

# Indigenous Peoples Planning Framework

---

March 2022

India: Chennai Metro Rail Investment Project

Prepared by the Chennai Metro Rail Limited for Asian Development Bank.

## **CURRENCY EQUIVALENTS**

(as of 28 February 2022)

Currency unit	–	Indian Rupee (₹)
₹1.00	=	\$0.01333
\$1.00	=	₹74.9915

## **ABBREVIATIONS**

ADB	–	Asian Development Bank
CMBT	–	Chennai Mofussil Bus Station
CMRL	–	Chennai Metro Rail Limited
GRC	–	Grievance Redress Committee
IPP	–	indigenous people plan
IPPF	–	indigenous peoples planning framework
ITDP	–	Integrated Tribal Development Programme
km	–	kilometer
MFF	–	multitranchise financing facility
PIU	–	Project implementation Unit
RFCTLARRA	–	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
R&R	–	Rehabilitation and Resettlement
SPS	–	Safeguard Policy Statement
SPV	–	special purpose vehicle

This indigenous peoples planning framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the “terms of use” section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
A.	Introduction.....	1
B.	Indigenous peoples in India and Tamil Nadu.....	2
II.	OBJECTIVE AND POLICY FRAMEWORKS.....	3
A.	Introduction.....	3
B.	Objective .....	4
C.	Policy Framework .....	4
D.	ADB Safeguards Policy Statement, 2009 .....	6
III.	IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLE.....	8
A.	Application of ADB Indigenous People Definition for Subprojects .....	8
B.	Potential Positive and Adverse Effects on Indigenous Peoples .....	9
IV.	SOCIAL IMPACT ASSESSMENT AND INDIGENOUS PEOPLES PLAN FOR SUBPROJECTS .....	9
A.	Preliminary Screening and Classification .....	9
B.	Social Impact Assessment.....	10
C.	Mitigation Measures and Benefit Sharing.....	12
D.	Project Monitoring.....	13
V.	CONSULTATION AND PARTICIPATION .....	13
A.	Disclosure.....	14
B.	Activities for Inclusion of Indigenous Peoples Issues.....	15
VI.	GRIEVANCE REDRESS MECHANISM .....	16
A.	Grievance Redress Committee .....	17
VII.	INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS .....	19
A.	Executing Agency .....	19
B.	Implementing Agency .....	19
C.	Project Implementation Unit (PIU), CMRL.....	19
D.	Responsibilities and Institutional Arrangement for Land Acquisition and Implementation of Social Safeguard Documents .....	19
E.	Capacity Building in the CMRL.....	19
F.	Implementation Support Consultant Termed General Consultant .....	20
G.	Role of Nongovernment Organization .....	20
H.	Independent Monitoring and Evaluation Agency or Specialist.....	20
VIII.	MONITORING AND REPORTING ARRANGEMENTS .....	21

IX. BUDGET AND FINANCING .....	21
--------------------------------	----

## **APPENDIX**

APPENDIX 1: LIST OF TRIBES IN TAMIL NADU .....	23
--	----

## **LIST OF FIGURES**

Figure 1: Location map .....	2
Figure 2: Grievance Redress Committee Process .....	18

## **LIST OF TABLES**

Table 1: Activities and Indicators of Indigenous Peoples Involvement .....	15
--	----

## **I. INTRODUCTION**

### **A. Introduction**

1. The first phase of Chennai Metro development (Phase I) was completed and progressively opened between 2014 and 2017. It covers corridor 1, from Chennai Airport to Washermanpet to Airport (23.1 km), and corridor 2, from the Central Station to St. Thomas Mount (22.0 km). Corridor 1 extension from Washermanpet to Wimco Nagar (9.0 km) was completed and commenced its operation on 14 February 2021.

2. Upon the completion and subsequent operation of corridors 1 and 2, the Government of Tamil Nadu (GOTN), acting through the Chennai Metro Rail Limited (CMRL) is currently preparing for the second phase (Phase II) of the metro development, to include three new corridors, namely corridors 3, 4 and 5. Corridor 3 extends from Madhavaram in the north to the State Industries Promotion Corporation of Tamil Nadu Ltd. (SIPCOT) in the south of Chennai (45.8 km), which provides north–south connectivity along the coastline through the central area. Corridor 4, from Lighthouse on the coastal area to Poonamallee Bypass (26.1 km) forms an east–west linkage to the central area. Corridor 5 from Madhavaram to Sholinganallur (47.0 km) provides north–south connectivity to major destinations in the central area and enhances integration between the metro network and the Chennai Mofussil Bus Terminus (CMBT). For Phase II, the government has received financial assistance from Japan International Cooperation Agency (JICA) in the amount of about \$2,700 million in 2019 for the development of corridor 3 from Madhavaram to Sholinganallur (35.7 km) and for corridor 5 from Madhavaram to CMBT (16 km). Figure 1 shows the corridors under both Phase I and Phase II.

3. To finance Phase II, GOTN, acting through the CMRL, requested financial assistance from the Asian Development Bank (ADB) through a multitranche financing facility (MFF) for the Chennai Metro Rail Investment Project (the investment project) in the amount of \$780 million, for which this Indigenous Peoples Planning Framework (IPPF) is prepared. For corridor 4, the investment project will finance civil works for the underground section between Lighthouse and Meenakshi College (10.0 km) and 9 stations along this section. Whereas for corridor 3, the investment project will finance civil works for the elevated section between Sholinganallur to State Industries Promotion Corporation of Tamil Nadu-2 (SIPCOT-2) (10.13 km), 9 stations, and the system components along this section, comprising electrical and mechanical components, traction and power supply, and telecommunication system. For corridor 5, the investment project will finance system components only. All stations will be integrated with elderly, women, children, differently abled and trans-persons (EWCDT)-friendly design and innovative features.

4. The government has also requested financial assistance from the Asian Infrastructure Investment Bank (AIIB) and the New Development Bank (NDB), totaling \$1,040.4 million, as parallel cofinancing for the remaining part of civil works and system components, rolling stock, signaling, and permanent ways. In particular, AIIB will finance mainly civil works of the elevated section of corridor 4, from Meenakshi Colleges to Poonamallee Bypass, and civil works and system components of corridor 5 from Sholinganallur to CMBT, whereas NDB will finance system components of corridor 4.

Figure 1: Location map



Source: Chennai Metro Rail Limited.

## B. Indigenous peoples in India and Tamil Nadu

5. Indigenous peoples in India comprise an estimated population of 104 million or 8.6% of the national population (2011 India Census). Although there are 705 officially recognized ethnic groups, there are many more ethnic groups that would qualify for the scheduled tribe status, but

which are not officially recognized. Therefore, the total number of tribal groups is undoubtedly higher than the official figure. The largest concentrations of indigenous peoples are found in the seven northeastern states of India and central tribal belt. The so-called "central tribal belt" that stretches from Rajasthan to West Bengal.

6. In Tamil Nadu, there are 36 notified tribes (refer to Appendix 1 list of tribes in Tamil Nadu) according to the notified Schedule under Article 342 of the Constitution of India. Among these 36 tribes, the Government of India has identified 6 tribes, namely: (i) Irular; (ii) Kattunayakan; (iii) Kota; (iv) Korumba; (v) Paniyan; and (vi) Toda tribes as particularly vulnerable tribal groups (PVTGs); earlier primitive tribal groups-primitive tribal groups.<sup>1</sup> All the PVTGs in Tamil Nadu are found in the Nilgiri District, which is far away from the project area. In addition to PVTGs, tribal pockets in India are classified as Integrated Tribal Development Programme (ITDP) and Modified Area Development Approach (MADA) Clusters. However, Tamil Nadu has only ITDP areas.<sup>2</sup> A total of ten ITDP pockets are in districts of (i) Namakkal-1, (ii) Salem-4; (iii) Tiruvannamalai-1; (iv) Dharmapuri-1; (v) Villupuram-1; (vi) Tiruchirappalli-1; and (vii) Vellore-1.

7. As far as this project is concerned, the beneficiary population are completely in urban areas. Presence of Indigenous Peoples as defined by the Constitution of India or the ADB SPS 2009 (Section III of this document) has not been reported in the zone of direct impact of the subprojects during the primary field surveys which were conducted for the social impact assessment (SIA). However, presence of indigenous peoples and impacts on indigenous peoples will be re-confirmed during census survey for the finalised project design. Therefore, this IPPF has been developed to manage and mitigate possible impacts to the scheduled tribes or indigenous people in the investment project area, identified during implementation of future tranches or phases. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the MFF.

8. The IPPF has been prepared to ensure subprojects financed under the MFF comply with all relevant indigenous people's safeguards requirements of the Government of India, Government of Tamil Nadu, and ADB's Safeguard Policy Statement, 2009 (SPS). The indigenous people's planning framework also applies to changes in subprojects particularly during detailed design.

## II. OBJECTIVE AND POLICY FRAMEWORKS

### A. Introduction

9. This IPPF is a policy and procedural framework for the preparation and implementation of the indigenous peoples plan (IPP) developed for subprojects financed in future tranches. IPPs will be developed if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset consistent with the SPS, 2009 of ADB.

---

<sup>1</sup> Particularly vulnerable tribal groups are tribal communities among the scheduled tribes who live in near isolation in inaccessible habitats. They are characterized by a low rate of population growth, pre-agricultural level of technology and extremely low levels of literacy (Panchayats Extension to Scheduled Areas Act, 1996).

<sup>2</sup> The Integrated Tribal Development Programme (ITDP) areas are generally contiguous areas of the size of a block (group of villages) or *Taluka* in which the scheduled tribe population is 50% or more of the total population. ITDP areas have a separate administrative structure headed by a project officer to implement various development programs.

10. The IPPF is updated prior to processing and implementation of tranche 2, to reflect changes in policy and practice related to land acquisition and resettlement in India and Tamil Nadu, following the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 and provisions related to scheduled tribes or indigenous peoples in the Act. The IPPF provides guidance in mitigating impacts to scheduled tribes or indigenous peoples, if any are identified during implementation, as stipulated in ADB SPS, 2009, Safeguard Requirements 3.

## **B. Objective**

11. The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations General Assembly in September 2007. India, like many other Asian countries, have voted in favour of this nonbinding declaration. ADB also recognizes the right of indigenous peoples and realizes the fact that indigenous peoples do not automatically benefit from development initiatives since these are often conceived, prepared, and implemented by mainstream people or the dominant population. Hence, ADB's SPS, 2009 underlines the necessity for an exclusive safeguards policy for the indigenous peoples in ADB-financed projects.

12. The IPPF ensures that where indigenous peoples are affected, IPPs will be prepared to ensure that subprojects are designed and implemented in such a way that:

- (i) Indigenous peoples affected by any subproject will benefit from the subproject and will have the opportunity to participate actively in subprojects that affect them.
- (ii) Indigenous peoples are included in the entire process of preparation, implementation, and monitoring of subproject activities is ensured.
- (iii) Culturally appropriate social and economic benefits from subprojects are available to indigenous peoples more than or at least equal to other affected groups (this may require giving preference to indigenous peoples as vulnerable groups over others on certain benefits under the project).
- (iv) A base is provided for indigenous peoples in the subproject area to receive adequate development attention, "in a way that fosters full respect for indigenous peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the indigenous peoples themselves."

13. This IPPF is intended to guide selection and preparation of subprojects to ensure that the aspirations, needs and preferences of affected indigenous peoples in the subproject area are taken into consideration. In recognition of the indigenous people's community's marginal status, the IPPF seeks to offer development options while respecting and protecting their socio-cultural distinctiveness. It also aims at strengthening the existing capacity of affected indigenous people communities to participate and benefit from subproject interventions.

14. The IPPF recognizes the vulnerability of indigenous peoples and ensures that any subproject intervention, whether it has positive or adverse impacts, will be adequately addressed by the implementing agencies in such a way that affected indigenous peoples will have opportunities to participate in and benefit equally (as the rest of the population) from the subproject.

## **C. Policy Framework**

15. **National level.** A scheduled tribe is identified by the Constitution of India, taking into consideration of various factors such as (i) primitive traits, (ii) distinctive culture, (iii) geographical



isolation, (iv) social and economic backwardness, and others. But identification of tribes is a state subject. Thus, the ST is judged by one or a combination of these factors by the respective state. For example, tribes notified for Tamil Nadu State are identified as scheduled tribes in Tamil Nadu only, and their category may vary in other states.

16. Under the Constitution of India, several articles have been included for the protection of the STs. These are:

- (i) Article 14 - confers equal rights and opportunities to all;
- (ii) Article 15 - prohibits discrimination against any citizen on grounds of sex, religion, race, caste, etc.;
- (iii) Article 15(4) - enjoins upon the state to make special provisions for the advancement of any socially and educationally backward classes;
- (iv) Article 16(4) - empowers the state to make provisions for reservation in appointments or posts in favour of any backward class of citizens;
- (v) Article 46 - enjoins upon the state to promote with special care the educational and economic interests of the weaker sections of the people and, in particular the STs, and promises to protect them from social injustice and all forms of exploitation;
- (vi) Article 275(1) - promises grant-in-aid for promoting the welfare of STs and for raising the level of administration of the scheduled areas;
- (vii) Articles 330, 332, and 335 - stipulate reservation of seats for STs in the Lok Sabha and in the State Legislative Assemblies and in services;
- (viii) Article 340 - empowers the state to appoint a commission to investigate the conditions of the socially and educationally backward classes; and
- (ix) Article 342 - specifies those tribes or tribal communities deemed to be scheduled tribes (STs).

17. Government of India recognizes and seeks to protect the rights of scheduled tribes, principally through the following Acts and/or policies:

- (i) **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules, which came into force from 1 January 2008.** The Act recognizes and records the rights of forest dwellers who have been residing and depending on the forest for generations for their Bonafide livelihood needs, without any recorded rights;
- (ii) **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.** The Act protects scheduled castes and scheduled tribes from (a) wrongful occupation or cultivation of any land owned by them or allotted to them or lands notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe and transfer of land allotted to scheduled castes and scheduled tribes; (b) wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interference with the enjoyment of his rights over any land, premises or water; and (c) from any forceful removal or causing of a scheduled caste or a scheduled tribe to leave his house, village or other place of residence;
- (iii) **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013.** The Act has special provisions for additional benefits to Scheduled Caste and Scheduled Tribe families under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it

provides for (a) free land for community and social gatherings; (b) in case of displacement, a Development Plan is to be prepared; and (c) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area. The provisions of the Act are discussed in the resettlement framework and in the resettlement plans prepared for the project. The Act meets ADB indigenous peoples policy requirement of broad community consent and of ensuring that development interventions that affect indigenous peoples should ensure that they have opportunities to participate in and benefit equitably from the interventions; and

- (iv) **Draft National Policy on Scheduled Tribes.** The Ministry of Tribal Affairs, Government of India has drafted a National Policy on Scheduled Tribes to bring such tribes into mainstream society through a multi-pronged approach for their all-round development without affecting their distinct culture. The policy aims to bring the benefits of economic development to tribal areas without eroding their traditional culture and identity. It also stipulates that displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement will be given land for land. To handle the problem of shifting cultivation, land tenure system is proposed giving tribals the right to land ownership so that they invest their energy and resources in checking soil erosion and fertility. The policy seeks to tackle tribal land alienation by stipulating that: (i) tribals have access to village land records; (ii) land records be displayed at the Panchayat; (iii) oral evidence be considered in the absence of records in the disposal of tribal land disputes; (iv) States prohibit transfer of lands from tribals to non-tribals; and (v) tribals and their representatives are associated with land surveys.

#### **D. ADB Safeguards Policy Statement, 2009**

18. ADB's indigenous people safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use occupy, or claim as an ancestral domain or asset.

19. The above policies and legal instruments available in India and applicable to Tamil Nadu are supplemented by ADB's SPS, 2009 indigenous peoples safeguards for the implementation of the MFF. The objective of the indigenous peoples safeguards is to design and implement projects in a way that fosters full respect for indigenous peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the indigenous peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

20. The following indigenous peoples safeguard policy principles are applied in ADB financed projects:

- (i) Screen early on to determine (i) whether indigenous peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on indigenous peoples are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and

adverse, on indigenous peoples. Give full consideration to options the affected indigenous peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected indigenous peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on indigenous peoples.

- (iii) Undertake meaningful consultations with affected indigenous peoples communities and concerned indigenous peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected indigenous peoples communities in a culturally appropriate manner. To enhance indigenous peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the indigenous peoples' concerns.
- (iv) Ascertain the consent of affected indigenous peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous peoples. For the purposes of policy application, the consent of affected indigenous peoples communities refers to a collective expression by the affected indigenous peoples communities, through individuals and/or their recognized representatives, of broad community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous peoples communities participate in the design, implementation, and monitoring and evaluation (M&E) of management arrangements for such areas and natural resources and that their benefits are equitably share.
- (vi) Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous peoples communities. The IPP includes a framework for continued consultation with the affected indigenous peoples communities during project implementation; specifies measures to ensure that indigenous peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, M&E arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous peoples communities and other stakeholders.
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that

- indigenous peoples have traditionally owned or customarily used or occupied, or
- (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

21. Based on the aforementioned provisions of the Constitution of India and several acts that ensure protection of scheduled tribes, as defined by the Constitution, it appears that the national and state frameworks for scheduled tribes are aligned with the ADB's indigenous peoples safeguards.

### **III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLE**

#### **A. Application of ADB Indigenous People Definition for Subprojects**

22. Under Article 342 of the Constitution of India, following characteristics are used to define indigenous people (scheduled tribes, as termed by the Constitution): (i) tribes' primitive traits, (ii) distinctive culture, (iii) shyness with public at large, (iv) geographical isolation, and (v) social and economic backwardness. Essentially, indigenous peoples have a social and cultural identity distinctly different from the mainstream (or dominant) society that makes them marginalized, socially isolated, and often overlooked in the development process.

23. For operational purposes, the ADB SPS (2009) considers a group as indigenous peoples when they possess the following characteristics: For operational purposes, the term "indigenous people" is used to refer to a distinct, vulnerable social and cultural group with the following characteristics:

- (i) self-identification as members of a distinct indigenous cultural group and recognition of this community by others;
- (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in the habitats;
- (iii) customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (iv) a distinct language, often different from the official language of the country or region.

24. ADB indigenous peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the investment project. The Metro Rail project envisages benefits to scheduled tribes in terms of reservation for employment during operational phase (as per the reservation policy of Govt of Tamil Nadu); however, this will not trigger SR3 as scheduled tribe households living in project areas are not indigenous peoples groups or communities as defined in SPS. All sites for tranche-1 subprojects are assessed for involuntary resettlement and/or indigenous people impacts and even though one ST household faces relocation impact, there are no indigenous people groups or communities as per SPS definition among affected persons. None of the temporarily affected persons in tranche 1 subprojects were found to belong to scheduled tribes.

## **B. Potential Positive and Adverse Effects on Indigenous Peoples**

25. During project preparation, secondary data from Census of India 2011, and primary data from household surveys were analyzed; no particularly vulnerable tribal groups or Integrated Tribal Development Programme areas were identified in and around Tranche 1 financed subprojects. The subproject sites are all located in highly urbanized areas where indigenous peoples are not present. The subproject activities in urban areas are unlikely to have impacts on scheduled tribes; this is likely to be typical for all subproject areas to be financed by the MFF. While it is unlikely that there will be positive or negative impacts on indigenous peoples, the IPPF is prepared as finalization of all sites will be possible only after necessary clearances are received, and some subprojects are still under appraisal. This IPPF provides guidance in formulating IPPs, where necessary, for such subproject components, and for subprojects under future tranches of the MFF.

26. The subprojects will have economic and environmental benefits to the population. Potential negative impacts on affected persons are either permanent, related to land acquisition, or temporary, related to construction and operation impacts. Consistent with the Draft National Policy on Scheduled Tribes, displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. Where displacement is inevitable, the preferred compensation for each scheduled tribe family having land in the earlier settlement will be land for land. This is also consistent with ADB's SPS and is reflected in the entitlement matrix of the resettlement framework. Subproject design also prioritizes rehabilitation over new construction of infrastructure, avoiding land acquisition and consequent resettlement, and subproject siting in built-up areas.

27. The IPPF seeks to ensure that indigenous peoples are informed, consulted, and mobilized to participate in the subprojects (during indigenous peoples plan (IPP) preparation and subproject implementation). Their participation can either provide them benefits with more certainty, or protect them from any potential adverse impacts of subproject.

## **IV. SOCIAL IMPACT ASSESSMENT AND INDIGENOUS PEOPLES PLAN FOR SUBPROJECTS**

### **A. Preliminary Screening and Classification**

28. In case the census survey of project affected persons based on final designs of the subprojects identifies indigenous peoples, then the (i) general consultant appointed for supporting the CMRL in land acquisition as well as resettlement and rehabilitation of project affected persons and construction of the subprojects, and (ii) nongovernment organisation(s) (NGO) appointed for supporting the CMRL and affected persons in land acquisition as well as resettlement and rehabilitation of project affected persons will study all indigenous peoples' communities and villages within the vicinity of subproject sites or areas being affected and influenced by the subproject. The PMU, PIU and general consultant will arrange public meetings at indigenous people communities to provide information on the subproject. During these meetings, community leaders and other participants will be given an opportunity to present their views, concerns and preferences. The PIU and the general consultant will undertake screening for indigenous people populations with the help of indigenous people community leaders and local leaders. The initial screening will check for the following:

- (i) name(s) of indigenous people community group(s) in the area;
- (ii) total number of indigenous people community groups in the area;

- (iii) percentage of indigenous people community population to that of area population; and
- (iv) number and percentage of indigenous people households to be affected by the subproject.

29. Based on the above criteria, an indigenous people assessment checklist will be prepared. If the results of the preliminary screening (reviewed with the assistance of the project consultants) show that there are indigenous people households in the proposed subproject area, social impact assessment (SIA) will be conducted to capture indigenous people issues and development opportunities for indigenous peoples that exist in the area.

30. Subproject screening for indigenous people impacts generally adopts ADB categorization, classifying subprojects by the significance of their impacts on indigenous peoples.

- (i) Category 'A' Projects: A proposed project is classified A if it is likely to have 8 significant impacts on indigenous peoples. An IPP, including assessment for social impacts, is required.
- (ii) Category 'B' Projects: A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required.
- (iii) Category 'C' Projects: A proposed project is classified C if it is not expected to have impacts on indigenous peoples. No further action is required.

31. An indigenous people assessment checklist will be prepared based on consultations between CMRL and ADB. If the results of the preliminary screening show that there are indigenous people households in the proposed sub- project area, a social impact assessment (SIA) will be conducted to capture indigenous people issues and development opportunities that exist in the area.

## **B. Social Impact Assessment**

32. Based on screening, a primary SIA field level survey will be conducted as a stand-alone activity. The SIA will be conducted in consultation with the indigenous peoples communities, with emphasis on a gender-sensitive approach, and will identify project-affected indigenous peoples, potential impact, and severity of impact with special reference to gender impact. The SIA will prepare a baseline socioeconomic profile of the indigenous peoples groups in the project area and project impact zone. It will assess their access to social infrastructures and economic opportunities. The study will also indicate and focus on short- and long-term benefits and potential positive and adverse impacts on the indigenous peoples groups' social, cultural and economic status due to the project, assess which indigenous peoples group will require indigenous peoples principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected indigenous peoples groups. The level of detailed and comprehensive information required for the SIA will be commensurate with the complexity of the proposed project's impact on the indigenous peoples groups.

33. ADB's safeguards policy statement for indigenous peoples has special requirements for assessment of project impact on an indigenous peoples community, which needs to be assessed during SIA before project implementation. Particular attention must be paid to the following aspects:

- (i) **Ancestral domains and related natural resources.** This includes the following:

- a. As indigenous peoples communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will be given to protect such ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system. The need to protect such ties, respecting cultural and spiritual values that indigenous peoples attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of indigenous peoples who are displaced should take priority.
- b. If the project requires acquisition of lands that are customarily owned, used, or occupied by indigenous peoples, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower or client. This will need full recognition of the existing customary land tenure system of the indigenous peoples and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the IPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.

(ii) **Consent of affected tribal communities.** This includes the following:

- a. Indigenous peoples may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous peoples, physical displacement of indigenous peoples, and commercial development of natural resources within customary land use. The borrower or client in such projects will seek the consent of the affected indigenous peoples communities to proceed with the project. For policy application, consent of affected indigenous peoples through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.
- b. After receiving community support and/or consent, the borrower or client will provide documentation detailing the process and outcomes of consultation with indigenous peoples and indigenous peoples organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and content of formal agreement with the indigenous peoples and/or organizations. The borrower or client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.

(iii) **Commercial development of cultural resources.** If the project involves commercial development of indigenous peoples' cultural resources and knowledge, the borrower or client will ensure that the affected indigenous peoples communities are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on indigenous peoples' livelihood, environment, and use of such resources. The IPP will reflect the nature and content of the agreement and will include

arrangements to ensure indigenous peoples receive an equitable share from such commercial development or the project.

- (iv) **Physical displacement of tribal people.** All possible alternate project designs will be explored to avoid physical displacement of indigenous peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an IPP will be prepared that could be combined with a resettlement plan.

34. The main source of information for SIA will be direct interviews with potentially affected indigenous peoples households, besides separate group meetings with the indigenous peoples communities, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and indigenous peoples groups' recommendations on design of the project components. The PIU and the general consultant will be responsible for analyzing the SIA data and will work under the overall guidance of Governance Improvement and Participation Consultant Resettlement Expert. An action plan will be developed in consultation with the indigenous peoples community leaders. If the SIA indicates significantly adverse impacts, or that the indigenous peoples community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. An IPP will be prepared only when the indigenous peoples community accepts the design of the subproject component, and broad community support has been ascertained. The IPP shall follow the outline provided in the ADB SPS.

### **C. Mitigation Measures and Benefit Sharing**

35. The main thrust of the IPP is to address the potential adverse impacts of the development project, taking into consideration the marginality and vulnerability status of the tribal community. The IPP will be formulated in such a way that the indigenous peoples groups will have development options built into the project design which are in accordance with their needs, and at the same time preserve their distinctive sociocultural identity. The IPP will also focus on developmental strategy that encourages and strengthens their existing skill so that the indigenous peoples are able to derive benefits from project intervention.

36. Based on the significance and nature of the project impact on the indigenous peoples community, the affected indigenous peoples will be entitled to various compensation packages. Where land acquisition is essential, indigenous peoples are entitled to receive land-for-land compensation for acquired land, if feasible. Their traditional customary right over land use will be protected. Absence of legal title over land will not be a bar to receiving compensation for land or alternate land. They will be entitled to all types of compensation and assistance as defined in the resettlement framework of the project. All compensation and assistances will be paid prior to start of project civil work.

37. In addition, the affected indigenous peoples are entitled to: (i) special assistance earmarked for the vulnerable group to restore their livelihood; (ii) improvements in their economic condition and better quality of life; and (iii) maintaining their cultural identity. The indigenous peoples community living in the project impact zone will prepare the mitigation action plan to address the adverse issues, with support from PIU officials, and the general consultant to give shape to their plan of action.



38. If the indigenous peoples impacts are not significant or generally positive, the PIU under the guidance of the CMRL could decide to prepare a “specific action” plan in a due diligence report detailing required actions to address the indigenous peoples issues without preparing a stand-alone IPP. This decision will depend on the severity of impacts. This “specific action” plan can be a community action plan where the indigenous peoples groups live with non-indigenous peoples in the same subproject location. Another way is to incorporate indigenous peoples issues and their benefits into the resettlement plan, if any. If the above are not feasible, it is possible to specifically include them in the subproject beneficiary group.

39. All affected tribal households will be provided with assistance, which would help them improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to special assistance<sup>9</sup> not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

40. Where land acquisition is essential, indigenous peoples are entitled to receive land-for-land compensation for the acquired land if government land is available. As indigenous peoples, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the resettlement framework of the project as well as certain additional compensations. The project resettlement framework provides for the applicable entitlements.

41. In case of limited impacts on indigenous peoples due to land acquisition, these impacts will be addressed by specific action planned for mitigation and included within the resettlement plan. These specific action plans will be incorporated into the resettlement plan to safeguard their interest as indigenous peoples. This decision of preparing a specific action plan for the indigenous peoples will depend on the significance and severity of impacts. A grievance redress mechanism (GRM) is prepared to address project-related issues affecting indigenous peoples, and to identify responsible persons for mitigating project-related grievances (Figure 1).

#### **D. Project Monitoring**

42. The M&E mechanism facilitates resolving problems that crop up during implementation by providing solutions without delay. The IPP includes a set of monitoring indicators for periodic monitoring of the progress of planned activities incorporated in the IPP. For subprojects with significant adverse impacts on indigenous peoples, the PIU will engage qualified and experienced external experts and a qualified academic institution or NGO with experience in similar work to assist the monitoring expert and verify monitoring information. The external monitor will advise the executing agency on compliance issues. If any significant indigenous peoples issues are identified, the executing agency will prepare a corrective action plan to mitigate those and/or update approved IPP. The PIU will implement the corrective action plan and take necessary steps to follow up the effectiveness of those corrective measures. The executing agency will prepare periodic monitoring reports on the progress of IPP implementation, highlighting compliance issues and corrective actions taken, if any. The PIU will submit biannual monitoring reports. The costs of monitoring requirements will be included in project budgets.

### **V. CONSULTATION AND PARTICIPATION**

43. Meaningful consultations and information disclosure will be undertaken at various stages of a subproject to deal adequately with the needs, priorities and preferences of indigenous peoples. Affected indigenous peoples’ communities, indigenous peoples leaders, community-

based organizations (CBOs) and NGOs working with affected indigenous peoples groups, if any will participate in the subproject preparation phase to assess the positive and negative impacts of the subproject. Their involvement will be sought to minimize the negative impact to the extent possible and to maximize subproject benefits to the indigenous people community. The affected indigenous peoples will be informed and consulted in preparing IPP(s). Their participation in planning will enable them to benefit from the subproject and protect them from any potential adverse impacts of a subproject.

44. Indigenous peoples may be particularly vulnerable when subproject activities include: (i) commercial development of the cultural resources and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous peoples. In deciding whether to proceed with a subproject involving such project activities, the borrower or client will seek the consent of affected indigenous peoples' communities.

#### **A. Disclosure**

45. The draft IPP, entitlements, compensation, assistance, and mitigation measures and the final IPP will be disclosed to affected indigenous peoples in a timely manner (refer C&P Plan for the subproject) in a language understood by indigenous peoples and other stakeholders. In case of illiterate indigenous peoples, communication methods will be different and will involve more discussions, consultations and meetings for disclosure.

46. The following documents will be endorsed by the CMRL and submitted to ADB for disclosure on ADB's website:

- (i) draft IPP and/or IPPF, including SIA;
- (ii) final IPP, on completion;
- (iii) new or updated IPP and a corrective action plan prepared during implementation, if any; and
- (iv) monitoring reports.

47. The entitlements and implementation strategies and mitigation measures will be presented to indigenous peoples and will be made available to them in PIU and PMU offices. Inputs from indigenous peoples through consultation will be considered in subproject design and the final IPP prepared post-consultations. Posters, wall painting, or hoardings on the IPP will be displayed at prominent locations accessed and frequented by indigenous peoples, CBOs and civil society.

48. At the planning stage, the draft IPP, at the implementation stage, the revised IPP and at the post-implementation stage monitoring reports will be made available to the affected indigenous peoples; translated into local language(s) or dialects of indigenous peoples and suitable communication media such as pictorial hoardings will be used for information disclosure to non-literate indigenous peoples, prior to implementation. The documents will also be posted on the website of the government and ADB. Consultants and/or NGO trained in indigenous people related issues will be engaged to implement the IPP and will ensure information disclosure as well as resolution of any dispute arising out of the implementation process.

## B. Activities for Inclusion of Indigenous Peoples Issues

49. A broad strategy for inclusion of indigenous peoples' issues has been formulated. Involvement of indigenous peoples in problem identification and design of solutions must be ensured through the entire cycle of subproject interventions. Table 1 presents activities to be undertaken by the implementing agency to ensure inclusion of indigenous people issues in subprojects.

**Table 1: Activities and Indicators of Indigenous Peoples Involvement**

<b>Project Stages</b>	<b>Procedures</b>	<b>Process and Outcome Indicators</b>	<b>Remarks</b>
Planning Stage	Identify locations of dominant indigenous population in the subproject site	Indigenous peoples screening checklist	To be carried out by project implementation unit (PIU) and project management unit (PMU) with the assistance of the general consultant
	Identification of indigenous community stakeholders at site	List of all indigenous communities in the project areas	
	Sensitization and meaningful consultation through focus group discussions with indigenous communities	Documentation on number of discussions and minutes of the meetings	
	Identification of environmental and social issues of the indigenous population and possible impacts as a result of the subproject	Documentation of issues Preparation of indigenous peoples plan (IPP) based on screening and social impact assessment (SIA)	
	Meaningful consultation to establish existing concerns related to  (i) land availability and tenure; (ii) access to urban infrastructure facilities. (iii) representation in Community Based Development; (iv) existing Government schemes; and (v) dependency on minor forest produce and common property resources.	List of spatial and non-spatial issues	
Design Stage	Discussions on possible intervention measures through the subproject, their likely impacts and safeguard measures (mitigation and	List of safeguard measures List of subproject impacts	

Project Stages	Procedures	Process and Outcome Indicators	Remarks
	monitoring) to be incorporated into subproject activities  (i) loss of agricultural and homestead land; (ii) loss of structure and immovable assets; (iii) loss of livelihood; and (iv) loss of common property resources		
	Meaningful consultation with indigenous groups for further suggestions	List safeguards measures in the draft safeguard plans	
	Participatory approach to be adopted to involve indigenous peoples in finalizing subprojects, and safeguard plans	Measures to be taken in complying with the safeguard frameworks prepared	
Implementation Stage	Provision of assistance and/or compensation based on safeguards frameworks	Assistance provided and/or compensation amounts	Consultants engaged to implement safeguards will undertake this during project implementation provided and/or compensation amounts
	Implementation of safeguards measures	Measures undertaken	
Post Implementation Stage	Evaluation of the success of safeguards plans undertaken	Indicators developed for evaluation of project impacts	Consultants engaged for impact evaluation study will undertake this after project completion.

50. The PMU will ensure adequate budgetary provision for consultation with indigenous peoples and facilitation.

## VI. GRIEVANCE REDRESS MECHANISM

51. Grievance Redressal Mechanism (GRM) will be established at two-levels, one at the field level, PIU and second at the Implementing Agency (IA) level. The GRM will receive, evaluate and facilitate the resolution of affected person concerns, complaints and grievances. GRM will provide an opportunity to the affected persons to have their grievances redressed prior to approaching the State level LARR Authority, constituted by Government of Tamil Nadu in accordance with Section 51(1) of the RFCTLARR Act, 2013. GRM is aimed to provide a trusted way to voice and resolve concerns linked to the project and to be an effective way to address affected persons concerns without allowing it to escalate resulting in delays in project implementation.

52. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRM is not intended to bypass the government's inbuilt redressal process, nor the provisions of the statute, but rather it is intended to address affected persons concerns and complaints promptly, making it readily

accessible to all segments of the affected persons and is scaled to the risks and impacts of the project.

53. The project resettlement plan provide for entitlements for the various types of losses corresponding to the tenure and an institutional mechanism to disburse compensation and rehabilitation and resettlement assistances. A consultations and disclosure plan is also provided for meaningful consultations and timely disclosure. The GRM is expected to resolve the grievances of the affected persons arising in the implementation of the subproject resettlement plan in a transparent and timely manner. The decision of the GRM will be final unless vacated by the LARR Authority.

54. The GRM will continue to function, for the benefit of the affected persons, during the entire life of the project including the defect liability period. The response time prescribed for the GRM would be four weeks. Other than disputes relating to ownership rights and apportionment issues on which the LARR Authority has jurisdiction, GRM will review grievances involving eligibility, valuation, resettlement and rehabilitation entitlements, relocation and payment of assistances.

### **Interface**

55. Aggrieved persons can communicate their grievance to Executing Engineer, Chennai Metro Rail Limited (CMRL) or to Project LAO and/or SDO, the CMRL preferably through NGO or directly.

#### **A. Grievance Redress Committee**

56. The grievance redress committee (GRC) will comprise of a project director (PD), a project land acquisition officer (LAO) and a project social development officer (SDO). The SDO will function as its member secretary. It shall also comprise of representatives from the project affected persons, women, NGO and the local body.

### **Functioning**

57. Petitions received or complaints or grievances will be received by the Executing Engineer, CMRL. The field staff will maintain a register of all petitions received with details of date of receipt of the petition, date of hearing, if any, along with nature of complaint or concern, action taken and date of communication sent to petitioner. Communication, in writing will be sent to the aggrieved person about the date, time and venue of the hearing and make it known that s/he is entitled for personal hearing and that representation through proxy will be not be entertained. Communication will also be sent through implementation support NGO to ensure that the petitioner is informed about the date of hearing.

58. The grievance will be communicated to GRC by Executing Engineer. The complaint or concern will be redressed in four-weeks and written communication will be sent to the complainant about the decision taken.

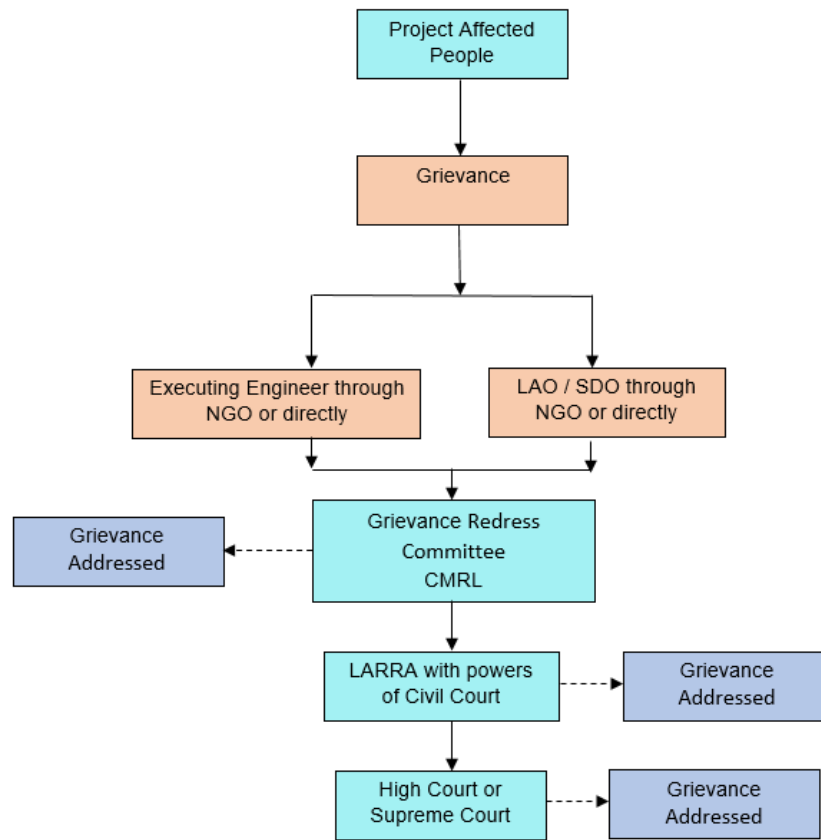
59. Affected persons who may not be satisfied with GRC redressal, are free to submit their grievances to the one-man Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) nominated by the Government. Stakeholders can also access MDBs' Accountability Mechanism (available on their respective websites).

### Costs

60. All costs involved in resolving the complaints (meetings, consultations, communication and reporting, and information dissemination) will be borne by the Project.

61. The process flow is depicted in Figure 2.

**Figure 2: Grievance Redress Committee Process**



Source: Chennai Metro Rail Limited.

## **VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

### **A. Executing Agency**

62. The Government of Tamil Nadu created a special purpose vehicle (SPV) for implementing the Chennai Metro Rail Project. This SPV, Chennai Metro Rail Limited (CMRL), was incorporated on 3 December 2007 under the Companies Act. It has further been converted into a joint venture of the Government of India and the Government of Tamil Nadu with equal equity holding.

63. The Department of Planning, Development and Special Initiatives, Government of Tamil Nadu, acting through the CMRL, will be the Executing Agency of the proposed metro rail corridor 3, 4 & 5 (Phase-II). The GoTN will be responsible for overall execution of the IPP.

### **B. Implementing Agency**

64. Chennai Metro Rail Limited (CMRL) will be responsible for implementation of the metro rail project. Managing Director, CMRL will be in charge of the overall project activities. The CMRL will be responsible for coordinating with other concerned government departments. The CMRL will be accountable to the GoTN (i.e. the EA).

### **C. Project Implementation Unit (PIU), CMRL**

65. The PIU in the CMRL headed by the project director is responsible for the overall execution of the project and implementation of the resettlement plan. The PIU will be assisted by general consultant.

### **D. Responsibilities and Institutional Arrangement for Land Acquisition and Implementation of Social Safeguard Documents**

66. Responsibilities of the CMRL include: (i) preparing land plan, disburse compensation and assistance, acquire land; and (ii) implementing resettlement plan and/or IPP.

67. The general consultant will assist the CMRL in implementation and monitoring of resettlement plan and/or IPP. The general consultant will be engaged by the CMRL with the approval of the MDB.

68. The NGO will assist the CMRL in implementation and monitoring of resettlement plan and/or IPP. The NGO will be engaged by the CMRL.

69. ADB will monitor disbursement of compensation and assistance, implementation of resettlement plan and/or IPP through periodic reports submitted by the CMRL and the external monitoring and evaluation agency or specialist engaged by the CMRL in consultation with ADB.

### **E. Capacity Building in the CMRL**

70. Orientation and training of the CMRL E&S teams in IPP will be undertaken at the beginning of the project. Immediately one Deputy Manager Social Development will be added to the core E&S team. Starting from deployment of the general consultant i.e., start of updating resettlement plan and preparation of IPP (if required) as per DDC drawings upto start of civil works by which time affected families are relocated after disbursement of compensation and assistances, separate project teams will be in place: work on each ADB project will be handled by a team of one senior

Manager assisted by one Deputy Manager Land Acquisition and one Deputy Manager Social Development, supported by a full team of staff experienced in land acquisition. From start of civil works upto commissioning the senior manager and deputy manager social development will continue. From start of operation, monitoring of IPP will be transferred to core E&S team of the CMRL.

#### **F. Implementation Support Consultant Termed General Consultant**

71. The role is to assist the CMRL in review of documentation and monitoring implementation of resettlement plan and IPP, Livelihood Restoration Plan and Gender Action Plan.

#### **G. Role of Nongovernment Organization**

72. An NGO will be appointed by the CMRL to extend resettlement plan and IPP implementation support to the CMRL in the form of assisting affected families or persons during relocation and preparation of an income restoration plan. The NGO will help educating projected affected persons on proper utilization of compensation and rehabilitation grant and help them in getting financial assistance. The NGO will be supervised by SDO, SMU.

73. The NGO will play a key role in the implementation of the resettlement plan and Indigenous people plan. Their tasks will include the final verification of affected persons, consultations, establishment of support mechanisms and facilitate the delivery of the rehabilitation assistances as per the resettlement plan provisions and to ensure that the affected persons receive all the entitlements as per the RPF and IPPF of the project.

74. Key activities of the NGO in relation to resettlement and Indigenous people development planning and implementation include: (i) assist PIU in verification and updating, if required, the database of affected families and persons based on detailed design, and verify the vulnerable households affected by land acquisition and involuntary resettlement and issue ID cards; (ii) prepare micro plan and get vetted by PIU; (iii) facilitate the process of disbursement of compensation to the affected persons in coordination with the PIU and informing the affected persons of the compensation disbursement process and timeline; (iv) assist affected persons in opening bank accounts explaining the implications, the rules and the obligations in having a bank account and how s/he can access the resources s/he is entitled to; (v) assist the affected persons in ensuring a smooth transition (during relocation of the affected persons), helping them to take salvaged materials and shift; (vi) in consultation with the affected persons, inform the PIU about the shifting dates agreed with affected persons in writing and the arrangements they desire with respect to their entitlements; (vii) organize training programs for income restoration; (viii) conduct meaningful consultations throughout the resettlement plan implementation and ensure disclosure of the gist of resettlement plans in an accessible manner to the displaced persons; (ix) assist affected persons in grievance redressal process; (x) assist PIU in keeping detailed records of progress and monitoring and reporting system of resettlement plan implementation; and (xi) act as the information resource centre for community interaction with the project and maintain liaison between community, contractors and project implementing unit, during the execution of the works.

#### **H. External Monitoring Agency**

75. ADB's SPS requires an external monitoring agency to be retained when a project involves significant impacts. The EMA will review the progress of R&R and IPP implementation, the extent to which it met its stated objectives; if any critical involuntary resettlement issues are identified he will prepare a corrective action plan. The agency will report to the CMRL who in turn report it to



ADB. Given the project is category C for IP safeguards, monitoring consideration will be made relevant to the conduct of IR monitoring.

## VIII. MONITORING AND REPORTING ARRANGEMENTS

76. Monitoring and evaluation help minimize problems faced by project implementing agencies and develop solutions without delay. IPP includes a set of monitoring indicators, for periodic assessment of planned activities, which will be reviewed during IPP implementation. The general consultant will guide PIU on IPP implementation as well as monitoring and reporting on impacts on indigenous peoples. The PIU will send periodic monitoring reports to PMU. The PMU after initial check will send these reports to ADB for review.

77. Monitoring Indicators. The indicators for achievement of objectives under the IPP programme are of two kinds, as stated below:

- (i) **Process Indicators.** Indicating project inputs, expenditure, staff deployment, etc.; and
- (ii) **Output Indicators.** Indicating results in terms of numbers of affected indigenous people compensated and resettled, training imparted, credit disbursed, specific actions undertaken, special assistance given, measures for protection of cultural heritage and/or protection of access to community property undertaken etc.

78. Monitoring will help document: (i) whether there are any changes in indigenous peoples' access to traditional resources; (ii) whether the social or cultural milieu of indigenous peoples is affected or supported; (iii) whether indigenous peoples' access to subproject resources or benefits are similar to those for other communities or mainstream population; (iv) whether the project has undertaken any special protection measures to protect indigenous peoples' interest; if so, how successful these were; (v) whether indigenous people grievances were addressed sensitively (using qualitative information) and in a timely manner; and (vi) performance of the NGO, PIU and PMU in IPP implementation.

79. **Reporting.** Reporting and monitoring formats will be prepared for effective monitoring. Semi-annual reports will be submitted to ADB for review and comments.

## IX. BUDGET AND FINANCING

80. Each IPP will have its own budget; cost estimates will include an allocation for contingencies and unanticipated impacts. The executing agency will provide sufficient resources to formulate IPPs in subprojects which will have impacts on indigenous peoples. A detailed budget will be prepared by the PIU considering all activities associated with the formulation and implementation of IPPs. Such budgets will be an integral part of the program cost and will be made available during program implementation. The executing agency will be responsible for making the budgeted amount available to its PMU and PIUs for implementation of IPP.

81. Administrative costs, staffing or human resource costs (PMU, PIU, general consultant) are shared for resettlement plan and IPP, as are monitoring costs (other than additional survey costs). Funding sources for IPPs will be like those for resettlement plans: funds to provide land- for-land compensation to indigenous peoples, related resettlement assistance and utility shifting costs will be borne by state government and/or ULB. All other IPP costs (Consultant recruitment, surveys, consultation and participation activities, training and monitoring) will be covered by the loan from ADB. The PIU will recommend or seek clearance for funds for IPP activities, including

contingencies from the PMU, which will examine the recommendation and be responsible for approval and release of funds.

### Appendix 1: List of tribes in Tamil Nadu

[Schedule 2, SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) ACT, 1976]

1. Adiyar
2. Aranadan
3. Eravallan
4. Irular
5. Kadar
6. Kammara (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
7. Kanikaran, Kanikkar (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
8. Kaniyan, Kanyan
9. Kattunayakan
10. Kochu Velan
11. Konda Kapus
12. Kondareddis
13. Koraga
14. Kota (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
15. Kudiya, Melakudi
16. Kurichchan
17. Kurumbas (in the Nilgiris district)
18. Kurumans
19. Maha Malasar
20. Malai Arayan
21. Malai Pandaram
22. Malai Vedan
23. Malakkuravan
24. Malasar
25. Malayali (in Dharmapuri, North Arcot, Pudukottai, Salem, South Arcot and Tiruchirappalli districts)
26. Malayekandi
27. Mannan
28. Mudugar, Muduvan
29. Muthuvan
30. Palleyan
31. Palliyan
32. Palliyar
33. Paniyan
34. Sholaga
35. Toda (excluding Kanyakumari district and Shenkottah taluk of Tirunelveli district)
36. Uraly.