

Date: 26th January 2015

To: The Examiner for the Guidelines

Japan International Cooperation Agency (JICA)

Name of the Requester: [REDACTED]
[REDACTED]

Contact information of the Requester:

Address:

[REDACTED]

India

[REDACTED]

E-mail: [REDACTED]
[REDACTED]

[If the Requester uses an agent]

Name of the agent:

Contact information of the agent

Address:

TEL:

FAX:

E-mail:

We desire that our names not be disclosed to the Project Proponent.

No

1. Project with respect to which the objections are submitted

* **Country name:** India

* **Project name:** Mumbai Metro Line 3 Project

* **Project site:** Mumbai.

* **Project outline:** Metro Line 3 Colaba – Bandra - SEEPZ is 32.50 km long and fully underground with 27 stations in Mumbai and a 30 hectare car shed at Aarey Colony.

2. Substantial damage actually incurred or likely to be incurred by the Requester as a result of JICA's non-compliance with the Guidelines:

Loss of biodiversity

The proposed removal of 2298 trees (find attached Annexure 1, a scanned copy of notice for removal of trees for Mumbai Metro Line 3 by the Tree Authority of Mumbai) for the project's car shed from the rich and bio-diverse Aarey Colony (Ann 2, Biodiversity Report by Zeeshan Mirza and Rajesh V.Sanap submitted to the Government of Maharashtra and the

state forest department), an ecologically sensitive zone in the vicinity of a National Park, will be destroying the last natural open, green space and green lung in a city that is densely populated and highly polluted. Aarey is a natural buffer zone for the Sanjay Gandhi National Park in Mumbai, and is home to many birds and wild animals, being often visited by even leopards (Annexure 3, news clippings on leopards), a matter of pride for any metropolis in the world. It must be pointed out that buffer zones have been mandated by the Hon'ble Supreme Court of India under the Wildlife Protection Act 1972.

Hundreds of trees are already threatened by the dumping and levelling activities in Aarey and the suspicious and sudden poor health of many of the trees suggest possible poisoning. The large scale felling of old trees will also destroy the aesthetic canopy of the area; and, given their complicated, intertwined natural growth, these trees will not respond well to transplantation, and the ecological richness of the area will be lost forever.

Loss of open space for citizens

Aarey is Mumbai's last space (apart from the Sanjay Gandhi National Park) for citizens to connect with nature and visit for some fresh air, to use the place for picnics, nature walks, running, trekking, and to introduce their children to the treasures of the natural world. A citizen of Mumbai gets only 1.95 sq metres of open space, against the international standard of 11 sq metres per person.

The EIA also states that Aarey Colony has been chosen because the location allows for further expansion. There are also reports that the project proponent is planning to build offices in the area; this means further loss of green cover.

We have no objection to the project itself but the location of the car shed (for a project that has been categorized A by JICA) has been done without studying the environmental implications and without application of mind to seek alternatives that are environmentally friendly. (Annexure 4, Analysis of the EIA pointing out its inadequacies). Citizens' objections, especially of residents in the area, have not been considered at all. (Annexure 5, petitions signed by residents in the area; online petitions endorsed by over 10,000 citizens in change.org; petitions sent to Chief Minister of the state).

Against our laws

The decision to cut trees in Aarey Colony for the car shed is also against several laws and regulations of Maharashtra state and India -- Articles 21, 48 A, 51 A (g) and 226 of the Constitution of India; Sections 8 and 19(a) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975; and in the matter of Section 35 of The Wildlife Protection Act, 1972.

In fact, MMRDA is not taking good care of the land assigned to it for the Metro car shed. Because of its laxity, the land is looking progressively degraded. On December 6, some unknown persons set fire to the undergrowth in the area, damaging several trees; earth moving activities also dangerously exposed the roots of many trees, leaving them precariously balanced. (Annexure 7, copy of police case {First Information Report} filed by a concerned citizen)

3. Relevant provisions of the Guidelines considered violated by JICA and facts

Constituting JICA's non-compliance, as alleged by the Requester:

1. JICA guideline 2.1 -- Information Disclosure

JICA says that "in principle, project proponents etc. disclose information about the environmental and social considerations of their projects. JICA assists project proponents etc. by implementing cooperation projects as needed" and that "JICA encourages project proponents etc. to disclose and present information about environmental and social considerations to local stakeholders."

In this case, Environmental Impact Assessment has not been properly done (Please refer to Annexure 4 again).

2. JICA guideline 2.3-- Impacts to be Assessed

"The impacts to be assessed with regard to environmental and social considerations include impacts on human health and safety, as well as on the natural environment, that are transmitted through air, water, soil, waste, accidents, water usage, climate change, ecosystems, fauna and flora, including trans-boundary or global scale impacts."

Such an assessment has not been done scientifically and comprehensively and is full of flaws (refer to Annexure 4 again).

3. JICA guideline 2.4— Consultation with Local Stakeholders

“In principle, project proponents etc. consult with local stakeholders through means that induce broad public participation to a reasonable extent, in order to take into consideration the environmental and social factors in a way that is most suitable to local situations, and in order to reach an appropriate consensus.”

There has been no meaningful public participation, in this case.

JICA 2.4 also says, under point 4, that “In the case of Category A projects, JICA encourages project proponents etc. to consult with local stakeholders about their understanding of development needs, the likely adverse impacts on the environment and society, and the analysis of alternatives at an early stage of the project, and assists project proponents as needed.”

If the citizens were meaningfully engaged during site evaluation, the project could have been structured as a beautiful example of sustainable development. The following options have been proposed for the relocation of the car shed.

OPTION I: Bombay Port Trust Land: Hundreds of acres of land are being acquired for development by the government. The proposed plot of BPT is slated to have large open spaces for infrastructure, recreation and public conveniences. (Annexure 6 on options for location of car shed).

Option II: Colaba Reclamation: Large part of lands is being reclaimed by the government to make roads, political memorials. Colaba has ample land reclamation opportunities which can be made available provided there is political will (refer annexure 6)

4. JICA guideline 2.5 – Concern about Social Environment and Human Rights

Open space availability and pollution impact have not been adequately considered.

5. JICA guideline 2.6 – Laws, Regulations and Standards of Reference

“JICA confirms that projects comply with the laws or standards related to the environment and local communities in the central and local governments of host countries; it also confirms that projects conform to those governments’ policies and plans on the environment and local communities.”

As pointed out earlier, the decision to cut trees in Aarey Colony for the car shed is also against several laws and regulations of Maharashtra state and India -- Articles 21, 48 A, 51 A (g) and 226 of the Constitution of India; Sections 8 and 19(a) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975; and in the matter of Section 35 of The Wildlife Protection Act, 1972.

Misleading statement in Ex-ante Evaluation for JICA loan for the project

The evaluation report in the Annex Environmental and Social Considerations, page 5, misrepresents the natural environment. It says "the target area is not susceptible to the influence of any national park and is not located around any national park, undesirable impact on the natural environment is supposed to be minimal." This is untrue as their own EIA report says the car shed area is within a 10 km distance of the Sanjay Gandhi National Park.

4. Causal nexus between JICA's non-compliance with the Guidelines and the

Substantial damage:

JICA's non-compliance with its Guidelines will lead to irreversible environmental damage as explained under point 3.

5. Resolution desired by the Requester:

The requestor, who is not against the Metro Line 3, desires that the car shed for the project be relocated out of Aarey Colony after consulting citizens as well as environmental and urban experts for an alternative location so that a unique, irreplaceable green space is not destroyed.

6. Facts concerning the Requesters' consultation with the Project Proponent:

ON 18th November an email was sent to MMRDA chairman requesting for a meeting, the same fetched no response.

Further, it was only at the insistence of a local political party leader that MMRDA agreed for a meeting, and alternatives were discussed on 9th December 2014. Another meeting took place in the subsequent week with the Project team lead of MMRDA. They have informed us of their inability to consider our demand for re location of the car shed.

Further, a meeting with the Tree Authority of the Municipal Corporation of Greater Mumbai took place in request to our objection to them on 15 December 2014. We were informed that the matter concerning tree felling is under the discussion by the Board and will be decided on later.

Multiple letters and petitions from thousands of citizens, organisations and housing societies have been sent as attached, to which no responses have been provided by MMRDA /State Govt/MCGM/Chief Minister.

7. Facts concerning the Requesters' consultation with JICA's Operational Department:

Our Letter from [REDACTED] dated 24-12-2014 was sent back stating that information is provided in the given format. We hereby provide the details as per the format desired.

8. If a Request is to be submitted by an agent, the Requester must explain the necessity To submit the Request through an agent and attach evidence that the agent has been Duly authorized by the Requester.

The Requester hereby covenants that all the matters described herein are true and Correct.

Looking forward to an early reply ,

Yours sincerely,

[REDACTED]

