



SG/E/2019/08

Bangalore Metro Rail Project — Line R6 (India)

Final Monitoring Report

17 June 2022

Complaint confidential: No

External distribution

Complainants
Promoter

Internal distribution

Relevant EIB project team

Disclaimers

This report is based on the information available to the EIB Group Complaints Mechanism up to 1 June 2022.

The objective of this final monitoring report is to provide an update on developments following the issuance of the dispute resolution report dated 14 June 2021,¹ specifically regarding the implementation of the listed actions.



¹ [Dispute resolution report dated 14 June 2021](#).

1 PROJECT

- 1.1 The project concerns the construction of a metro line of about 22 km in length with 18 stations and the related purchase of a fleet of about 96 metro cars in the city of Bengaluru, in the state of Karnataka in southern India (the project). The European Investment Bank (EIB) is providing an investment loan of up to €500 million for the project.² The project is being implemented by the Bangalore Metro Rail Corporation Limited (the promoter or BMRCL).³

2 COMPLAINT

- 2.1 On 7 June 2019, a member of the congregation of All Saints Church⁴ (the complainant) lodged a complaint with the EIB Group Complaints Mechanism (Complaints Mechanism) on behalf of concerned congregation members in relation to alleged negative impacts of the project. On 8 July 2019 a more detailed version of the complaint was submitted, supported by the Environment Support Group as advisor.⁵ The complaint concerns the alleged negative impact of the project on All Saints Church, a Christian church situated at the intersection of Hosur Rd and General KS Thimayya Rd, because of the intended construction of a metro station. The main allegations relate to a lack of proper public disclosure and consultation, environmental and social concerns, the failure to consider different design and alignment options, non-compliance by the promoter with local laws, and the improper implementation of the first phase of the project.

3 DISPUTE RESOLUTION PROCESS AND REPORT

- 3.1 Following its initial assessment,⁶ the Complaints Mechanism recommended that the complainant and other concerned congregation members engage with the promoter in a joint consultation to openly share and discuss concerns. The facilitation process was moderated and documented by two local facilitators under the supervision of the Complaints Mechanism between August 2020 and February 2021. Following the end of the facilitation process, the Complaints Mechanism issued a dispute resolution report on 14 June 2021.⁷
- 3.2 The Complaints Mechanism greatly appreciates the active participation of the congregation members and the representatives of the promoter in the facilitation process. The process provided a forum for dialogue, exchange and an opportunity to understand the concerns and limitations of each party better. Overall, the Complaints Mechanism believes that the merits of the process were that it: (i) fostered the relationship between the concerned congregation members and the promoter; (ii) facilitated a two-way exchange of information and concerns; and (iii) enabled the development of an additional option that further reduces the impact on church land. Some concrete actions have been agreed as an outcome of the consultation process.⁸
- 3.3 At the same time, the Complaints Mechanism acknowledged that the parties did not come to an agreement on all points during the facilitation process. The lack of a final agreement encompassing all issues appears to be partly a result of the scope of the process given the absence of the church authorities and other stakeholders, which the promoter has to equally

² Further information on the project is available on the EIB's website:

<https://www.eib.org/en/projects/pipelines/all/20160816>.

³ <https://english.bmrcl.co.in/#/>.

⁴ <https://www.allsaintscsi.org/>.

⁵ <https://esgindia.org/>.

⁶ [Initial assessment report date 30 October 2019](#).

⁷ [Dispute resolution report dated 14 June 2021](#).

⁸ [Dispute resolution report dated 14 June 2021](#), pages 13-16.

EIB Group Complaints Mechanism – Final Monitoring Report

take into consideration. In line with Article 2.5.6 of the Complaints Mechanism procedures, we made some suggestions for follow-up and monitoring actions by the EIB project team regarding specific issues raised by the complaint as outlined in section 6 of the dispute resolution report.⁹

4 IMPLEMENTATION

- 4.1 Following the publication of the dispute resolution report, the Complaints Mechanism shared with the promoter and the EIB project team a summary table with the actions and the entities responsible for their implementation. It also followed up with the EIB project team and the promoter and collected information on the implementation status of the agreed actions.
- 4.2 As agreed during the facilitated dialogue organised by the Complaints Mechanism, the parties continued the dialogue and found additional solutions to some of the issues raised. For instance, the requirement of the area on the church premises has been further reduced, compared to option three discussed during the facilitated dialogue, from 654.59 to 227.18 square metres for temporary use and from 228.41 to 166.69 square metres of land acquired on a permanent basis.¹⁰
- 4.3 In April 2022, the Complaints Mechanism carried out a monitoring mission to Bengaluru and met with some congregation members, representatives of the Environment Support Group and the promoter. During the monitoring mission, the congregation members and the Environment Support Group expressed their satisfaction with the fruitful dialogue they had with the promoter and the outcome regarding the reduction of the land required for the project.
- 4.4 At the beginning of May 2022, the Environment Support Group issued a press release about the engagement between the parties and the win-win outcome.¹¹
- 4.5 As of 2 June 2022, many actions have been completed. Other actions, by their nature, require continued or later implementation until the work at the station is completed. The table below lists each action and the implementation status.

Actions	Responsible for implementation	Implementation status
<p><u>1. Right to pray:</u> the promoter committed not to carry out work creating noise pollution in the vicinity of the church between 8 a.m. and 4 p.m. on Sundays so that prayer activities can take place without disturbance. The promoter will also ensure that no such activity takes place during other services such as marriages, if informed 24 hours in advance.</p>	Promoter	<p>According to the promoter, piling work, which usually creates noise, had been completed by April 2022, except on the church premises. The promoter confirmed it would stick to its commitment and hold meetings with the community. No information to the contrary was received.</p> <p>The EIB project team requires monitoring of this action through the contractor's environmental management process in the semi-annual project progress report. The EIB project team will continue to monitor this action.</p> <p>The Complaints Mechanism considers this action ongoing until the work is completed.</p>
<p><u>2. Continued dialogue:</u> the parties agreed that they will start a dialogue concerning</p>	Promoter & complainants	<p>The parties continue to engage directly. Furthermore, the promoter confirmed that it will</p>

⁹ [Dispute resolution report dated 14 June 2021](#), pages 13-16.

¹⁰ [Dispute resolution report dated 14 June 2021](#), page 19.

¹¹ [All Saints Church – Sacred Living Heritage of Bengaluru – Saved for Posterity, press release dated 2 May 2022.](#)

Actions	Responsible for implementation	Implementation status
the improvement of the junction (Shoolay Circle/Vellara Junction), notably concerning the movement of pedestrians, vehicle traffic and multi-modal transit facilities at the metro station.		consult the concerned people before restoration of the station area. Such dialogue will be documented. The Complaints Mechanism considers this action closed .
<u>3. Name of the station:</u> the promoter assured that the final name of the station will not be “Vellara Junction”.	Promoter	According to the promoter, the Government of Karnataka has decided that the station name will be Rashtriya Military School. In April 2022, some congregation members asked the Complaints Mechanism to pass on to the promoter their request that the promoter and the competent authorities name the metro station “All Saints Church Station” or “All Saints Station” given that a significant portion of land for the station had been acquired from the church. In May 2022, the Complaints Mechanism informed the promoter of this request. The Complaints Mechanism considers this action closed .
<u>4. Consideration for proposed alternatives:</u> the promoter showed willingness to modify the design of Vellara station and proposed alternatives with different impacts on the All Saints Church land in order to accommodate, to the extent possible, the concerns of the congregation members group. The promoter will need to inform the congregation members group in a timely manner of the final decision on the option chosen and the accompanying environmental and social mitigation measures.	Promoter	The parties continued the dialogue regarding the land to be acquired on the church premises. On 22 February 2022, the promoter and the Church of South India, Karnataka Central Diocese signed an agreement of licence. The agreed licensed area for temporary use is 227.18 square metres. ¹² The complainant signed the agreement of licence as a witness. In addition, the Church of South India consented to swap 166.69 square metres of land already acquired on a permanent basis from the northern end to the southern end of the church premises. The Complaints Mechanism considers this action closed .
<u>5. Public disclosure and consultation:</u> the promoter shared documentation with the congregation members group prior to and during the facilitation process. The parties exchanged views in a constructive way. The Complaints Mechanism	Promoter	The Complaints Mechanism notes that the parties continued the dialogue, which resulted, among others, in agreements regarding the area acquired on a permanent basis and the area for temporary use. The Complaints Mechanism considers this action closed .

¹² During the facilitated dialogue the promoter offered, as part of option 3, to acquire 654.59 square metres for temporary use. [Dispute resolution report dated 14 June 2021](#), page 19.

EIB Group Complaints Mechanism – Final Monitoring Report

Actions	Responsible for implementation	Implementation status
welcomes the fact that both parties are willing to continue the constructive dialogue.		
<p><u>6. Change of land use:</u> the EIB project team agreed to follow up on the allegations regarding the change of land use in order to ensure that the promoter fulfils its contractual obligation to adhere to national laws.</p>	EIB project team & promoter	<p>The promoter reiterated that it adheres strictly to national laws. At the time of the dispute resolution report, the Complaints Mechanism passed on the allegations regarding the change of land use to the EIB project team to ensure that the promoter fulfils its contractual obligation to adhere to national laws.</p> <p>During the monitoring of this action, the EIB project team only confirmed that it is not aware of court cases regarding this matter. The Complaints Mechanism takes note that the EIB project team does not find it necessary to investigate the matter further at this point.</p> <p>The Complaints Mechanism considers this action closed.</p>
<p><u>7. Cultural heritage:</u> (i) improve the cultural heritage management plan and reflect the remaining impacts of the chosen option on cultural heritage; (ii) implement the finalised cultural heritage management plan; (iii) perform the structural study of the church and implement the possible recommendations by the study.</p>	Promoter & monitored by the EIB project team	<p>The parties discussed and agreed that the Indian National Trust for Art and Cultural Heritage (INTACH) should prepare the cultural heritage management plan, which is ongoing. The promoter provided a copy of the structural study (building condition study) of the church conducted by the contractor. The monitoring of the church building will be jointly carried out by INTACH, the promoter and the contractor.</p> <p>The EIB project team is monitoring the process of the cultural heritage management plan through the semi-annual project progress report.</p> <p>The Complaints Mechanism considers this action ongoing.</p>
<p><u>8. Trees:</u> (i) improve the management plan for the felling of trees; (ii) properly document the survival rate of the trees and adequately address potential problems; and (iii) comply with applicable laws regarding the tree felling, e.g., obtain the Tree Officer's permission to fell and plant other trees.</p>	Promoter & monitored by the EIB project team	<p>The promoter provided an improved tree management plan, which was cleared by the EIB project team.¹³ According to the promoter, the felling of the trees is being carried out as per the orders of the High Court of Karnataka. Any trees that do not survive are replaced. The survival rate therefore is currently 100%. The promoter agreed during the monitoring visit of the Complaints Mechanism to also record the survival rate of the trees in the regular reporting to the EIB in the future.</p> <p>The promoter submitted an application to the forest department to clear seven trees on the church premises and is awaiting approval.</p> <p>The EIB project team is monitoring the process of tree management through the semi-annual project progress report.</p>

¹³ [BMRCL Tree management plan dated July 2021](#).

Actions	Responsible for implementation	Implementation status
		The Complaints Mechanism considers this action closed .
<p><u>9. School for special educational needs and old people's home</u>: put in place sufficient protection measures to ensure the safety and security of the children and residents of the old people's home.</p>	Promoter & monitored by the EIB project team	<p>According to the promoter, necessary actions are taken and will be taken to keep noise, oil pollution, dust, vibration, water supply protection, soil disposal, etc. within acceptable limits. High rise barricades of 5 metres have been partially installed and will be completed once the trees are removed to avoid noise and dust pollution. Buildings like the Arpana school, the old people's home and the church are sufficiently far away from the area where the work on the station is being carried out. However, these buildings will be monitored closely during the project. An engineer employed by the promoter will be available for monitoring and resolving day to day issues which may arise as a result of the work on the station.</p> <p>The EIB project team is monitoring this action through the contractor's environmental management process in the semi-annual project progress report.</p> <p>The Complaints Mechanism considers this action ongoing until the work is completed.</p>
<p><u>10. Reservoir safety</u>: consider and report on the implementation of the relevant recommendations that followed the structural study of the reservoir conducted by the University Visvesvaraya College of Engineering.</p>	Promoter & monitored by the EIB project team	<p>According to the promoter, major excavation near the reservoir is completed. There is no settlement near the reservoir. A reservoir safety study has been conducted and precautions are being implemented, as suggested in the report. The area is being monitored continuously. According to the promoter, the latest monitoring report indicates the maximum settlement observed is 2 millimetres.</p> <p>The EIB project team considers the point closed due to the fact that the major excavation work near the reservoir is complete.</p> <p>The Complaints Mechanism considers this action closed.</p>

- 4.6 Even if the Complaints Mechanism considers some of the actions closed for the purpose of its complaint procedures, it encourages the parties to continue the dialogue where necessary.

5 OUTCOME

- 5.1 Given the above, the EIB project team will continue to monitor the remaining action points. The Complaints Mechanism closes its monitoring phase, yet it remains open in the event of any issues in closing the final action points.