

Indigenous People Planning Framework

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CURRENCY EQUIVALENTS

(as of 29 March 2016)

| | | |
|---------------|---|-------------|
| Currency unit | = | Rupee (INR) |
| INR 1.00 | = | USD 0.01501 |
| USD 1.00 | = | INR 66.6255 |

ABBREVIATIONS

| | | |
|-----------|---|--|
| ADB | – | Asian Development Bank |
| APIIC | – | Andhra Pradesh Industrial Infrastructure Corporation |
| APRDC | – | Andhra Pradesh Road Development Corporation |
| APTransco | – | Transmission Corporation of Andhra Pradesh |
| Dol | – | Department of Industries |
| DTWO | – | District Tribal Welfare Officer |
| GoAP | – | Government of Andhra Pradesh |
| Gol | – | Government of India |
| GRC | – | Grievance Redress Committee |
| GRM | – | Grievance Redress Mechanism |
| GVMC | – | Greater Visakhapatnam Municipal Corporation |
| IPP | – | Indigenous People's Plan |
| IPPF | – | Indigenous Peoples Planning Framework |
| M&E | – | Monitoring and evaluation |
| MFF | – | Multitranches financing facility |
| PID | – | project information disclosure |
| PMU | – | Project management unit |
| PIU | – | project implementation unit |
| PMSC | – | project management supervision consultants |
| PMU | – | Project management unit |
| NGO | – | non-government organization |
| SIA | – | social impact assessment |
| SPS | – | safeguard policy statement |
| TSP | – | Tribal Sub Plan |
| VCIC | – | Visakhapatnam Chennai Industrial Corridor |
| VCICDP | – | Visakhapatnam Chennai Industrial Corridor Development Program |

NOTES

- (i) The fiscal year (FY) of the Government of India and its agencies begins on 1 April and ends on 31 March. "FY" before a calendar year denotes the year in which the fiscal year ends, e.g., FY2016 begins on 1 April 2016 and ends on 31 March 2017.
- (ii) In this report, "\$" refers to US dollars.

CONTENTS

| | Page |
|---|-------------|
| I. PROJECT BACKGROUND | 1 |
| A. Overview | 1 |
| B. Proposed Subprojects under Tranche 1 of MFF | 1 |
| C. Scope of Indigenous Peoples Planning Framework (IPPF) | 4 |
| D. Legal Policy and Framework | 5 |
| II. OBJECTIVES | 9 |
| A. Identification of Indigenous People | 9 |
| B. Approach to Indigenous People Plan Preparation | 9 |
| III. STEPS FOR FORMULATING AN INDIGENOUS PEOPLE'S PLAN | 11 |
| A. Preliminary Screening | 11 |
| B. Social Impact Assessment | 11 |
| C. Mitigation Measures | 13 |
| D. Project Monitoring | 14 |
| E. Outline of Indigenous People's Plan | 14 |
| F. Grievance Redress Mechanism | 16 |
| IV. STRATEGY FOR INDIGENOUS PEOPLES PARTICIPATION | 20 |
| V. BENEFITS OF THE PROJECT AND MITIGATION OF ADVERSE IMPACTS | 20 |
| VI. INSTITUTIONAL ARRANGEMENTS | 21 |
| A. Existing Institutional Structure | 21 |
| B. Institutional Arrangements for Preparing and Implementing IPPs | 21 |
| VII. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLE PLAN | 25 |
| VIII. PROGRAM FOR MONITORING AND EVALUATION | 25 |
| A. Internal and External Monitoring | 25 |
| B. Reporting | 26 |

List of Appendixes

1. Scheduled Tribe Population in Andhra Pradesh per District (2001)
2. List of Notified Scheduled Tribes in Andhra Pradesh
3. Roles and Responsibilities of Agencies/Government Department for IPP Preparation and Implementation
4. Suggested Structure of Project Information Disclosure for IPP
5. Entitlement Matrix
6. Indigenous People Impacts Screening Checklist

I. PROJECT BACKGROUND

A. Overview

1. The proposed Visakhapatnam-Chennai Industrial Corridor Development Program (VCICDP) will complement ongoing efforts of the Government of Andhra Pradesh (GoAP) to enhance manufacturing sector growth and create high quality jobs in the state of Andhra Pradesh. The VCICDP comprises: (i) a policy-based loan to support policy reforms, and institutional development in the state's industrial sector; and (ii) a multitranche financing facility (MFF) for priority infrastructure projects within the Visakhapatnam-Chennai Industrial Corridor (VCIC).

2. The envisaged outputs of VCICDP include: (i) ease of doing business improved; (ii) VCIC infrastructure strengthened; and (iii) institutional capacities and program management strengthened. The Program will support output 1; and the MFF will support output's 2 and 3. Subprojects identified for funding under Tranche 1 of the MFF include: (i) Package Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC)/01: Construction of Common Effluent Treatment plant (CETP) at Atchutapuram and Naidupet Industrial cluster; (ii) Package APIIC/03: Augmenting utility services for Naidupet Industrial cluster. [SWD, power, internal road and one stop centre]; (iii) Package Greater Visakhapatnam Municipal Corporation (GVMC)/02: Distribution Network improvements for nonrevenue water reduction and 24x7 supply in GVMC area; (iv) Package Andhra Pradesh Road Development Corporation (APRDC)/01: Upgrading and Rehabilitation of 'Samarlkota to Rajanagaram' Section of 'Kakinada – Rajanagaram' Road to '2 Lane Dual Carriageway Standard; (v) Package Andhra Pradesh Power Transmission Corporation of (APTransco)/01: Augmenting power distribution capacity for meeting Industry demand at Kapuleppada, Oszone Valley, Nakkapalle/ Chandanada and Achutapuram locations; and (vi) APTransco/02: Augmenting power distribution capacity for meeting Industry demand at Rachagunneri, Naidupeta and Yerpedu locations. All Tranche 1 subprojects are to be implemented in four years, from 2016 to 2019.

3. The State of Andhra Pradesh acting through its Department of Industries (DoI) will be the executing agency. The Directorate of Industries within the DoI will be responsible for the daily coordination and execution of both the Program as well as the MFF. A program management unit (PMU), established in the DoI, will be responsible for planning, implementation, monitoring and supervision, and coordination of all activities under the Program and the MFF. Project implementation units (PIUs) will be established in APIIC, APRDC, APTransco, and GVMC, and will be responsible for implementing the MFF.

B. Proposed Subprojects under Tranche 1 of MFF

4. Table 1 presents the proposed subprojects/packages under tranche 1 of VCICDP MFF, and details of their components.

Table 1: Proposed Tranche 1 Subprojects and Scope of Work

| Sl. no. | Subproject/ Package | Package Name | Proposed components | Remarks |
|---------|---------------------|--|--|---|
| 1 | Package APIIC/01 | Construction of CETP at Atchutapuram and Naidupet Industrial cluster | 3 MLD CEIP at Atchutapuram; 1 MLD CEIP at Naidupeta. | Proposed CEIPs to be built on existing government/APIIC industrial estate lands. |
| | Package APIIC/02 | Augmenting utility services for Naidupet Industrial cluster. [SWD, power, internal road and one stop centre | Internal road network (42.255 km), storm drains (93.847 km), power transmission lines (57.9 km), internal water distribution pipelines (55.36 km) and a one-stop service centre. Total land required for the 4 proposed power substations = 4 acres; and for one stop centre=2.00 acres. | Adequate vacant, unoccupied and unused sites available within the bounds of APIIC Naidupeta industrial cluster. |
| 2 | Package APRDC/01 | Upgrading and rehabilitation of 'Samarikota to Rajanagaram' Section of 'Kakinada – Rajanagaram' Road to 'two-lane dual carriageway standard' | Widening of road will require 18.23 acres of land. | Apart from land acquisition, impacts to residential, commercial and residential cum commercial structures identified, including some that require displacement and others that will have minor impacts. Among 77 vulnerable affected persons identified, none belong to scheduled tribes. |

| Sl. no. | Subproject/ Package | Package Name | Proposed components | Remarks |
|---------|------------------------|--|--|--|
| | Package GVMC/02 | Distribution Network improvements for NRW reduction and 24x7 supply in GVMC area. | 8 reservoirs having 13,900 KL capacity; Transmission mains=33.56 km; Distribution network=326 km; House service connections=41,500. | Vacant, municipal or GoAP land identified for seven reservoirs. One GVMC site proposed for reservoir is encroached by 14 persons (women), who have constructed cattle sheds/additional kitchens. All affected persons belong to OBC category; none belong to scheduled tribes. Potential temporary economic impacts of pipelaying activity to 112 persons (shopkeepers and employees) assessed through transect walks; business surveys did not reveal presence of scheduled tribes among the sample affected persons. |
| 3 | Package APTransco/01 | Augmenting power distribution capacity for meeting Industry demand at Kapulappada, Ozone Valley, Nakkapalle/ Chandanada and Achutapuram, locations | Construction of four substations, two of 132kV capacity and two of 220kV capacity, and related laying of transmission lines (24 km) and underground cable (26 km). | Substations are proposed on government land. Transmission lines to three substation sites are proposed along government road RoW. Underground cabling is assessed to have potential temporary economic impacts to 48 shop owners and 16 employees. One transmission alignment to Nakkapalle yet to be finalised' 1.23 ha of land will be required to erect transmission towers. Indigenous Peoples impacts to be assessed in during alignment selection/detailed design/ DMS and Census Surveys. |

| Sl. no. | Subproject/ Package | Package Name | Proposed components | Remarks |
|---------|----------------------|---|---|--|
| | Package APTransco/03 | Augmenting power distribution capacity for meeting Industry demand at Rachagunneri, Naidupeta and Yerpedu locations | Construction of 3 substations, one each of 132kV capacity, 400kV capacity and 220kV capacity; and laying of transmission lines (92 km). | Yerpedu substation proposed on GoAP's assigned land and will affect 9 assignees, all vulnerable; but none are indigenous people. Remaining two substations proposed on (i) land under APTransco's possession; and (ii) APIIC land; no involuntary resettlement and/or indigenous people impacts anticipated. Preliminary screening of alternative transmission alignments using topographic sheets and walk-throughs undertaken. Final alignments will be known during detailed design by turnkey contractor. indigenous people impacts to be assessed in during alignment finalisation/ DMS and Census Surveys. |

APIIC = Andhra Pradesh Industrial Infrastructure Corporation Limited; APRDC = Andhra Pradesh Road Development Corporation APTransco = Andhra Pradesh Industrial Infrastructure Corporation Limited; CETP = common effluent treatment plant; DMS = Detailed Measurement Survey; GoAP = Government of Andhra Pradesh; GVMC = Greater Visakhapatnam Municipal Corporation; kl = kiloliter; km = kilometer; kV = kilovolt; MLD = million liters per day; NRW = nonrevenue water; RoW = right of way

5. In the course of initial social assessment, no indigenous and/or tribal people were found to be affected by the proposed subprojects and their components. No indigenous people and/or tribal families were residing within or nearby the proposed sites/alignments and there are no scheduled tribe areas as defined by the Constitution of India, at these locations.¹ It can be safely presumed that tribal people residing in the project area are probably scattered and have been assimilated over a period of centuries with the mainstream community.

C. Scope of Indigenous Peoples Planning Framework (IPPF)

6. The selection of the VCICDP subprojects mentioned in Table 1 above was made under an MFF loan. Although all sites for facility locations and the APRDC road alignment is fully known, some of the final alignments for APTransco transmission towers and final impacts will be concluded after detailed design is prepared. Therefore, an IPPF has been developed to manage and mitigate possible impacts to the indigenous people in the investment program area identified during Tranche 1 implementation or in future tranches. The IPPF sets out the policy,

¹ Scheduled tribe areas are defined as exclusive tribal areas that require special consideration for development of the indigenous/tribal people (IP). The criteria followed for declaring an area as scheduled area are: a) preponderance of tribal population; b) compactness and reasonable size of the area; c) underdeveloped nature of the area; and d) marked disparity in economic standard of the people. In August 1976, it was decided to make the boundaries of the scheduled areas co-terminus with the tribal sub-plan areas. Source: Ministry of Tribal Affairs, Government of India.

principles, and implementation mechanisms to address such impacts according to Asian Development Bank's (ADB's) Safeguards Policy Statement (SPS) requirement no. 3 on indigenous people. During the course of project identification and social impact assessment, if any indigenous peoples are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the developmental needs of indigenous people and/or tribes as a distinct community through a process of sustainable development.

7. It is also necessary to define the term indigenous people, which is not only co-terminus with the communities defined by the Constitution of India as scheduled tribe² it often also includes backward communities, as per the recommendation of the Andhra Pradesh Backward Classes Commission. Out of a total of 34 scheduled tribes in Andhra Pradesh, five (Goudu, Nayaks, Malis, Thoti and Valmiki) have been notified with an area restriction. Of these, Goudu, Nayaks, and Valmiki have been notified in the Agency tracts area, which comprises Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, and Khammam districts.³ Thoti have been notified in Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal districts. Twelve tribes (Bodo Gadaba, Gutob Gadaba, Bondo Poraja, Khond Poroja, Parangiperja, Chenchu, Dongaria Khonds, Kolam, Kondareddis, Konda Savaras, and Thotis are identified as primitive tribal groups, who are more backward even by the standards of scheduled tribes. The scheduled tribe population of Andhra Pradesh was 2.63 million in 2011, about 5.33% of the state's population. Appendix 1 provides the district-wise distribution of scheduled tribes in Andhra Pradesh. Appendix 2 provides a list of notified scheduled tribes in Andhra Pradesh, and the list of villages in agency tracts areas by district.

8. In official parlance, neither the state nor union government has a category called indigenous people in its policies. By a constitutional provision, the Government of India provides a definition of scheduled tribes.

9. To ensure application of ADB's Indigenous People Policy within the context and Constitution of India this framework will use the tribal people (indigenous people) that consist of schedule tribes to refer the indigenous people that targeted in ADB's Policy on Indigenous People. It is also important that indigenous people issues and ADB's Safeguard Requirement 3 triggers are identified during initial stages of screening.⁴

D. Legal Policy and Framework

10. A scheduled tribe is identified by the Constitution of India, taking into consideration 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 scheduled tribe is judged by one or a combination of these factors by the respective state. Tribes notified for Andhra Pradesh State are scheduled tribe in Andhra Pradesh only, and

² Scheduled tribes are those communities notified as such by the President of India under Article 342 of the Constitution. The first notification was issued in 1950. The President considers characteristics like (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a scheduled tribe.

³ Agency Tracts" means the areas in East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal, Khammam and Mahboobnagar Districts declared as Scheduled Areas.

⁴ Safeguards Requirement 3 triggers are if Program's activity will 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.

their category may vary in other states.

11. Under the Constitution of India, a number of articles have been included for the protection of the STs in particular.⁵ 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 favor 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).

12. Government of India (GoI) recognizes and seeks to protect the rights of scheduled tribes, principally through the following Acts/policies:

- (i) the 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) the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which protects scheduled caste and schedule 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 caste and schedule 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/causing of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence.⁶

13. In addition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 has special provisions for additional benefits to scheduled caste and schedule tribes families under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social

⁵ The Tenth Five-Year Plan, 2002-2007

⁶ Transfer means a sale, gift, exchange, mortgage (with or without possession), lease, or any other transaction not being a partition among members of a family or a testamentary disposition, and includes the creation of a charge or an agreement to sell, exchange, mortgage, or lease or enter into any other transaction.

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. Appendix 3 presents all relevant clauses of the RFCTLARR Act 2013 for scheduled tribes. 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.

14. Scheduled tribes in the state are covered by the Agency Tracts Land Transfer Act, 1917, and A.P. Scheduled Areas Land Transfer Regulation 1959 and its amendments Significant features of these Acts are:

- (i) The Agency Tracts Land Transfer Act, 1917 came into being in response to a series of unrests in the tribal areas of Andhra Pradesh. The object of the Act was to regulate the transfer of land in the agency tracts. The Act prohibits the transfer of lands between tribals and non-tribals without any prior consent from the Agent to Government or any other prescribed officer.
- (ii) The history of armed resistance or struggle by tribals against the administration from pre-independence era the erstwhile state of Hyderabad resulted in the promulgation of the Tribal Areas Regulation 1356 *Fasli* (1946 A.D). The substance of this regulation was incorporated in the Tribal Areas Regulation 1359 *Fasali* (1949 AD) and the rules giving effect to its provisions were issued by the Revenue Department under the title Notified Tribal Area Rules 1359 *Fasli* on 16-11-1949.
- (iii) The A.P. Scheduled Areas Land Transfer Regulation 1959 was an Act meant to exercise the powers conferred under Para5 (2) of the Fifth Schedule of the Constitution of India. It became effective in March 1959.

15. The above laws have the following provisions related to transfer of immovable property by a member of a Scheduled Tribe:

- (i) Any transfer of immovable property situated in the Agency tracts by a person, whether or not such person is a member of a Scheduled Tribe shall be absolutely null and void, unless such transfer is made in favour of a person, who is a member of a Scheduled Tribe or a Cooperative Society composed solely of members of Scheduled Tribes.
- (ii) When no member of a Scheduled Tribe is willing to purchase the land, the person intending to sell his land may apply to the Agent or any other prescribed officer for acquisition of such land by the State Government.
- (iii) Then, the Agent or the prescribed officer i.e., Deputy Collector (Tribal Welfare) etc., may by order, take over such land on payment of compensation in accordance with Section 10 of the A.P. Ceiling on Agricultural Holdings Act, 1961.
- (iv) Such land shall vest in the State Government free from all encumbrances and shall be disposed off, to members of S.Ts or a Cooperative Society composed solely of S.Ts @ five acres of wet or ten acres of dry.
- (v) Where transfer made in contravention of above provision, Agent or Prescribed Officer i.e., Deputy Collector (Tribal Welfare) etc., on application by interested persons or on information by a public servant or suo-motu decree ejectment of any person in possession of land after due notice and restore land to transferor or his heirs.
- (vi) If transferor not willing to take back property, the Agent or Prescribed Officer may assign or sell the property to any other member of S.Ts or Cooperative Society,

- composed solely of S.Ts or otherwise dispose it off.
- (vii) No relinquishment of a holding by a tribal *ryot* (landholder) to be valid unless with the previous sanction of State Government or previous consent of Agent or the Agency Divisional Officer.

16. In more recent times, GoAP enacted the Andhra Pradesh Scheduled Castes Sub Plan and Tribal Sub Plan (Planning, Allocation and Utilisation of Financial Resources) Act N. 1 of 2013. The Act seeks to ensure accelerated development of scheduled castes and scheduled tribes, with emphasis on equality in terms of economic, educational and human development, security, social dignity and equity. It provides for specific plan outlays for the Scheduled Caste Sub Plan and the Tribal Sub Plan every year. It aims to provide direct benefits to scheduled castes and scheduled tribes and defines an institutional mechanism for implementation and monitoring of the SCSP and Tribal Sub Plan (TSP). The Nodal Agency for implementation of the TSP is constituted under the Chairmanship of the Minister for Tribal Welfare. The Tribal Welfare Department is designated as the Nodal Department for the TSP. Under the Act, the District Monitoring Committee under the Chairmanship of District Collector is responsible for implementation of TSP. A District Tribal Welfare Officer in each district is the convener. Though this Act is meant for equity-oriented and social development programs, its implementation and monitoring mechanism make for easy adaptation to a monitoring and grievance redress process under a multi-lateral aided project.

17. The above policies and legal instruments available in India and Andhra Pradesh are supplemented by ADB's SPS, 2009 for the implementation of VCICDP. The SPS ensures equality of opportunity to be derived from project interventions for indigenous peoples. The policy emphasizes that development interventions will be planned in a manner consistent with the needs and aspirations of affected indigenous peoples, and compatible in substance and structure with affected indigenous people's culture and social and economic institutions. The IPPF recognizes the vulnerability of indigenous peoples, and specifically ensures that any project intervention, whether positive or adverse, will be addressed by the implementing agencies. Moreover, the implementing agencies will ensure that affected indigenous peoples will have opportunities to participate in and benefit equally from such project interventions.

18. ADB policy on safeguards requirement for indigenous peoples recognizes the right of indigenous people to direct the course of their own development. Indigenous people are defined in different countries in various ways. 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.

19. According to ADB policy, indigenous people safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous people or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. In the present VCICDP activities, for the known sites and/or alignments, such a situation has not arisen, according to initial social assessments. However, in view of such a possibility in the future, this IPPF will provide guidelines to mitigate the adverse impact, if

any, through the preparation of an indigenous people plan (IPP). The need for an IPP will depend on the nature and scale of the project impacts and sensitivity of ethnic minority issues. Based on the initial poverty and social assessment prepared in every project, a requirement for preparing an IPP will be identified. An IPP would be required if the impact is "significant," which means (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An indigenous people impact checklist to be used in the indigenous people screening exercise during project preparation is provided.

20. It appears that the Constitution of India and several acts ensure protection of indigenous people or scheduled tribe, as defined by the Constitution, which is consistent with ADB policy; hence there is no need to bridge the gap between protection measures guaranteed under Indian laws and ADB's safeguard requirements. Objectives of the IPPF and the approach to IPP preparation will accommodate both Indian Constitution Acts and ADB's safeguards policy on indigenous people.

II. OBJECTIVES

21. 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 favor 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, SPS underlined the necessity for an exclusive safeguards policy for the indigenous peoples in ADB-financed projects.

A. Identification of Indigenous People

22. ADB's IPP uses the following characteristics to define indigenous people: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (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. ADB SPS' Indigenous People Safeguard Requirement (SR 3) will be triggered if Program's activity will 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.

23. 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 people 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.

B. Approach to Indigenous People Plan Preparation

24. The IPPF is a policy document that sets out the procedural framework for preparing an

IPP for the subprojects of future projects and future projects in the event of any positive or/and adverse impacts on indigenous people. Besides framing the investment program's tribal people's policy, the IPPF also spells out screening and planning procedures.

25. Preparing an IPP is necessary when ADB-supported subprojects under VCICDP are screened as category A or B projects.⁷ Indigenous People category is determined by the project's impact on these people. The significance of a project's impact on indigenous people and/or scheduled tribe is determined by the following assessment.

- (i) Magnitude of impact in terms of:
 - customary rights of use and access to land and natural resources;
 - socioeconomic status;
 - cultural and communal integrity;
 - health, education, livelihood, and social security status;
 - recognition of social security status; and
 - recognition of indigenous knowledge.
- (ii) Level of vulnerability of the affected tribal people

26. An IPP addresses the aspirations, needs, and preferred options of the affected indigenous people, and places before them development options, keeping their distinctive socio-cultural status in view. The IPP aims to strengthen the capacity of the affected tribal community to encourage them to participate in and derive benefits from the project intervention. The principal elements of an IPP are:

- (i) development plans for indigenous people should be prepared considering best options and approaches that are in accordance with affected individuals and communities;
- (ii) scope and impact of adverse effects of the project are assessed, and appropriate mitigation measures designed;
- (iii) social and cultural context of affected indigenous peoples and their traditional skill and knowledge in natural resource management should be considered;
- (iv) regular consultation will be held with the indigenous peoples, including the women, to seek their informed participation in designing mitigation measures and project intervention at all stages of project preparation and implementation. To achieve this information sharing, disclosure meetings, workshops, and distribution of pamphlets in local language will be carried out;
- (v) in areas where working experience with indigenous people is unknown, a pilot scale operation will be carried out and evaluated prior to full-scale implementation;
- (vi) community organizations, nongovernment organizations (NGOs), and consultants experienced in executing indigenous people development plans will be engaged to prepare IPP;
- (vii) responsible agency will formulate IPP implementation schedule, which will be periodically monitored by PMU/PIU officials as well as an independent/external monitoring agency; and

⁷ As per the ADB's OM Section F1/OP March 2010 (Para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. 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. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required.

- (viii) responsible agency will also prepare a budget for IPP implementation and a financing plan to ensure smooth progress.

III. STEPS FOR FORMULATING AN INDIGENOUS PEOPLE'S PLAN

A. Preliminary Screening

27. During the preliminary screening stage, PIU officials will visit all indigenous peoples and tribal communities and villages at subproject potential impact areas. The PIU will arrange public meetings for selected communities at a pre-announced place and date to provide information on the project and subproject components. During the visits, community leaders and other participants, including representatives of tribal communities, will present their views on the merits, benefits, and envisaged constraints of the project and subproject components.

28. During initial visit, a screening exercise will be undertaken by the PIU using ADB's screening and categorization forms for indigenous people populations, with the help of indigenous people community leaders. Concerned staff will refer the list of scheduled tribes for the GoAP and description of indigenous peoples based on ADB indigenous people policy. The screening will be done based on the following:

- (i) presence and names of indigenous people community groups in the area;
- (ii) cultural and religious distinction of the indigenous people groups vis-à-vis other communities, and mainstreaming of the indigenous people with the dominant population;
- (iii) laws and legislations related to indigenous people groups;
- (iv) total number of indigenous people community groups and percentage of indigenous people population to total population in the area;
- (v) number and percentage of indigenous people households likely to be affected by the subproject component; and
- (vi) initial assessment to also include level of vulnerability of the indigenous people, such as being (primitive) tribal groups and existing socioeconomic conditions that may further deteriorate due to project impact. If such especially vulnerable groups among the indigenous people community are identified within the project area, they warrant special measures for protecting their socio-cultural identity and baseline economic standard. While determining vulnerability of these indigenous people groups, assessment will be made if there is any possibility of future impact due to the project.

29. Based on the indigenous people assessment checklist, the project would be categorized according to ADB policy.⁸ If the assessment confirms likely impacts on indigenous people, PIU will engage qualified and experienced experts to carry out a full social impact assessment (SIA) of the affected indigenous people and/or scheduled tribe families and community.

B. Social Impact Assessment

30. The SPS spells out that in the initial project preparatory phase, an initial social

⁸ As per the ADB's OM Section F1/OP March 2010 (para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. 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. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required.

assessment will include specific potential impacts on indigenous peoples potentially affected due to project implementation. If the indigenous peoples are identified as an adversely affected group of people or become vulnerable to being thus affected, an IPP must be prepared by the executing agency in a manner acceptable to ADB.

31. Based on screening, a primary SIA field level survey will be conducted, either as part of a detailed project study report or as a stand-alone activity. The SIA will be conducted in consultation with the indigenous people 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 people 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 people groups' social, cultural and economic status due to the project, assess which indigenous people group will require indigenous people principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected indigenous people 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 people groups.

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

- (i) Ancestral domains and related natural resources
 - As indigenous people 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 people attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of indigenous people who are displaced should take priority.
 - If the project requires acquisition of lands that are customarily owned, used, or occupied by indigenous people, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower and/or client. This will need full recognition of the existing customary land tenure system of the indigenous people 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
 - Indigenous People may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous people, physical displacement of indigenous people, and commercial development of natural resources within customary land use. The borrower and/or client in such projects will seek the consent of the affected indigenous people communities to proceed with the project. For

the purpose of 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.

- After receiving community support/consent, the borrower/client will provide documentation detailing the process and outcomes of consultation with indigenous people and indigenous people 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/organizations. The borrower/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 people's cultural resources and knowledge, the borrower/client will ensure that the affected indigenous people 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 people's 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/the project.
- (iv) Physical displacement of tribal people
- All possible alternate project designs will be explored to avoid physical displacement of indigenous people 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.

33. The main source of information for SIA will be direct interviews with potentially affected indigenous people households, besides separate group meetings with the indigenous people 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 people groups' recommendations on design of the project components. The project management supervision consultant (PMSC) will be responsible for analyzing the SIA data and information and developing an action plan in consultation with the indigenous people community leaders. If the SIA indicates significantly adverse impacts, or that the indigenous people 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 IP community accepts the design of the subproject component, and broad community support has been ascertained.

C. Mitigation Measures

34. 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 assistance⁹ not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

35. 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 people, 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. According to the Resettlement Framework, the indigenous people, defined as scheduled tribes, will be treated as vulnerable persons/groups. The Resettlement Framework is attached as an annex.

36. In case of insignificant impact on indigenous people due to resettlement, 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 people. 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

37. Monitoring and evaluation (M&E) 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 impact on indigenous peoples, the PIU will engage qualified and experienced external experts and a qualified 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 people 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.

E. Outline of Indigenous People's Plan

38. The substantive aspects of this outline will guide the preparation of IPPs. The IPP will contain the following chapters:

- (i) Executive Summary of the Indigenous People Plan - describes the critical facts, significant findings, and recommended actions.
- (ii) Description of the Project - provides a general description of the project; discusses project components and activities that may cause impacts on indigenous people; and identifies project area.
- (iii) Social Impact Assessment - this section:

⁹ Special assistance is an additional allowance to which IP are entitled, other than the decided compensation package. This may include assistance/support to preserve IP's cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

- reviews the legal and institutional framework applicable to indigenous people in project context;
 - provides baseline information on the demographic, social, cultural, and political characteristics of the affected indigenous people communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
 - identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with indigenous people at each stage of project preparation and implementation;
 - based on meaningful consultation with the affected indigenous people communities, assesses the potential adverse and positive effects of the project. Assessment will include a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected indigenous people communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
 - includes a gender-sensitive assessment of the affected indigenous peoples' perceptions about the project and its impact on their social, economic, and cultural status; and
 - based on meaningful consultation with the affected indigenous people communities, identifies and recommends the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects, and to ensure that the indigenous people receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation - this section:
- describes the information disclosure, consultation, and participation process with the affected indigenous people communities that was carried out during project preparation;
 - summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
 - in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected IP communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
 - describes consultation and participation mechanisms to be used during implementation to ensure indigenous people participation during implementation; and
 - confirms disclosure of the draft and final IPP to the affected indigenous people communities.
- (v) Beneficial Measures - This section specifies the measures to ensure that the indigenous people receive social and economic benefits that are culturally appropriate and gender responsive.
- (vi) Mitigation Measures - This section specifies the measures to avoid adverse impacts on indigenous people, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected indigenous people group.
- (vii) Capacity Building - This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address

indigenous people issues in the project area; and (b) indigenous people organizations in the project area, to enable them to represent the affected IP more effectively.

- (viii) **Grievance Redress Mechanism** - This section describes the procedures to redress grievances of affected indigenous people communities. It also explains how the procedures are accessible to indigenous people, culturally appropriate, and gender sensitive.
- (ix) **Monitoring, Reporting, and Evaluation** - This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected indigenous people in the preparation and validation of monitoring and evaluation reports.
- (x) **Institutional Arrangement** - This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.
- (xi) **Budget and Financing** - This section provides an itemized budget for all activities described in the IPP.

F. Grievance Redress Mechanism

39. Redressing grievances of the affected indigenous peoples is vital, particularly if project impacts displace any indigenous people community or individuals, disrupt livelihood, affects their customary rights over land, forest, water, and other natural resources, or put obstacles to cultural heritage sites. Grievances may be caused by any of these adverse impacts and need to be resolved as quickly as possible, with consent and consultation with the indigenous people community or their representatives.

40. A project-specific multi-tier GRM will be in place to receive, evaluate, and facilitate complaints and grievances of the affected persons in relation to the project's social and environmental performances. Indigenous People-related concerns will also be integrated in this process to inquire, investigate, and apply mitigation measures for resolving issues. The main objective of this common GRM will be to provide time-bound action and transparent mechanisms to resolve indigenous peoples' concerns due to adverse impact of the project. This common GRM will be regarded as an accessible and trusted platform for receiving and facilitating all project related complaints and grievances raised by the indigenous people community. The multi-tier GRM for the program will have realistic time schedules to address grievances, and specific responsible persons identified to address grievances, and to whom the indigenous people community has access to interact easily.

41. Awareness on grievance redress procedures will be created through a public awareness campaign, with the help of print and electronic media and radio. The implementing NGO will ensure that the indigenous people are made aware of the GRM and their entitlements, and assured that their grievances will be redressed adequately and in a timely manner. However, where indigenous peoples or the community are not literate in languages other than their own, special assistance will be sought from community leaders, community-based organizations (CBOs), and NGOs having knowledge of their language, culture, or social norms, or having working experience among the indigenous people community, who will help the indigenous peoples express their concerns, consult about mitigating measures, and explain to them the project and its potential impact on the indigenous people community.

42. Where indigenous people communities or their representatives are educated and literate in the local language of the mainstream, they will be informed about multiple means of registering grievances and complaints: by dropping grievance forms in complaint/suggestion boxes at accessible locations, or through telephone hotlines, email, post, or writing in a complaint register book in the PIU's project office. There will also be a complaint register book and complaint boxes at the construction site office to allow a quick response to their grievances/complaints on urgent matters. The name, address, and contact details of the persons, with details of the complaint/grievance, location of problem area, and date of receipt of complaint will be documented. One special officer on tribal affairs will be recruited to register and sort out grievances and complaints of the indigenous people community, and who will assist PMU's safeguard officer for registration of grievances and communication with the aggrieved indigenous people community for timely resolution of the issues. A project information disclosure (PID) leaflet, which will include contact numbers of the respective PIU offices responsible for the implementation of VCICDP, is to be distributed to all affected indigenous people communities and individuals. (Appendix 4 presents the typical structure of a PID leaflet).

1. Grievance Redress Process

43. There will be several tiers for grievance redress. For urgent matters that need immediate attention, supervision consultants and contractors will provide easily accessible contact details for speedy resolution. The name, designation, and contact number of personnel responsible for grievance redress—that is, the safeguard manager, special officer on tribal affairs, and the key person of the implementing NGO—will be posted in the contractor's and PMSC's site office in full view of the public. If possible, this will be translated into tribal language, if any written form exists, or in a language understandable to the indigenous people. Simple grievances and those needing immediate redress will be resolved onsite by the contractor and the PMSC engineer. If the grievance is not addressed in 7 days at field level, they will be escalated to the safeguard manager and special officer on tribal affairs at the PIU. During all these activities, the implementing NGO will maintain liaison and assist the aggrieved IPs/ communities. Grievances of an immediate and urgent nature should be resolved at PIU level within 15 days of registration of grievances, in written form. The assistance of the implementing NGO will be sought. If necessary, a joint field visit should be made by the PIU safeguards manager and special officer on tribal affairs, the local NGO at PIU level, and the site engineers from the contractor's and PMSC's office to verify justification and nature of the grievances, and seek mitigation measures to resolve the grievance, with consultation with the indigenous peoples, community, and representatives.

44. Major grievances that cannot be resolved at PIU level will be forwarded to the grievance redress committee (GRC) set up at district level under the chairmanship of the District Collector and having the District Tribal Welfare Officer as member. For addressing issues related to the indigenous people community, one expert member will be inducted into the committee who will provide best judgment and advice to resolve issues of the indigenous peoples. The GRC will try to resolve the issues within 30 days. All documents related to grievances and follow-up action taken to resolve them, along with an explanatory note on the nature, seriousness, and time taken for grievance redress, shall be prepared by the PIU special officer on tribal affairs and circulated to GRC members at least one week prior to the scheduled meeting. The decision taken at the GRC level will be communicated to the indigenous peoples/ community by the PIU and the implementing NGO. For any issues that remain unresolved by the GRC, or if the decision made at such meetings is not acceptable, the indigenous peoples/community can approach the Court of Law.

2. District Level GRC composition for Indigenous People

45. The existing district monitoring committee for TSP will be used for IPP monitoring and grievance redress. The GRC for indigenous people will have as members:¹⁰ (i) district collector/deputy commissioner (DC) of the district as Chairperson, (ii) revenue department (registrar) official, (iii) IPP NGO and PMSC social safeguard specialist; (iii) PIU social safeguard officer/special officer on tribal affairs, who will request for inclusion of indigenous people communities' issues related to VCICDP in the periodic meeting of the district monitoring committee and shoulder responsibility of keeping records of grievances/complaints in detail, with help from the resettlement NGO, (v) expert on tribal affairs; and (v) DTWO as convener. Hence, the existing structure of the district monitoring committee will remain; and project-related social safeguard/tribal welfare officers will join the meeting of the district monitoring committee for discussions on any grievances / complaints lodged by indigenous people, that cannot be resolved at field level. Other members, such as NGO/CBO representatives, ward council/tribal gram sabha representatives, and other indigenous people community representatives will be selected by the DTWO to represent them in the GRC meeting. The NGO should also deploy one person in the team who will be responsible for coordinating with all GRC members and the displaced persons for grievance redress.

3. State Level GRC composition

46. Unlike the district level, there will be no separate GRC at the State level for indigenous people, as all issues are expected to be resolved at the district level itself. In case of any issue that remains unresolved or spills beyond the jurisdiction of a single district, the matter will be referred to the PMU/State-level GRC which will be set up for the overall project, which will have the Director Tribal Welfare as special invitee, along with the concerned District Collector(s) and DTWOs, IPP implementing NGO and indigenous people representatives. The State Level GRC will attempt to resolve issues within 30 days.

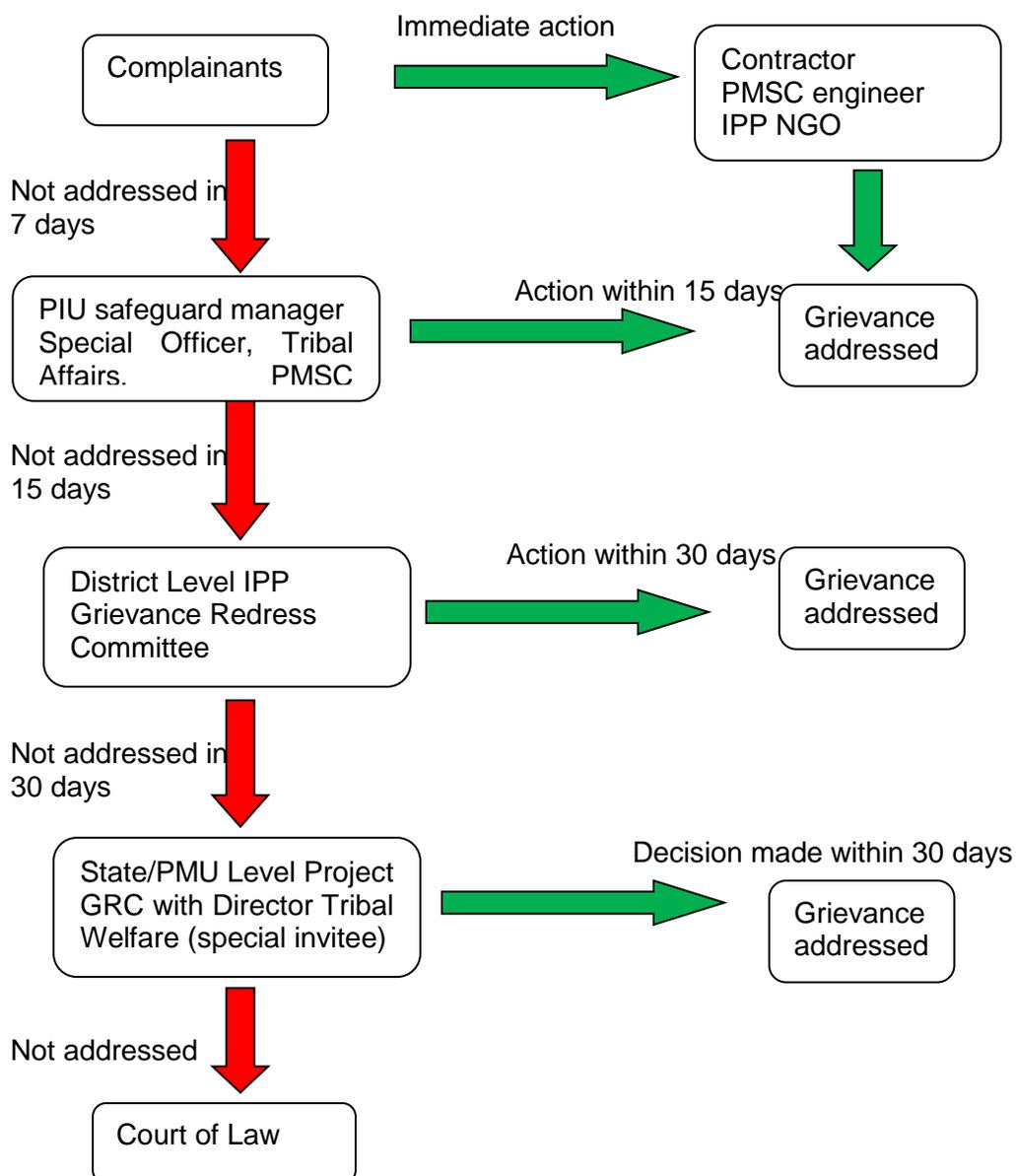
47. Since indigenous people issues typically cannot be resolved in a hurry, the GRM proposes adequate time at each stage.

4. ADB Accountability Mechanism

48. In the event that the established GRM is not in a position to resolve the issue, the indigenous people, as affected person, can also use the ADB Accountability Mechanism by directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or ADB India Resident Mission. The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

¹⁰ The project GRC at PIU level is conceived as a committee that deals mainly with LARR issues (apart from environmental issues). Since IP issues may be more than just LARR, linked with the IP community's sentiments and concerns., a district level GRC using the existing TSP monitoring setup is proposed.

Figure 1: Grievance Redress Process



IPP = indigenous people plan; NGO = nongovernment organization; PIU = project implementation unit; PMSC = project management and supervision consultants; PMU = program management unit.

IV. STRATEGY FOR INDIGENOUS PEOPLES PARTICIPATION

49. Consultations and information disclosure are an integral part of IPP preparation in order to ensure that the priorities, preferences, and needs of the tribal groups have been taken into consideration adequately. With that objective in view, a strategy for consultation with tribal communities and their leaders will be developed so that these are conducted in a participatory manner. The PIU will be fully involved in evolving the strategy and consultation process.

50. The affected indigenous peoples will be actively engaged in all stages of the project cycle, including project preparation, and feedback of consultations with the indigenous peoples will be reflected in the project design, followed by disclosure. Their participation in project planning will inform project design, and the indigenous peoples should be convinced of their benefits from the project. The IPP prepared will be translated into the local language of the indigenous peoples and made available to them before implementation by the PIU, with assistance from NGO.

51. Local CBOs/tribal community representatives will be involved in IPP implementation and resolving all issues related to the IPP through consultation and facilitation by the implementing NGO. The GoAP through the concerned PIU will ensure adequate flow of funds for consultation and facilitation of planned activities within IPP.

52. One PID brochure will be prepared, translated into a language understandable to the IPs, and distributed among them. Appendix 4 provides the template for the PID.

V. BENEFITS OF THE PROJECT AND MITIGATION OF ADVERSE IMPACTS

53. 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.

54. Based on the significance and nature of the project impact on the indigenous people 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.

55. 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 people community living in the project impact zone will prepare the mitigation action plan to address the adverse issues, with support from DTWO officials, PIU officials, and PMSC to give shape to their plan of action.

56. If the indigenous people impacts are not significant, the PIU in consultation with PMSC

could decide to prepare a “specific action” plan detailing required actions to address the IP 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 people groups live with non-indigenous peoples in the same subproject location. Another way is to incorporate indigenous people 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.

VI. INSTITUTIONAL ARRANGEMENTS

A. Existing Institutional Structure

57. **National level:** The Ministry of Tribal Affairs was constituted in October 1999 by bifurcating the Ministry of Social Justice and Empowerment with the objective of more focused attention on integrated socioeconomic development of scheduled tribes in a coordinated and planned manner. The Ministry of Tribal Affairs is the nodal ministry for overall policy, planning, and coordination of development programs for scheduled tribes. Apart from this, the National Commission for Scheduled Castes and Scheduled Tribes issues directions on the drawing up and execution of schemes essential for the welfare of scheduled tribes.

58. **State level:** The GoAP’s Department of Tribal Welfare is headed by a Commissioner/Director. The Department of Tribal Welfare provides social justice and economic upliftment to the tribes. The Director of Tribal Welfare is the chief controlling officer for the department’s budget. He/she formulates, directs the process of implementation and monitors the progress of all tribal development programs in the State. He/she coordinates with other departments on implementation of TSP and also implementation of constitutional safeguards.¹¹

59. Apart from these national and state-level institutions that cater to the fulfillment of needs of the indigenous people, in case of identification of any indigenous peoples issues, the PMU and PIU should have an officer or personnel specially trained in handling issues related to indigenous peoples. It is advisable to provide a special course to train them in understanding tribal issues, customary rights, and laws protecting their rights and cultural heritage, particularly natural resource management. There should be dedicated persons at the PIU level who will be responsible for handling project-related indigenous peoples issues, and they will be given special capacity development training for the benefit of the project. The implementing NGO should preferably appoint one local person having knowledge of the indigenous people community, their socioeconomic and cultural background, and their customary rights over land, forest, water, wildlife, and other natural resources. However, if such person is not available for inclusion in the team, one dedicated person should be trained in these matters to implement indigenous people-related project components and resolve issues concerning the indigenous people.

B. Institutional Arrangements for Preparing and Implementing IPPs

60. No negative impacts on indigenous peoples are envisaged in the tranche 1 subprojects under VCICDP for the identified sites and alignments. The PIUs will be the responsible body for implementing the IPP, if required, and they will recruit a full-time qualified resource person experienced in similar work, as the Special Officer, Tribal Welfare. The Safeguard Manager appointed for Resettlement Plan implementation activities will also be involved in IPP

¹¹ <http://aptribes.gov.in/>

preparation and implementation activities. The designated staff of the PIU (Special Officer Tribal Welfare) will coordinate with the DTWO under the Department of Tribal Welfare during implementation of all IPP activities. District revenue officials will provide necessary help and guidance in conducting preliminary indigenous people screening, which will be the primary task of designated staff of PIUs. Based on this screening, PIUs will finalize design of the subproject component sites and alignment, wherever necessary.

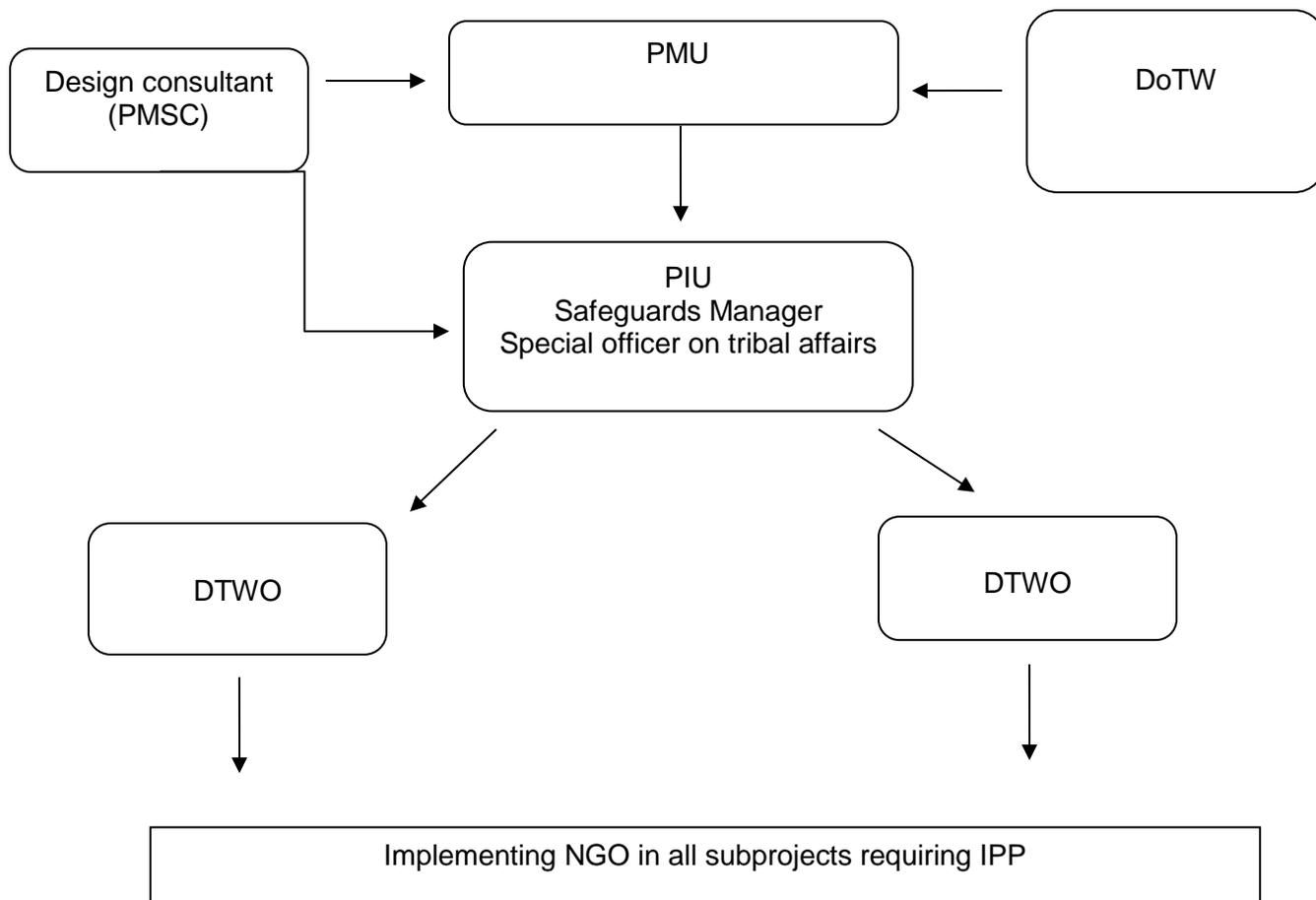
61. Based on preliminary screening results, the PIU will recommend SIA. The project's consultants PMSC will undertake SIA to evaluate requirements for the IPP under the project. Designated staff from the PIU will monitor the SIA survey, while the DTWO will provide required help to the PMSC during SIA. The report will be submitted to PIU. The safeguards manager at PIU office will recommend if an IPP is required based on project impacts.

62. If an IPP is recommended, the PMSC, will prepare the IPP in consultation with the designated PIU staff and the DTWO. In all these activities, the state's existing administrative set-up for tribal affairs, namely the Department of Tribal Welfare, will be consulted, and an orientation on a participatory approach will be provided by the responsible officers of these departments.

63. The draft IPP will be approved by the Department of Tribal Welfare, which will scrutinize whether all provisions have been made in accordance with the existing laws pertaining to protection of the interest and welfare of tribal communities. The PIU and PMU will scrutinize the draft IPP for compliance with ADB guidelines and SPS policy, and send it to ADB for approval. ADB will review and approve the IPP after incorporation of observations, if any, by the PIUs for IPP implementation. After the final approval from ADB, PIU will undertake IPP implementation.

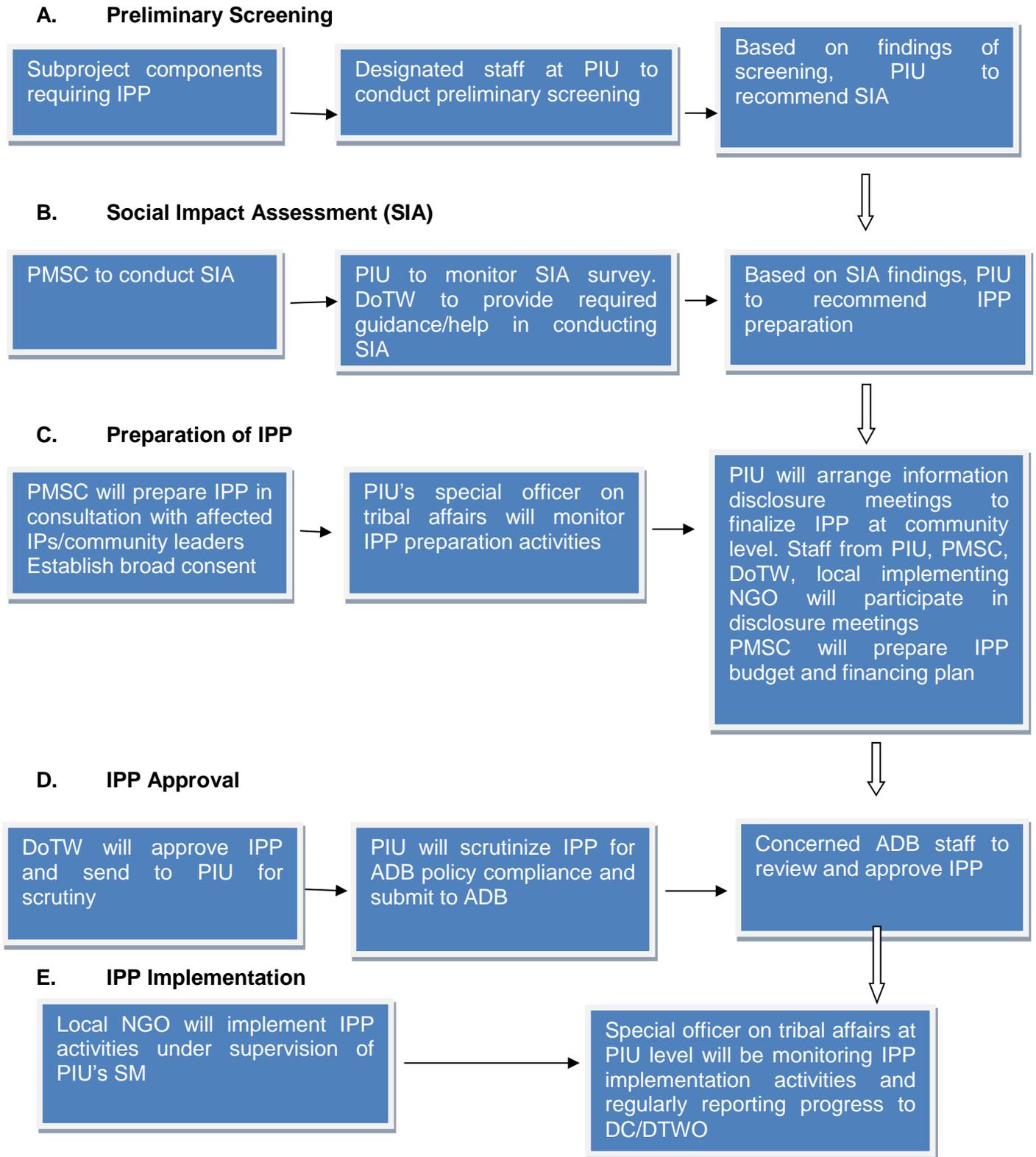
64. The PIUs will be directly responsible for implementation of IPP for each subproject component. An NGO appointed by the PIU will facilitate IPP action plan implementation. The safeguard officer at PMU, safeguard manager at the PIU supported by the special officer on tribal affairs, will monitor IPP implementation periodically along with an independent agency (apex NGO) appointed by the PMU. Appendix 3 gives the institutional roles and responsibilities for preparation and implementation of the IPP. Diagrams in Figures 2 and 3 show the flow of activities for IPP implementation.

Figure 2: IPP Implementation Arrangements



DoTW = Department of Tribal Welfare; DTWO = District Tribal Welfare Officer; IPP = indigenous people plan; NGO = nongovernment organization; PIU = project implementation unit; PMSC = project management and supervision consultants; PMU = project management unit

Figure 3: IPP - Flow of Planned Activities



VII. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLE PLAN

65. The GoAP will ensure that each PIU has sufficient resources to prepare and implement the IPP if the subproject component will have any impact on indigenous communities. The activities of the IPP will be implemented by the PIU, with assistance from local NGOs/CBOs, and PMSC. A detailed budget will be prepared by the PIU through the consultant (PMSC), considering all the activities associated with formulation and implementation of IPPs. Such budgets will be an integral component of the project cost, and will be made available during project implementation.

VIII. PROGRAM FOR MONITORING AND EVALUATION

66. Monitoring and evaluation (M&E) are significant activities in developmental programs which deal with indigenous people communities, in particular. The implementing agency and the PMU are likely to come across many issues and problems related to implementation, which need to be solved immediately and in a sensitive manner. Monitoring will provide such solutions. Monitoring will be a periodic assessment of planned activities, providing inputs at the project's mid-term level, facilitating changes, and giving necessary feedback on IPP implementation activities and directing all involved on the right path, if necessary. Evaluation will take place at the end of the project and assess whether the planned activities have actually achieved their objectives to improve the indigenous people community's standard of living and retain their tribal sociocultural identity at the same time. The M&E mechanism will measure project performance and fulfillment of the project objectives.

A. Internal and External Monitoring

67. The safeguard officer at the PMU, with the help of the PMSC, PIU and implementing NGO at the PIU level, will carry out regular monthly internal monitoring. The PIU will submit monthly progress reports to PMU and to ADB. The NGO will be thoroughly briefed and oriented on ADB's SPS, 2009. For projects with significant adverse impacts on indigenous people, the project will engage qualified and experienced external experts or NGOs to verify monitoring information. The external monitor engaged by the borrower/client (EA) will advise on ADB compliance issues. If any significant indigenous people issues are found, the borrower/client will prepare a corrective action plan or prepare an updated IPP under the guidance of the DoTW. The PIU will implement the corrective actions and follow up on these to ensure their effectiveness. The PIU, with support from the implementing NGO, will prepare periodic monitoring reports to the PMU safeguards officer on the progress of IPP implementation, highlighting compliance issues and corrective actions, if any. The costs of monitoring requirements will be reflected in project budgets.

68. Projects with indigenous people impact of category A will need external monitoring. The IPP will include the following monitoring indicators, if required:

- (i) community's perception on project benefits, adverse impact, and proposed mitigation measures;
- (ii) information on plan preparation, implementation process, and time taken at each stage;
- (iii) visits to sites to observe physical progress of plans;
- (iv) socioeconomic status of the community through sample survey of the targeted indigenous people families at pre- and post-project levels;
- (v) degree and frequency of participation of indigenous people communities, and effectiveness of such participation;

- (vi) usefulness and utilization of training imparted;
- (vii) utilization of funds;
- (viii) interaction between implementing NGO, the PIU and the indigenous people community; and
- (ix) improvement in socioeconomic status of the affected indigenous families.

69. The VCICDP does not envisage any significant impact on indigenous people. Any subproject with significant adverse impacts on indigenous people should be avoided for financing under the investment program.

B. Reporting

70. The semiannual safeguards monitoring report prepared by the PIUs should include the implementation of the IPP or specific action plan of the identified indigenous people. The external agency, as required, will submit biannual monitoring reports to the ADB. Broadly, monitoring and evaluation systems will involve:

- (i) administrative monitoring: daily planning, implementation, troubleshooting, feedback, individual village file maintenance, and progress reports;
- (ii) Socioeconomic monitoring: case studies, using baseline information for comparing the socioeconomic conditions, morbidity and mortality, communal harmony, dates for consultations, employment opportunities, etc.; and
- (iii) impact evaluation monitoring: improved living standards; access to natural resources; better bargaining power in the society; etc.

71. Reporting and monitoring formats will be prepared by the monitoring experts for effective internal and external monitoring. The reports will be submitted to ADB for review and comments. Each IPP monitoring report will be submitted by executing agency to ADB for review and disclosure on the ADB website. Particularly, if land acquisition issues and packages for payment of compensation are involved, the monitoring reports will consist of details of the payment, and whether these are in conjunction with the project's civil work implementation.

SCHEDULED TRIBE POPULATION IN ANDHRA PRADESH PER DISTRICT (2011)

| State/District | ST Population | | | Total Population | | | ST Population as percent to Total Population | | |
|-----------------------------|---------------|---------|--------|------------------|----------|----------|--|-------|-------|
| | Total | Rural | Urban | Total | Rural | Urban | Total | Rural | Urban |
| Andhra Pradesh | 2631145 | 2293102 | 338043 | 49386799 | 34776389 | 14610410 | 5.33 | 6.59 | 2.31 |
| Srikakulam | 166118 | 160438 | 5680 | 2703114 | 2266411 | 436703 | 6.1 | 7.1 | 1.3 |
| Vizianagaram | 235556 | 226130 | 9426 | 2344474 | 1853563 | 490911 | 10.0 | 12.2 | 1.9 |
| Visakhapatnam | 618500 | 579968 | 38532 | 4290589 | 2254667 | 2035922 | 14.4 | 25.7 | 1.9 |
| East Godavari | 213195 | 198698 | 14497 | 5154296 | 3840324 | 1313972 | 4.1 | 5.2 | 1.1 |
| West Godavari | 109072 | 99659 | 9413 | 3936966 | 3128189 | 808777 | 2.8 | 3.2 | 1.2 |
| Krishna | 132464 | 93915 | 38549 | 4517398 | 2673738 | 1843660 | 2.9 | 3.5 | 2.1 |
| Guntur | 247089 | 190905 | 56184 | 4887813 | 3235075 | 1652738 | 5.1 | 5.9 | 3.4 |
| Prakasam | 151145 | 124386 | 26759 | 3397448 | 2732866 | 664582 | 4.4 | 4.6 | 4.0 |
| Sri Potti Sriramulu Nellore | 285997 | 240972 | 45025 | 2963557 | 2105927 | 857630 | 9.7 | 11.4 | 5.2 |
| Y.S.R | 75886 | 58181 | 17705 | 2882469 | 1903337 | 979132 | 2.6 | 3.1 | 1.8 |
| Kurnool | 82831 | 64735 | 18096 | 4053463 | 2904177 | 1149286 | 2.0 | 2.2 | 1.6 |
| Anantapur | 154127 | 126362 | 27765 | 4081148 | 2935437 | 1145711 | 3.8 | 4.3 | 2.4 |
| Chittoor | 159165 | 128753 | 30412 | 4174064 | 2942678 | 1231386 | 3.8 | 4.4 | 2.5 |

Source: Census 2011

LIST OF NOTIFIED SCHEDULED TRIBES IN ANDHRA PRADESH¹**LIST OF SCHEDULED TRIBES OF ANDHRA PRADESH
THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT) ACT, 2002**

| a) List of Scheduled tribes of Andhra Pradesh | | | |
|--|---|----|---|
| 1 | Andh, Sadhu Andh | 18 | Koya, Doli Koya, Gutta Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya |
| 2 | Bagata | 19 | Kulia |
| 3 | Bhil | 20 | Malis |
| 4 | Chenchu | 21 | Manna Dhora |
| 5 | Gadabas, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba | 22 | Mukha Dhora, Nooka Dhora |
| 6 | Gond, Naikpod, Rajgond, Koitur | 23 | Nayaks |
| 7 | Goudu | 24 | Pardhan |
| 8 | Hill Reddis | 25 | Porja, Parangiperja |
| 9 | Jatapus | 26 | Reddidora |
| 10 | Kammara | 27 | Rona, Rena |
| 11 | Kattunayakan | 28 | Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras |
| 12 | Kolam | 29 | Sugalis, Lambadis, Banjara |
| 13 | Konda Dhoras, Kubi | 30 | Valmiki |
| 14 | Konda Kapus | 31 | Yenadis, Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi |
| 15 | Kondareddis | 32 | Yerukulas, Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula |
| 16 | Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs, Kuinga | 33 | Nakkala, Kurvikaran |
| 17 | Kotia, Benthoriya, Bartika, Dulia, Holva, Sanrona, Sidhopaiko | 34 | Dhulia |
| b) list of PVTGs | | | |
| 1 | Chenchu | | |
| 2 | Gadabas, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba | | |
| 3 | Kondareddis | | |
| 4 | Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs, Kuinga | | |
| 5 | Porja | | |
| 6 | Savara | | |

Source: Census of India 2011

¹ Constitution of India, under Article 342, has the right to remove any tribe from the above list, and also has the right to add new tribes after detailed surveys conducted with the help of state tribal departments. It is recommended that PMU and concerned PIUs refer to the updated list of statewide scheduled tribes while implementing the IPP.

Scheduled Areas in Andhra Pradesh

- (1) Visakhapatnam Agency area 1 [excluding the areas comprised in the villages of Agency Lakshmipuram, Chidikada, Konkasingi, Kumarapuram, Krishnadevipeta, Pichigantikothagudem, Golugondapeta, Gunupudi, Gummudukonda, Sarabhupalapatnam, Vadurupalli, Pedajaggampeta].

- (2) Sarabhupathi Agraharam, Ramachandrarajupeta Agraharam, and Kondavatipudi Agraharam in Visakhapatnam district.

- (3) East Godwari Agency area 2 [excluding the area comprised in the village of Ramachandrapuram including its hamlet Purushothapatnam in the East Godavari district].

- (4) West Godawari Agency area in West Godavari district.
 1. Inserted by the Madras Scheduled Areas (Cesser) Order, 1951
 2. Inserted by the Andhra Scheduled Areas (Cesser) Order, 1955

- (5) Data includes the Submergence of Sch. villages of 7 mandals from Khammam district to the A.P. State (as per Reorganisation Act, 2014):
 Nellipapaka, Kunavaram, Chintoor and V.R.Puram in East Godavari district and Burgampad, Kukunoor and Valaipadu in West Godavari district.

SPECIAL PROVISIONS IN THE RFCTLARR ACT PERTAINING TO SCHEDULED TRIBES

Special provisions for Scheduled Castes and Scheduled Tribes.

41. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

Reservation
and other
benefits.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

ROLES AND RESPONSIBILITIES OF AGENCIES/ GOVERNMENT DEPARTMENTS FOR IPP PREPARATION AND IMPLEMENTATION

| Sl. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|---|--|--|--|------|--|-----|--|
| 1 | Finalization of sites/alignment for subprojects | To identify and finalize sites/alignments for subprojects | Will appoint PMSC for design, implementation and (internal) monitoring of subprojects. | PMSC will provide technical help to PIU in finalizing sites/alignments | - | - | - | - |
| | Assessment of alternatives: sites/alignments and technological options, as applicable, to minimize IP impacts | | | PMSC engineering and social safeguard specialists to work together for assessment of alternatives, | | | | |
| 2 | Preliminary screening Collection of required information, analysis of data | Will appoint a full-time resource person to supervise, participate in IPP activities, and will perform preliminary screening | - | - | - | DTW will provide necessary help/guidance to designated staff of DC Office and PIU | - | Active participation of IP community and their leaders will be facilitated in preliminary screening exercise |
| | Preparation of screening report | Designated staff (appointed resource person) will prepare screening report for review by PMU (with PMSC support) | - | PMSC to assist in preparation of screening report | - | - | - | - |

| SI. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|--|--|---|--|------|--|-----|--|
| | SIA recommendation | - | Based on screening report and in accordance with ADB policy, PMU will recommend SIA | PMSC to assist PMU in decision-making | - | - | - | - |
| | Recommendation whether broad community consent triggered | | PMU, with the advice of PMSC, will recommend whether broad community consent triggered | | | | | |
| 3 | SIA preparation i) Collection and analysis of required socioeconomic data on IPs and other vulnerable groups in project areas, if any | Designated staff of PIU will monitor SIA study/ analysis | - | PMSC will conduct SIA | - | DTW will extend necessary guidance and help | - | Active participation of IP community and their leaders will be solicited/facilitated |
| | ii) Preparation of SIA | - | - | PMSC to prepare report and submit to PMU | - | - | - | - |
| | iii) Recommendation for IPP preparation | - | Based on SIA report and in agreement with ADB policy, PMU will recommend preparation of IPP | - | - | - | - | - |

| Sl. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|--|--|-----|---|------|---|-----|--|
| 4. | Meaningful consultations with IP population including subgroups within IPs, women and other vulnerable sections: recording issues and concerns | PIU with the support of PMSC to conduct meaningful consultations and document the issues, concerns and needs of IP community | | PMSC and PIU to conduct of meaningful consultations with IP community and documentation of the same | | | | |
| 5. | Preparation of IPP: Devising mitigation measures and action plan development | Designated staff will monitor IPP preparation and provide necessary help and inputs | - | PMSC will prepare IPP in consultation with affected IPs/ community leaders | - | DTW will actively participate in IPP preparation and will help DPR consultants and designated officer of DC office by interpreting, explaining, and elaborating on ideas suggested by IPs/community | - | Affected IPs/ IP community leaders, CBOs will be actively engaged in preparing IPP activities, mitigation measures of adverse impact, and development of action plan |

| Sl. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|---|--|---|--|--|--|-----|---|
| | Establishing broad community consent, if required | PIU to establish broad community consent through consultations with IP community members, with the support of PMSC | | PMSC and PIU to document surveys and consultations undertaken to establish broad community consent | | DTW and DC to facilitate surveys and consultations to establish broad community consent. | | Affected IPs/ IP community members to be engaged in consultation meetings and proposed impact minimization measures, benefits and mitigation measures under the project to be clearly explained |
| | Disclosure of IPP | Designated staff will participate in disclosure meetings to finalize IPP at community level | PMU staff (SDDO/ special officer) will participate in information disclosure meetings to finalize IPP | PMSC will conduct IPP information and disclosure meetings and clarify any points/measures | Local NGO will be invited to attend disclosure meeting | DTW and DC or his/her representative will participate in disclosure meeting to finalize IPP at community level | - | Affected IPs/IP leaders will be consulted in finalization and acceptance of IPP |
| 7. | Preparation of budget and financing plan | Designated staff will provide required help to prepare financing plan and budget allocation | - | PMSC will prepare IPP budget and financing plan | - | - | - | - |

| Sl. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|------------------------|---|--|---|---|---|---|----------------------|
| | IPP approval from GoAP | - | - | - | - | Concerned Deputy Commissioner and Director, Department of Tribal Welfare will approve IPP and forward it to PMU | - | - |
| | IPP approval from ADB | - | PMU and PIU will scrutinize the IPP for ADB compliance and submit it to ADB as draft IPP | As per ADB's comments/ observations, DC will revise and finalize the final IPP and budget | - | - | ADB will review the draft IPP and approve final IPP | - |
| 8. | IPP implementation | PIU will appoint local NGO for IPP implementation. NGOs with experience of working with IPs and having staff with knowledge of IP languages/dialects will be preferred. | SDDO/special officer at PMU level will monitor IPP implementation periodically | - | Local NGO appointed by PIU, will carry out IPP activities under supervision of SM/IPP resource person at PIU. | - | - | |

| Sl. No | Activities | PIU | PMU | PMSC | NGOs | Department of Tribal Welfare (Government of Andhra Pradesh) and District Collector | ADB | Others/ IP Community |
|--------|--|-----|---|------|------|--|-----|----------------------|
| | Appointment of external monitor for IPP implementation | | PMU will appoint external monitor/agency to independently monitor and supervise IPP implementation and prepare/submit semiannual reports to PMU/ADB | | | | | |

SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR IPP

The following structure of Information Disclosure leaflet on IPP is recommended to be prepared in the local language by PMSC:

Background. The proposed Visakhapatnam-Chennai Industrial Corridor Development Program (VCICDP) will complement ongoing efforts of the Government of Andhra Pradesh (GoAP) to enhance manufacturing sector growth and create high quality jobs in the state of Andhra Pradesh. The VCICDP comprises: (i) a policy-based loan from Asian Development Bank (ADB) to support policy reforms, and institutional development in the state's industrial sector; and (ii) a multitranche financing facility (MFF) of ADB for priority infrastructure projects within the Visakhapatnam-Chennai Industrial Corridor (VCIC), which will provide support for infrastructure development in tranches or phases. An urban water supply subproject for Visakhapatnam, aimed at distribution network improvements for NRW reduction and 24x7 water supply in Greater Visakhapatnam Municipal Corporation (GVMC) area, is proposed under tranche 1 of VCICDP MFF.

Policy and Principles: Indigenous Peoples Planning Framework (IPPF). The IPPF for VCICDP sets out the policy, principles, and implementation mechanisms to address such impacts according to ADB's Safeguards Policy Statement (SPS) requirement no. 3 on indigenous people (IP). During the course of project identification and social impact assessment, if any IPs are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework addresses the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development.

Subproject components. Specific and brief description of subproject (that is assessed to have IP impacts)

Indigenous Peoples Impacts. Brief summary of IP impacts assessed as a result of the subproject.

Indigenous peoples plan (IPP). An IPP is prepared to safeguard potential impacts of proposed subproject components to IP. During the course of project identification and social impact assessment, if any IPs are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development. This IPP includes the following measures for IP living in proposed subproject areas, to be accomplished by the project team (the PMU/PIU of VCICDP): (a) beneficial measures include xxxx; and (b) mitigative measures include xxx. Specific budgets for each of the above-mentioned activities are provided in the IPP. The above-mentioned activities, their timelines and budgets in the IPP, are part of the condition for project activities to proceed. These IPP activities are selected in consultation with the IP communities in proposed subproject affected areas.

Entitlements and Compensation. The Entitlement Matrix in the IPPF defines entitlements and compensation for affected persons, whether titled or non-titled. A budgetary provision of INR xxxx is made for IPP implementation.

Brief summary of applicable sections of the EM, relevant to identified losses for the specific subproject components with IP impacts to be added to this PID leaflet. Applicable sections of EM to be translated and appended to the PID leaflet.

Institutional arrangements. The State of Andhra Pradesh acting through its Department of Industries is the executing agency (EA) of VCICDP. The Directorate of Industries within the Department of Industries is responsible for the daily coordination and execution. A program management unit (PMU), established in the DOI, will be responsible for planning, implementation, monitoring and supervision, and coordination of all activities under the Program and the MFF. Project implementation unit (PIU) will be established in APIIC/GVMC/APRDC/APTransco, and will be responsible for implementing the MFF. The PIUs will be staffed with a Safeguard Manager, Social and Gender and in case of any IP impacts, a Special Officer Tribal Affairs. The Project Management Supervision Consultants will facilitate the planning and implementation of the subproject, having social safeguards personnel for IP planning and implementation activities, internal monitoring and reporting, and including a critical role in capacity building of PIU and contractors for IPP implementation and monitoring. The PIU and PMSC will work in close coordination with the district tribal welfare officer (DTWO) for IPP implementation. An NGO will be appointed to assist the PIU in IPP implementation. An independent external monitor will be appointed by the PMU to monitor IPP implementation.

Grievance Redress Mechanism (IPP). A multi-level grievance redress mechanism is established for IPP implementation. The first/field level grievances will be resolved by the contractors, DE and PIU safeguard officers immediately on-site in consultation with the complainants, within 7 days of receipt of a complaint/grievance. If the grievance is not addressed in 7 days at field level, they will be escalated to the safeguard manager and special officer on tribal affairs at the PIU. During all these activities, the implementing NGO will maintain liaison and assist the aggrieved IPs/ communities. Grievances of an immediate and urgent nature should be resolved at PIU level within 15 days of registration of grievances, in written form. The assistance of the implementing NGO will be sought. Major grievances that cannot be resolved at PIU level will be forwarded to the grievance redress committee (GRC) set up at district level under the chairmanship of the District Collector and having the District Tribal Welfare Officer as member. For addressing issues related to the IP community, one expert member will be inducted into the committee who will provide best judgment and advice to resolve issues of the IPs. The GRC will try to resolve the issues within 30 days.

Contact details

| Organisation | Name | Position | Phone no. | Email Id |
|---|------|----------|-----------|----------|
| Contractor | | | | |
| PIU Special Officer Tribal Affairs | | | | |
| PIU Safeguard Manager (Social and Gender) | | | | |
| PMSC Supervision Staff | | | | |
| VCICDP PMU Safeguard Officer (SPO) | | | | |

ENTITLEMENT MATRIX^a

| Sl. No. | Type of Loss | Type of Impact | Type of Displaced Tribal People/IP | Compensation Entitlement |
|---------|--|----------------|--|--|
| 1 | Land (residential/ agricultural) | Permanent | Private land owners among IP/IPs with legal title/customary rights/occupancy rights of land to be identified during detailed survey | <ol style="list-style-type: none"> 1. Compensation for entire or part of land by means of land for land of equal or more productive value. PIU should find alternate plot of equal productive value within close vicinity. 2. Cash compensation at replacement value or open market value of land, if equal productive land for land lost is not available. Determination of open market value to be undertaken by a Valuation Expert. 3. Subsistence cash allowance based on applicable minimum wage rate during IPP implementation: (a) for a period of 6 months if residual land is unviable; (b) for a period of 3 months if residual land is viable. 4. Rehabilitation assistance for tenants categorized as vulnerable (female/disabled household heads, indigenous persons, BPL^b HH) in form of cash assistance to purchase income generating equipment/acquire skill training of their choice, subject to a limit of Rs 40,000.^c 5. All fees, taxes, and other charges (registration, etc.) incurred for replacement land will be borne by the project. |
| 1.a | | Permanent | IP as tenants, leaseholders, and sharecroppers | <ol style="list-style-type: none"> 1. Cash assistance based on 3 months' income from land 2. Reimbursement for unexpired lease in case of leaseholders, even if lease is in informal/verbal form 3. Assistance to find new land/place for leaseholder 4. Rehabilitation assistance for tenants/leaseholders/sharecroppers categorized as vulnerable (female/disabled household heads, indigenous persons, and BPL^d HH) in form of cash assistance to purchase income generating equipment/acquire skill training of their choice, subject to a limit of Rs 40,000.^e <p>This provision includes the tenants/leaseholders/sharecroppers of any negotiated land settlement.</p> |
| 1.b | | Permanent | IP as encroachers: titled or nontitled land users who have extended their activities illegally into government lands | <ol style="list-style-type: none"> 1. Cash assistance to purchase income generating tools/equipment or , skill development training of their choice, subject to a limit of Rs 40,000 2. Priority to be employed during construction, if so desired |
| 1.c | Commercial/industrial, residential, agricultural land | Temporary | IP as landowner/occupant/customary land users | <ol style="list-style-type: none"> 1. Rental value during period of temporary occupation/loss of access to land 2. Compensation for lost income for number of days/weeks/ months during temporary occupation |
| 2 | Structures (residential/commercial, such as houses, shops, barns, garages, outhouse) and other fixed assets (pumps, wells, fences, etc.) | Permanent | IP as owners of structures to be affected by the project (with or without legal status to the land, including squatters/encroachers) | <ol style="list-style-type: none"> 1. Replacement value of structure to be calculated at Basic Schedule of Rates plus cost of labor. Depreciation value should not be deducted. 2. Where loss of structure is partial and the remaining portion is not viable for use anymore, compensation should be for whole structure; otherwise, compensation will be for affected structure only 3. Free transport facility or shifting assistance of Rs 5,000 (one-time payment). |

| Sl. No. | Type of Loss | Type of Impact | Type of Displaced Tribal People/IP | Compensation Entitlement |
|---------|---|---------------------|--|---|
| | | | | <p>4.Registration cost and taxes associated with new house, if any, will be borne by the project.</p> <p>5. Right to salvage material from existing structure</p> <p>6. Subsistence allowance in cash for 3 months based on prevalent minimum wage rates during IPP implementation for all IPs</p> |
| 2.a | | Permanent | IP as leaseholders occupying/using affected structures | <p>1. Reimbursement of unexpired lease</p> <p>2. Free transport facility or shifting assistance of Rs 5,000 (one-time payment)</p> <p>3. Subsistence allowance for all IPs for 3 months based on prevalent minimum wage rates during IPP implementation</p> <p>4. Replacement value of assets created/built by lessee at Basic Schedule of Rates and cost of labor</p> <p>5. Right to salvage material from structure built by lessee</p> <p>6. Rehabilitation assistance in cash to purchase income-generating equipment/tools or getting training of their choice, subject to a limit of Rs 40,000</p> |
| 3.a | Loss of access to the commercial structure within the subproject area | Permanent | IP as tenants/leaseholders occupying/using affected structures | <p>1. For tenants, 3 months' rental assistance to be provided based on rental value which IP is currently paying, or at current market rate for rental, whichever is higher</p> <p>2. For leaseholder, reimbursement of unexpired lease</p> <p>3. Subsistence allowance for vulnerable households for 3 months based on prevalent minimum wage rates during IPP implementation</p> <p>4. Cash assistance for purchase of income-generating equipment/skill training if they so desire, subject to a limit of Rs. 40,000</p> <p>5. Free transport facility or shifting assistance of Rs 5,000 (one-time payment)</p> <p>6. Right to salvage material from existing structure, if any part thereof was built/extended by the tenant/ lessee</p> |
| 3.b | | Permanent | IP as squatters/encroachers occupying/using the affected structure | <p>1. All IPs will be given advance notice of 60 days to shift with their belongings from the public land.</p> <p>2. Free transport facility or shifting assistance of Rs 5,000 (one-time payment)</p> <p>3. Subsistence allowance for 3 months based on prevalent minimum wage rate during IPP implementation for all IPs</p> <p>4. Cash assistance for purchase of income-generating equipment/skill training if they so desire, subject to a limit of Rs 40,000</p> |
| 4 | Loss of standing crops/trees within subproject area | Permanent/temporary | IP as owner (titled/untitled) of trees/ crops; as encroachers cultivating on government land; as informal land users | <p>Notice will be given to crop/tree owners to minimize the loss.</p> <p>Cash compensation for lost standing crops and loss of future harvest (max of 2 years) will be paid. Compensation for cash crop will be based on market rate of that harvesting season.</p> <p>Compensation for perennial crops to be calculated as annual net product value multiplied by number of productive years remaining. For timber-</p> |

| Sl. No. | Type of Loss | Type of Impact | Type of Displaced Tribal People/IP | Compensation Entitlement |
|---------|--|-------------------------|--|---|
| | | | | producing trees, it will be based on the market value of timber, and replacement cost in case of fruit-bearing trees. If the trees are yet to reach age of maturity for calculating economic value, cost of seedlings, saplings, and agricultural inputs will be added to the compensation valuation. Subsistence allowance for 3 months based on minimum wage rates for one cropping cycle in case of seasonal crop |
| 5. | Loss of livelihood/income | Permanent | IP as employees working in commercial establishments | Assistance to persons affected due to employer being displaced, based on minimum wage rate for 3 months' income Assistance to be linked to project-related employment opportunities, if so desired |
| 5.a | | Temporary | IP as employees working in commercial establishment | 1. Cash compensation equal to duration of wages for number of days lost at minimum daily wage rate |
| 5.b | | Permanent/ Temporary | IP as Farm/ Agricultural worker | 2. Assistance based on prevalent minimum wage rate during IPP implementation, for 3 months 3. Cash assistance for purchase of income-generating equipment subject to a maximum of Rs 40,000, or skill development training, if they so desire 4. Assistance to be linked to project-related employment opportunities, if so desired |
| 6 | Livelihood /income | Temporary | IP as hawkers/vendors, agricultural laborers temporarily affected during construction | Cash assistance equivalent to maximum daily income to be paid for the number of days/weeks of temporary disruption Free transport facility or one-time shifting assistance of Rs 5,000 will be provided |
| 7 | Loss of community/social facility (such as cultural/religious heritage objects, places of worship, etc.) | Permanent | IP community or local body owning the structure, assets, place, or object of worship/cultural heritage sites | Restoration, replacement, and improvement of community assets, such as water pumps, wells, school, temples, shrines, and cultural heritage sites Enhancement of community resources and replacement of resources likely to be depleted, such as forest, trees for livelihood |
| 8 | Any other loss not identified | | | Unidentified involuntary impacts shall be documented and mitigated based on principles provided in ADB's SPS. |

^a **Terms used in entitlement matrix:**

Subsistence allowance is a transitional allowance offered to all DPs whose livelihood will be affected due to the subproject, and which will be utilized/consumed by DPs. Subsistence allowance will be decided based on the prevailing minimum wage rate as defined by the state of Andhra Pradesh during IPP implementation. As vulnerable households, subsistence allowance for IPs will be supplemented by income-generating/skill development training, if desired or cash assistance for purchase of income generating assets.

Shifting assistance will be provided to the DPs to move from the place proposed for acquisition to a new place. The amount of the shifting assistance will be decided based upon volume of material/assets to be shifted and distance to new place. PIU may provide free transport facility for this.

^b **BPL-** below poverty line. Using the poverty line defined by the Rangarajan Committee, Planning Commission of India in a 2014 publication and adjusting the same for inflation, a poverty line of Rs. 1327 per capita per month for rural and Rs. 1764 per capita per month for urban Andhra Pradesh is estimated for the year 2015-16. Government of India. Planning Commission. 2014. *Report of the Expert Group to review the methodology for measurement of poverty*. New Delhi

^c NGO will assist in identification and purchase of income-generating equipment/asset.

^d **BPL-** below poverty line. Using the poverty line defined by the Rangarajan Committee, Planning Commission of India in a 2014 publication and adjusting the same for inflation, a poverty line of Rs. 1327 per capita per month for rural and Rs. 1764 per capita per month for urban Andhra Pradesh is estimated for the year 2015-16. Government of India. Planning Commission. 2014. *Report of the Expert Group to review the methodology for measurement of poverty*. New Delhi

^e NGO will assist in identification and purchase of income-generating equipment/asset.

^f Minimum wage rates are fixed by Government of Andhra Pradesh each year, comprising basic pay and variable dearness allowance and notified through Gazette.

INDIGENOUS PEOPLE IMPACTS SCREENING CHECKLIST

A. Introduction

1. Each project/subproject/component needs to be screened for any indigenous people impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

B. Information on project/subproject/component:

a. *District/administrative name:* _____

b. *Location (km):* _____

c. *Civil work dates (proposed):* _____

d. *Technical description:* _____

B. Screening Questions for Indigenous People Impact

| KEY CONCERNS (Please provide elaborations in the "Remarks" column) | YES | NO | NOT KNOWN | Remarks |
|--|-----|----|--------------|---------|
| A. Indigenous Peoples Identification | | | | |
| 1. Are there sociocultural groups present in or using the project area who may be considered "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities"? | | | | |
| 2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities," scheduled tribes, tribal peoples, national minorities, or cultural communities? | | | | |
| 3. Do such groups self-identify as being part of a distinct social and cultural group? | | | | |
| 4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories? | | | | |
| 5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture? | | | | |
| 6. Do such groups speak a distinct language or dialect? | | | | |
| 7. Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against? | | | | |

| KEY CONCERNS (Please provide elaborations in the "Remarks" column) | YES | NO | NOT KNOWN | Remarks |
|---|-----|----|--------------|---------|
| 8. Are such groups represented as "indigenous peoples," "ethnic minorities," "scheduled tribes," or "tribal populations" in any formal decision-making bodies at the national or local levels? | | | | |
| B. Identification of Potential Impacts | | | | |
| 9. Will the project directly or indirectly benefit or target indigenous peoples? | | | | |
| 10. Will the project directly or indirectly affect indigenous peoples' traditional sociocultural and belief practices (e.g. child-rearing, health, education, arts, and governance)? | | | | |
| 11. Will the project affect the livelihood systems of indigenous peoples (e.g., food production system, natural resource management, crafts and trade, employment status)? | | | | |
| 12. Will the project be in an area (land or territory) occupied, owned, or used by indigenous peoples, and/or claimed as ancestral domain? | | | | |
| C. Identification of Special Requirements <i>Will the project activities include:</i> | | | | |
| 13. Commercial development of the cultural resources and knowledge of indigenous peoples? | | | | |
| 14. Physical displacement from traditional or customary lands? | | | | |
| 15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity and community of indigenous peoples? | | | | |
| 16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples? | | | | |
| 17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples? | | | | |

C. Indigenous People Impact

After reviewing the answers above, EA/safeguard team confirms that the proposed subsection/ section/subproject/component (tick as appropriate):

- has indigenous people (IP) impact, so an indigenous people plan (IPP) or specific IP action plan is required.
- has No IP impact, so no IPP/specific action plan is required.

| | |
|--|--|
| Prepared by: Signature: Name: Position: | Verified by: Signature: Name: Position: |
|--|--|