

THE INSPECTION PANEL

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IPN REQUEST RQ04/3

April 29, 2004

NOTICE OF REGISTRATION

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

On April 28, 2004, the Inspection Panel received a Request for Inspection dated April 20, 2004, which relates to the Mumbai Urban Transport Project (hereinafter "the Project"). The Request was submitted by members of the United Shop Owners Association, a non-governmental organization located in the city of Mumbai, India, on its own behalf and on behalf of 118 residents of Mumbai who claim to be adversely affected by the Project.

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 investments in 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 Request alleging violations of Bank Operational Policies and Procedures and requesting that an investigation be recommended to the Board of Executive Directors of the Bank was addressed and sent to the Bank's Department of Institutional Integrity which delivered it to the Inspection Panel on April 28, 2004. In view of the nature of the complaint and the alleged violations of Bank Operational Policies and Procedures as described hereunder, the Panel is satisfied that the Request is under the purview of the Inspection Panel and not the Department of Institutional Integrity and is properly registrable under the Resolution Establishing the Inspection Panel (Resolution No. IBRD 93 – 10; Resolution No. IDA 93-6).

The Requesters are small shop owners whose commercial premises are located at the Kismat Nagar area, Kurla West, in the city of Mumbai. They were instructed by the implementing agency of the Project, the Mumbai Metropolitan Region Development Authority (hereinafter “MMRDA”) to move their commercial structures from their

current location to a distant location without consultation and without their consent. The Requesters claim that they will suffer adverse effects due to the negligence and failure of the Bank to follow its operational policies and procedures with respect to their being relocated and rehabilitated as a result of the Project.

The Requesters state that on January 30, 2004, MMRDA wrote to the Kismat Nagar Welfare Association directing that the Requesters remove their commercial structures at Kismat Nagar because of proposed Project works involving the widening of the existing road. They were further informed that Mankhurd would be the site of their proposed relocation. The Requesters contended that Mankhurd is too distant from their present site to be a satisfactory relocation site under Bank policy on involuntary resettlement, and asked that they be relocated to open plots of land at the Bandra-Kurla Complex area closer to their present site or “*under the nearby slum rehabilitation projects.*”

The Requesters also claim that “*our rights to participation and consultation were effectively denied and that our attempts to raise our concerns were not successful...*” They also claim “*that the failure to provide income restoration would result in harm. This failure would destroy our livelihoods, causing us to dismantle our productive sources and cause our supporting networks and kin groups to disperse.*” The Requesters cite OP/BP 4.12 – Involuntary Resettlement in claiming that they are entitled to be “*assisted in efforts to improve their livelihood or at least restore them in real terms to pre-displacement levels or to levels prevailing prior to the beginning of project implementation whichever is higher.*”

In a meeting with Bank staff on March 25, 2004, and in a letter to the Bank dated March 26, 2004, and enclosed with the Request, the Requesters asked the Bank for a number of things: that they be provided with proper information; that their structures be relocated to the open space available at Bandra-Kurla Complex; that they be provided with the equivalent area consumed under the Project when relocated; that the actual area of each shop whose relocation is required by the Project be disclosed publicly; that an actual survey of the shops be conducted; and that the “*rights of all our members be crystallized.*” The Requesters did not receive a satisfactory response from the Bank.

The Requesters claim that the Bank has violated its policies and procedures on involuntary resettlement and project supervision, and that their rights to participation and consultation and income restoration have been denied. The Requesters ask that an investigation be recommended to the Bank’s Board of Executive Directors.

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

- OD 4.01 on Environmental Assessment
- OD/OP/BP 13.05 on Project Supervision
- OP/BP 17.50 on Disclosure of Information
- OP/BP 4.12 on Involuntary Resettlement

All communications with the Requesters in connection with the Request will, until further notice, be sent to Mr Maqbool Ahmad Siddiqui, General Secretary of the United Shop Owners Association, at the address listed below.

In accordance with paragraph 17 of the Panel's Operating Procedures (the "*Operating Procedures*"), I am notifying you that I have, on April 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 May 28, 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 RQ04/3.

Yours sincerely,



Edith Brown Weiss
Chairperson

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The Executive Directors and Alternates