

**Office of the Special Project Facilitator
Asian Development Bank**

**RSC-(PAK): Complaint Enquiry
Complaint Filed by Mr. Aziz Ahmed Awan of Village *More Jhangi*
Chashma Right Bank Irrigation Project (CRBIP), Stage III, Pakistan**

**Wiqar Abbas
July 2006**

TABLE OF CONTENTS

1.	INTRODUCTION.....	3
1-1	Background of assignment.....	3
1-2	Objectives and Purpose of assignment.....	3
1-3	Specific Tasks.....	3
2.	The Complaint.....	4
2-1	The Original Complaint.....	4
2-1-1	The Problem – according to the complainants.....	4
2-1-2	Action on complaint of 14 December 2005.....	5
2-2	Complaint Enquiry.....	5
2.3	New Concern of complainants.....	7
3.	RESULTS AND RECOMMENDATIONS.....	7
3.1	Original Complaint.....	7
3.2	New Concern.....	8
	Photographs.....	9
	Annex.....	14

1. INTRODUCTION

1-1 Background of assignment

1. The Office of the Special Project Facilitator (OSPF) received a letter from inhabitants and residents of Mauza *More Jhangji*, Tehsil Taunsa Sharif, District DG Khan, Pakistan by fax on 14 December 2005. The fax was also copied to the Chief Engineer Irrigation at WAPDA, Chasma Right Bank Canal, Dera Ghazi Khan and three other stakeholders. Twelve people signed the fax requesting an extension of a distributory link no. 35, and "leaving water free on tail to save the present land from adverse condition". OSPF responded on 15 December 2005 by fax requesting clarification on whether (i) the undersigned wanted to file a complaint against an ADB-assisted project; or (ii) the request was for an improvement of an on-going ADB-assisted project to provide additional benefits to people. In addition the fax was sent out by registered mail including an OSPF Urdu Field Guide. Simultaneously the issue was discussed with South Asia Department, Agriculture, Environment and Natural Resources (SAAE), responsible for the administration of the Chasma Right Bank Irrigation Project, Stage III. SAAE requested the Government of Punjab, Irrigation and Power Department (IPD) to clarify the claim by sending its staff to *More Jhangji* village and consulting with the senders of the letter (letter in attachment 2), which IPD¹ did.

2. The results of the activities were reported back to the SAAE project officer and to OSPF in an e-mail. SAAE reported that IPD has clarified with the complainants and noted that claim regarding flooding was related to the river Indus flood of July 2005 and not due to water from tail outlet of MD-35. However, as water discharge from tail outlets was more than the water requirement of the area, therefore in future IPD plan to control water supply from the head of the distributory and IPD believes that this issue has now been resolved.

3. On 03 April 2006, however, OSPF received a letter in Urdu, which confirmed receipt of OSPF's letters dated 15 December 2005 and 21 February 2006 but indicated that the problems of the group were not solved. OSPF's questions from the letter dated 21 February 2006 were not responded to by the complainants. Therefore, OSPF decided to field a complaint enquiry.

1-2 Objectives and Purpose of assignment

4. The objectives of the assignment were to (i) establish whether the complaint of the group is within the scope of an ADB-supported project; and if this is the case to (ii) advise and guide the group in their decision whether they want to file a complaint and how to do so; and (iii) do a preliminary assessment of the complaint.

1-3 Specific Tasks

5. According to the TOR for the Consultant, the specific tasks for the assignment were as follows:

- a) Identify and visit the project implementation office, local WAPDA² office, or any other office as needed to establish whether the location of the group and their concern is within the scope of an ADB-supported project, presumably the ADB-supported Chasma Right Bank Irrigation Project (CRBIP), Stage III;
- b) If the concern is within the scope of an ADB-supported project, conduct a meeting with the group and find out what is the situation, how they received information on OSPF and what they expect from OSPF to do;

¹ Irrigation & Power Department

² Water & Power Development Authority

- c) Explain in this meeting also the Accountability Mechanism, the criteria for eligibility to file a complaint, and the procedures;
 - d) If the concern is within the scope of the CRBIP, explain to the group that OSPF will have to establish first whether their concern provides new evidence – as CRBIP already went through an inspection under ADB’s previous Inspection Policy; and
 - e) Prepare a short report on the results; including recommendations, – if the complaint is likely to be eligible – on next steps, suggested procedure, and parties involved.
6. The consultant was assigned with specific tasks in connection with the complaint enquiry in June 2006 and visited the project area village More Jhangi, Taunsa Sharif and Dera Ghazi Khan in July 2006.

2. The Complaint

2-1 The Original Complaint

2-1-1 The Problem – according to the complainants

7. The complaint of 14 December 2005 was addressed to OSPF and to the Chief Engineer, Irrigation, WAPDA. The following residents of village *More Jhangi* signed the complaint sent to the special project facilitator on 14th December 2005:

1. Abdul Qayyum Qaisarani
2. Mohammad Saleem
3. Abdul Rehman Awan
4. Faiz Mohammad Malana
5. Atta Mohammad Chang
6. Allah Wasayia Lang
7. Aziz Ahmad Awan
8. Noor-ud-din Awan
9. Nazar Hussain Malana
10. Manzoor Hussain Mundara
11. Mohammad Nawaz Metla
12. Malik Allah Dita

8. This complaint was signed and stamped as correct by the elected Nazim of the Union Council *More Jhangi* with the remarks “All contents are genuine and members District Council DGKhan and Nazim Union Council *More Jhangi* also agree and recommend that the problem be solved”.

9. Another letter (in Urdu) was sent by Aziz Ahmed Awan s/o Fateh Mohammad Awan to OSPF on 25 March 2006 with a similar complaint.

10. Thus the concern (complaint) under enquiry is contained in two letters, the relevant portions of which are as follows:

- a) Letter of 14 December 2005³: “Link distributory number 35 leading to Mauza *More Jhangi* in Tehsil Taunsa Sharif, district DGKhan pertaining to Chashma right bank canal is affording mentioned loss for making free water on tail due to the best cogent reasons of detaining the excavation of link of distributory number 35.”
- b) Letter of 25 March 2006⁴: “due to unknown reasons, the two kilometer extension has been left incomplete and without any arrangement for disposing off the water of this distributory. The method adopted is destroying the fields of Mauza *MoreJhangi*”.

³ complaint received by OSPF by fax on 14 December 2005.

⁴ The subject of the present assignment is a complaint by Aziz Ahmed Awan of Village *More Jhangi* through letter (in Urdu) dated 25 March 2006.

11. Both these concerns are similar. According to these complaints, the problem is due to some distributaries (including minor distributory MD-35) that have not been extended upto river Indus.

12. According to these complainants, the problem was due to the CRBIP Stage III as the complainants' village and agricultural lands are located in the Project area (command area) and affected due to flooding from the tail of MD-35.

2-1-2 Action on complaint of 14 December 2005

13. In response to the complaint letter of 14 December 2005, OSPF sent two letters to the complainant through fax and later through registered mail⁵ for clarification of some points.

14. Mr. Takashi Matsuo of the South Asia Department, Agriculture, Environment and Natural Resources (SAAE), responsible for the administration of the Chasma Right Bank Irrigation Project, Stage III, requested the Government of Punjab, Irrigation and Power Department (IPD) on 22 December 2005, to send its staff to village *More Jhangi* and consult with the complainants to clarify their complaint.

15. According to an e-mail of Mr. Matsuo, IPD clarified the matter to Mr. Matsuo on 16th February 2006⁶ as follows:

- a) "For the first request to extend the distributory, IPD responded that the request was acknowledged and IPD will consider it in view of the operation of the total canal system, not of one distributory only. However the possibility of extension is considered low, because (i) the proposed additional irrigation area is in the Indus riverine area that is subject to floods. The GoP does not encourage public investment in the flood-prone area as such investment would be lost due to floods, and (ii) there is no excess water discharge as the water allocation is determined by the project design to maximise the irrigable command area."
- b) Of the second request the "IPD clarified with the claimants and noted that claim is related to the flood incidents in July 2005. Although villagers claimed that the flood damage is due to the water from the tail outlets of the minor distributory number 35 (MD-35), the flood damage was actually due to the water from the river Indus that inundated about 70% of the irrigated area in the village. To mitigate the flood damage, the district authority estimated the losses and compensation will be provided in due course under the Government's flood calamity relief program. However, it is true that due to inundation of the area, the water discharge from the tail outlets was more than the water requirement in the remaining irrigable area, though such water volume is not at the scale that can cause flood damage. To avoid this problem in future, IPD assessed the demand of tail irrigators and water supply is controlled from the head of the distributory. IPD believes that this issue has now been resolved".

16. The complainants have, however, sent another letter on 25 March 2006 which is the subject of the current complaint enquiry.

2-2 Complaint Enquiry

17. The Consultant performed the assignment in line with the specific tasks set out in the TOR⁷. Telephonic contacts were established with the Irrigation department and complainants for obtaining initial information. Visits to the cities of DGKhan and Taunsa

⁵ The receipt of these two letters has been acknowledged by Mr. Aziz Ahmed Awan s/o Fateh Mohammad Awan vide his letter dated 25 March 2006 (to OSPF/ADB).

⁶ e-mail of Mr. Frederick C. Roche, Director ADB to Karin E. Oswald/OSPF/ADB dated 20.02.2006.

⁷ Terms of Reference

Sharif, village *More Jhangi* and site, for conducting meetings with the complainants and other stakeholders⁸, were arranged from 23 July 2006 to 28 July 2006.

18. Meetings were held with the Chief Engineer, Executive Engineer, Collector and Ziladar⁹ of IPD at their office in DGKhan. During interviews with these officers, it was confirmed that:

- a) the complainants' village and their agricultural lands fall within the canal command area of the CRBIP Stage III;
- b) last year the agricultural lands were inundated by floods from River Indus, however, the continuous discharge from the tail of MD-35 aggravated the flood position;
- c) since March 2006, the problem of flooding due to discharge at the tail of MD-35 has been addressed by reducing the discharge at Head.

19. Meetings were held with the Executive Engineer, Deputy Collector and Ziladar of IPD at their offices in WAPDA Colony, Taunsa. During interviews with these officers it was confirmed that:

- a) the village *More Jhangi* and its agricultural lands falls within the canal command area of the CRBIP Stage III;
- b) according to the Collector's record, 238 and 240 acres of agricultural land of village *More Jhangi* lies at the tail of MD-35 and is being irrigated by *mogah*¹⁰ numbers 21095/Tail Right and 21095/ Tail Left respectively;
- c) notices for collection of *abiana*¹¹ have been issued to the tail irrigators of village *More Jhangi*. Most farmers are not depositing the *abiana* on the plea that they are not getting water at the tail of MD-35;
- d) being in the riverine/ flood affected area, the village and agricultural land are affected by flood water of the River Indus;
- e) last year the agricultural lands were inundated by floods from the River Indus and the continuous discharge from the tail of MD-35 aggravated the flood position;
- f) since March 2006, the problem of flooding due to discharge at the tail of MD-35 has been addressed by the IPD by reducing the discharge at Head;

20. Meetings were held with the complainants, villagers, and elected local government representatives at village *More Jhangi* regarding the complaint of flooding due to MD-35 Tail and it was confirmed that:

- a) the village *More Jhangi* and its agricultural lands falls within the canal command area of the CRBIP Stage III;
- b) being in the riverine/ flood affected area, the village and agricultural land are affected by flood water of the River Indus;
- c) more than ten years ago an embankment east of village, which used to protect the village and agricultural lands, was broken and has not been repaired – this is the main reason for flooding every year even during low floods;
- d) last year the agricultural lands were inundated by floods from the River Indus, however, the continuous discharge from the tail of MD-35 aggravated the situation;

⁸ List of persons met is attached as Annex.

⁹ Ziladar is an Irrigation Department official who works under Collector Irrigation and checks/verify Patwari's assessment of crop and levy of water charges (*abiana*) on farmers.

¹⁰ Water outlet from a distributory used for irrigating land.

¹¹ User charges for canal water provided for irrigation. This is collected from farmers whose lands come under the canal command area.

- e) since March/April 2006, the problem of flooding due to discharge at the tail of MD-35 has been addressed by reducing the discharge at Head;

21. During the meetings with the complainants, villagers, and elected local government representatives at village *More Jhangi* the following additional concern was raised:

- a) notices for collection of *abiana* were issued to the tail irrigators of village *More Jhangi* but most farmers at the tail have not deposited *abiana* as about 80% are not getting water from MD-35;
- b) farmers at the tail are charged at 50% of the normal rate of *abiana* because it is considered that a smaller quantity of water would be available to the tail farmers;
- c) the complainants, however, pointed out that the area of *More Jhangi* irrigated by MD-35 Tail lies in the riverine belt, it is used only for ¹²*Rabi* crop and the fields are not used for ¹³*Khareef* crop due to fear that the fields may be inundated by flood water from River Indus. For the *Khareef* crop they do not need water and for *Rabi* crop, irrigation water is not available for most of the farmers, therefore, these farmers have to use pumps/ tubewells as they were using before the CRBIP;
- d) the complainants considered that being in the command area and required to pay *abiana*, they are entitled to receive the full supply of irrigation water at least for one crop.

22. The problem area was visited with the complainants and villagers.

23. It was observed that the complainants had a case and fulfilled some of the criteria for eligibility to file the complaint. OSPF would still have had to establish whether their concern provided new evidence – as CRBIP already went through an inspection under ADB's previous Inspection Policy. But as a result of their letters to OSPF and the SARD follow-up, their problem had been solved already by the IPD.

24. It may be mentioned that, the complainants informed the consultant that they had learnt about OSPF in 2005 from "an ADB team". However they were unable to name any member of the Team.

2.3 New Concern of complainants

25. However the "new concern" of the complainants raised during the meetings is that they are required to pay *abiana* although they are not getting canal water. This (low supply of irrigation water) was confirmed by the IPD officials who advised that the complainants may request the IPD for (i) increasing the supply of irrigation water at the tail of MD-35; and (ii) for *warabandi*¹⁴ which will address the problem.

26. To facilitate the complainants, the accountability mechanism of ADB, criteria for eligibility to file a complaint and the procedures were explained by the Consultant. Copies of the brochure "An Information Guide to the Consultation Phase of ADB Accountability Mechanism" (in Urdu) were provided to the complainants.

3. RESULTS AND RECOMMENDATIONS

3.1 Original Complaint

27. On the basis of our visits and interviews with the stakeholders it was observed that:

¹² Winter cropping season

¹³ Summer cropping season

¹⁴ Deciding the water supply per acre and the schedule according to which various farmers sharing a *mogah* can draw water to irrigate their lands.

- a) the complainants' village and their agricultural lands fall within the canal command area of the CRBIP Stage III;
- b) the Complaint regarding flooding from MD-35 has already been addressed by the IPD. Since March/April 2006 (after the filing of the earlier complaint) IPD has taken corrective measures by controlling the release of water from the head so that now extra water does not flood the lands of village *More Jhangi*;
- c) however, for a permanent solution of the problem it will be necessary to follow recommendation of the GRSC¹⁵ stating "Tail water courses on all distributaries need to be inspected for completion jointly by respective OFWM¹⁶ and irrigation department. All incomplete water courses should be constructed and *warabandi* instituted in close coordination of OFWM, Irrigation Department and communities". This recommendation, an agreed action between the ADB and GoP will need further monitoring through SARD.

3.2 New Concern

28. The complainants expect the redressal of their "new concern" which is that most of the complainants do not get canal water from MD-35 TR but are required to pay *abiana* for irrigation water. The reasons for their concern are:

- a) there is insufficient water at the tail of MD-35;
- b) *warabandi*¹⁷ of MD-35 has not been instituted;
- c) the water courses starting from MD-35 TR are not brick lined;
- d) the agricultural lands are in the riverine area and so is subjected to only *Rabi* crop and is not used for *Khareef* crop. They do not get canal water and have to resort to pumps/ tubewells for irrigation. Without getting canal water most of them do not want to pay *abiana*.

29. To address their new concern the following are recommended:

- a) if possible, the discharge may be suitably increased and provided at the time when the tail farmers need irrigation water;
- b) the complainants should request the IPD for *warabandi* of their *mogah* so that the rights and timings of different water users from the *mogah* at the tail are determined;
- c) lining of water courses can be done under the on-going National Program for improvement of water courses. The complainants need to apply under this National Program for bricklining of their water courses;
- d) the earlier complaint was addressed through reduction in the discharge at the head. For the "new concern", if possible, the discharge may be suitably increased and provided at the time when the farmers need irrigation water.

30. The consultant advised the complainants that this new complaint needs to be addressed to WAPDA and ADB operations department first for them to verify and discuss recommendations and solutions. They should consider filing a complaint with OSPF only if their complaint is not satisfactorily addressed.

¹⁵ Grievance Redressal & Settlement Committee

¹⁶ On Farm Water Management

¹⁷ Deciding the water supply per acre and the schedule according to which various farmers sharing a *mogah* can draw water to irrigate their lands.

Photographs



Road entering village *More Jhangi* (water on the left)



Water flooding the lands due to broken embankment east of village *More Jhangi*



Meeting with the Complainants



Meeting with Union Nazim and villagers



The embankment on the east of the village broken due to high floods in 1993-94 (main reason for the flooding)



Another view of the broken embankment



Tail of MD-35 (*mogah* 21095 TL and 21095 TR)



Water leaving *mogah* 21095 TR



Water forming a pool after leaving *mogah* 21095 TR



Water course starting from the pool



Water course (bottom of the picture) from MD-35 TR which extends to river Indus North of Village for about 2 km is not brick lined



Dried water course due to non-availability of adequate water from MD-35 TR after some distance



Fields without any water from MD-35 TR (embankment on the North of *More Jhangji* is intact so there is no water from flooding of river Indus)



Another view of fields without water from MD-35 TR (embankment protects the lands on the North of village *More Jhangji* from flood water of river Indus)



ADB Accountability Mechanism being explained

LIST OF PERSONS MET

- Mr. Abdul Hafeez,
Chief Engineer,
Irrigation & Power Department,
Dera Ghazi Khan.
- Mr. Asghar Ali Dogar,
Executive Engineer,
Irrigation & Power Department,
WAPDA, Taunsa.
- Malik Muhammad Akram Bhutta,
Collector,
Irrigation & Power Department,
Dera Ghazi Khan
- Mehar M. Aslam,
Ziladar (Special Assistant to Collector),
Irrigation & Power Department,
Dera Ghazi Khan.
- Shareef Shah,
Sub. Divisional Officer,
Irrigation & Power Department,
WAPDA, Taunsa.
- Mr.Ashiq Husain Khan,
Deputy Collector,
Irrigation & Power Department,
WAPDA, Taunsa.
- Mr.Asghar Ali Shah,
Ziladar,
Irrigation & Power Department,
WAPDA, Taunsa.
- Malik Imtiaz Ahmed,
Head Clerk,
Irrigation & Power Department,
WAPDA, Taunsa.
- Mr. Muhammad Anwar Khan Malkhani,
Nazim,
Union Council,
More Jhangi.

- Mr. Aziz Ahmed Awan,
Complainant/Farmer,
Village More Jhangi.
- Mr. Abdul Rehman Awan,
Complainant/Farmer,
Village More Jhangi.
- Muhammad Zubair,
Farmer,
Village More Jhangi
- Shafqat Ullah
Farmer,
Village More Jhangi.
- Maleeq ur Rehman
Union Councilor/farmer
Village More Jhangi.
- Kamran Saeed,
Farmer,
Village More Jhangi
- Matloob Husain,
Farmer,
Village More Jhangi