

# Complaint Closure Report

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Complaint Number SPF-2020-06-02-0098

Project Number: 42513-014

Loan Number: 3619

March 2021

## India: Karnataka State Highways Improvement III Project

Package 1 (Section B: Chintamani – AP Border Road Subproject)

The report is prepared to in accordance with ADB's Accountability Mechanism Policy, 2012.

## **A. Introduction**

1. This document is the Complaint Closure Report for Complaint Number SPF-2020-06-02-0098 received under Loan 3619-IND: Karnataka State Highways Improvement III Project (Project Number 42513-014). The complaint was registered on 12 October 2020 by ADB's Office of Special Project Facilitator (OSPF) under ADB's Accountability Mechanism Policy, 2012 (AM). The complainant requested compensation for 19 tamarind trees likely to be affected by the road widening works under Package 1 (Section B: Chintamani – AP Border Road Subproject) of the Project.<sup>1</sup>

2. In a memorandum to ADB's President dated 21 October 2020, OSPF informed that after verification with the complainant and consultation with the South Asia Regional Department/India Resident Mission (SARD/INRM), the complaint was not found eligible for the problem-solving process under AM because of lack of good faith efforts by the complainant with the operations department. OSPF forwarded the complaint to SARD/INRM for addressing and resolving the issues raised.

## **B. Summary of the Complaint**

3. ADB's Complaint Receiving Officer (CRO) received a complaint on 21 August 2020 requesting fair compensation for 19 tamarind trees registered in his ancestor's name that were likely to be affected by the construction of Chintamani – AP Border Road Subproject.<sup>2</sup> CRO sought additional information from the complainant as required under AM. The complainant claimed that those trees were planted by his ancestors and yielded around 6000 kg of produce annually, which was a source of income for his family. The complaint is at Appendix A.

## **C. Problem- Solving**

4. Upon declaring the complaint ineligible for the problem-solving process under AM, INRM initiated the resolution process on 21 October 2020 by establishing contact with the complainant and scheduled a meeting. INRM Team of Senior Project Officer, Senior Environment Officer, Safeguards Officer and Associate Operations Analyst held a discussion with the complainant on 26 October 2020. The complainant reiterated his grievance and informed that his claim was based on the "claimant" documents in vernacular (Kannada language) available with him. INRM requested the complainant to share the copies of those documents and their English translation to understand the issues and take it up further with the executing agency (EA).<sup>3</sup>

5. On 4 November 2020, the complainant provided scanned copies of the "claimant" documents with partial translation. INRM Team further shared those with the EA with a request to review the documents and apprise back. During discussions, the complainant expressed that he was unable to properly comprehend the contents of "claimant" documents as they were in an old vernacular script. Translators were engaged by INRM Team to facilitate the process, but they could not fully translate as those documents were not clear or fully legible.

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<sup>1</sup> The complaint was made by Mr. A. Subbareddy, a resident of Imareddyhalli, Chintamani Taluk.

<sup>2</sup> Simultaneous to the receipt of this complaint by CRO under AM, this complaint was also received at ADB's Information Requests Tracking System.

<sup>3</sup> Project Implementation Unit (Karnataka State Highways Improvement Project), Public Works Department of Government of Karnataka is the executing agency.

6. On 23 November 2020, the EA informed INRM Team that complainant's claim is based on the documents of 1958 and 1967, which refer to only 1 and 4 tamarind trees. But the locations of those 5 trees is different from the location of 19 tamarind trees referred in the complaint. Further, based on consultation by the EA with the state Revenue and Forest departments, those 19 trees are not in the ownership of the complainant. Besides, the state Forest department has been auctioning the yield of the entire project road, including those 19 trees. The EA provided a list of successful bidders from the auctions conducted annually during the past five years.

7. On 24 November 2020, the complainant apprised INRM Team regarding his meetings with the state Forest and Revenue officials for confirmation of the ownership of tamarind trees in their records. However, no such records of ownership were found by them. The complainant acknowledged to INRM Team the importance of making available the ownership records for any claim for compensation. The complainant also provided consent for cutting of those 19 trees. To facilitate satisfactory resolution of the matter, the EA registered the complaint with Project's grievance redress committee (GRC) established at Chikkaballapura district-level with concerned Deputy Commissioner as chairperson.

8. GRC held its first meeting on this complaint on 24 December 2020. GRC called all concerned to the meetings including the complainant, the representatives of the state Revenue Department, state Forest Department and the EA. In the GRC meetings, the complainant was represented by his father and brother. A follow-up meeting of GRC on this complaint was held on 4 February 2021. During the deliberations in the meetings, the complainant was unable to produce any other documents except the previously submitted "claimant" documents that were determined to be a partition deed. GRC decided to reject the claim of the complainant. The proceedings of the meetings of GRC were provided to all the parties. The EA shared the proceedings of GRC meeting with INRM Team with copies to the complainant and requested ADB to close the complaint. The proceedings of the final GRC meeting of 4 February 2021 are at Appendix B.

9. Upon receipt of the GRC proceedings of 4 February 2021, INRM Team invited the complainant for further discussion on the matter. On 5 March 2021, citing the decision by GRC, the complainant requested ADB to close the complaint.

10. All through, INRM Team maintained close contact with the complainant and the EA. INRM Team updated OSPF and the Office of the Director General, SARD on the progress from time to time. On 8 March 2021, INRM informed OSPF the outcome of the consultation and due diligence on the complaint. This Complaint Closure Report has been prepared in accordance with para. 196 of AM.

#### **D. Conclusion and Learning**

11. Based on the decision of GRC, the complainant and the EA have resolved the issues and requested ADB to close the complaint.

12. Satisfactory redressal of this complaint demonstrates effective and proactive use of grievance redressal mechanism and collaborative approach in stakeholder consultation. It appears that there is a need to strengthen the outreach of the grievance redressal mechanism available on the Project to all stakeholders.

**Sent:** Friday, August 21, 2020 2:59 PM  
**To:** Complaint Receiving Officer <[amcro@adb.org](mailto:amcro@adb.org)>  
**Subject:** Inquiry from ADB.org

This inquiry was submitted Friday, August 21, 2020 - 14:59 through the e-mail contact forms on ADB.org to: [amcro@adb.org](mailto:amcro@adb.org) Submitted values are:

Recipient Email [amcro@adb.org](mailto:amcro@adb.org)

First Name [REDACTED]

Last Name [REDACTED]

Affiliation Others

Email [REDACTED]

Message

Hi Sir

Hope you are doing Good!!

Project 42513-014

Loan:3619

I am [REDACTED] Writing an Email/letter on behalf of my father. My father [REDACTED] is an agriculturist and taking care of farming activities at our piece of land attached to SH82 (Chintamani – AP border). On SH82 the project team /KSHIP/GRC have identified the trees (Tamarind tree) to cut, which are attached to the roadside in order to widening the road. These 19 Tamarind trees are planted by our ancestors and every year are getting about 6000kg of tamarind yield and the family is depending on this income. These Tamarind trees are registered in my ancestors name from the sub register office in 1-7-1958 S.R.M.Num 1264 and also in 26-12-1967 S.R.M. Num 4114 as per respective applicable law and in the court of add. Civil Judge Kolar (C.R.No 579/86) in 1983. Now as per family partition these Tamarind have claimants in my father's name ([REDACTED]) please refer "c scheduler" for more information. Please refer to the attachment. With recent Acquisition plan without any notice/Compensation as per resettlement guidelines to actual owner. However from last 5 year we have made several request to taluk forest range officer, Districts forest officer and special DC of acquisition not to cut the Tamarind trees and in case if these tree are really a problem for road widening then provide us fair compensation and allow us to cut trees from our end by providing approval and applicable govt fee will be paid to Govt/Forest department. We are not getting any response from the forest department and DC. Kindly get us the justice.

Referrer node/81970

Tele: 2282 6758/59/60/61

Fax: 22229666

e-mail: [piukship@gmail.com](mailto:piukship@gmail.com)

**GOVERNMENT OF KARNATAKA**  
**KARNATAKA STATE HIGHWAYS IMPROVEMENT PROJECT**  
**(Public Works Department)**

No. PIU/ KSHIP-III/Pkg IB/2020-21

/22959

O/o the Project Implementation Unit  
 Karnataka State Highways  
 Improvement Project,  
 K R Circle, Bangalore – 560 001.

Date:

26 FEB 2021

To  
 Mr. Takeo Konishi  
 Country Director,  
 Asian Development Bank(ADB)  
 India Resident Mission  
 4, San Martin Marg, Adj. Jesus & Mary College  
 Chanakyapuri, New Delhi 110021

Sir,


**Sub:** KSHIP-III- Package 1B (Chintamani to AP border): reg. Claim of ownership for 19 tamarind trees by Sri. A. Subba Reddy.

**Ref:** 1. ADB email dated: 5<sup>th</sup> November 2020.  
 2. T.O letter no. 1985 dated: 23<sup>rd</sup> November 2020.  
 3. T.O letter no. 2259 dated: 18<sup>th</sup> December 2020.  
 4. T.O letter no. 2428 dated: 8<sup>th</sup> January 2021.  
 5. Proceedings of the District Level Grievances Redressal Committee Meeting held on 4<sup>th</sup> February 2021.

In pursuance of the above letters, it is to inform that the claim of the applicant Sri. A. Subba Reddy on the ownership of 19 roadside tamarind trees along the project road of Package 1B was reviewed in the District Level Grievances Redressal Committee Meeting held on 4<sup>th</sup> February 2021 under the Chairmanship of the Deputy Commissioner, Chikkaballapura district.

On hearing the plea of the petitioner and examining the documents, the Committee has rejected the petitioner's claim of ownership of the trees & compensation and has dismissed the case. A copy of the Meeting Proceedings is submitted for the information of the ADB and it is requested to treat the matter as closed as the Claimant has made only a statement of getting yield without any proof and legal documents.

Yours sincerely,

  
**Project Director,**  
 PIU, KSHIP,

Copy submitted to;

1. Chief Project Officer, KSHIP.
2. Mr Arun Bajaj, Senior Transport Specialist, ADB.

Copy to;

1. The Superintending Engineer-1, PIU, KSHIP.
2. The Executive Engineer, KSHIP division, Bangalore.
3. The AEE, KSHIP sub division, Chintamani.
4. The RFO, PIU, KSHIP.
5. Sri. A. Subbareddy, Imareddy Halli, Kasaba Hobli, Chintamani Taluk.

**Proceedings of the meeting held on 04/02/2021 at 12-30 PM by Smt.R. Latha, I.A.S.,  
Deputy Commissioner, Chikkaballapura District regarding District Level Grievances  
Redressal Committee**

**Officers/Members present**

1. Assistant Commissioner, Chikkaballapura District.
2. Executive Engineer, KSHIP-Division, Bengaluru.
3. Tahslidhar, Chinthamani Taluk.
4. Assistant Executive Engineer, KSHIP-Sub Division, Chinthamani.
5. RFO, Chinthamani.
6. Member -1 & 2, District Level Grievances Redressal Committee
7. Petitioner, Imareddyhalli, Chinthamani Taluk.
8. Assisatnt Engineer, KSHIP-Sub Division, Chinthamani.
9. RFO, KSHIP, Bengaluru.
10. Team Leader, SCODWES(R), NGO KSHIP, Tumakuru.

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The Deputy Commissioner extended a warm welcome to the officers present in the meeting.

Meeting was convened by Deputy Commissioner Chikkaballapur with regard to be claim of ownership for 19 numbers of tamarind trees on KSHIP-3 Package-1B road, Chinthamani to Andhra Pradesh border, SH-82.

Shri. Anjaneyareddy, father of the petitioner A.S Subbareddy who attended the meeting; on behalf of petitioner was asked to furnish relevant documents with regard to the ownership of the tamarind trees.

On the behalf of the applicant Shri. Anjaneyareddy; submitted that the tamarind trees on the road were raised by the ancestors, since about 100 years ago.

The D.C. informed that, the said statement was not enough and asked to furnish the relevant documents issued by the forest/ revenue departments. The applicant produced the registered partition deed.

The D.C. on examining the documents, informed the applicant, it is not the valid documents for claiming the ownership and rejected the plea for compensation and dismissed the case.

Further, concluded that similar cases are not eligible for compensation.

  
Executive Engineer,

KSHIP Division, Bangalore,



Deputy Commissioner and President,

District Level Grievances Redressal Committee

KSHIP, Chikkaballapura

Copy submitted for information to:

- ✓ 1. Project Director, P.I.U. KSHIP, K.R.Circle, Bengaluru.
2. Assistant Commissioner, Chikkaballapura District.
3. DCF, Chikkaballapura.

4. Assistant Executive Engineer, KSHIP-Sub Division, Chinthamani.
5. Tahslidhar, Chinthamani Taluk.
6. RFO, Chinthamani.
7. Member -1 & 2, District Level Grievances Redressal Committee
8. Petitioner, Imareddyhalli, Chinthamani Taluk.
9. Team Leader, SCODWES(R), NGO KSHIP, Tumakuru

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