the Compliance Review Panel

Through: Shixin Chen
Vice President, Operations 1

From: Kenichi Yokoyama
Director General, South Asia Department

Subject: Loan 3183-India: Rajasthan Urban Sector Development Program (Project No. 42267-026) — Management’s Response to the Compliance Review Panel

I. Introduction

1. Through the Memorandum from the Chair of the Compliance Review Panel (“CRP”) dated 26 August 2022, the CRP requested Management’s response on the request for compliance review forwarded by the Complaint Receiving Officer (“CRO”) to the CRP on 19 August 2022 (“Complaint”) in relation to the Rajasthan Urban Sector Development Program (“SDP”) in India (“Borrower”).

2. On 24 October 2014, the Asian Development Bank (“ADB”) approved a program loan of $250,000,000 and a project loan (“Project Loan”) of $250,000,000 from ADB’s concessional ordinary resources, and administration of a grant of $2,000,000 financed from the Sanitation Financing Partnership Trust Fund1 under the Water Financing Partnership Facility for purposes of the SDP. A capacity development technical assistance2 of $1,000,000 was also approved on the same date. The Loan Agreement for the Project (“Loan Agreement”) and the Loan Agreement for the Program, in each case between ADB and the Borrower and dated 11 September 2015, became effective on 25 November 2015. A Project Agreement (“Project Agreement”) and a Program Agreement, in each case between ADB and the executing agency of the Project (“EA”) and dated 11 September 2015, also became effective on 25 November 2015. The program loan was closed on 7 November 2019. The project component of the SDP (the “Project”) had a completion date of 30 September 2020 (the “Completion Date”). The Project Loan was closed on 16 February 2021, and the grant was closed on 20 August 2021. The SDP complemented past and ongoing efforts of the Government of Rajasthan (“GOR”) to improve water supply and wastewater services to the residents of the state of Rajasthan in India. The Project Loan financed water distribution network in five project cities and sewerage systems in six project cities.3 Under ADB’s Safeguard Policy Statement (2009) (“SPS”), the Project’s safeguard categories are Environment (Category “B”), Involuntary Resettlement (Category “B”), and Indigenous Peoples (Category “C”). The Local Self Government Department is the EA and the Rajasthan Urban Infrastructure Development Project is the implementing agency of the Project (“IA”). The Project Management Unit (“PMU”) headed by Project Director, and Project Implementation Units (“PIU”) in project towns monitor implementation of the Project Loan,

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1 Financed by the Bill and Melinda Gates Foundation.
2 Financed by Technical Assistance Special Fund.
3 The six project cities are Bhiwara, Hanumangarh, Junjhunu, Pali, Sri Ganganagar and Tonk. Sanitation and water supply were implemented in the project cities, except for Bhiwara which only has a sanitation component.
supported by program management and design and supervision consultant and community awareness and public participation consultants ("CAPPC").

3. **Subproject Description.** The subproject that is the subject of the Complaint ("Subproject"), and is part of the Project, involves the implementation of water supply and sewerage works within the town of Sri Ganganagar. The Subproject activities for water supply included (i) distribution network improvement, including digital network systems, on a district metering area basis for non-revenue water reduction; (ii) provision of individual property connections to residents, especially the poor and households headed by women; (iii) provision of 24-hour water supply; and (iv) improvement of water supply efficiency by reducing non-revenue water and energy losses of electromechanical machinery. The Subproject activities for sewerage works include (i) rehabilitation and expansion of the sewerage network, including separation of sanitary sewers from drains, and property connections; and (ii) septage management and decentralized wastewater treatment system. The civil works contract ("Contract"), which includes 10 years of operation and maintenance, was awarded to Larsen & Toubro Limited ("Contractor") and signed between the Contractor and the Superintending Engineer of the PIU for Design and Build Work and the Commissioner, Municipal Council for Operation and Maintenance for the Operation and Maintenance Work on 21 December 2016. The stipulated date of start of the works under the Contract was 6 January 2017 with 3 years for completion of works and one year of Defect Liability Period post completion. The overall progress as of 9 August 2022 is about 95%, and the balance works, which are financed by GOR, are expected to be completed by 31 December 2022 under the Contract.

4. On 10 August 2022, CRO received a Complaint filed by a legal practitioner residing in the project town of Sri Ganganagar and representing 24 other project-affected complainants ("Complainants"). Based on the materials appended to the Complaint ("Complaint Materials"), the actions giving rise to the Complaint began with the commencement of construction works in the Complainants’ area on 19 January 2021, following an end of the Defect Date. The Complaint alleges that the Subproject has caused the following direct and material harm to the Complainants: (i) complete inconvenience to the people of the city, with no respect for environmental and human rights during the construction activity; (ii) no accountability shown by the employers’ representative during the construction activity, no care regarding protection or securing the interest of the people, were shown by the Rajasthan Urban Infrastructure Development Project authorities and the contractor, Larsen and Toubro; (iii) property damage caused to the people’s houses in the name of development; (iv) due to indiscriminate raising of public streets many houses have gone below the level of public street and as a consequence of the same is that, during the rain, water from drain overflows and enters into the houses of the people; (v) the houses which have come in equivalence to the public streets and equally affected as the rainwater gushes into their houses, due to indiscriminate raising of public streets; (vi) situation of public streets after road restoration, can be seen in the videographic as well as photographic report sent via email; and (vii) people’s right to life has been disturbed. While several of these allegations are general in nature, the Complaint Materials provide further insight into underlying events, as further described in Section IV below, and indicate that the allegations relate only to environment safeguards and do not trigger either involuntary resettlement or indigenous peoples safeguards.

5. **Under ADB’s Accountability Mechanism Policy 2012 ("AMP"),** for a complaint to be eligible for compliance review, the CRP must be satisfied that the Complaint meets the eligibility criteria prescribed by the AMP, satisfies the scope for compliance review, and does not fall within the stated exclusions in the AMP. Moreover, the CRP must be satisfied that: (i) there is evidence of noncompliance with ADB policies; (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project-affected people; and (iii) the noncompliance is serious enough to warrant a compliance review.4

6. **Sections III and IV below provide the rationale and basis of Management’s view to**

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4 Accountability Mechanism Policy 2012, paras. 179, 142, and 145-149.
respectfully exclude the Complaint from compliance review by the CRP pursuant to the AMP on the basis that (i) the Complainants have not yet made good faith efforts to address the Complaint with the South Asia Department of ADB ("SARD")5, and (ii) there is a lack of evidence that the direct and material harm alleged by Complainants is the result of ADB’s failure to follow its operational policies and procedures6. Sections V and VI below provide the rationale and basis of Management’s view to exclude certain aspects of the Complaint, on the basis and to the extent that (a) they target the adequacy or suitability of ADB’s existing policies and procedures7, and (b) they relate to matters that have already been resolved.8

II. Compliance with Relevant ADB Policies and Procedures

7. SPS cites that ADB is responsible for screening projects to specify ADB’s safeguards requirements, undertaking due diligence, and reviewing the Borrower’s social and environmental assessments and plans in compliance with ADB’s safeguards policy principles and safeguards requirements, determining the feasibility of ADB financing, helping build capacity to deliver safeguards, and monitoring and supervising the borrower’s safeguards performance during project processing and implementation.

A. Project Processing

8. In accordance and in compliance with the SPS and the Operations Manual Section F1/BP (Safeguard Policy Statement), ADB screened the SDP, including the Project. The findings of the screening for the Project resulted in categorization of the environmental impacts as Category “B”. The environmental impacts were identified in relation to location, design, construction, and operation of infrastructure. On the basis of the categorization, the ADB project team explained SPS requirements to the Borrower and provided consultant support through a technical assistance9 to undertake an initial environmental examination (“IEE”) commensurate with the significance of potential environmental impacts and risks. The ADB project team’s due diligence included a review of the EA’s IEE, and the team documented its due diligence through an internal safeguards’ compliance report for non-CATEGORY A projects issued by SAUW on 28 August 2014.

9. Initial Environmental Examination. Due to the Project’s scale and scope, significant adverse impacts were not anticipated. It was determined that potential impacts associated with design, construction and operation could be readily mitigated through proper engineering design and the incorporation or application of recommended mitigation measures and procedures.

10. The IEE identified that during the construction phase, potential impacts were anticipated to arise from earthworks, damage to underground utilities, dust, noise, traffic congestion, and community health and safety. The IEE includes mitigation measures such as (i) appropriate scheduling of works (e.g., construction during non-monsoon season, low traffic hours, etc.), (ii) minimization of inconvenience during construction based on international good practices, and (iii) preparation of a traffic management plan for pipe and sewer-laying works on busy roads. Moreover, mitigation measures to prevent siltation of the drainage system were included in the EMP, such as a requirement to implement a spoils management plan, avoid stockpiling of earth, and install temporary silt traps along drainage leading to water bodies. A spoils management plan outline is provided in appendix 9 of the IEE. The mitigation measures

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5 Accountability Mechanism Policy 2012, paragraph 142(ii).
6 Accountability Mechanism Policy 2012, paragraph 147.
7 Accountability Mechanism Policy 2012, paragraph 142(viii).
8 In keeping with the stated principle in para. 105 of the AMP that the Accountability Mechanism is intended to be a “last resort” mechanism.
set out in the IEE are part of the EMP which is included in the Contract pursuant to requirements in the Loan Agreement and Project Agreement.

11. Public consultations were conducted during project preparation and documented in the IEE. A requirement for a grievance redress mechanism ("GRM") was reflected in the IEE and the Loan Agreement and Project Agreement to ensure public grievances would be addressed. Consultation and grievance redress are further discussed in para. 20.

12. The IEE requires that the excavation for the pipe/sewer laying works be undertaken through open trenching, which will be a maximum width of 1 meter ("m") only on one side of the road right-of-way with a maximum length averaging 140 m per day for water supply lines and 70 m for sewers. Excavation, laying of pipes and backfilling of trenches is to be completed within the day. Subsequent to completion of works, road reinstatement is to be undertaken by the Contractor as part of the civil works. Pursuant to the Loan Agreement and Project Agreement, as agreed with the EA, relevant IEE and EMP requirements were included in the Contract to ensure the Contractor was subject to a legally binding obligation to comply.

13. Climatic Conditions. The IEE noted that the monsoon season is from July to September, although the area experiences very low and unpredictable rainfall under the influence of southwest monsoon from June to September. Sri Ganganagar has one of the lowest annual rainfall totals in the country with an average of 15 rainy days each year. The IEE documents that the Average Annual Rainfall ("AAR") is approximately 248 millimeters (mm) per year. The AAR for the month of July (1970-2000) is 78.7 mm. Based on data from 1970, no heavy rainfall was identified during preparation of IEE report.

14. The IEE classified the topography of the town as plain and that the elevation ranges from 174 m to 178 m above the mean sea level, and gently slopes towards the southwest. The IEE recorded that due to low AAR and the semi-arid environment, natural drainage systems are very poorly developed. There are no water bodies, rivers, or streams in or near the town. There are two natural depressions in the town, one near Balmiki Mandir and the other at Idgah area, in which water (mostly wastewater) accumulates.

B. Project Implementation

15. Based on review missions and monitoring reports, PMU and PIUs were established, and contractors' staff and consultants were engaged to implement environmental safeguards prior to project commencement. These staff included: project officer (environment) and assistant project officer (environment) in the PMU, environmental specialist (consultant) to support the PMU, assistant safeguard officer in the PIU, and environment health and safety supervisor (contractor staff).

16. The IEE sets out the monitoring and reporting requirements for the Subproject, with monitoring reports to be provided to ADB on a semi-annual basis. The monitoring reports have been submitted until the reporting period of January to June 2021. ADB undertook regular review missions during project implementation to provide supervision and guidance, and to confirm and follow up on issues reported in monitoring reports. Monitoring reports identified issues such as: outstanding regulatory permissions, absent ambient air and noise parameter.

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10 The initial IEE was based on the secondary source of information and reconnaissance survey, further update was based on the latest design being implemented under the Project. The IEE was updated in March 2017 and again in November 2019. The assessments set forth in the initial IEE in relation to potential impacts and mitigation measures remained unchanged.

11 Project missions undertaken: (i) special loan administration from 8-11 July 2018 and 8-9 Sep 2020; (ii) loan review mission from 4-7 Oct 2016, 3-9 Mar 2017, 2-6 Feb 2018, 12-14 Mar 2018, 3-9 Oct 2018, and 11-13 Mar 2020; (iii) midterm review mission from 3-6 Sept 2019 and 31 Oct-3 Nov 2018; and (iv) project specific contact/consultation mission from 22-23 Jan 2019; (v) grant and project administration from 16-18 Nov 2015. The last mission in September 2020 was done virtually because of the coronavirus disease (COVID-19) pandemic, which continued to impact implementation and project monitoring. The loan was closed physically in September 2020.
testing, and deficient housekeeping practices. These issues were discussed between ADB and the EA/IA and were confirmed to have been addressed, as documented in monitoring reports.

17. In general, monitoring reports indicated that works were executed to a satisfactory level and provisions set out in the EMP were complied with. Monitoring reports evidence that public consultations were undertaken in Sri Ganganagar, and no grievances were escalated beyond the first level. Monitoring reports received by ADB did not include mention of issues related to drainage. The coronavirus disease (COVID-19) pandemic \textsuperscript{12} and wide-scale national lockdown impacted project implementation, monitoring, and reporting. Review missions also record environmental management performance. For example, the Aide Memoire of the review mission of 3-6 September 2019 which also visited the Subproject town of Sri Ganganagar, cites that overall performance of environmental safeguards in the Project are generally adequate except for some regulatory compliance issues which need to be obtained prior to undertaking rehabilitation works in plants. For the review mission of 9-11 July 2018 which visited other Project towns, the only issue recorded was a reminder of the submission of two EMRs.

18. Project Grievance Redress Mechanism. The IEE, Loan Agreement and Project Agreement required that a GRM be established and maintained. The GRM comprises four tiers. The first two tiers are rapid response tiers with the first tier involving redress of grievance(s) through contractors, PIU supervision personnel, non-government organization ("NGO"), CAPCC, and the project manager on site, and the second tier involving redress through the PMU. The third tier involves activation of the Grievance Redressal Committee ("GRC"). The City Level Committee established in every project town acts as GRC.\textsuperscript{13} The fourth and final tier involves redressal through the Empowered Committee.\textsuperscript{14}

19. Monitoring reports have documented the active use of the GRM, with grievances recorded as being received and resolved. Active use is also demonstrated by a complaint register, maintained by the Contractor as part of the GRM's first level, which was provided by the EA/IA in response to ADB's information requests in relation to the Complaint. The complaints register shows 546 complaints in Sri Ganganagar between 2 February 2021 to 25 January 2022, most of which are recorded as resolved within 2 days. The main issues raised through the complaints register are damage to underground utilities, road issues, expediting connections between the manhole and house chamber, and damage to water line connections. One of the findings of an expert committee (constituted by the EA in response to ADB’s requests for information in relation to the Complaint) showed that during the construction period, in the areas of Mukherjee Nagar and Vinoba Basti, sixteen grievances were received and resolved within an average of 1.5 days.

20. Consultation and Participation. Monitoring reports, records of ADB missions and the quarterly progress reports submitted to ADB\textsuperscript{15} document that consultation and participation activities were undertaken. These documents record the following: CAPPC were mobilized since December 2015; and the CAPPC conducted awareness activities on water conservation, telephonic consumer feedback surveys, water connection camps, school awareness program, and

\textsuperscript{12} Intermittent waves of the COVID-19 pandemic started in 2020 and continued in 2021 and 2022.

\textsuperscript{13} The IEE indicates that the city level committee is to be formed at town-level with members composed of: District Collector (DC) as Chairperson and following as members: urban local body commissioner; assistant safeguards officer of project implementation unit; representative from Rajasthan Pollution Control Board regional office; and one representative each from relevant government departments as appropriate (Public Works Department/ Public Health Engineering Department/ Department of Agricultural Marketing, etc.). The IEE also indicates that all town-level GRCs are to have at least one woman-member/chairperson, and that, for project-related grievances, representatives of affected persons (APs), community-based organizations (CBOs), and eminent citizens are to be invited as observers to GRC meetings.

\textsuperscript{14} The IEE indicates that the EC is to be chaired by the Minister of Urban Development and Housing, and that members are to include Ministers, Directors and/or representatives of other relevant Government Ministries and Departments.

\textsuperscript{15} The last QPR from CAPPC was provided for January to March 2021.
door to door water connection surveys and sewer connections surveys, IEE activities, and focus group discussions. The Contractor mobilized social outreach teams to inform residents in advance of site activities and convey likely disruption which may be caused during construction. The social outreach team was mobilized along with the mobilization of the Contractor's team. Consultation and participation activities continued until 2021.

III. Opportunity for Good Faith Efforts

21. Pursuant to paras. 142(ii) and 179 of the AMP, complaints are excluded from compliance review if they concern matters that complainants have not made good faith efforts to address with the operations department concerned.

22. The Complainants do not indicate in the Complaint that they have previously made efforts to resolve the issues raised with the relevant ADB operations department, including the resident mission. ADB first became aware of the grievances of the Complainants when it was forwarded a link of a video and photographs of the Project road from the Senior Communication Officer, India Resident Mission ("INRM"), from social media\textsuperscript{16} on 8 August 2022. On the same day, the ADB Project team contacted the EA for further information in relation to the content of the video and photographs\textsuperscript{17}. The Complainants submitted the Complaint to the CRO on 10 August 2022 and thereafter resubmitted a revised version on 11 August 2022 specifying choice of function as compliance review. The Complainants first engagement with SARD was on 27 August 2022 when they sent the Complaint to the Country Director at INRM and Project Officer through email, only after submission of the Complaint to the CRO.

23. It can therefore be concluded that prior to submission of the Complaint to the CRO, ADB was not provided the opportunity to engage in good faith efforts with the Complainants to work towards resolution of the issues raised. However, ADB has been in regular contact with the EA in relation to the Complaint and is ready and willing to engage with the Complainants to work towards a solution.

24. A detailed sequence of events related to the Complaint is provided in appendix 1.

IV. Lack of Evidence that Alleged Direct and Material Harm is the Result of ADB’s Failure to Follow its Operational Policies and Procedures

25. Pursuant to para. 147 of the AMP, eligibility for compliance review requires evidence of the coexistence of (i) direct and material harm caused by the ADB-assisted project; (ii) noncompliance by ADB with its operational policies and procedures; and (iii) the noncompliance as a cause for such harm.

26. In this case, there is a lack of evidence that the Complainants’ allegations of harm are due to ADB’s noncompliance with its operational policies and procedures.

27. Based on the Complaint Materials, the allegations (see para. 4) can be broadly grouped into three categories: (i) inconvenience caused during the construction phase\textsuperscript{18}; (ii) rainwater entering into houses; and (iii) quality of the restored roads.

A. Construction Phase

28. The Complaint Materials indicate issues during the construction phase relating to inconveniences caused by the manner in which construction was carried out, including with

\textsuperscript{16} Construction related issues were posted on Twitter tagging ADB Headquarters and the ADB President.

\textsuperscript{17} The EA responded with a factual report on 10 August 2022 (appendix 3).

\textsuperscript{18} While it is noted that issues raised in the Complaint do not specifically include resettlement and livelihood issues, such impacts while laying of pipe networks were planned with corresponding mitigation measures and are documented in the resettlement plan.
regard to advance notice of construction activities, availability of Contractors’ contact information, timely repair of broken water and phone lines, and timely restoration of excavated streets. It is understood from the Complaint Materials that at least some of the issues relating to these disturbances which were caused by construction activity have been resolved and do not currently remain outstanding.

29. **ADB has complied with applicable requirements regarding assessment and mitigation of risks and impacts during the construction phase and its commitment to meaningful consultation.** During civil construction, particularly in urban areas, the inconvenience caused can be reduced but cannot be completely eliminated. This was anticipated by the safeguards assessments, hence the IEE identified necessary mitigation measures to mitigate (para. 10), which were stipulated in the Contract as required by the Loan Agreement and Project Agreement. Among others, these included requirements to (i) inform the affected local population one week in advance about the work schedule; (ii) provide sign boards which indicate the nature and duration of work as well as contact numbers for concerns and complaints; (iii) widely circulate brochures with information on how to contact relevant persons for road safety issues at the work zones; (iv) notify community and water users in advance about likely interruptions in water supply; (v) identify the locations and operators of utilities such as telephone lines and water lines that may be affected by construction in order to prevent unnecessary disruption of services during the construction phase; and (vi) require construction contractors to prepare a contingency plan to include actions to be taken in case of unintentional interruption of such utility services. The Contract also imposes penalties on the Contractor if roads are left uncovered beyond a specified time period and beyond a specified total length.

30. **The following highlights that ADB carried out monitoring and supervision commensurate to Subproject risks and impacts in relation to the construction phase.** ADB monitored the implementation of mitigation measures primarily through review missions and the review of environmental monitoring reports.\(^{19}\) According to the Complaint Materials, the construction started in the Complainants’ area on 19 January 2021, and the Complainants appear to indicate (in the second request for information application included in the Complaint Materials) that at least some of the stated grievances related to the disturbances caused by the construction activity, such as the ones mentioned in para. 29 were resolved before 7 June 2021. In the January to June 2021 monitoring report, issues raised related to a lack of air quality and noise monitoring, rather than the issues raised in the Complaint. The monitoring report notes ambient air and noise testing could not be conducted because of COVID-19 government lockdowns. Except for the foregoing in relation to ambient air and noise testing, no instances of noncompliance or complaints or issues were raised in Sri Ganganagar in the monitoring report.

31. Further, the Aide Memoire of the last physical mission in the Subproject area on 3-6 September 2019 prior to the COVID-19 pandemic, monitoring reports received in 2020 (January to June 2020 and July to December 2020); and the Aide Memoire of the virtual review mission on 8-9 September 2020, record that the EMP was complied with for the Subproject and no issues or complaints on environmental issues were cited. (It is noted that in contrast, the same environmental monitoring report indicates receipt and resolution of 6 complaints related to environmental, health and safety under the Bhilwara Subproject.)

B. **Rainwater**

32. **Inundation.** Other allegations in the Complaint relate to rainwater entering homes and damaging property due to a change in the level of the streets after the completion of construction. The evidence submitted with the Complaint form are photographs taken between

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\(^{19}\) Please see footnote 11.
15 to 25 July 2022. The photographs depict the situation following an unusually heavy rainfall which occurred on 15 July 2022.

33. Indian Meteorological Department (IMD) data of 15 July 2022 recorded a single-day rainfall total of 224.1 mm in Sri Ganganagar, leading to inundation and water logging in many areas. According to newspaper reports (see appendix 2), published in “Dainik Bhaskar (Sri Ganganagar)”20 dated 16 July 2022, Indian Army and paramilitary forces were called to assist rescue and relief operations due to the severity of the situation. Newspaper reports suggest that the last such rainfall was four to five decades earlier.21

34. ADB conducted due diligence and safeguard review to confirm key environmental risk and impacts of the Subproject were identified and effective measures were applied to avoid, minimize, or mitigate such risks. With regards to flood risks, the IEE assessed risks based on past rainfall patterns. The project area is characterized as semi-arid, with very low rainfall historically. Between 1970 and 2000, the average monthly rain experienced during the entire month of July was 70 mm. The area has an average of 15 days of rain per year. The project was designed based on these conditions. However, the rainfall event on 15 July 2022, recorded 224.1 mm in a single day, which is an unprecedented event. Inundation witnessed around the Subproject area during the extreme rain event is likely to have resulted from a combination of natural and physical factors as the conveyance of flood water would have been restricted by both the flat topography and inadequate local drainage systems that lack capacity and coverage. The conditions encountered go beyond normal design parameters and margins that could be expected for the Project area.

35. The extreme rain event is an unanticipated environmental impact, and where such impacts become apparent, the borrower is responsible for updating the environmental assessment and EMP and promptly informing ADB. In the event of any unanticipated environmental risks and impacts during construction, implementation or operation of the Project that were not considered in the IEE or the EMP, as applicable, the Loan Agreement and Project Agreement impose obligations on the Borrower and EA to ensure that ADB is promptly informed of the occurrence of such risks or impacts, with a detailed description of the event and proposed corrective action plan. Furthermore, the Borrower and EA were also required to ensure that all bidding documents and contracts for works contained provisions that require contractors to provide the EA with a written notice of any such unanticipated risks or impacts. In this case, ADB was not made aware of the state of the roads after the rain of 15 July 2022 until ADB made inquiries after becoming aware of the Complainant’s grievances on 8 August 2022. ADB will work with the EA to assess the unanticipated impacts and evaluate options to address them in consultation with the Complainants.

36. With respect to conditions during normal rains, prior to the Project, the storm water drainage system primarily conveyed wastewater, aside from the 15 typical days of rain events where both wastewater and stormwater combine in the drainage system. On completion of the Project, the new sewerage system will act to transfer domestic wastewater and will therefore increase the capacity of the urban drains to convey stormwater.

37. Road Level. The Complaint Materials also allege that water was entering houses during normal rains in 2021 due to a rise in the road levels caused by the Project.

38. ADB conducted a safeguard review as a part of its due diligence, which included a desk review and site visit, to ensure all key environmental risks were identified and measures incorporated into the design. During Project processing, detailed surveys were

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20 The local newspaper was part of committee’s report.
not yet available because the nature of the Contract is such that the Contractor is responsible for final surveys and design.

39. The EMP required that roads be restored at least to pre-project condition upon the completion of construction, and the Loan Agreement and Project Agreement also required the Borrower and EA to ensure that the road levels on this basis or include a need to apply national road or drainage design standards. Since the road was to be restored to its original condition after laying the sewerage system, without any change in the drain design, it was anticipated that the storm water flow pattern would not change.

40. **The following highlights ADB monitoring, and supervision activities are commensurate with Subproject risks and impacts.** The monitoring reports from January 2019 to June 2021 did not reflect issues or concerns on rainwater due to road level increases. This was neither reported during any of the missions which ADB undertook nor mentioned in the monitoring reports for any of the subprojects under the Project. With onset of the COVID-19 pandemic, submission of monitoring reports was delayed, wherein the environmental monitoring report for the period of July 2021 to July 2022 is awaited (see para. 17).

41. The monitoring reports from 2020 and the first half of 2021 report stakeholder consultations, where comments were raised, and participants were briefed on (i) damages and repair of the existing pipelines; (ii) duration of completion of the work; (iii) inconvenience during the work; and (iv) project benefit and shared the public complaint number. However, no stakeholder concerns on road height or rainwater impacts due to road level increases are recorded during such consultations. In response to ADB’s requests for information, the EA on 1 September 2022 replied based on an assessment from an expert committee that road level changes were nominal and that there are only 1 or 2 houses whose outer level is at the same level as the restored road level, with other houses remaining above the road level. The committee report further indicated that these nominal changes to the road level should not have been a cause for water entry.

42. ADB will work with the EA to confirm final road heights in the affected areas, assess any impacts and evaluate options to address them in consultation with the Complainants.

C. **Quality of Road Restoration**

43. The Complaint Materials also include allegations and photographs regarding the general quality of the roads after road restoration.

44. **ADB during Project preparation put in place measures to minimize adverse impacts and risks to the safety of local communities in relation to the quality of restored roads.** As part of Project design, the Contract was structured as a performance-based contract which includes a 1-year defect liability period and operation and maintenance of the created assets for 10 years post commissioning. The structure of the Contract was intended to ensure that Contractors remain on the ground for an extended period so that any issues can be rectified in the field.

45. Additionally, the Loan Agreement and the Project Agreement impose various obligations on the Borrower and EA to ensure the quality of works under the Project. In addition to the obligation to require roads to be fully restored to at least their pre-project condition upon the completion of construction (see para 40), this includes obligations to:

   (i) at all times conduct operations in relation to the Project in accordance with sound applicable technical and development and operational practices and under the supervision of competent and experienced management and personnel;
Appendix 2

(ii) in relation to the Project, at all times operate and maintain its plants, equipment and other property in accordance with sound applicable technical, development, operational and maintenance practices; and

(iii) promptly and as needed, make all necessary repairs and renewals in accordance with sound applicable technical, development, operational and maintenance practices.

46. The Aide Memoire of the review mission dated 30 September 2019 documents that to ensure construction quality, ADB visited the Subproject sites, reviewed the quality control measures and advised the EA that the provisions under the quality assurance and quality control manual prepared for the Project should be strictly adhered to and regular tests as per manual should be undertaken at all Project sites. It is also documented in the Aide Memoire of the review mission that ADB recommended that the established quality assurance process continue while the balance of works are carried out. The Contract also includes quality control measures, such as the requirement to submit an engineer’s certification on quality before disbursement to the Contractor. 22

47. ADB reviewed periodic monitoring reports to ensure that adverse impacts and risks would be mitigated as planned and as agreed with ADB. No issues on road quality were reflected in the monitoring report of January to June 2021.

48. The two committees constituted by EA also investigated this matter. The committee reports state that the PIU and contractor have appropriately addressed issues raised by the Complainant as per provisions of the Contract, and that quality of work is satisfactory even after the unusual rainfall. One of the committees highlighted five reasons for settlements to occur: (i) heavy rainfall in a short duration; (ii) poor drainage of Sri Ganganagar in the city area; (iii) construction site where works were still in progress specially at trench and manhole locations; (iv) poor soil drainage (clayey in nature); and (v) stagnation of water for long durations. It was noted by the committee that the surface of Water Bound Macadam needs improvement at the location where trenchless work was underway, however, it was also concluded that despite this, the road is motorable. One committee observed that water logging for longer period resulted in ingress of water to the trench and manholes resulting in settlement of localized area.

V. Adequacy or Suitability of ADB’s Existing Policies and Procedures

49. Pursuant to paras. 142 (viii) and 179 of the AMP, complaints are excluded from compliance review if they are about the adequacy or suitability of ADB’s existing policies and procedures. The Complaint, in part, suggests inadequacies in ADB’s policies and procedures rather than noncompliance. 23 These aspects of the Complaint should be considered ineligible as per paras. 142 (viii) and 179 of the AMP.

VI. “Last Resort” Principle

50. The Complaint and Complaint Materials 24 suggest that at least some of the grievances enumerated in the Complaint relating to the disturbances caused by construction activity, as described in para. 29, were resolved by June 2021. A compliance review of such issues would

22 Following provisions of the Project Administration Manual and Contract Agreement, the IA ascertains quality control measures. Contractor maintains a site laboratory to conduct all quality related tests and the reports are submitted to EA. The reports are submitted by the contractor on monthly basis. IA’s third-party agency tests key materials from an outside laboratory independently.

23 For example, Complaint Materials include a petition written to ADB requesting that ADB include “conditions in the ADB Policy securing human and fundamental rights of the people.”

24 For example, the second request for information application included in the Complaint Materials.
not be in keeping with the principle that the Accountability Mechanism is intended to be a “last resort” mechanism.26

VII. Conclusion

51. In conclusion, Management respectfully contends that the Complaint should be excluded pursuant to the AMP, as detailed in Sections III through IV above, on the basis that: (i) the Complainants have not yet made good faith efforts to address the Complaint with the SARD 26; (ii) there is a lack of evidence that the direct and material harm alleged by Complainants is the result of ADB’s failure to follow its operational policies and procedures27. In addition, Management contends that certain aspects of the Complaint should be excluded, as detailed in Sections V and VI above, on the basis and to the extent that (i) they target the adequacy or suitability of ADB’s existing policies and procedures28, and (ii) they relate to matters that have already been resolved, in keeping with the principle that the Accountability Mechanism is intended to be a “last resort” mechanism.29

52. However, notwithstanding ADB’s view that the Complaint is ineligible for compliance review, ADB has been in regular contact with the EA in relation to the matters raised by the Complaint and is ready and willing to engage with the Complainants, the Borrower, and the EA to work towards a solution. Management stands ready to provide further clarification and materials to the CRP upon request.

Appendices:

1. Sequence of event
2. Newspaper Reports, Sri Ganganagar
3. Factual Report

cc: Sameer Kumar Khare, Executive Director Representing India
    Philip Rose, Chair, Board Compliance review Committee
    Bruno Carrasco, Director General concurrently Chief Compliance Officer, Sustainable Development and Climate Change Department (SDCC)
    Bruce Dunn, Director, SDSS
    Mannohar Parkash, Deputy Director General, South Asia Regional Department (SARD)
    Cheong-Ann Png, Assistant General Counsel, Office of the General Counsel (OGC)
    Norio Saito, Director, South Asia Urban and Water Division (SAUW), SARD
    Eleonora Windisch, Advisor and Head, Portfolio, Results and Quality Control Unit, SARD
    Jude E. Kohihase, Unit Head, Project Administration, SAUW
    Rishikesh Singh, Portfolio Management Specialist, SARD
    Takeo Konishi, Country Director, India Resident Mission (INRM)
    Collette You-Jung Shin, Counsel, OGC
    Ricardo Carlos V. Barba, Principal Safeguards Specialist, SARD
    Bouadokpheng Chansavat, Unit Head, Project Administration, INRM
    Aaron P. Sexton, Environment Specialist, SDCC
    Girish Mahajan, Senior Environment Officer, INRM
    Bhavesh Kumar, Senior Project Officer (Urban), INRM

26 Accountability Mechanism Policy 2012, para. 147. See also para. 142(ii) of the AMP on prior good faith efforts, also affirming the “last resort” principle.
27 Accountability Mechanism Policy 2012, para. 142(ii).
28 Accountability Mechanism Policy 2012, para. 147.
29 Accountability Mechanism Policy 2012, para. 142(viii).
Sequence of Event

1. The Complainants posted on Twitter and tagged ADB and the ADB President on 8 August 2022. ADB sought the EA's response on the content of the post (containing videos and photographs). The EA, after initial ground verification, responded on 10 August 2022 and included before and after photos showing the reinstated condition of the roads.

2. ADB’s CRO received the Complaint from the Complainants and forwarded it to SARD Management on 10 August 2022 for their response.

3. The EA shared a video showing the present condition of the restored roads on 16 August 2022 and responded to the additional information requested by ADB on 11 August 2022.

4. ADB requested the EA for a response with documentary evidence on the 7 issues highlighted in the petition filed by the complainant on 21 August 2022. The EA constituted independent committees of experts to further investigate the complaint. The committees, after their investigations, responded to all points of the complaint and submitted their reports to the EA on 29 August 2022.

5. The CRO after getting confirmation from Complainants on the choice of function, forwarded the Complaint to CRP. The CRP sought management response on 26 August 2022 with a deadline of 26 September 2022.

6. The Complainants sent the Complaint addressed to the Country Director INRM and Project officer on 27 August 2022.

30 Link of the video and photographs showing issues on the project road was observed by the Senior Communication Officer, India Resident Mission (“INRM”).
31 First committee constituted on 18 August 2022, comprising of professors of Civil Engineering department of a reputed Engineering College, Malaviya National Institute of Technology (MNNIT), Jaipur to investigate the issues highlighted in social media. Second committee constituted on 22 August 2022 comprising of Additional Chief Engineer (Senior level officer) of PMU, Assistant Construction Manager of Contract Management and Supervision Consultancy-2 (CMSC-2) and Team Leader of CAPPCC to investigate the complaints received by CRO.
**Newspaper Reports, Sri Ganganagar**

<table>
<thead>
<tr>
<th>News Report</th>
<th>Key Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sri Ganganagar receives 612 mm rain till date during the monsoon</td>
<td></td>
</tr>
<tr>
<td>Three times more rain than previous year till date</td>
<td></td>
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<tr>
<td>• 2016- 263.2 mm</td>
<td></td>
</tr>
<tr>
<td>• 2017- 246.0 mm</td>
<td></td>
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<tr>
<td>• 2018- 241.1 mm</td>
<td></td>
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<tr>
<td>• 2019- 158.2 mm</td>
<td></td>
</tr>
<tr>
<td>• 2020- 296.0 mm</td>
<td></td>
</tr>
<tr>
<td>• 2021- 202.0 mm</td>
<td></td>
</tr>
<tr>
<td>• 2022- 612.0 mm</td>
<td></td>
</tr>
</tbody>
</table>

| 226 mm rain in 8 hrs |
| Rainwater gushes more than 10000 houses and shops |
| 8 teams of Army and BSF rescue city |
| 107 mm rain recorded in July 1978, new record of 226 mm |
| One day rain had quota for full monsoon |
| Similar rain was observed 44 years back |
| City generally receives 205 mm in monsoon |

| 10 inches rain in 10 hrs |
| City generally receives 205 mm in monsoon |
| One day rain breaks century’s record |
| 251.7 mm rain received on 31 Aug 1928 |
No cleaning of drains before monsoon resulting in overflow of drain, water gushes into houses, all in trouble.

Lower area inundated with water.
## Factual Report

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>Before</th>
<th>After</th>
<th>Remarks</th>
<th>Present Status</th>
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<tbody>
<tr>
<td>1</td>
<td>Vivo Bari</td>
<td><img src="image1.jpg" alt="Image" /></td>
<td><img src="image2.jpg" alt="Image" /></td>
<td>The area was flooded with water, and the cause was due to heavy rainfall.</td>
<td>Resolved</td>
</tr>
<tr>
<td>2</td>
<td>Vivo Bari</td>
<td><img src="image3.jpg" alt="Image" /></td>
<td><img src="image4.jpg" alt="Image" /></td>
<td>The area was flooded with water, and the cause was due to heavy rainfall.</td>
<td>Resolved</td>
</tr>
<tr>
<td>3</td>
<td>LB Road</td>
<td><img src="image5.jpg" alt="Image" /></td>
<td><img src="image6.jpg" alt="Image" /></td>
<td>The area was flooded with water, and the cause was due to heavy rainfall.</td>
<td>Resolved</td>
</tr>
</tbody>
</table>

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*Submitted by the EA in response to issues highlighted in the complainant's social media on 8 August 2022.*
<table>
<thead>
<tr>
<th>S. No</th>
<th>Location</th>
<th>Before</th>
<th>After</th>
<th>Reason</th>
<th>Present Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Ramesh Colony</td>
<td><img src="before_image.png" alt="Before Image" /></td>
<td><img src="after_image.png" alt="After Image" /></td>
<td>The portion near the manhole was damaged due to the heavy rains and water logging in the trench for a longer period, resulting in piping occurring to the trench.</td>
<td>Rectified</td>
</tr>
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</table>