

IPN REQUEST RQ04/4

June 29, 2004

NOTICE OF REGISTRATION

**Re: Request for Inspection
INDIA – Mumbai Urban Transport Project – Gazi Nagar
(Loan No. 4665-IN; Credit No. 3662-IN)**

On June 24, 2004, the Inspection Panel received a Request for Inspection dated June 22, 2004, which relates to the Mumbai Urban Transport Project (hereinafter “the Project”). The Request was submitted by three nongovernmental organizations located in the city of Mumbai, India – the Hanuman Welfare Society, the Gazi Nagar Sudhar Samiti, and the Jai Hanuman Rahiwasi Sewa Sangh – on their own behalf and on behalf of about 350 residents living in the area known as Gazi Nagar in the Kurla West district of Mumbai. They claim to be adversely affected by the Project, and especially by its resettlement program.

The Project aims to foster the development of an efficient and sustainable urban transport system in the Mumbai Metropolitan Region, and provides, *inter alia*, for completing two major East-West road links. The Resettlement Action Plan provides for resettling those persons affected by the construction of the road based transport component. One of the East-West road links, the 6 km long Santa Cruz-Chembur Link Road (SCLR) whose works include approach roads and junction improvements, relates to the subject of the Request.

The Requesters are residents who live in an area known as Gazi Nagar, which the SCLR route will cross. The Requesters claim that they “*are likely to suffer irreparable harm due to omission[s] and violation[s] by the Bank to comply with its own policies and procedures with respect to the design, appraisal, and implementation of the SCLR project financed by the Bank.*” They refer to the Bank’s policies and procedures on disclosure of information, environmental assessment, involuntary resettlement, and project supervision and to rights of the locally affected people “*to participation and consultation.*”

The Requesters claim that it has come to their attention that as a result of the Project they are to be relocated to the Mankhurd area, which they allege is a degraded environment and unsuitable for relocation. According to the Requesters, Mankhurd is “*considered amongst the highest polluted areas in the Mumbai city and it is near [a] dumping ground spread across 110 Hectares of land.*” They claim that around 4000 tons of garbage from Mumbai are

dumped daily on this site, “ *spreading many diseases like T.B.[sic], malaria, asthma, etc.*,” in nearby areas. They also claim that “ *many huge, open drainages pass through this area carrying [the] city’s waste and drainage water to the nearby creek spreading [a] bad odour in the area.*”

The Requesters assert that the Mankhurd resettlement site is nearly fifteen kilometers away from Gazi Nagar. They claim that “*significant damage would occur due to [the] failure to provide income restoration and it would destroy our livelihoods, our productive sources, disperse our social, economical network and kin groups.*” The Requesters claim that there is sufficient space available nearby in places such as the Premier colony area, the New Mill area, Swadeshi Mill area, and the Bandra-Kurla Complex area, but that no space was allocated in these places for their convenient relocation.

According to the Requesters, their rights to participation and consultation “*were completely denied and no results obtained in our attempts to raise our concerns.*” They also assert that the Bank did not disclose information to them. “*Due to negligence by the Bank in disclosure of information and denial of our rights to participation and consultation, we were not able to put forth our such suggestions in the interest of affected public at large to resettle us in the nearby area in accordance with the criteria of the state government to rehabilitate PAPs to the nearest possible open plots of land.*” They further claim that the Bank has failed to supervise the design of the resettlement plan “*with respect to our livelihoods, traveling distance, education of children and their admissions in respective medium schools, destruction of our source of income, our social, economical network and infrastructure.*”

The Requesters state that the public information center “*opened at the instance of World Bank*” is in poor condition and that when they visited they “*always found it vacant with no attendant present to provide any sort of information.*”

Finally, the Requesters claim that when the design of the proposed bridge was being finalized, they were “*not provided with an opportunity*” to offer their suggestions, and if they had been, they would have suggested a different style, which “*would have significantly reduced the number of PAPs,*” and solved “*other problems.*”

The Requesters assert that they have already made their grievances known to the Government of Maharashtra and to the Government of India, but have received no response. They claim that they have complained to the Bank’s office in New Delhi stating their grievances but that the officer responsible “*failed to provide us any satisfactory reply that how and in what manner the policies of the World Bank have been followed.*”

The Requesters claim “*that the above actions/omissions, which are contrary to the above policies or procedures, have materially and adversely affected our rights/interests and request the Inspection Panel to recommend to the Bank’s Board of Executive Directors that an investigation of these matters be carried out in order to resolve the problem.*”

The above claims may constitute violations by the Bank of various provisions of the following operational policies and procedures:

OP/BP 4.01 Environmental Assessment
OD 4.30 Involuntary Resettlement
OP/BP 13.05 Project Supervision
World Bank Policy on Disclosure of Information

All communications with the Requesters in connection with the Request will, until further notice, be sent to the following persons at the addresses listed below:

Siyaram G. Maurya,
President – Hanuman Welfare Society

Ambkeshwar J. Pandey,
President – Jai Hanuman Rahiwasi Sewa Sangh

Dwarika Prasad S. Yadav,
Secretary – Gazi Nagar Sudhar Samiti

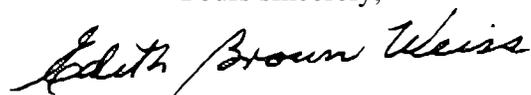
In accordance with paragraph 17 of the Panel’s Operating Procedures (the “*Operating Procedures*”), I am notifying you that I have, on June 29, 2004, which is also the date of the dispatch of this notice, registered this Request in the Inspection Panel Register.

In accordance with paragraph 18 of the Resolution, paragraphs 2 and 8 of the “*Conclusions of the Board’s Second Review of the Inspection Panel*” (the “1999 Clarifications”), and paragraph 18 (d) of the *Operating Procedures*, Bank Management must provide the Panel, no later than July 29, 2004, with written evidence that it has complied, or intends to comply, with the Bank’s relevant policies and procedures in relation to the above-referenced Project. The subject matter that Management must deal with in a response to the Request is set out in paragraphs 3 and 4 of the 1999 Clarifications.

After receiving the Management response, the Panel will, as outlined in the 1999 Clarifications and as provided by paragraph 19 of the Resolution, “*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*”

The Request has been assigned IPN Request Number RQ04/4.

Yours sincerely,



Edith Brown Weiss
Chairperson

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The Executive Directors and Alternates