

**COMPLAINT CLOSING REPORT
OF CONCERNED ADB OPERATIONS DEPARTMENT**

13 June 2024

PROJECT NAME	INDIA: Maharashtra Rural Connectivity Improvement Project
ADB DEPARTMENT/DIVISION	Transport Sector Office, Sectors Group India Resident Mission, South Asia Department
AM FUNCTION	Problem-Solving
ELIGIBILITY RESULT	Ineligible
ELIGIBILITY DETERMINATION DATE	14 February 2024

I. Complaint and issues	<p>The complainants approached ADB's complaint receiving officer (CRO) on 01 January 2024 with their grievances and chose problem solving function under ADB's Accountability Mechanism. The grievances mainly pertained to (i) alleged construction of road (MDR-12 to Bhatpura under contract package number ADB/DHU-06) through their land parcels without obtaining their permissions; (ii) alleged livelihood loss of INR 2.4 million because of the alleged encroachment through their agricultural land; (iii) shifting of road to Bhatpura-Ajnad Shiv road or other suitable places; and (iv) alleged act of suicide committed by one of the complainant's husband caused by the Project. The complainants stated that they approached ADB because their grievances remained unanswered by MRRDA (the executive agency) and other state government officials despite having submitted the complaint and followed with nine reminders during May to December 2023. The complainants demanded (i) cancellation of the road passing through their land parcels; (ii) payment of compensation for loss of agricultural income INR 0.3 million per year for eight years (amounting to INR 2.4 million); (iii) shifting alignment of this proposed road to Ajnad Shiv (village boundary); and (iv) initiation of action against the officials of the concerned state government departments.</p>
II. Actions taken to address the problems or issues	<p>OSPF held initial discussions with the Project Team (INRM, SARD) and the complainants. The complainants had confirmed to OSPF that no good faith efforts between them and ADB's Project Team had happened prior to approaching the Accountability Mechanism. Based on the discussions, it was agreed that ADB's Project Team would undertake field-based due-diligence to gather the facts regarding the complaint and provide its assessment to OSPF. The Project Team carried out field-based due-diligence from 31 January to 3 February 2024 and visited the road site jointly with the complainants and relevant state government officials and held detailed consultations (jointly and independently) with them. It also held independent consultations with other villagers having their land parcels along the proposed alignment. The Project Team collected the supporting documents made available by the complainants and state government officials for review and assessment. This field-based due diligence was followed with discussions with the complainants and state government officials for obtaining additional data considered necessary for assessment. OSPF assessed that the complaint was ineligible for OSPF's consideration according to Paras 138, 142, and 143(iii) of Accountability Mechanism Policy 2012, and requested the complainants to approach ADB's Operation Department (INRM, SARD) vide letter of 15 February 2024 for resolution of their grievance. It further advised the complainants to approach OSPF if they were not satisfied with the efforts made by the Operation Department. The Project Team also held a second round of in-person discussions with the state government officials for collecting relevant documents and additional information.</p>
III. Decisions or agreements by parties concerned	<p>Based on the discussions (i) MRRDA confirmed cancellation of the proposed road subproject on 28 February 2024 and informed all complainants on 28 February and 1 March 2024; (ii) MRRDA further informed the complainants that the alternative road alignment proposed by them was not feasible in the then prevailing field conditions; (iii) MRRDA also confirmed (which was earlier reconfirmed by the complainants during the field visit undertaken by the Project Team) that no civil works of whatsoever nature were carried out by MRRDA and its contractor in the alleged road section since the contract was awarded in 2019. Therefore, the issue of payment of compensation to the complainants for loss of agricultural income did not arise at all; and (iv) ADB's Project Team had noted that the medical doctor who attended to Late Vijay Jadhav (farmer alleged to have committed suicide by the complainants because of the project) at the hospital had recommended post-mortem (MCL PM) to be conducted to confirm the cause of death in the report issued by the hospital. The report also</p>

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	<p>indicated reporting of consumption of unknown poisonous substance (at admission on 21 February 2023). The post-mortem was conducted on 22 February 2023, and the post-mortem report had reserved opinion on the cause of death, further stating that the viscera had been preserved for forensic investigation (the post-mortem report was <i>issued</i> to Mr. Chetan Jadhav, son of Late Vijay on 6 July 2023). When queried, the complainants stated that no further follow-up was done for an updated report showing the cause of death. The complainants confirmed that they do not have copies of the (a) complaint registered at the Police Station; (b) First Information Report (FIR) recorded by the Police; (c) statements given to the Police; and (d) any note left by the deceased. When queried, they were not able to explain the reasons for not having these documents. MRRDA has confirmed that (a) MRRDA or its officers; (ii) the consultants or their staff; and (iii) the contractor or its staff have not received any notices either from the Police or from the Judiciary to appear before them to provide information or statements pertaining to this incident.</p>
IV. Results and lessons learned	<p>The Complainants appreciated the efforts made by ADB's Project team in resolving the grievances pertaining to requested cancellation of the sub-project road and the clarification that was provided for the requested alternative road (email dated 19 April 2024 from Mr. Ravindra Jadhav). However, the complainants requested ADB to facilitate initiation of disciplinary action on the concerned state government officials. The Project Team further clarified (vide email dated 24 April 2024 from the Project Officer) that this request made by the complainants was beyond the ADB's mandate. The Complainants have not reverted to ADB or Project team subsequently.</p> <p>The following lessons are noted: (i) a detailed field and document based due-diligence must be carried out prior to selection of the existing cart or temporary road to ensure that the ownership of land under consideration rests with the appropriate authority such as Zila Parishad, etc. (ii) meaningful consultations must be undertaken with each and every land owner (including land owners who are adjacent to the proposed road) and other relevant government authorities to ensure that the land is in legal possession of Zila Parishad or other relevant government departments; (iii) in case the land under the existing road (including widening and change in road alignment) is observed to be owned by the private land owners then the executing agency (MRRDA in this case) should follow all steps to assess if voluntary land donation was possible as per the agreed framework for the Project; (iv) ensuring that the grievance redress mechanism proposed for the Project is fully functional and prompt in responding to the grievances received. The submission of complaint to ADB could have been avoided, if MRRDA had responded to grievance letter and subsequent reminders in timely manner; and (v) the sensitization of the implementation staff of MRRDA at field level (mainly engineers) to be responsive to such grievances.</p>

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