
After bifurcation of the erstwhile Indian state of Andhra Pradesh in June 2014, both the new states of Telangana and Andhra Pradesh are sharing the Hyderabad as capital for 10 years. In September 2014, N Chandrababu Naidu, the Chief Minister of Andhra Pradesh announced that a single capital would be built for the State.

Amaravati, the proposed capital city covers an area of 217.23 sq. km with the seed capital in an area of 16.94 sq. km, while the entire capital region pans over a spread of 8352.69 sq.km across both Krishna and Guntur districts of the State of Andhra Pradesh. The city specifically is planned to be built in Guntur district on the banks of the Krishna River, which is hailed as the rice-bowl of the State with 120 multi-crops irrigated on the floodplains. The area sited for the city presently has a population of 1.03 lakh while that of the entire capital region would be 5.8 million.

The following contraventions of this project are elicited, during 2014-2017, with regard to World Bank's Operational Policies, in a concentrated effort to prevent forthcoming irreplaceable damages to peoples’ lives. World Bank’s Operational Policies framework have been employed here as AIIB has agreed that the Environmental and Social Safeguard Policies and related procedures of the World Bank will apply to this project; and that AIIB will rely on the World Bank’s determination as to whether compliance with those policies and procedures have been achieved under the project.
1. Violation of Bank’s OP/BP 4.01 – Environmental Assessment

1.1. After the introduction of the concept plan for a greenfield Capital City in June 2015, a detailed Environmental Impact Assessment (EIA) was executed by Tata Consulting Engineers Ltd (TCE) from May-August 2015 and Environment Mitigation Plan (EMP) was prepared. Construction activities of the interim Government complex were progressing at Velagapudi and a temporary secretariat is already established. The initial leveling and construction activities for the capital city had begun prior to the disclosure of EA report to the public. Without the project-affected communities comprehending the enormity of the project and their consequences, the EA report was processed and “considering that Article 19 of the Constitution entitles the citizen to know and since that right stands infringed in this case, the whole process of EIA and issuance of the EC stand vitiated.”

Discrepancies in publishing the Environment Clearance (EC) report to the public and uploading it at APCRDA (Andhra Pradesh Capital Region Development Authority) website at the event of NGT petitions is misleading and accordingly, presenting false information for obtaining EC triggers action by way of revocation of the EC for the project.

1.2. It is claimed that both EIA and EMP underwent significant scrutiny by the State Environment Impact Assessment Authority and Amaravati Capital City project was accorded environmental clearance during October 2015. Yet there are reports of forgery, and petitions have been submitted to the National Green Tribunal (NGT) stating that the EIA and EMP reports were tailored to suit the needs of the GoAP. Since SESA-ESMF is the “overarching framework” that regulates the environmental and social safeguards at both the project’s development and implementation stages, we are apprehensive that SESA-ESMF document prepared for Amaravati misinforms the project affected communities, consultants, civic bodies, NGOs, and allied concerned groups.

1.3. The project is rendered Category A status and it will usher in high risk adverse impacts on the natural environment of the earmarked areas of Guntur-Krishna districts, percolating to the surrounding habitats as well. It is believed that the Bank has merely assessed the extent of the nature of the risk and have not adequately provided “…for assessment of feasible investment, technical, and siting alternatives, including the “no action” alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them” (OP/BP 4.01 A.4).

1.4. The Shivaramakrishnan Committee, appointed by the State in 2014 for a new capital, after various consultations with numerous stakeholders across the thirteen districts of AP, came out with recommendations for least dislocation of the existing agricultural lands along Krishna-Guntur belt and also cautioned about diverting fertile farmlands with 120 multi-crops for developmental purposes (Report of the Expert Committee 2014). To the dismay of the agrarian communities, GoAP unnervingly rejected the propositions and sited one of the richest food-belts of India for erecting the new capital city, forfeiting national food security for infrastructure development. We also fear that once developmental activities progress, the project executing agency will not repeal the same. Subsequently, petition has been filed to the NGT for the protection of these fertile lands with a call for considering it immediately before

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1. Noted Indian environmentalist and NGT petitioner EAS Sharma, in a letter addressed to B. S. S. Prasad, Member Secretary (APPCB), & Ex-officio Member Secretary (SEIAA), Hyderabad
2. World Bank (2017): Strategic Environmental and Social Assessment - Environmental and Social Management Framework (SESA-ESMF), February
any developmental activities are already established there with irreversible consequences.6

1.5. The final Master plan which was introduced in February 2016 revealed the plans for deviating 13 islands (These are Lanka islands inhabited by around 500 Dalit families for more than 600 years, the displacement and marginalization issues of these families without return land is explained in the Section 4.2. of this complaint) for tourism and development purposes.7 They are also recognized as wetlands and falls under the agreement of Ramsar Convention. The Bank’s OP/BP 4.01 A.3 stipulates to “assess the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements”, and henceforth warrants to ensure that the Bank will not co-finance such projects which supersedes such international agreements. Communities asserted that prohibitions are to be honoured in such cases of land reclamation, industrial development, permanent construction and any actions impacting the ecosystem of these islands.

1.6. Serious climatic shifts in the proposed Amaravati area is an advancing thought from the concerned environmental-conscious residents of the State and nationwide. This has been haphazardly scanned by the Bank infringing on its own clause OP/BP 4.01 A.2. A highly ambitious concrete city with structures of glass, steel, flyovers, transport connectivity systems as speculated in the Master Plan will enhance the growing climate crisis.

1.6.1 India has been identified as a water stress zone by the International Water Management Institute and the issue of water scarcity also affects the proposed capital area, if the floodplains of Krishna River are encroached upon for construction purposes without paying caution to the proper conservation and management of water. Floodplains are the last resort for pure unpolluted water for Indian cities.

1.6.2. Installing buildings on floodplains will increase the risk of irrevocable impairments. The State with its long coastal line is most vulnerable to cyclone and sea-level change. Though alternatives are mentioned by Bank (SESA-ESMF for Amaravati)8 for flood/storm water management including the raising of construction levels higher than the local historical flood levels, it is strongly inferred that destroying the natural absorption and discharge of Krishna floodplain will tremendously increase flash flooding, which will not be rectified by developing three more reservoirs, as mentioned in SESA-ESMF. Moreover, SESA-ESMF has given inadequate emphasis on the flood risks of Krishna floodplain, given the historical records of frequent floods there. Though GoAP has given written declaration to NGT regarding protection of floodplains, the Master Plan discloses that the SEED Capital will be built on 30 metre deep floodplain. The Master Plan has also shown that construction will happen between the Krishna bund and river, which is seen as impromptu encroachment of the river. The Bank needs to ascertain whether it has followed OP/BP 4.01 A.7 in including consultations on EA which are indeed multi-dimensional here, and if they are brought into the notice of GoAP. We are, in fact, presented with more arguable reasons that the Bank and the GoAP has not given least consideration for the protection of river ecology in the State. The proposal to elevate many thousand acres land for high-rise buildings to prevent floods from Krishna river and Kondaveeti Vagu have been challenged at the NGT, and the viability of this plan is a point of contention as explained by noted environmentalists of the country.9

1.6.3 The proposal to realign Krishna River bund is stated in the Master Plan, since Amaravati is celebrated as a Blue-Green Capital City, with a river frontage. This diversion is also purportedly suggested to provide ample public facility space against the 30 km stretch of waterfront. It is also defended by the GoAP that this realignment of Krishna River would be executed without compromising the flood protection or the course of the river.10 Only private owners of lands on either sides of the river and the bund will benefit from this scheme, by reclaiming more land between old and new bunds. The natural flow of the water will be disrupted resulting in grave danger,

8 World Bank (2017): Strategic Environmental and Social Assessment - Environmental and Social Management Framework (SESA-ESMF), February, pg. 54
10 APCRDA (2016): Amaravati Project Ed. No.1, March
as examined by environmental experts. Several studies have reported the effects of global warming on Krishna River and it has been identified as one of the nation’s most affected river as a consequence of climate change. Kondaveeti Vagu is a catchment area for the heavy rainfalls. The flood water from this area passes through many tributaries and finally joins Krishna River after more than fifteen to thirty days. When the tributaries are disturbed, flow of flood water is restricted, leading to stagnation and crop destruction every year for the farmer. The capital city has been sited at this exact location. Details of flood mitigation in the capital city are not sufficiently mentioned in the Bank’s disclosure documents.

1.6.4. The State is categorized in the seismic zone Zone II and III and particularly the land slotted for Amaravati is in Zone III. It has been reported (Geological Survey of India) from seismic micro zonation here that earthquakes could result from the neotectonic faults located within 150 kms away from Amaravati. Despite the NGT stay order on the construction of activities, GoAP has vehemently proceeded with the establishing of a temporary capital secretariat at the proposed area. This is in utter disregard to the law and Constitution of India. We fail to comprehend why the Bank would proceed, in inconsistent with its own environmental policy (OP/BP 4.01 A.3), to finance this project in a vulnerable area prone to natural disasters.

2. Violation of Bank’s OP/BP 4.04 – Natural Habitats

The issues of altering river basins, wetlands and islands to ‘development sites’ mentioned in Section 1 of this document are in resonance with the deviation of the bank’s policy on natural habitats as well (OP/BP 4.04 B.2, B.3 and B.5). Opportunities for environmentally sustainable development are profoundly negligible in this project. In spite of repeated appeals from project affected communities and attentive environmental groups, the sub-components of the project are proceeding to build an artificial ‘greenfield’ capital by disrupting the natural ecology of the designated area rich with diverse bio-resources. Though the Bank’s policy on Forests will be analysed against the GoAP’s current submission to Ministry of Environment, Forests and Climatic Change in Section 5 of this document, it is imperative to mention here that uprooting natural forests to install bio parks is incongruous, and will fail to preserve the native flora and fauna. In the Master Plan, it has been outlined that 252 ha of land in Tadepalli Reserve Forest is under consideration for possible conversion to construction site, and it is awaiting clearance from MoEFFC. Recent media articles expose that in fact 12,444.89 ha of Kondapalli Reserve Forests is under similar consideration for conversion, and in May 2017 the Forest Advisory Committee (FAC) has recommended the Expert Committee to examine the Master Plan in order to proceed further with their review of the submission by GoAP. We want the Bank to reflect and specify if this violation of OP/BP 4.04 B.2 warrants your definitive statement regarding the mentioned devious strategy of GoAP to acquire uninhabited forest land for easy conversion. It is nonetheless daunting to find that the Bank has mentioned there are no critical natural habitats in Amaravati capital city area.

3. Violation of OP/BP 4.11 – Physical Cultural Resources

In the Master Plan, many existing heritage sites are planned to be maintained per se “to respect and support the rich cultural and religious heritage of the city”. Amaravati Temple and Buddha statue, Ananthavaram Temple, Neerukonda Hill, Kondapalli Fort, Undavalli Caves, Mangalagiri Temple and Kanakadurga Temple are the key destinations planned within the religious tourism circuit of the city. It has been further mentioned that this circuit will be connected through waterfronts and eco-tourism islands, via Bhavani Island and Undavalli Caves. Though OP/BP 4.11 mentions the Bank’s stipulation to “avoid structures/natural features and landscapes having archaeological (prehistoric), paleontological, historical, religious and unique natural values”, proper ascertainment has not been provided by both the GoAP’s Master Plan and the Bank whether the ancient sites will be altered to conform to the demands of the aggressive project design, especially pertaining to the Undavalli caves and Rock-Cut Temple which falls well within Amaravati capital city.


12 EPW (2017): Amaravati Threatens to March on Kondapalli, Economic and Political Weekly, 24 June

13 World Bank (2017): Strategic Environmental and Social Assessment - Environmental and Social Management Framework (SESA-ESMF), February, pg. 54

14 Amaravati Master Plan, Chapter 10, pg. 155
4. Violation of OP/BP 4.12 - Involuntary Resettlement

It is made aware through media at large that Amaravati Capital City Area development and construction activities will span over a period of 35-40 years involving various diverse sub-projects. Deliberating on the Bank’s SESA-ESMF and Resettlement Policy Framework documents\textsuperscript{15} notified in your website, a few questions arise:

- Has the SIA been finalized through detailed field supervision?
- Other than the regular guidelines and fleeting promises regarding resettlement, has the Bank given due diligence to this colossal risky project with Category A status?
- What are the measures sought by the Bank to address the evident gaps in SIA, and are the hidden risks contemplated of, and if so would they be disclosed to the project-affected communities?
- What is the extent of democratic consultation and participation while designing SESA-ESMF? Do they really resonate with the directives given in the Bank’s own documents?\textsuperscript{16}

The grave indiscretions directed at communities are emphasized here with specific reference to land acquisition, displacement of families and communities, loss of livelihoods, lack of attention on vulnerable groups and cultural displacement.


\begin{itemize}
\item in Guntur District (on the west of Old National Highway from Prakasam baraiage to Y-Junction at Mangalagiri. It covers 24 Revenue Villages and part of Tadepalli Municipality covering Mandal of Thullur, Mangalagiri and Tadepalli.\textsuperscript{17}
\item The State has claimed from early 2015 that land will be acquired for the reason of public purpose only, and Amaravati will be developed as a People’s Capital. The validity of the CRDA Act, 2014 itself has been challenged as unconstitutional and contrary to the AP Reorganisation Act.\textsuperscript{18}
\end{itemize}

The citizens are facing the acute errors of the promises of the Government from much early in this project, disregarding our choices and decisions, even from the instance of siting. When there were plenty of alternatives available for the State, siting a fertile food-belt area wilt multi-irrigated crops, displacing 20,000 families and unidentified others is intangible to the development falsely proposed to citizens of the State. The Bank has also failed to give a close look into these insights, violating OP/BP 4.12 D.1, when the siting of the capital city location gives no alternative to avoid displacement and the site itself is in a disadvantaged location. Across AP and India, several leaders, people’s representatives, experts and concerned groups have expressed their dissent to the State's Chief Minister regarding the elbow-wrenching strategies forcefully used on people opposing land acquisition.\textsuperscript{19}

The much acclaimed ‘Land Pooling’ is not what people required, as envisioned in the Master Plan, or lauded by the external authorities like the Bank, who are not part of communities. Several false reports and allegations are available in the media regarding this breach of an existing land law of India Land Acquisition Resettlement and Rehabilitation Act 2013 (LAA ACT). The Land Ordinance repeatedly promulgated by the Government of India from January 2015 onwards has immensely helped the AP government in intimidating farmers. It is alleged that the Government should be accused of land-grabbing and has become land-brokers for private interests. Land Pooling was challenged through writ petitions and cases are still pending at the High Court of Guntur-Krishna districts. Experts, academicians, activists, NGOs have

15 World Bank Amaravati Sustainable Infrastructure and Institutional Development Project Project and Operations http://projects.worldbank.org/P159808/?lang=en&tab=documents&subTab=archivalRecords
17 APCRDA (2017): Amaravati Project Edition 2, March
18 Writ Petition No 99 of 2015 currently pending in the High Court at Hyderabad
19 NAPM (2017): Press Release - Appeal to Chief Minister to scrap Land Pooling Act, CRDA and fully implement the 2013 LAA-R&R Act , February
also disputed the same. Recalling OP/BP 4.12 D.2, people reiterate that it has been not been in tandem with their realities. There was nil environmental or social impact assessments conducted. Though the State asserts that it held comprehensive consultations with urban development consultations and public organizations, there was only one public consultation held in January 2017 and four more such consultations were held while writing this document. Yet, these hasty hearings without due notice to the concerned groups, seemed like a farce especially when this point was highlighted in the previous IPN-Request No. RQ 17/04 [case with Inspection Panel of World Bank. The then released final draft of Bank’s ESF (August 2017) published in conjunction with the timing of these hearings raise abundant doubts.

4.2. Paying particular attention to displacement of Vulnerable Groups and landless families has been elucidated in OP/BP4.12 D. 4. But certain hidden revelations need to be brought to light regarding the outright caste discrimination of Dalits and other assigned land holders with respect to the compensation/rehabilitation as against the patta land holders in the process of pooling land for Andhra Pradesh Capital Region. They are not compensated through adequate national land compensation legislation. Given below are some stark observations by National Alliance of People’s Movements India (NAPM) during its fact finding studies:

21 NAPM (2017): Press Release - Appeal to Chief Minister to scrap Land Pooling Act, CRDA and fully implement the 2013 LAA-R&R Act , February

It may be noted that according to GO MS No. 41, which was issued on 17. 02. 2015, there is a stark discrimination between the compensation promised for patta, assigned and government lands. Four different packages were announced for patta lands, assigned lands, lanka assigned lands and Government land. For every acre of patta jareebu land, 1000 sq. yards of residential space and 450 sq. yards of commercial space is promised. For every acre of assigned jareebu land, 800 sq. yards of residential space and 200 sq. yards of commercial space is promised. For every acre of assigned jareebu land, 500 sq. yards of residential space and 100 sq. yards of commercial space is promised. Since some assigned lands don’t have proper records, they are being categorized as ‘Government lands’. For every acre of such land being cultivated by the farmer, just 250 sq. yards of residential space is promised.

However, all the assigned lands and lanka assigned lands are being cultivated since the time of British rule. The Government has been taking advantage of the fact that most of the people don’t have documents of the assigned lands. Since it is the poor and the Dalits who form the lion’s share of the assigned lands, the signatories alleged that this is as an outright discrimination by the State against the oppressed castes – the Dalits. The signatories demanded that the Government should uphold the letter and spirit of the Constitution instead of actively undermining the values, rights and entitlements enshrined in the Indian Constitution.

While the Dalits are economically discriminated on the basis of the size of reconstituted plots they will be compensated with, there is a whole social angle to this caste discrimination. In most villages, the Dalits were systematically given plots far away from the development area in low-lying areas while the upper castes were given costly plots at the centre of the development area. The letter feared that the rest of the villages also will face similar situation in the future, which is a re-creation of the caste structure in the villages. It is a shame and totally unacceptable and unconstitutional that the Government, which has a mandate to prevent and act against any form of discrimination is in fact actively promoting and perpetuating caste discrimination in the garb of ‘resettlement’, the letter states.

The Bank needs to amend OP/BP 4.12 D. 7, and is exhorted to hold the mentioned policy accountable.
4.3. There have been peer-reviewed articles and findings of few fact-finding groups, and we have also borrowed extracts from their works which are cited in this document, since they well articulate anxieties of Amaravati citizens.

After the capital location was announced, the land values started rising steeply making land transactions a prominent activity from early November 2014. Within a month, the property dealers are known to have taken over 3,500 acres from farmers, involving more than ‘4,000 crore, “almost the entire amount paid in cash” (NAPM 2014). The rules were not made available in the local language. Short deadlines were set to pressurise farmers for speedy surrender of lands even before their implications were understood by them. The government exhibited a “rhetoric of urgency” to “justify the speeding up of law-making, regulations and policies to enable a new city to quickly materialize.” Second, it is widely believed that the land ordinance with several anti-farmer provisions was promulgated to coincide with the CRDA Act. It was argued that it was brought in as a “conspiracy” to enable the AP government to intimidate the farmers. In a democracy, “you don’t re-promulgate an ordinance. This (Union) Government did it thrice” (Devasahayam’s view as cited in Subramanyam and Varma 2015). The AP government extended the land pooling deadline eight times (Deccan Chronicle 2015c) till the ordinance lapsed. Third, a petition has been filed before the National Green Tribunal (NGT), New Delhi raising several environmental concerns. The NGT directed the state of AP “not to carry out any operations of the clearing of the land falling in the project area” without obtaining environmental clearance. The AP government, however, violated the order by levelling land and destroying crops in some villages. Despite this, the Prime Minister of India laid the foundation for the new capital.

4.4. In AP, the Capital Region Development Authority (CRDA) is given “absolute power to acquire, sell, transfer, grant license or alienate the land” for the purpose of development or redevelopment (Suchitra 2015). The land of our State is increasingly seen with new value internationally. It is not merely a transformation from agricultural land to industrial land; we realize that our lands are seen as ‘financial resources’ by the State to attract private international corporations and investors. The proposition to acquire land or in our case “pool” land from us, a majority of us being farmers, is a subtle strategy to lease large portions of our land to corporations for their profits. Have you really identified this concern of us, as how OP/BP 4.12 D. 5, D.6, explains? Displacement of our traditional farming occupations, increasing risks of unemployability when an IT-centric capital evolves, disappearance of small holdings and further bordering marginalization are increasing areas for our anxiety.

Considerations such as right to consent, caste composition in the sited areas, sustainability of communities’ cultural practices, demographic survey, have not been given due diligence in SESA_ESMF document. The Bank has neither prepared participatory appraisal processes, project and subproject component and mitigation measures, nor called out for the consent of restoration of livelihoods in alignment with OP/BP 4.12 D. 10.

5. Violation of OP/BP 4.36 - Forests

5.1. There are no distinguishing proposals or mention in the original Master Plan for enhancing the forest cover in area designated for capital city area. Inferring from Amaravati Master Plan, GoAP has submitted request to MoEFCC to de-notify 252 ha of land at Tadepalli Reserve Forests. Meanwhile, reports have also identified identical proposal to MoEFCC in 2015 regarding diversion of 12,444.89 ha forest land at Kondapalli Reserve for infrastructure purposes. GoAP wants to proceed with deforestation for developing bio-diversity parks, cultural and industrial park, cultural theme park, adventure eco-theme park, aerospace and green mobility industrial park, integrated infrastructure park and similar parks. This transgresses OP/BP 4.36 since the plan involves significant conversion of critical notified and protected forests, which is, yet again, in conjunction with critical habitats category (mentioned in Section 2).

5.2. People’s affirmation is further supplemented based on Government of India’s (GoI) Forest Policy

24 Application No 171 of 2015, National Green Tribunal at New Delhi.
25 NGT Order dated 10 October 2015
1988 to preserve our remaining natural forests. The proposals are also in direct conflict with the Indian Forest Right Act 1927 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It has to be noted that Kondapalli Reserve Forests indeed has communities dependent on forest produce for livelihood (Kondapalli Toys).  

Though AP Reorganization Act states that the Government can divert forestlands if no alternatives are available, this has been highly regarded as a weak justification for defending the ease of altering forest lands. Afforestation declared as compensation package in controversial Polavaram area is unreasonable, as identified by irrigation experts, as the terrain is difficult to irrigate and the experiences of earlier cultivation have been difficult. MoEF gives site clearance for the Polavaram dam in AP in October 2005. But the National Environment Appellate Authority quashed the environmental clearance to the dam because the mandatory public hearings were not held. When MoEF gave forest clearance to the project in July 2010, it turned out the Andhra Pradesh government had lied to obtain the clearance for the Polavaram project. It told MoEF that there were no forest rights to be settled under Forest Rights Act in the project affected areas.  

5.3. The State (erstwhile undivided Andhra Pradesh) has also earlier flouted the Supreme Court orders regarding stay on deforestation (Report of CAG 2013). It has been ironically stated by GoAP Chief Minister that precious natural forests have become highly vulnerable to exploitation and degradation, and that it is the State's responsibility to conserve the with its natural flora and fauna for this generation and posterity. We recognize this stark incoherence from State's chief functionary statements as well and also resolutely urge the Bank to opt out from the project component.  

29 Orders of Supreme Court were flouted by the Andhra Pradesh State Electricity Board, where the diversion of forestland in Nagarjunasagar Dam was allowed without prior permission of the Supreme Court http://www.cseindia.org/userfiles/unlocking-forests-does-CAF-Bill2015.pdf  
30 Andhra Pradesh State of Forest Report -2014  
31 “The Central Government shall facilitate the creation of a new capital for the successor State of Andhra Pradesh, if considered necessary, by denotifying degraded forest land”, Andhra Pradesh Reorganization Act 2014, Part X, 94 (4)
Other than the aforementioned infringements of the Bank on its own environmental and social safeguards, a few implications need to be established as well as propositions put forth to the Bank for better discernment of issues regarding Amaravati communities related to this project. More than a mere recapitulation of their concerns, which indeed looms throughout this entire document, we want to voice our resistance to ill-conceived projects undertaken by the borrower states and our contentions with the Bank’s inadequacy of existing policies which claim to supposedly serve the course of development in borrowing countries.

A. Lack of Public Consultation, Consent and Democratic Oversight

“The Requesters mention that only one consultation was held in January 2017 on the draft SESA-ESMF and draft RPF, and that only 150 persons out of an estimated 127,505 potentially affected people attended this consultation; five online comments were submitted. They allege intimidation at this consultation from security forces and state that some participants were forcibly turned away.”

B. SIA not Addressed in WB-SESA ESMF

“The master plan proposes to distribute the 4.5 million people who will inhabit Amaravati by 2050 into 18 self-sustainable townships through integration of land use and transport planning. What is envisioned appears to be a highly regulated (and controlled?) city. Can such a city accommodate the urban informal sector and the poor/low-income people who migrate to the city in search of livelihood opportunities? Will Amaravati become a private city—planned, built (and even administered) by private/foreign companies/governments? The Concept Note on Smart Cities by the Government of India specifies that most of the infrastructure in smart cities will be taken up “either as complete private investment through PPPs” (public-private partnerships).”

“To assume that Amaravati as a capital will attract 4 million migrants in the next 20 years is beyond belief.”

“The master plan also talks about creating 6,35,000 jobs by 2050 without spelling out how these jobs will come about (Ang Chit Sin et al 2015). The only concrete employment option that has been spelt out in the document refers to capitalising on the key tourist attractions: on river Krishna, the scenic islands (riverbed tourism), historic Undavalli caves, Kanaka Durga temple, Amaravati Buddha statue, Kondapalli fort, and so forth. Even if the promises are delivered, these jobs are not going to be helpful for the displaced workers of Amaravati region, but will be beneficial to a small class of professional workers. The government documents say that all displaced workers will be “reskilled” in order to accommodate them in the proposed industries of the new city and the region. The AP Skill Development Corporation (APSDC) will be established to reskill the workers. 2009). The most likely scenario is that workers (small farmers, tenants, landless and non-agricultural workers) will be released into the larger world, leaving their labour up for grabs, and as targets of intense exploitation.”

C. Violation of Constitution of India and other Laws

The following are the National/State Policies, Laws and Regulations listed in the Bank’s own SESA_ESMF document, which are found to be violated. Also listed among them are the new laws/acts with amendments as well, to accommodate and/or circumnavigate various issues in the larger project design. There are many others which do not presently fall under the scope of this document since they warrant attention at sub-project levels.

32 World Bank (2017): Notice of Registration - IPN REQUEST RQ 17/04 India: Proposed Amaravati Sustainable Capital City Development Project (P159808)

33 “Draft Concept Note on Smart City Scheme,” Revised as on 3 December 2014, Work under Progress, http://indiansmartcities.in.


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<th><strong>Laws</strong></th>
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<td>APCRDA Act, 2014</td>
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<td>The Andhra Pradesh Capital City Land Pooling Scheme (Formulation And Implementation) Rules, 2015</td>
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<td><strong>Constitution of India</strong> - Article 39 (A), Article 47, Article 48 (A), Article 51 (A), Article 21</td>
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<td>Gravely violated; Case with Supreme Court from 2018 on the AP State Land Amendment Bill</td>
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D. Coercion, Intimidation

“While the LPS was supposed to be voluntary, the AP government has relied heavily on using police as an instrument of coercion and intimidation along with several tactics which have come to be locally known as the “mind game” which has, probably, few parallels in India in recent years. The large absentee landowners, who left agriculture and have been leasing out lands and belong to the upper-caste support base of the TDP in the Thullur area, were the early ones to come forward to join land pooling. The government has claimed that it has entered into MoUs with several foreign and Indian companies, worth about `5 lakh crore by offering thousands of acres of public land.”

“To analyse the twin strategies of speculation and intimidation/coercion, we have drawn heavily from print media reports, government orders, master plan documents, field visits, and interviews with local activists and farmers.”

“While the LPS was supposed to be voluntary, the AP government has relied heavily on using police as an instrument of coercion and intimidation along with several tactics which have come to be locally known as the “mind game” which has, probably, few parallels in India in recent years. The large absentee landowners, who left agriculture and have been leasing out lands and belong to the upper-caste support base of the TDP in the Thullur area, were the early ones to come forward to join land pooling. The government has claimed that it has entered into MoUs with several foreign and Indian companies, worth about `5 lakh crore by offering thousands of acres of public land.”

“Many have been trying to derail the Amaravati project for long. We should not allow such people to succeed. Why should they target the farmers of the capital city?” Naidu said in a note referring to the recent anonymous complaints lodged by opposition party leaders with the World Bank, he alleged that it was done with the sole motive to stall `800 million funding promised by the World Bank. The chief minister explained to the World Bank that about 100 farmers participated in their survey while 1,27,005 farmers gave up their land for the capital city project. He said this clearly showed the faith the farmers have in the government, the note read. He said they filed petitions before the National Green Tribunal, the Supreme Court and high courts only with a view to derail the capital city “Similarly, groups with vested interests blamed me when I initiated reforms in the power sector way back in 2007. They instigated the people against me. At the end of two decades, people benefited from such reforms as AP had now become power surplus and turned a model for all the states in the country” Naidu said.

“The TDP organised an interactive meeting of the farmers with the chief minister at Hyderabad on 18 November 2014. The outcome was “disappointing” and his “promise of transforming farmers into industrialists did not go down well” (Times of India 2014b). A farmer from Krishnayapalem recalled with shock and dismay that the chief minister’s attitude was highly authoritarian.”

More reports are available on media - Chandrababu Naidu reportedly said, “Prepare a comprehensive action plan with measures which are to be initiated legally against the people working against the capital city. We shall not spare such forces.”

This statement has come out following the Chief Minister’s recent remarks about him “not hesitating” to ignore villagers and farmers of Andhra Pradesh, their connectivity to roads and non-availability of pensions, if they do not vote for his (TDP) party.
In May 2017, few landowners and farmers registered a complaint with the Inspection Panel with a request for Inspection, as a result of the Bank’s non-compliance with its environmental and social policies in preparation of the proposed project. The Panel registered the request on June 12, 2017, and received the Management Response to the request on July 21, 2017.

A Panel team visited India from September 12-15, 2017, and met with the requesters and other potentially affected community members, farmers who support the LPS and their representatives, representatives of the World Bank Country Office, officials from the Ministry of Finance and from the Andhra Pradesh Capital Region Development Authority, the agency responsible for developing the city, as well as civil society representatives.

On September 27, 2017, the Panel submitted its Report and Recommendation to the World Bank Board of Executive Directors that recommended “carrying out an investigation into the alleged issues of harm and related potential non-compliance with Bank policies, especially relating to involuntary resettlement.” On November 27, 2017, Bank management submitted to the Panel an addendum that offered clarifications, an update on project preparation and additional actions to “complement and clarify” the actions presented in its July 21, 2017, response in order to fully address the Requesters’ concerns. Management indicated the addendum was based on recent field missions and discussions with the Panel. After reviewing the addendum, the Panel submitted an updated Report and Recommendation to the Board. Based on the addendum and the proposed actions, the Panel deferred its recommendation for up to six months as to whether an investigation is warranted. The Board on December 12, 2017, approved the Panel decision to defer its recommendation and to report back to the Board in the next six months.40

Since then, the Panel is yet to publish its recommendations, even after more than a year now.

Demands from Affected Communities and Peoples’ Groups against the Impositions of the Bank

We reiterate and exact appropriate responses and actions from the Bank in lieu of the following precise abysmal risks glaring back at us and all the fraternal groups in solidarity with deep concern for our land, livelihoods and survival.

1. **We strongly hold the World Bank and AIIB accountable** for the already existing and impending crucial consequences of this mammoth capital city project with its flawed project design, based on its own environmental and social safeguards.

2. Despite repeated communication, appeals, court stay order and pending cases at the NGT, the GoAP has already proceeded with construction activities and laying out infrastructure in an accelerated mechanism, involving sub-projects and components, which highly falls in the purview of the Bank's scope - its Urban Pro-Poor Infrastructure goal for the project. This is a very disturbing trend of the Bank for proceeding with support for the government without paying heed to the resistances of the project affected communities and circumventing the prevailing legal orders against the project. Also, as understood from the Bank's own statement, it has executed a trust fund of $ 0.17 million for financing the preparatory works of project.

3. **We do not hesitate to direct our charges against the World Bank and AIIB on lending to the catastrophic project** where we are witnessing now the forced Land Pooling Scheme to amass vast parcels of land for development across one of the richest fertile food belts of India.

4. **We demand that the Bank revoke its support from the project**, which would surely pave the way for the disruption of the natural state of a sensitive ecosystem including remodelling reserve forests by felling trees and building bio/industrial/techno/sports parks, along with your negligence towards our foresight of frequent floods triggered to an acute degree.

5. Displacement and ‘resettling’ of around 20,000 families in the guise of returning ‘developed’ residential and commercial lands in the absence of a guarantee and struggling in the tentacle grip of realtors, middlemen, goondas of real estate sector are serious concerns raised. **The Bank presenting multiple plans on involuntary resettlement against these issues without public consultations or consent is vehemently questionable.**

6. We have mentioned that the creation of Andhra Pradesh Capital Region Development Authority Act (APRCDA Act 2014) was against the Land Acquisition Rehabilitation and Resettlement Act 2013 along with the tweaked amendments. We are aware
that, as and when project components materialise, existing laws are amended at the State, or there is a complete irreverence to the nation-specific policies. We fiercely question this disregard for the Bank for our policies and laws, which were strenuously formulated by our national leaders during our times of national and regional struggles.

7. The lack of a Resettlement Policy Plan and the inadequate addressing of the Bank against the uprooting of Dalit families from 600-year-old occupied islands and not assigning them return lands will lead directly to the creation of a wide marginalised community of informal sector on the outskirts of the capital city with no regard to their dignity, efforts and labour.

8. We want to draw the attention of the Bank to the contemptuous promises made by the Government to upgrade skills of project affected people of which farmers are majority, by wrenching their agricultural lands from them and introducing new ‘industrial and technological’ skills. The statistics of increase in land value, population and employment rates are highly speculated, and studies based on other references on recent capital cities of India affirm our case. We are resolute when we ask the Bank to reconsider stop investing in this project based on highly inflated statistics that are borrowed from the development models of foreign countries (Japan, Singapore).

9. We do not wish to sell our land to foreign players with diversified investments, MoUs and interests, in the name of ‘development’. Our State Government, who should have been supporting the citizens who elected them, refrain from giving attention to our calls. We assert that we will continue exhorting the Bank for proceeding with this ill-conceived project, against the greater interests of the people in Amaravati.

Meanwhile, Social Activist Medha Patkar, Former Power Secretary Dr. EAS Sarma, Goldman Prize awardee Prafulla Samanthra, Retired Scientist from Indian Institute of Chemical Technology (IICT) Dr. Babu Rao, and 42 other representatives of various people’s movements, civil society organisations, and concerned citizens wrote to the Executive Directors of the World Bank Group to draw urgent attention to various irregularities surrounding the proposed capital city construction. They strongly expressed that the suggestions of the Panel’s report for a full investigation into the violations of the Bank’s operating policies must be followed by the Board and that the Board should not undermine the mandate of its own accountability mechanism. They further expressed their astonishment of the Bank’s silence on Andhra Pradesh Chief Minister N Chandrababu Naidu’s instruction to the Capital Region Development Authority (CRDA) to firmly deal with the people who filed complaints with the World Bank. The signatories of the letter held the World Bank and the Asian Infrastructure Investment Bank (AIIB), a co-financer of the project, accountable for the already existing and impending crucial consequences of this mammoth capital city project and demanded that the concerns of the project affected communities be considered; faulty ‘voluntary’ Land Pooling Scheme be withdrawn; Andhra Pradesh Capital Region Development Authority Act (APRCDA Act 2014) be abolished.41

UPDATES FROM THE GROUND AS SHARED BY CAPITAL REGION FARMERS FEDERATION

2018-2019

1. A new document has been released for the Amaravati project with a new title, Amaravati Sustainable Infrastructure and Institutional Development Project (ASIIDP) without a change in project number: http://tiny.cc/xkjf6y

2. In this document, unfortunately, zilch progress is seen from the Bank towards addressing BP/OP 4.12 except recycling old arguments that are totally baseless. The World Bank and Inspection Panel has not yet shared the World Bank’s independent assessment on the Land Pooling Scheme (LPS), conducted by Geoffrey Payne in early 2018. So far, documents regarding this are not seen anywhere, but communities remain confident that most of these assessments are biased/arbitrary and some are deceptive. There is a new line of information in this updated PID/ISDS – “The proposed World Bank loan of $300 million will focus on three strategic areas: (i) providing quality infrastructure to ensure that global knowledge is built into technical designs of major infrastructure investments; (ii) supporting the set-up of an institutional structure that can lead to the establishment of an empowered and effective local government; and, (iii) supporting an inclusive benefit sharing system for all residents of the region.” It is also clearly detailed that ASIIDP comprises of five components including who brings how much to meet this total investment need of US$ 715 million apart from World Bank, AIIB, GoAP. It means, scope of the project (in terms of interventions) has been massively expanded to ruin the lives of 140,000 people.

3. It was stated that there are independent assessments, without providing any details. Further, it was stated that the Bank has confirmed completion of appraisal vide their letter dated 07 January 2019 addressed to the Chief Secretary of Andhra Pradesh State. Citizens ask - Without checking the authenticity of the assessment documents and information presented in those documents that supports this loan/PID, as well as without proper public consultations, how come World Bank appraise those documents? On one hand Project Affected People have been constantly informed that the project is in the initial stages of preparation, but how could Bank Management complete project appraisal without sharing final assessment reports? As the Bank Management has now given their appraisal for the project by jointly collaborating with GoAP, it is necessary to ascertain the correctness of those documents and assessment reports. Farmers relentlessly claim that a number of statements made in those reports are contradictory and warrants an investigation. And this has to be verified on ground by
the Inspection Panel through site visits. Evidences are ready to be produced to the Panel, where GoAP/World Bank/ASIIDP violated a number of Acts/rules/laws/policies including directives from National Green Tribunal (NGT). While many cases are pending in the State's High Court and Supreme Court of India, how could World Bank management consider appraisal of the project when an investigation is necessary at this point?

4. Natural Habitats OP/BP 4.04 of World Bank is triggered, as ASIIDP project is using flood plains for infrastructure, especially for road infrastructure? Inspection Panel witnessed this on the ground during their previous visit to the site. In some sections, they are draining the water continuously to build road infrastructure - https://youtu.be/elKTaNdOPfc.

5. Similarly, Indigenous Peoples OP/BP 4.10 – groups have provided a lot of information in their communications previously, but this updated PID/ISDS blatantly refuses to acknowledge such groups exist. The Capital Region Farmers Federation [CRFF] and People's Watch of Andhra Pradesh [PWAP] have submitted a number of comments/suggestions/concerns with regard to Environmental & Social Management Framework (ESMF); Draft Resettlement Policy Framework (RPF); Social Impact Assessment-Resettlement Action Plan for 10 sub-arterial Roads; Social Impact Assessment – Resettlement Action Plan for Flood Management Works; and Environmental Assessment and Environmental Management Plan (EAEMP) for 10 sub-arterial roads proposed under ASCCDP (now ASIIP). These submissions were from individuals and groups/sections of the people who were impacted by ASIIP/ASCCDP. But so far there were no responses received. In many instances, Inspection Panel was copied of these correspondences.

6. The Project-level Grievance Redress Mechanism (GRM) totally failed to address the concerns that were raised in various forums from the beginning of ASIIP/ASCCDP project. Groups see that none of these concerns and suggestions were taken into account. During farmers' last meeting with the World Bank personnel and APCRDA on 23 October in Vijayawada (at Vasavya Mahila Mandal premises, which is GRM here), they were quite reluctant to consider any of these concerns, and suggestions.

7. Further, updated PID/ISDS of ASIIDP project, #13 in Page 8 says, it will support the Government of India's vision of empowering city governance structure in the long term, through the 74th Constitutional Amendment Act (CAA) of 1992, which positioned urban local governments to become key institutions of political representation and service delivery. ASIIDP completely violates the 74th CAA and in fact destroyed 29 local bodies of Andhra Pradesh and their representation in the project.

8. As part of LPS, returnable plots have been allocated but development around those is “zero”. No beneficiary till date has taken physical position of their returnable plots. There is no choice to 2nd party (farmer) as Government (1st party) always dictates the terms. The 2nd party is unable to approach court or for other legal assistance. Unfortunately, this is the reality of LPS in Amaravati. This clearly shows, there is no clarity on the returnable plots, and its dimensions till date. How could farmer surrender their rights for something that does not exist on ground, even after 4 years of the capital city project?

9. In the addendum to World Bank’s Management response issued on 27 November 2017 (http://tiny.cc/h2jI6y), Page 2, point #4, (a) Community engagement and monitoring to address potential coercion and other implementation issues, there are a number of gaps. The following are being completely overlooked.

i. Citizens Advisory Committee: PWAP and PAP/PAFs are constantly requesting for their representation in this committee. But so far, no action has been taken. Instead APCRDA has filled this committee with members who are some way related with current ruling party (TDP) of Andhra Pradesh Government. This committee has failed to meet its objectives listed in their Terms of Reference. What can World Bank, IFIs, PAP/PAF, and a common man expects from this Citizens Advisory Committee?

ii. Engage a local independent party to obtain additional information on any potential coercion/Engage independent local professionals to visit affected villages to monitor concerns and feedback: How can Vasavya Mahila Mandal (VMM), the GRM, be engaged t for these two purposes? Could a single NGO be likely to be expected to perform these two tasks? VMM has totally failed to engage vulnerable groups to restore livelihoods of those impacted by ASCCDP. Many incidents of coercion have been reported since January 2018. There are several
atrocities that were committed by the GoAP and its police force. One such gory incident on Nandigam Suresh could be seen in this video with his own explanation https://youtu.be/OdIdrrVUtbw. PWAP and PAP/PAFs see this as a complete compromise of ethics and morals of VMM who has surrendered itself to APCRDA/GoAP. They have lost their credibility and trust to continue in ASCCDP any longer. A detailed investigation on the functioning of these Institutions and Committees is essential. How could one expect these institutions provide basic justice to the people who are affected by Amaravati capital city project, more specifically ASCCDP? There is an uprise of farmers who has given their lands under LPS, but it is constantly being suppressed by GoAP using its intelligence units.

Farmers ask what specific actions have been taken by the World Bank management to protect the interest of affected people and communities. A latest incident was on 13 September 2018, wherein a main water pipeline for irrigation of agricultural lands was broken down on purpose at Road E16 near Nidamarru village. The video is available at https://youtu.be/E1cYZgPQ6gE.

iii. Support creation of a Project-level Grievance Redress Mechanism (GRM): PWAP informed several times through a number of communications, GRM has totally failed to address the needs on ground and is a complete failure. It was quite rosy on paper, but absent in action.

iv. Increase the frequency of preparation missions and do outreach with stakeholders to solicit feedback on issues: These missions lack complete action. People do not see any productivity from these missions of the World Bank Management in Delhi. Instead of reducing inequalities and poverty, such missions from the World Bank are widening the inequalities and increasing the poverty. World Bank is completely ignoring Sustainable Development Goals (SDGs), where we as humanity as abided to these principles, groups question.

10. Failure of livelihood support programmes and assurances made under LPS: Apart from these, under LPS, APCRDA assured the following for landless agricultural laborers and households in the Capital City area are eligible to receive a combination of livelihood restoration benefits. Almost all landless families have challenges in accessing these benefits, and their current situation is worse than pre-Capital City status. Both APCRDA and the World Bank failed to assess the livelihood restoration for landless agricultural labourers, this video https://youtu.be/0E4HM9zAKHk further corroborates with this observation. Following is a detailed status of these till date.

(i) A pension of INR 2,500 is being given to landless labourers. But this is being distributed once every 2 to 3 months. Also, the amount is not sufficient as the costs per family increased to INR 12,000 per month after the announcement of the Capital. There is no assurance that, it would continue after the State elections in 2019.

(ii) Employment guarantee
   • Employment was guaranteed for one person per family in the capital region. This is irrespective of LPS farmers, non-LPS farmers, landless labors, and Dalits. But this has not been realized till date.
   • Government assured daily employment and fixed wage through the establishment of nurseries, but these are not functioning anymore, except the one at Venkatapalem. PWAP would like to question, how many people will be provided with an employment by each nursery.

(iii) Interest free loan of up to 25 lakhs to all the poor families for self-employment not at all implemented. There is no facility to access interest-free loans for setting up enterprises till date.

(iv) Access to skill upgrading and training opportunities: Skill development sessions were an eye wash program and it failed miserably to generate the wage employment as promised. Although data was presented on APCRDA website, self-employment cannot be considered as an “employment” as there is no constant assured revenue per month. In the self-employment, risks are high. Further, there is a question around, how this could be linked with Skill Development? In any case, APCRDA website shows, about 1,425 have been employed till date including self-employment. This needs a serious investigation.

(v) Provision of subsidized food in all the 29 villages: Only 3 canteens have been established (except the one temporary secretariat, IGC in Velagapudi) and they are not serving 100% of poor and pending to establish such canteens at the rest of capital villages.

(vi) Free access to medical and educational benefits in designated facilities: The assurance on “Fee
reimbursement for all the children” whoever are studying in the capital region has not been realized to date. About 6,000 students have been identified to be benefitted as part of this scheme. Only 33 have been supported till date. Similar story in the case of “fee reimbursement” scheme. Free access to medical is not happening at all. The issued health cards are not valid.

(vii) Although the LPS promises to allocate 5% of land pooled to affordable housing for the poor, only 1,680.90 acres have been allocated in the Draft Detailed Master Plan for “weaker section housing” (i.e., for those living below the poverty line) but failed to notify the location of those lands.

(viii) No initiative on setting up of an old age homes.

(ix) Livelihood improvement plan: It was assured that a livelihood improvement plan will be prepared for all those interested farmers receiving base annuity less than INR 75,000/- and the landless labourers receiving monthly pensions, by January 2018. It is important to note that majority of farmers under LPS/LA owns only 1 to 2 acres and their annuity is less than INR 75,000 per annum and there is no livelihood improvement plan as of today. Further, APCRDA shall restore livelihood improvement to pre-displacement level of project before starting of the implementation of a project. What actions has been taken by APCRDA and VMM in this regard till date. Refer to a recent article on this available at https://ruralindiaonline.org/articles/a-wasteland-of-lost-farm-work.

Further, one could hear the latest feedback from the farmers on ground, available at https://youtu.be/SBPGJEMYwz0. There is another video of farm labourers and farm workers providing their feedback on the assurances given to them, which is available at https://youtu.be/0E4HM9zAKHk. These two videos are in Telugu, but these videos summarize the issues very clearly.

11. Objections on Resettlement Policy Framework (RPF):

I. The Final Draft Resettlement Policy Framework, http://tiny.cc/fof6y only covers the impacts and mitigation measures related to lands being acquired through LARR and negotiated settlement, and not to those that are part of the LPS despite it was specifically committed in the management response to the Inspection panel in September/November 2017. As per the BP/OP 4.12, the terms of the compensation has to be “Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the amount offered as compensation plus 10 percent in a secure form of escrow or other interest-bearing deposit satisfying the Bank's fiduciary requirements. The borrower must also provide a means satisfactory to the Bank for resolving the dispute concerning the offer of compensation in a timely and equitable manner.” This means, APCRDA has to follow the legal framework covering resettlement and the policies of the government and implementing agencies.

II. In page 4, para 1 of Final Draft Resettlement Policy Framework, it was stated that “A new state administration was set up to govern the new state, and the development of a new administrative center, Amaravati Capital City, was announced”, clarifications are sought as to why APCRDA/GoAP need 217 square kilometers (53,677 acres) for the development of an administrative center? The groups ask whether the Bank could provide a definition of administrative center? When there were developed cities such as Vijayawada at a distance of 30 km, and Guntur at a distance of 18 km to the new proposed Capital City, what additionally is that Amaravati Capital City is going to serve?

III. The Article 2 and Article 3 of the Constitution of India confer exclusive and plenary powers upon the Parliament to form or establish or to completely alter and destroy the identity of the existing states. A state legislature, as per Clause (e) of Article 3 of the Constitution, cannot even change the name of the state. It is within the exclusive domain of the Parliament to form any state, set boundaries, and name a state in the Union as defined in Article 1 of the Constitution. The power to establish a capital of a state is inherent to, and inseparable from, the power conferred upon the Parliament under Articles 2, Article 3 and Article 4 of the Constitution. The subject matter of establishing a capital of a new state formed by the parliament by law is not covered by any Entry in List-II of the Schedule-VII of the Constitution - http://tiny.cc/z3f6y. It is specifically because the
capital of a state shall foster to the needs of all sections/strata's of the society/residents of the state without any political discrimination as to the development of a particular region/part of such state. Therefore, only the Parliament can, by law, establish a capital of a newly reconstituted state, which after reconstitution and reorganisation by enacting a law, under Article 3(a)(c)(d) of the Constitution, it has lost its erstwhile capital city. It is stated that neither the State Legislature nor Executive is competent, under any Entry of List-II of the State List of Schedule-VII of the Constitution, to establish a capital for such state. Therefore, clauses (1), (3) and (4) of Section 3 and Clause (6) of Section 2 of the APCRDA, Act, to the extent these provisions establish and demarcate a new capital city and/or capital region for the new state of Andhra Pradesh, are ultra vires to the provisions of Article 245 and Article 246 of the Constitution of India read with Article 3 and Article 4 of the Constitution.

IV. In naming capital cities, State Government must seek a no-objection from central government before issuing a Gazette notification. No such procedure is followed till date. State issued a Gazette on 23 April 2015 under G.O MS No. 97. Further, the new capital city name is not yet officially recognized by Indian postal services. Please be informed that there is another temple town called “Amaravati”, which was also recognized as heritage city by Govt of India, and is about 10 km away from current unofficial capital.

V. In page 4, para 3 it was stated that “At the time of the announcement of the Capital City the area predominantly consisted of agricultural fields, mainly with commercial crops”, communities requested the World Bank Management and APCRDA to revisit this statement as the crops were predominantly for food security. Also, before making such statement, it needs to be ensured that such data is supported by statistical back up. The fertile lands that are being ruined currently is the green belt that used to produce 120 different types of crops and is multi crop irrigated land. How could all the private and public banks in this area would have given loan to the farmers erstwhile, if the lands were not fertile and if they would not have provided food security, inquire the farmers.

12. Violation of National Acts/Rules, Policies, Directives, and also Court orders:

12.1. With regard to the flood mitigation works, there is a clear directive from the National Green Tribunal (NGT) as per its Judgement Pronounced on 17th November 2017. It emphasized that APCRDA shall conduct a comprehensive study on hydrogeomorphology of the area with a view to effectively plan water retention ponds/reservoirs, storm water drains and their interconnectivity, so as to optimize water conservation, both surface and sub-surface.

So far APCRDA failed to conduct such a study and has tried to change the water courses. As a result, because of rains, even for just 3 to 4 mm of rain fall per day, the whole capital region was flooded, and newly formed roads are being swamped under water. The power pumps that were installed at Undavalli are not going to serve the purpose because the flow is very slow because of the catchment topography. The pumps shall be stopped every two minutes once as there is not enough water to lift from the stream. It is all the more important that hydrogeomorphology of the catchment area is conducted as per the directives and is an important activity. It is unfortunate that even the World Bank is faulted on this directive of NGT. The current flood mitigation interventions being executed on ground under the proposed ASCCDP are in fact increasing the risks of flooding in the capital city area.

Farmers and affected communities emphasize that, as per the NGT Judgement Pronounced on 17th November 2017, following points were stated:

(i) The project proponent, AP CRDA, shall conduct or cause to be conducted a comprehensive study on hydrogeomorphology of the area with a view to effectively plan water retention ponds/reservoirs, storm water drains and their interconnectivity, so as to optimize water conservation, both surface and sub surface. APCRDA hasn’t conducted such a study till date.

(ii) Any alteration of the flood plains by construction of storm water drains, retention ponds and related development within the capital city should be done only after conducting a study. Without such a study, even World Bank has failed to follow.

(iii) No alteration of the river or natural storm water morphology, flow pattern and location by way of straightening shall be permitted, as such alteration may result in increase of soil erosion, sediment transport due to raised velocity and decrease in
ground water recharge which may reduce base flow during the dry season.

(iv) No alteration to the pre-existing embankments if any should be permitted except as may be required for its strengthening for flood protection of the proposed Capital City. Even such exercise should be undertaken after detailed study of the flood pattern and hydraulics of the river or the storm water drains.

(v) All the hills and hillocks in the catchment area of KondaveetiVagu, its tributaries and other storm water drains/channels should be treated with intensive soil and water conservation measures including afforestation so as to minimize surface run off and improve ground water recharge. What are the afforestation measures proposed? Two committees have to be formed as stated by NGT, one to supervise the work and the other to implement and process. So far, these committees are fully ignored. The people consider it’s a pity that the World Bank joined this bandwagon that continued to ignore the directives of highest environmental body of a nation.

12.2. The honorable High Court of the State has clearly provided directions on land acquisition. APCRDA has continued to mislead the orders by stating “No evidence to confirm this ever occurred. No contempt of court issues, which would have arisen from such action, have been recorded by CRDA.” It is a total failure of APCRDA to acknowledge these judgements. Following are ten cases and there are another ten cases pending in the high court. You could search these WP numbers online and related judgements.


12.3. Public Property cannot be allotted to Profit-Oriented Institutions for Free, says Supreme Court of India. Refer to the article http://tiny.cc/s6mf6y.

12.4. How come the World Bank has become a part of GoAP Government Order (GO) 320?

I. LPS is a GO, but not an Act till date. So, the Government cannot acquire land using LPS. Therefore, GoAP has come up with 22 of 2018 Act, which has not come into force till today. The same has been challenged in the High Court of Andhra Pradesh, where it has been dismissed. The same Act has been now challenged in the Supreme Court in New Delhi by Medha Patkar and Sheshgiri Rao garu, refer to Diary no 42134 of 2018 Medha Patkar & Ors. Vs. UOI & Ors. Further, the rules and regulations of 22 of 2018 Act have also been challenged, refer to Diary No 4085 of 2019. While these cases are pending in the court, how could World Bank be part of the Government (through GO 320) and interfere with the legal aspects of the land?

II. GoAP issued a Government Order (GO), G.O.MS.No. 275 and 320 (dated 19 September 2018) without the consent of World Bank, approved the Resettlement Policy Framework (RPF) and Environmental and Social Management Framework (ESMF) to enable the APCRDA to avail World Bank assistance for ASCCDP. There were a number of mistakes and wrong information quoted in RPF and ESMF. On 23 October 2018, World Bank personnel confirmed to PW AP and PAP/PAFs that these documents are yet to be finalized by the World Bank management. Without the consent of World Bank, how could GoAP/APCRDA pass such GOs?

III. People of Amaravati along with CRFF, PWAP and PAP/PAFs demand the World Bank to correct the flaws and accountable for the implementation of World Bank own rules and policies as well as national rules. They exhort the Bank to make sure that all the assurances are implemented by APCRDA, but not collude with them in crime against humanity and environment.
Finding an Amicable Solution in Moving Forward (2019): An Appeal from Affected Communities

- Even today, people do not consider it is late. They urge to follow an inclusive approach to convince those constantly raising objections on this green field project that is ruining the life and livelihoods of the poor farmers. CRFF, PWAP, PAP/could take an extra mile provided APCRDA comes forward to follow the rule and ensure PAP/PAFs are compensated as per market value. Provide justice to all the sections of the people i.e. 118,000 people, and not only 22,000 farmers.

- Dissolve the current Citizens Advisory Committee with immediate effect and ensure it is more inclusive. People from various political parties, NGOs, and CRFF/PWAP must be included and given a role.

- If APCRDA really wants to realise the dream of Amaravati Capital and/or ASCCDP, why do they encourage farmers and other persons affected to approach court? All the issues that the farmers and people have been fighting, could easily be addressed by APCRDA. We call upon APCRDA and the World Bank to resolve these issues.

- So far, LPS is considered as a private agreement between a farmer and the component authority, and violates many fundamental articles of Indian constitution in the form as it is being devised.

- World Bank is compelled to provide legal help and support to the PAP in resolving the legal matters related with various land procuring measures that were deployed. CRFF/PWAP could facilitate the process between appointed lawyer by the World Bank and PAP/PAF.

- In the current documentation, RFP, ESMP - World Bank Policy on Involuntary Resettlement BP/OP 4.12 has been conveniently watered-down in the case of LPS. There are double standards followed in the Compensation Valuation under different policies.

- Currently 30,774 returnable plots were registered (among this, there are a number of re-registrations, so the actual number is lower) against 62,571. That means, registration rate is 49%. This is of the total 33,000 acres. Farmers demand, could World Bank confirm LPS was successful? What happens to Bank's investment made on the roads and flood mitigation works on the remaining private lands that were not surrendered to APCRDA yet? Could World Bank provide loan to ruin the lives and livelihoods? Remaining farmers who own their agricultural lands could approach the court anytime to cancel their consent and start cultivation on those lands. There are many lapses in the entire process of APCRDA and GoAP. The risk of Bank's investment is too high, and it cannot be assumed that farmers will not pull APCRDA and GoAP to the court, time and again.

- Please address all the concerns and objections that were raised by PAF/PAP at various forums, a number of submissions were made.

- APCRDA/GoAP continue to intimidate, apply all sorts of coercion and threat is being created in the minds of the people, not to speak openly about Amaravati. Citizens understand that GoAP could go to any extent in safeguarding the brand and image of Amaravati.

- CRFF and PWAP appeal to the World Bank to share Geoffrey Payne's independent assessment on the Land Pooling Scheme (LPS).
UNEXPECTED POLITICAL PROMISES AND UPHEAVAL IN PROGRESS

When the city of Hyderabad, the political and economic capital of previous Andhra Pradesh, became the capital of Telangana State in 2014, the Chief Minister from Telugu Desam Party (TDP) of newly divided Andhra Pradesh had explicitly sought out to the Central Government for ‘special status category’ to build Amaravati capital city. The ruling party which was Congress at the centre then had denied and the opposition party, the Bharatiya Janata Party, BJP had then extended their support to TDP for this status. Ironically, after BJP came to power at the centre in 2014 general elections, they rejected TDP’s request for the same and this led to a widening rift between the two political factions. The Andhra Chief Minister keeps challenging the faction for their false promises and their partnership broke.

Yet, last week in Andhra Pradesh, BJP in its election manifesto for 2019 for the State of Andhra Pradesh, has promised that they will give back the land that was allegedly taken by the State Government “through deceit” for the construction of Amaravati, to those who request for it. Backlashes for the capital city project and the reckless manner in which it is pursued keep increasing in the State.

This brief report of Centre for Financial Accountability New Delhi is aimed to throw light on the critical lapses and breaches which have been committed during the design, pre-appraisal and Strategic Environmental and Social Assessment – Environment and Social Management Framework (SESA-ESMF) procedures for Project PI59808: India - Proposed Amaravati Sustainable Capital City Development Project, by both World Bank [for 300 mn USD] and Asian Infrastructure Investment Bank Project PD000019-PSI-IND [for 200 mn USD]. The report also shares the recent updates from the communities of the project area earmarked for building the capital city.

This project has now been renamed in 2019 as Amaravati Sustainable Infrastructure and Institutional Development Project (ASIIDP), in both the World Bank and AIIB project pages.