



Executive Summary of Annual External Audit of Environment, Health, Safety and Social (EHSS) and SEMS Implementation for OIT Road Assets under InvIT

Prepared for:
Oriental InfraTrust

4 May 2023

Quality information

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Revision History

Revision	Revision date	Details	Authorized	Name	Position
00	4 May 2023	Executive Summary of All SPVs	Yes	Chetan Zaveri	Vice President

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BACKGROUND

The Oriental Structural Engineers Private Limited (OSEPL), as the Sponsor, along with key investors, has formed an Infrastructure Investment Trust (InvIT), which focuses on investing in various operational road assets across India. The InvIT, known as Oriental InfraTrust (OIT), acquires the operational road assets in India. The assets are currently being operated by Special Purpose Vehicles (SPV) that are subsidiaries of the sponsor. The list¹ of road assets managed under OIT are:

- (i) Oriental Nagpur Betul Highway Limited (ONBHL),
- (ii) Oriental Nagpur Bypass Construction Private Limited (ONBCPL),
- (iii) Oriental Pathways Indore Private Limited (OPIPL),
- (iv) Etawah Chakeri (Kanpur) Highway Private Limited (ECKHPL),
- (v) Oriental Hungund Hospet Highway Private limited (OHHHPL).

OIT accepted an Environment and Social Management System (ESMS) which incorporated relevant provisions aligned to IFC's Performance Standards² (PS) 2012, and started implementing it since 2019.

The Oriental InfraTrust (OIT) has engaged AECOM India Private Limited (hereinafter referred to as "AECOM") to undertake an external Environment, Health, Safety and Social (EHSS) compliance and ESMS implementation audit for FY 2022-23. The Audit covered OIT and its portfolio of five (05) operational road assets in the States of Maharashtra, Uttar Pradesh, Madhya Pradesh and Karnataka. The Audit was conducted covering applicable E&S regulatory requirements in India (including state and local bodies regulations), International Finance Corporation (IFC) Performance Standards, 2012 and the World Bank EHS Guidelines on Roads and Highways, and OIT's E&S Policy and ESMS provisions.

FUNCTIONING OF INVIT'S E&S POLICY AND ENVIRONMENT AND SOCIAL RISK MANAGEMENT SYSTEM

In order to manage E&S risks during the new investment (or acquisition) process and throughout the asset lifecycle, InvIT accepted an E&S Policy which included an initial Action Plan (Schedule-I to E&S Policy) to set up an ESMS, create internal capability for implementing Environment and Social Action Plans (ESAPs) prepared for the initial portfolio of 5 road assets. The action items of Schedule-I required to prepare an Environmental and Social Management System (ESMS), which is applicable to IM, PM and all subsidiary companies (SPV) and obtain approval from the OIT Board, which was obtained on 31 August 2019.

Of the 10 items under Schedule 1 of EHSS Policy, 5 action items are successfully closed till date and remaining five action items remains partial compliant and their implementation to be prioritised without further delay. The compliance status of these 10 items are provided below.

Table 1: Action Items Captured in Schedule 1 of EHSS Policy

Sl. No.	Description	Remarks	Compliance Status
1.	Develop an SEMS applicable to the Trust (only relevant to its business with the Trust's Operations and Project Entities' operations) and Project Entities in compliance with Performance Standards for asset acquisition and operation and maintenance of assets.	The ESMS has been prepared and approved by the OIT Board on August 31, 2019. The Volume 1 of ESMS deals with procedures to be followed by the Investment Manager (IM). The Volume 2 of ESMS outlines procedures to be followed by Project Manager (PM).	Complied
2.	All Project Entities will develop and implement SEMS procedures that are aligned with GIIP, including applicable and relevant WBG EHS Guidelines and SEMS of the Trust. The SEMS will specifically cover (but not limited to): emission and energy efficiency norms; recycling and reuse of	The SPVs have adopted the ESMS developed by OIT. The Volume 3 of ESMS defines guidelines and procedures for Project Entities/ Assets / SPV.	Complied

¹ OIT included, Biaora to Dewas Highways Pvt Ltd (BTDHPL) as the sixth road asset in October 2022. This annual audit has not covered BDHPL as it was on early stages of the integration and ESAP implementation.

² OIT has other major investors including AIB and DEG and they have accepted IFC PS, 2012 as the common acceptable EHS standard for their investments in OIT and its portfolio of assets.

Sl. No.	Description	Remarks	Compliance Status
	<p>material in resurfacing; management of emissions and discharges to air, water and soil; fugitive dust suppression; management of hazardous materials and wastes; storm water runoff and drainage management; monitoring of ambient air quality and noise levels, particularly at sensitive receptors; minimization of noise impact on nearby communities; collection, treatment and disposal of wastes and wastewater; collection, segregation and sale of recyclable solid waste; composting of organic waste; hazardous material management; use of pesticides and herbicides; management of pest, weed and right of way maintenance; overall housekeeping; periodic road safety audits; security personnel procedures; Emergency Response Plan & an automated information system like Highway Traffic Management System; and Encroachment prevention and removal procedure.</p> <p>The Investment Manager, on behalf of the Trust will contractually require and ensure that its contractors also adhere to the EHSS practices of each Project Entity.</p>		
3.	<p>Create EHSS capacity as under:</p> <p>(i) Investment Manager and Project Manager to employ one fulltime senior level environmental specialist and one senior level social specialist;</p> <p>(ii) For oversight and management of EHSS issues at each Project Entity level, employ sufficient number of qualified EHSS specialist in consultation with MBSS unit holders who will be shared resources for the project entities; and For Etawah- Chakeri (Kanpur) Highway Private Limited, hire a qualified social specialist.</p>	<p>The IM and PM have appointed one environment special and one social specialist.</p> <p>Each road SPV has deputed one E&S specialist.</p>	Complied
4.	<p>The Investment Manager, on behalf of the Trust to ensure that Project Manager implements E&S corrective action plan for each road as included in the ESDD report carried out by third party consultant in April 2018.</p>	<p>IM has been conducting annual external audit through third party agencies. Although, the Audit findings suggest that majority of the action items are complied, but there are a number of action items which are at different stages of compliance.</p>	Partial Compliance as currently under implementation
5.	<p>EHSS Compliance review of SEMS implementation at Investment Manager, Project Manager and each Project Entity level and disclose review findings on Trust's website.</p>	<p>The Executive Summary of the EHSS compliance review of SEMS implementation is prepared for all SPVs as in May 2023. The Executive Summary requires to be disclosed on OIT's website for compliance.</p>	Partial Compliance as currently under implementation
6.	<p>Upgraded human resources policies and procedures to meet the Performance Standards provisions of the MBFS Unitholders and the lenders to the Trust (until such lender is the International Finance Corporation), more specifically, it should include:</p> <ol style="list-style-type: none"> Policies on non- employment of adolescent & child at work, equal opportunity and non-discrimination, and prevention of forced labour; Code of conduct for staff and workers to prevent gender based violence and child abuse; and 	<p>IM has updated the policies to include policy on non-attribution or confidentiality.</p> <p>All the listed policies are present in Corporate Document under common policies and procedures. Chapter 2.18, 2.16 and 2.19.</p> <p>Standalone gender based violence and child abuse policy is available.</p> <p>The Employee grievance mechanism for both staff and contract workers is present in Standard operating procedure Chapter 2.13.</p>	Complied

Sl. No.	Description	Remarks	Compliance Status
	<p>iii. Employee grievance mechanism for both staff and contract workers of the Project Entities.</p> <p>The above upgraded human resources manual will be applicable to Investment Manager, Project Manager and all Project Entities.</p> <p>The Trust will, through the Project Manager and each Project Entity, ensure that all contractors and subcontractors have a formal grievance mechanism accessible to all workers and subcontractor workers.</p>		
7.	<p>For Etawah- Chakeri (Kanpur) Highway Private Limited and any other future road that has residual land acquisition, the Trust will, through Project Manager and Project Entities:</p> <p>i. Appoint third party consultants for undertaking social impact assessment and livelihood restoration plan preparation by June 30, 2019;</p> <p>ii. Undertake social impact assessment and prepare detailed livelihood restoration plan including budget estimate by December 31, 2019;</p> <p>iii. Appoint implementation partner for livelihood restoration plan implementation by November 30, 2019;</p> <p>iv. Complete implementation of livelihood restoration plan and retroactive gap closure within 2.5 years of livelihood restoration plan preparation; and</p> <p>v. Livelihood restoration plan completion audit within 2.5 years of livelihood restoration plan implementation.</p>	<p>i. A third party agency was appointed on 29th Jun 2019</p> <p>ii. Draft SIA-LSP Submitted on 30th Jul 2020 (after IFC Review in Sep 2021, this was found inadequate to comply with PS-5 requirements.</p> <p>iii. A technical consultant was appointed as LSP Technical Support Agency and issued them a letter of intent on 28th Aug 2021 and work order on 23rd Feb 2022. The technical consultant has completed Micro-Planning and Counselling Process in Jan 2023.</p> <p>iv. Another third party agency was appointed as LSP-Implementation Agency (IA) in Mar 2021. In consultation with IA, OIT identified one NGO for setting up Skill Training Centers for LSP and CSR implementation in Apr 2022. The NGO has set up 4 Skill Training Centres and enrolled > 400 students as CSR activity.</p> <p>v. Another third party agency will be appointed to conduct midterm audit and end term audit post completion of LSP implementation.</p>	Partial Compliance (Delay due to COVID19 pandemic) and currently under implementation
8.	<p>Develop and implement a detailed stakeholder analysis and engagement plan along with information disclosure plan and community grievance mechanism at each Project Entity (for seed assets as well as all future assets that the Trust will acquire, before such acquisition is made)</p>	<p>An SOP of Stakeholder engagement plan and grievance mechanism is prepared in ESMS Manual. The SEPs for each SPV are required to be prepared and implemented. Each SPV implements a Grievance Mechanism as per the SOP in ESMS Manual. The Audit findings have found certain gaps in implementation process and has provided recommendations for achieving compliance.</p>	Partial Compliance as currently under implementation
9.	<p>Develop a biodiversity action plan ("BAP") to include: rationale for delivering net gains, offset financial and implementation feasibility including gap analysis against GIIP for offsets, independent scientific support for proposed road mitigation, and a biodiversity monitoring and evaluation plan ("BMEP"); and Based on the monitoring results, and as part of the commitments under the BAP,</p>	<p>A Biodiversity Action Plan (BAP) has also been formulated by the ONBCPL and implementation of BAP is under progress. The external annual audit of the BAP implementation is monitoring the results and recommending additional adaptive management and</p>	Partial Compliance as currently under implementation

Sl. No.	Description	Remarks	Compliance Status
	implement additional adaptive management and conservation actions in consultation and collaboration with Nagpur Forest Department and NTCA.	conservation actions in consultation and collaboration with Forest Department.	
10.	Develop a framework for FPIC determination as part of SEMS which will be applicable to all roads with impacts on indigenous peoples and FPIC triggers. From among the seed assets, the framework should be applied to the projects undertaken by the Nagpur- Betul Project Entity and Oriental Pathways (Indore) Private Limited for all future acquisition of land in areas with tribal population prior to start of any future land acquisition.	The IM has developed a framework for FPIC determination as part of the ESMS. The details are given in Appendix F of Volume 1.	Complied

Apart from establishing an ESMS, the preparation and implementation of action plans to mitigate impacts related to IFC PS-5 (Involuntary Resettlement) and PS-6 (Biodiversity) for two out of the five road assets in initial portfolio was required. The progress of these two key items are as follows:

1. **ECKHPL:** A technical consultant has been appointed as LSP Technical Support Agency in Feb 2022 and has completed Micro-Planning and Counselling Process in Jan 2023. Another third party agency was appointed as LSP- Implementation Agency (IA) in Mar 2021. In consultation with the IA, OIT identified one NGO for setting up Skill Training Centers for LSP and CSR implementation in Apr 2022. ECKHPL to implement the LSP in coordination with technical consultant, third party agency and NGO as per the revised timeframe (to be completed by Mar 2025).
2. **ONBCPL:** The Bio-diversity Action Plan (BAP) is prepared and its implementation is being monitored by a third party agency with requisite expertise. The previous monitoring reports have found satisfactory results on adaptation of wild-life with respect to the wild-life crossing structures. The effectiveness of the CAMPA sites as bio-diversity off-set measures are also monitored. ONBCPL to provide dedicated signages for speed limit regulations and no stopping zones within 100 m zone of overpasses to be set up in consultation with the concerned authorities. ONBCPL to monitor and report mechanism for vulture activity in the area.

The ESMS provides a management framework for assessment of the potential impacts (direct or indirect) from the asset operations and associated mitigation measures to avoid risks, and wherever avoidance is not possible, either eliminate risks or to reduce them to a considerable extent. The ESMS captures aspects with respect to the following.

- E&S Screening
- Pre-acquisition Environment and Social Due Diligence
- Development of ESAP
- Supplementary Environment and Social Impact Assessment (if required)
- Post Investment Integration
- Monitoring of Road Asset
- Disclosure and reporting

As part of InvIT's requirement, the OIT has created a HSE team who have relevant experience and capabilities at both Corporate HO and SPV level and takes care of EHSS implementation, organise regular training programmes for employees and contractors, EHS events and other activities. The OIT undertakes periodical internal and external monitoring and review of road assets.

The key findings that are identified and presented as part of external Environment, Health, Safety and Social (EHSS) compliance audit of SEMS implementation for individual road assets are presented below.

A. Findings on E&S Permitting and Legal Compliance

The SPVs have obtained required approvals for their assets. The following findings are presented with respect to E&S Permitting and Legal Compliance which is ongoing.

Table 2: Ongoing Legal Compliance in Road Projects

Sl. No.	Road Projects	Recent Legal Compliance
1.	Etawah Chakeri (Kanpur) Highway Private Limited (ECKHPL)	<ul style="list-style-type: none"> The UPPCB has accorded consent for generation, collection, utilization, storage and disposal of hazardous wastes. ECKHPL has applied for amendment in Hazardous Waste Authorization by adding new streams. The amendment approval under Hazardous Waste Authorization is being followed up for renewal. Application for renewal of BMW approval was submitted on 6 September 2022 to Uttar Pradesh Pollution Control Board to be followed up for renewal.
2.	Oriental Hungund Hospet Highway Private limited (OHHHPL)	<ul style="list-style-type: none"> OHHHPL to intimate KSPCB about compliance of CTO conditions in the compliance monitoring report submitted to KSPCB. OHHHPL to enquire about ground water NOC (if applicable) as per CGWA notification with respect to the project.
3.	Oriental Nagpur Betul Highway Limited (ONBHL)	<ul style="list-style-type: none"> ONBHL has applied for renewal Contract Labour License on 20 November 2022 and follow-up for renewal.
4.	Oriental Pathways Indore Private Limited (OPIPL)	<ul style="list-style-type: none"> OPIPL to update the legal register by updating correspondence e-mail received etc

B. Findings on Compliance against ESMS Manual Provisions and Implementation

The following findings are presented with respect to Compliance against ESMS Manual Provisions and Implementation. The common findings which is applicable to all SPVs are presented below and the individual findings are tabulated in the table.

- Site specific legal register has been developed. The review of legal register shows that the permits/ consent details, issuing authority, consent reference number, date of issue and expiry. The SPVs are recommended to conduct periodic updation of legal register (as and when required) with respect to permits renewal and expected/ last date of compliances submission in a specific year.
- The SPVs are recommended to continue stakeholders engagement by adhering the following:
 - Prepare a stakeholder engagement calendar that identifies all key stakeholders and specific engagement activities.
 - Maintain a stakeholders engagement register (or excel database) or records of all activities carried out in a year.
 - Establish the procedure for information disclosure to targeted stakeholders as per the information disclosure plan.
 - Maintain records of all formats, minutes of meetings and keeping of the target stakeholder group(s) especially for implementation of LSP in ECKHPL.

Table 3: Compliance against ESMS Manual Provisions and Implementation

Road Projects	Location	E&S Achievements and implementation done by SPVs	ESMS Implementation
Etawah Chakeri (Kanpur) Highway Private Limited (ECKHPL)	Uttar Pradesh	<ul style="list-style-type: none"> PPE assessment as per specific work for workmen is completed. Landscaping and planted about 2293 number of trees The site specific legal register has been developed. Maintenance of RoW, encroachment removal, closing of unauthorized median openings in under progress. Installed water meters and consumptions records are being maintained at site. 	<ul style="list-style-type: none"> ECKHPL to supplement the grievance mechanism by setting up a suggestion and complaint mechanism for LSP and CSR program implementation. The process to have provisions for the complainant to escalate the matter depending on the nature of grievances. ECKHPL to quantify wastewater generated at the Toll Plazas as per CTOs and adhere to wastewater discharge limits. ECKHPL is required to maintain zero water discharge as per compliance. ECKHPL to ensure that toilet/ washroom to be cleaned at regular intervals and records are maintained ECKHPL to conduct drinking water testing for all parameters as per IS 10,500 and WBG guidelines. ECKHPL needs to alter the present RWH pits for effective rainwater harvesting at Anantram ECKHPL needs to identify all the operations and areas that require providing appropriate PPE to workmen as per the work they handle. AECOM noted few encroachments during site visit at different locations. ECHKPL periodically prepares and submits the list of encroachments as part of MPR and continue to carry out encroachment removal drives with NHA's instruction. ECKHPL to implement the road safety audit findings with respect to identification of black spots, minimize accidents and action plan suggested to improve safety of road users. ECKHPL to record road kill data for cattle/ animal
Oriental Hungund Hospet Highway Private limited: (OHHHPL)	Karnataka	<ul style="list-style-type: none"> Developed legal register and update the same from time to time. Installed smoke detectors and firefighting provisions at all toll plazas. Accommodation facilities provided for toll workers. Environmental monitoring and compliance with consent conditions are being maintained. Adequate landscaping and tree plantation is provided. 	<ul style="list-style-type: none"> OHHHPL needs to quantify and maintain domestic water consumption records. OHHHPL to quantify wastewater generated at the toll plazas and adhere to wastewater discharge limits. OHHHPL to consider provision of solid waste collection bins at bus stops to stop littering. OHHHPL to document the MoU of SWM and update in its legal register. OHHHPL to provide IS 15652:2006 approved insulation mats at all electrical panel locations. OHHHPL to display emergency numbers at the bus stops (women helpdesk, NHA's grievance helpline number, police, medical and firefighting emergency numbers) for the community. Few encroachments are observed at different locations. OHHHPL periodically prepares and submits the list of encroachments as part of MPR and continue to carry out encroachment removal drives with NHA's instruction.
Oriental Nagpur Bypass Construction Private Limited (ONBCPL)	Maharashtra	<ul style="list-style-type: none"> Capacity building among EHS and contractor team. Updation of legal register is completed. Maintenance of RoW, encroachment removal, closing of unauthorized 	<ul style="list-style-type: none"> ONBCPL to display grievance redressal mechanism at site in both English as well as vernacular language. ONBCPL to ensure that all lane guards must use the safety shoes while at the work. ONBCPL to complete rain water harvesting structures at Khumari Toll Plaza as per CGWA

Road Projects	Location	E&S Achievements and implementation done by SPVs	ESMS Implementation
		<p>median openings are under progress.</p> <ul style="list-style-type: none"> Quantification of wastewater is ongoing. 	<p>guidelines and Storage structures for rainwater harvesting to be periodically cleaned.</p> <ul style="list-style-type: none"> ONBCPL to undertake noise monitoring at Khumari and Borkhedi toll plaza ONBCPL is required to install water meter at Khumari toll plaza ONBCPL to maintain water consumption records for all toll plazas. ONBCPL to quantify wastewater generated at the toll plazas and adhere to wastewater discharge limits. ONBCPL periodically prepares and submits the list of encroachments as part of MPR and continue to carry out encroachment removal drives with NHAI's instruction.
Oriental Nagpur Betul Highway Limited (ONBHL)	Maharashtra/ Madhya Pradesh	<ul style="list-style-type: none"> Good housekeeping, green belt development, road maintenance as per scheduled timeline. Capacity building among EHS and contractor team is completed. Maintenance of RoW and encroachment removal with help of NHAI is under progress. Compliance with CTOs and quantification of wastewater is under progress. 	<ul style="list-style-type: none"> ONBHL to display grievance redressal mechanism at site in both English as well as vernacular language. The noise monitoring reports were found above limit both during day and night in the monitoring reports. ONBHL to rectify and take mitigation measures to reduce noise generated from O&M activities. ONBHL to quantify wastewater generated at the Toll Plazas and adhere to wastewater discharge limits. ONBHL may consider vermicompost pits at both the toll plazas for disposal of biodegradable wastes. ONBHL periodically prepares and submits the list of encroachments as part of MPR and continue to carry out encroachment removal drives with NHAI's instruction.
Oriental Pathways Indore Private Limited (OPIPL)	Madhya Pradesh	<ul style="list-style-type: none"> PPE assessment as per work for workmen is ongoing. Capacity building among EHS and contractor is completed. Regular maintenance of RoW and encroachment removal is completed. Compliance with CTOs is maintained at site. 	<ul style="list-style-type: none"> OPIPL to quantify wastewater generated at the Toll Plazas and adhere to wastewater discharge limits. OPIPL to maintain Form 8 (labelling of containers of hazardous and other waste) for all hazardous wastes and empty drums as required under Hazardous Waste Rules. OPIPL to implement the road safety audit findings (conducted by third party agency) with respect to identification of black spots, minimise accidents and action plan suggested to improve safety of road users. OPIPL periodically prepares and submits the list of encroachments as part of MPR and continue to carry out encroachment removal drives with NHAI's instruction.

C. Findings on ESAP Compliance at SPVs

The following findings are presented with respect to ESAP Compliance.

- The ESAP for all SPVs have 173 action items (59 main findings further sub categorised into 173 action items), out of which 146 action items are successfully closed till date, 20 action items are partially complied and 07 item are yet to start. The key action items which has been complied and closed are: obtaining regulatory approvals, development of ESMS and specific management plans with respect to carriageway solid waste management plan, including construction waste; oil/ chemical spill contingency plan; storm water management plan; avenue and median plantation and management plan, removal of wastes on the road, closing of authorized median openings and removal of speed breaker, rectification of damaged crash barrier/ signboards and maintenance of median plantation.

Table 4: Summary of ESAP Action Items for all SPVs

SPVs	Major Points in ESAP	Total Action Points	Compiled	Partially Complied	Yet to Start
ECKHPL	11	47	40	5	2
OHHHPL	11	11	9	2	0
ONBCPL	11	51	43	6	2
ONBHL	10	48	40	6	2
OPIPL	16	16	14	1	1
Total	59	173	146	20	7

- The ongoing ESAP action items which would remain relevant for the entire duration of the concession period were assessed and the level of compliance was found satisfactory. The key compliances are: providing training to staff, contractors staffs on ESMS, resolving grievance and adhering the redressal mechanism as stipulated for the Project, implementation of social impact assessment and, management of limited environmental impacts with respect to air and water emissions, waste management, traffic management, which can be readily addressed with mitigation measures.
- Only a few of the ESAP action items were found partially complied or there has been delay in achieving the compliance, or are currently under implementation within the time period envisaged in ESAP. The assessment has provided further guidance on partially complied items. The key items in this category are: implementation of SIA-LSP, estimation of water demand for the Project, testing of drinking water quality, undertake awareness program for community to avoid parking of vehicles within the main carriageway and minimise vehicle movement in opposite direction for better road safety. These action items are to be taken up for implementation on priority and their full compliance to be checked during next annual audit report.
- The action items that are yet start in different SPVs are (i) preparing an information disclosure plan (in ECKHPL, ONBCPL, ONBHL), (ii) conduct a separate assessment on adverse impacts of Project on STs considering if the Project had any disproportionate impact on STs (only in OPIPL), and (iii) creating awareness programs on HIV and AIDS among truck drivers (in ECKHPL, ONBCPL, ONBHL).
- The partially complied and delayed action items are assessed to have low and medium risk. The reasons for delayed action items were mainly because of streamlining the system at corporate level, appointment of E&S specialist at IM and PM, appointment of site level EHS specialist at asset level. The ongoing action items and revised timelines for the partially complied and delayed action items is expected to bring the project to full compliance status in the next external audit cycle.

