

Indigenous Peoples Planning Framework

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CURRENCY EQUIVALENTS

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\$1.00	=	₹68.691

ABBREVIATIONS

ADB	–	Asian Development Bank
ASO	–	assistant safeguards officer
CBO	–	community-based organization
DSISC	–	design, supervision and institutional support consultant
EMP	–	environmental management plan
GOWB	–	Government of West Bengal
GRC	–	grievance redress committee
GRM	–	grievance redress mechanism
IPP	–	Indigenous Peoples plan
IPPF	–	Indigenous Peoples planning framework
M&E	–	monitoring and evaluation
PHED	–	Public Health and Engineering Department
PID	–	project information disclosure
PIU	–	project implementation unit
PMC	–	project management consultant
PMU	–	project management unit
NGO	–	nongovernment organization
SGC	–	safeguards and gender cell
SPS	–	Safeguard Policy Statement
WBDWSIP	–	West Bengal Drinking Water Sector Improvement Project

NOTE

In this report, "\$" refers to United States dollars.

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I. PROJECT BACKGROUND

A. Introduction

1. The Ministry of Drinking Water and Sanitation (MDWS), Government of India has sought Asian Development Bank's (ADB) financing to support Government of West Bengal (GoWB) in improving drinking water in its arsenic and fluoride affected districts under its National Water Quality Sub-Mission (the Sub-Mission) of MDWS under its National Drinking Water Development Program. In parallel, the Public Health and Engineering Department (PHED) of West Bengal requested financing support from ADB to achieve its Vision 2020 of 'providing safe, reliable and adequate drinking water to all its citizens'. The financing will assist the state in providing the state's financial contribution for the Sub-Mission, improve water supply to the enroute villages, as well as cover additional subprojects to improve water supply in districts affected by salinity.

2. The proposed West Bengal Drinking Water Sector Improvement Project (WBDWSIP or the Project) aims to provide safe, reliable and continuous drinking water as per Government of India's standard to about 6 million people in the arsenic-, fluoride-, and salinity-affected selected areas of North 24 Parganas, South 24 Parganas, East Medinipur and Bankura districts in accordance with the Vision 2020. The Project will ensure drinking water security through 24/7 piped water supply schemes in the areas covered. The Project will have the following key outputs: Output 1: Climate resilient drinking water infrastructure constructed; and Output 2: Institutions and capacity of stakeholders for drinking water service delivery strengthened.

3. Under Output 1, The project will provide a minimum of 70 lpcd of continuous potable water through metered connections to the households in selected areas of the project districts. The distribution systems will be designed on a DMA basis. Both the bulk and the distribution systems will be integrated with modern STWM and monitoring tools, including supervisory control and data acquisition and geographic information systems. Bulk water supply systems, consisting of intakes, water treatment plants, and transmission mains, will be sized to provide water supply en route to urban and rural areas. They will be connected into a grid with the existing and the new systems in the project districts, where feasible, to reduce redundancy, improve resilience, and efficiently manage the system.

4. The Project will be financed by the ADB through the sector lending modality where some subject components will be determined and appraised during project implementation. This indigenous peoples planning framework (IPPF) provides guidance in formulating indigenous peoples plans (IPPs), where necessary, for such subproject components.

B. Objectives and Policy Framework

5. The objectives of the IPPF are to ensure that indigenous peoples communities (i) receive culturally appropriate social and economic benefits from the Project; (ii) do not suffer adverse impacts as a result of the Project; and (iii) can participate actively in the Project. The IPPF has been prepared to (i) provide guidance for subprojects selection, screening and assessment of social impact; (ii) provide guidance in the preparation and implementation of IPP for subprojects; and (iii) facilitate compliance with the requirements of the Government of India and the State of West Bengal, and ADB. This section summarizes the relevant Government and State laws in respect of scheduled tribes and the ADB indigenous peoples safeguards.

1. National Laws

6. The term indigenous peoples is understood to be synonymous with the communities defined by the Constitution of India as scheduled tribes, as follows: “Scheduled tribes (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.” A scheduled tribe will have one of a of these factors by the respective markers.

7. Under the Constitution of India, a number of articles have been included for the protection of the scheduled tribes in particular. 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 scheduled tribes, 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 scheduled tribes and for raising the level of administration of the scheduled areas;
- (vii) Articles 330, 332, and 335 – stipulate reservation of seats for scheduled tribes 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 (scheduled tribes).

8. Furthermore, the Government of India 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 (ROFR) Act, 2006 and the Rules, which came into force from 1 January, 2008 (including an Amendment in 2012). 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 Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 empowers the Gram Sabha in a scheduled area to prevent alienation of land in the scheduled area and to take appropriate action to restore unlawfully alienated land of a scheduled tribe; and the power to control local plans (for development) and resources for such plans. The Gram Sabha has to approve any plan for social and economic development in a scheduled area before implementation, and is responsible for selection of beneficiaries under any poverty alleviation or other program; and
- (iii) the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Rules, 1995 which protect SC/scheduled tribes from (a) wrongful occupation or cultivation of any land owned by them or allotted to them or lands notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe and transfer of land allotted to SC/scheduled tribes; (b) wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interference with the enjoyment of his rights over any land, premises or water; and (c) from any forceful removal/causing of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence.¹

9. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has special provisions for additional benefits to affected households who are members of scheduled castes/scheduled tribes under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a Development Plan is to be prepared; and (c) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area. Appendix 3 presents all relevant clauses of the RFCTLARRA 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.

10. Scheduled tribes in the state are protected by West Bengal's Land Reforms Act, 1955, which defines stringent procedures for transfer of land from scheduled tribe landowners to non-scheduled tribes landowners, as follows:

- (i) “A *Raiyat*² belonging to a Scheduled Tribe may however transfer his or her land to a person not belonging to a Scheduled Tribe with previous permission in writing to the Revenue Officer appointed for this purpose. The Revenue Officer must be satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price for the land. The Revenue Officer must also be satisfied that the proposed sale is intended to be made for the improvement of any other part of the holdings or for such other purposes as may be prescribed by the Government. A *raiya*t belonging to a Scheduled Tribe may transfer his or her plot of land or any part thereof in any one of the following ways:
 - (a) by a complete usufruct mortgage entered into with a person belonging to a Scheduled Tribe for a period not exceeding seven years;
 - (b) by sale or gift to the Government for a public or charitable purpose;
 - (c) by simple mortgage to the Government or to a registered co-operative society;
 - (d) by simple mortgage or mortgage by deposit of title deeds in favor of a Scheduled Bank, a co-operative land mortgage bank or corporation owned or controlled by Central or State Government in India for the development of land or for agricultural production;
 - (e) by gift or will to a person belonging to a Scheduled Tribe; and
 - (f) by sale or exchange in favor of any person belonging to a Scheduled Tribe.”³

¹ 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.

² *Raiyat* means landowner.

³ Land & Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal. Land under

11. Fourteen districts out of 19 districts are declared as Integrated Tribal Development Project Districts. Funds under Special Central Assistance to Tribal Sub-Plan (SCA to TSP) is added to the Tribal Sub-Plan of the State and is utilized for implementation of various income generation programs with 100% subsidy to bring the scheduled tribes families above the poverty line. The SCA to TSP grant is utilized for infrastructure development schemes and related to Income Generation Activities and job oriented training programs. The income generation schemes are implemented by the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation and West Bengal Tribal Development Cooperative Corporation Ltd. The infrastructure development schemes are being implemented by this Department directly through the Project Officer-Cum-District Welfare Officers at the district level in scheduled tribes dominated areas.

2. ADB Safeguard Policy Statement, 2009

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

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

- (i) Screen early on to determine (i) whether indigenous peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on indigenous peoples are likely;
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on indigenous peoples. Give full consideration to options the affected indigenous peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on indigenous peoples;
- (iii) Undertake meaningful consultations with affected indigenous peoples communities and concerned indigenous peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected indigenous peoples communities in a culturally appropriate manner. To enhance indigenous peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the indigenous peoples' concerns;

Tribal Ownership as per West Bengal's Land Reforms Act, 1955. [http://banglarbhumi.gov.in/banglarbhumi/\(S\(bd40zstjoqug4lucjklpckcp\)\)/ASP%20PAGES/lr_tribal_land.aspx](http://banglarbhumi.gov.in/banglarbhumi/(S(bd40zstjoqug4lucjklpckcp))/ASP%20PAGES/lr_tribal_land.aspx).

- (iv) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous peoples. For the purposes of policy application, the consent of affected indigenous peoples communities refers to a collective expression by the affected indigenous peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities;
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared;
- (vi) Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous peoples communities. The IPP includes a framework for continued consultation with the affected indigenous peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders;
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that indigenous peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands; and
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

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

C. Identification of Indigenous Peoples

15. Under Article 342 of the Constitution of India, following characteristics are used to define indigenous people (scheduled tribes, as termed by the Constitution): (i) tribes' primitive traits, (ii)

distinctive culture, (iii) shyness with public at large, (iv) geographical isolation, and (v) social and economic backwardness. Essentially, indigenous peoples have a social and cultural identity distinctly different from the mainstream (or dominant) society that makes them marginalized, socially isolated, and often overlooked in the development process.

16. According to the Census of India 2011, 104.28 million or 8.61% of India's population is classified as scheduled tribes. In comparison with the national figure, West Bengal has 5.8% of its population classified as scheduled tribes, which comprises 5.08% of the total scheduled tribes population in the country.⁴ In West Bengal, where scheduled tribes are also referred to as tribal people, there are 40 such groups. Appendix 1 provides details of district-wise scheduled tribe population in West Bengal, as well as project village-wise tribal population. Appendix 2 provides the list of tribal communities in the state of West Bengal as per Ministry of Tribal Affairs, Government of India. The tribal population of West Bengal increased to 5,296,953 in 2011 from 4,406,794 in 2001. The decadal growth rate of tribal population during this period is 20.2%. Among these tribes, Toto, Birhor and Lodha have been notified as PVTGs (Particularly Vulnerable Tribal Groups) in terms of backwardness in different development indicators. Totos and Birhors are predominantly residing in Jalpaiguri and Purulia districts, respectively whereas the Lodhas are mostly found in the Paschim Medinipur district. Table 1 below shows the scheduled tribes in the selected districts under WBDWSIP:

Table 1. Scheduled Tribes Population in West Bengal Drinking Water Sector Improvement Project Districts

District	Scheduled Tribe Population	Total Population	Percentage (%)
West Bengal	5,296,953	91,347,736	5.8
North 24 Perganas	264,597	5,019,553	5.3
South 24 Perganas	96,976	7,054,540	1.4
Bankura	368,690	3,362,420	11.0
Purba Medinapur	27,952	4,649,436	0.6

Source: 2011 Census of India.

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

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

18. ADB indigenous peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property.

⁴ Census of India, 2011.

19. Although the sites for project infrastructure under WBDWSIP have been identified, final facility locations and alignments for water supply transmission lines and impacts will be confirmed after Project approval and after requisite permissions from entities like Archeological Survey of India, Water Resources Department and Revenue Department, Government of West Bengal are received. Based on subprojects that have been reviewed so far, it is expected that the impacts on scheduled tribes will be limited to temporary impacts during pipe laying. Impacts on scheduled tribes will be confirmed after completion of census surveys of affected persons for all subprojects. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the investment program. The WBDWSIP envisages benefits to Scheduled tribes in terms of house connections to all and priority for local scheduled tribe people in project related construction and operation and maintenance work.

D. Social Impact Assessment and Indigenous Peoples Plan for Subproject Components

20. The Safeguard Policy Statement requires the borrower/ client to screen and categorize a subproject of a sector loan at the initial project preparatory phase, to identify indigenous peoples in the project impact area and to assess if they will be made vulnerable by the project. The executing agency, through the project management unit (PMU), screen and categorize subproject components. A project's indigenous peoples category is determined by the category of its most sensitive component in terms of impacts on indigenous peoples. The significance of impacts of an ADB supported project on indigenous peoples is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected indigenous peoples community. The level of detail and comprehensiveness of the IPP are commensurate with the significance of potential impacts on indigenous peoples. A proposed project is assigned to one of the following categories depending on the significance of the potential impacts on indigenous peoples:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant impacts on Indigenous Peoples. An IPP, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it is likely to have limited impacts on Indigenous Peoples. An IPP, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it is not expected to have impacts on Indigenous Peoples. No further action is required.

21. An indigenous people assessment checklist will be prepared. If the results of the preliminary screening show that there are indigenous people households in the proposed subproject area, a social impact assessment (SIA) will be conducted to capture indigenous people issues and development opportunities that exist in the area. A checklist format for screening of indigenous peoples in the sub projects is in Appendix 7.

22. 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 peoples communities, with emphasis on a gender-sensitive approach, and will identify project-affected indigenous peoples, potential impact, and severity of impact with

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

23. ADB's safeguards policy statement for indigenous peoples have special requirements for assessment of project impact on an indigenous peoples 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
 - (a) As indigenous peoples communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will be given to protect such ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system. The need to protect such ties, respecting cultural and spiritual values that indigenous peoples attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of indigenous peoples who are displaced should take priority.
 - (b) If the project requires acquisition of lands that are customarily owned, used, or occupied by indigenous peoples, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower/ client. This will need full recognition of the existing customary land tenure system of the indigenous peoples and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the IPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.
- (ii) Consent of affected tribal communities
 - (a) indigenous peoples may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous peoples, physical displacement of indigenous peoples, and commercial development of natural resources within customary land use. The borrower/ client in such projects will seek the consent of the affected indigenous peoples 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.
 - (b) After receiving community support/consent, the borrower/ client will provide documentation detailing the process and outcomes of consultation with indigenous peoples and indigenous peoples organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts),

and content of formal agreement with the indigenous peoples/ 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
 - (a) If the project involves commercial development of indigenous peoples' cultural resources and knowledge, the borrower/client will ensure that the affected indigenous peoples communities are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on indigenous peoples' livelihood, environment, and use of such resources. The IPP will reflect the nature and content of the agreement and will include arrangements to ensure indigenous peoples receive an equitable share from such commercial development/ the project.
- (iv) Physical displacement of tribal people
 - (a) All possible alternate project designs will be explored to avoid physical displacement of indigenous peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an IPP will be prepared that could be combined with a resettlement plan.

24. The main source of information for SIA will be direct interviews with potentially affected indigenous peoples households, besides separate group meetings with the indigenous peoples communities, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and indigenous peoples groups' recommendations on design of the project components. The project management consultants (PMC) will be responsible for analyzing the SIA data and information collected by the project non-government organization (NGO) and developing an action plan in consultation with the indigenous peoples community leaders. If the SIA indicates significantly adverse impacts, or that the indigenous peoples community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. An IPP will be prepared only when the indigenous peoples community accepts the design of the subproject component, and broad community support has been ascertained.

E. Mitigation Measures and Benefit Sharing

25. 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.

26. Based on the significance and nature of the project impact on the indigenous peoples community, the affected indigenous peoples will be entitled to various compensation packages. Where land acquisition is essential, indigenous peoples are entitled to receive land-for-land compensation for acquired land, if feasible. Their traditional customary right over land use will be protected. Absence of legal title over land will not be a bar to receiving compensation for land or

alternate land. They will be entitled to all types of compensation and assistance as defined in the RF of the project. All compensation and assistances will be paid prior to start of project civil work.

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

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

29. 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 assistance⁵ not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

30. Where land acquisition is essential, indigenous peoples are entitled to receive land-for-land compensation for the acquired land if government land is available. As indigenous peoples, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the resettlement framework of the project. According to the resettlement framework, the indigenous peoples, defined as scheduled tribes, will be treated as vulnerable persons/ groups. The involuntary resettlement entitlement matrix is attached as Appendix 6.

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

F. Project Monitoring

32. 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

⁵ Special assistance is an additional allowance to which indigenous peoples are entitled, other than the decided compensation package. This may include assistance/support to preserve indigenous peoples' cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

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 peoples issues are identified, the executing agency will prepare a corrective action plan to mitigate those and/or update approved IPP. The PIU will implement the corrective action plan and take necessary steps to follow up the effectiveness of those corrective measures. The executing agency will prepare periodic monitoring reports on the progress of IPP implementation, highlighting compliance issues and corrective actions taken, if any. The PIU will submit biannual monitoring reports. The costs of monitoring requirements will be included in project budgets.

G. Outline of Indigenous Peoples Plan

33. 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 Peoples 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 peoples; and identifies project area.
- (iii) Social Impact Assessment—this section:
 - (a) reviews the legal and institutional framework applicable to indigenous peoples in project context;
 - (b) provides baseline information on the demographic, social, cultural, and political characteristics of the affected indigenous peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
 - (c) identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with indigenous peoples at each stage of project preparation and implementation;
 - (d) based on meaningful consultation with the affected indigenous peoples 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 peoples communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
 - (e) 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
 - (f) based on meaningful consultation with the affected indigenous peoples 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 peoples receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation—this section:
 - (a) describes the information disclosure, consultation, and participation process with the affected indigenous peoples communities that was carried out during project preparation;

- (b) 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;
- (c) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected indigenous peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (d) describes consultation and participation mechanisms to be used during implementation to ensure indigenous peoples participation during implementation; and
- (e) confirms disclosure of the draft and final IPP to the affected indigenous peoples communities.
- (v) Beneficial Measures-This section specifies the measures to ensure that the indigenous peoples 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 peoples, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected indigenous peoples group.
- (vii) Capacity Building-This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address indigenous peoples issues in the project area; and (b) indigenous peoples organizations in the project area, to enable them to represent the affected indigenous peoples more effectively.
- (viii) Grievance Redress Mechanism-This section describes the procedures to redress grievances of affected indigenous peoples communities. It also explains how the procedures are accessible to indigenous peoples, 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 peoples 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.

H. Grievance Redress Mechanism

34. A common GRM will be put in place to redress social, environmental or any other project and/or subproject related grievances. The GRM described below has been developed in consultation with stakeholders. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU and concerned PIUs will ensure that their grievances are addressed.

35. Affected persons will have the flexibility of conveying grievances/ suggestions by dropping grievance redress/ suggestion forms in complaints/suggestion boxes or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in Gram Panchayat office or PMU or PIU office. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. The PIU Assistant Safeguard Officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party. The affected persons will also be encouraged to seek a complaint registration number through the PIU.

36. The GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A two-tier grievance redress mechanism is conceived, one, at project level and another, beyond project level. For the project level GRM, a Grievance Redress Cell (GRC) will be established at PIU; the safeguards officers of the Environmental and Social Safeguards Unit (ESSU) PIU, supported by the social safeguards specialist of Design, Supervision, Implementation Consultants (DSISC) will be responsible for conducting periodic community meetings with affected communities to understand their concerns and help them through the process of grievance redressal including translating the complaints into Bengali or English, recording and registering grievances of non-literate affected persons and explaining the process of grievance redress mechanism. All expedient and minor grievances will be resolved at field level; should the PIU fail to resolve any grievance within the stipulated time period, the PMU will be consulted and suggested actions by PMU taken by PIU with DSISC support, within specified time. The PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions). In the event that certain grievances cannot be resolved at project level, they will be referred to the District Steering Committee (DSC), which will also act as GRC, particularly in matters related to land purchase/acquisition, payment of compensation, environmental pollution etc. Any higher than district level inter-departmental coordination or grievance redress required will be referred to the state level steering committee.

37. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances—major or minor, will be registered. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from the PIU supported by DSISC will try to successfully resolve them in consultation with the Member, Panchayat and the Gram Panchayat Pradhan. In any area with the presence of indigenous peoples/scheduled tribes, consultation will be held with indigenous peoples/scheduled tribes community leaders and local NGOs/community-based organizations (CBOs) working with indigenous peoples/scheduled tribes. In case of larger issues, they will seek the advice and assistance of the Superintending Engineer PIU. Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the DSC/GRC.

38. The DSC will be set up to monitor project implementation in each district. In its role as a GRC, the DSC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which the grievance will be addressed by the state-level steering committee. The steering committee will resolve escalated/unresolved grievances received. Grievances remaining unresolved by steering committee may be referred by affected persons to appropriate courts of law. The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound

schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The PMU shall issue notifications to concerned PHE Divisions to establish the respective PIU (and field) level GRCs, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

39. An aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

1. Composition of Grievance Redress Committee and District Steering Committee

40. The DSC, acting as GRC will have District Magistrate (Chairperson), Superintending Engineer, PIU as Member Secretary, Additional Executive Officer, Zilla Parishad, Safeguards and Gender Officer of the Environmental and Social Safeguard Units (ESSU) of the PIU, Institutional Support and Capacity Building Officer, PIU, Block Development Officers from respective blocks, and representatives from the affected village panchayat and / or community, including indigenous peoples community if any, eminent citizens, indigenous peoples community leaders, CBOs and NGOs working with indigenous peoples community. The DSC/GRC must have a minimum of two women members. In case of any indigenous people impacts in future subprojects, the DSC/ GRC must have representation of the affected indigenous people community, including at least one female indigenous person, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups.

41. The steering committee will include Chief Secretary, as chair, Principal Secretary/Additional Chief Secretary, PHED, Principal Secretary, P&RD, Principal Secretary, Finance, Principal Secretary, Irrigation and Waterways Development Department, Principal Secretary, Public Works Department, Engineering in Chief, PHED, Member Secretary, and Others as invitees.

2. Areas of Jurisdiction

42. The areas of jurisdiction of the GRC, headed by the District Magistrate will be (i) all locations or sites within the district where subproject facilities are proposed, or (ii) their areas of influence within the District. The SC will have jurisdictional authority across the state (i.e., areas of influence of subproject facilities beyond district boundaries, if any).

3. Consultation Arrangements

43. This will include regular group meetings and discussions, at least twice during resettlement plan preparation, with affected persons by the social safeguards personnel of DSISC and PIU. During the first year of resettlement plan implementation, such meetings will take place on a quarterly basis, while in subsequent years; these meetings will be held at least twice a year. The consultation arrangement thus envisaged is intended to address both general and/or specific individual grievances through a participatory approach. Besides, the consultative process is meant to be flexible to provide timely mitigation of grievances of the affected persons. The most complex cases will be dealt with through one-to-one consultation with particular affected persons by a host of actors comprising social safeguard specialist of SPSC and safeguard officer (social), ESSU PIU, with the support of safeguards and gender cell (SGC) PMU and with indigenous peoples

community leaders and local NGO and CBOs working with indigenous peoples communities, as and when required. DSISC will be responsible for ensuring that non-literate affected persons and/or vulnerable affected persons are assisted to understand the grievance redress process as well as for encouraging them to register complaints and follow-up with relevant authorities at different stages in the process.

4. Recordkeeping

44. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome will be kept by PIU (with the support of DSISC) and submitted to PMU.

5. Information Dissemination Methods of the Grievance Redress Mechanism

45. The PIU, assisted by DSISC will be responsible for information dissemination to affected persons on grievance redressal procedure. Gram Panchayat/ coverage area/ affected area-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The PIU assistant safeguard officers (environment and social) will be assisted by DSISC safeguards specialists with information/ collateral/ awareness material etc. and in conducting project awareness campaigns.

46. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per agreed entitlement matrix including. who to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redressal of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons.

47. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU and PIU offices, Gram Panchayat/concerned local panchayat notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A Sample Grievance Registration Form is appended to the resettlement framework for WBDWSIP.

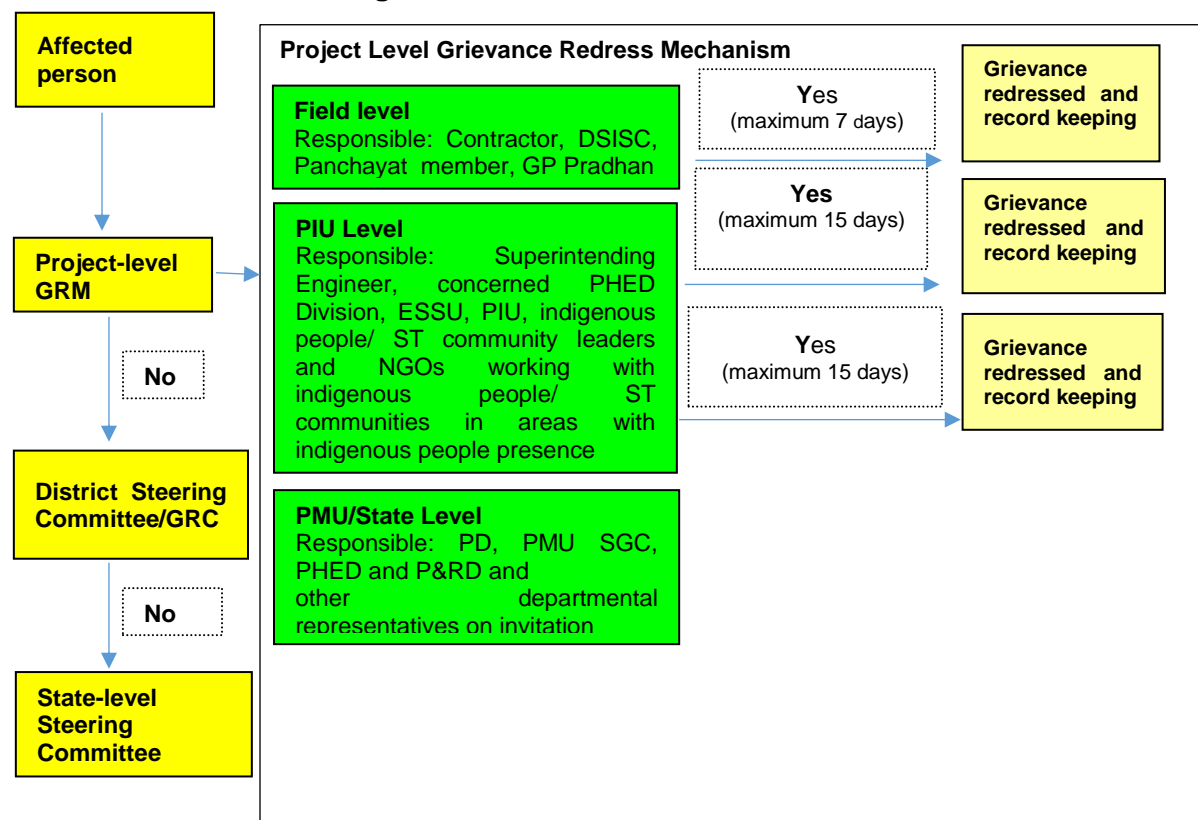
6. Periodic Review and Documentation of Lessons Learned

48. The PMU SGC will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

7. Costs

49. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in Figure 1.

Figure 1: Grievance Redress Mechanism



DSISC=design, supervision and institutional support consultants, ESSU=environmental and social safeguards unit, GP = Gram Panchayat, GRC=grievance redress committee, GRM=grievance redress mechanism, PIU= project implementation unit, PMU =project management unit, PHED=Public Health Engineering Department, SGC=safeguards and gender cell, ST = scheduled tribe.

50. **ADB Accountability Mechanism.** If the established GRM is not able to resolve a grievance, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person make a good faith effort to solve the problem by working with the concerned ADB operations department and/or INRM. Only after doing that, and if they are still dissatisfied, will the Accountability Mechanism consider the complaint eligible for review. 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 project-relevant information to be distributed to the affected communities, as part of the project GRM.

I. Strategy for Indigenous Peoples Participation

51. 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.

52. 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.

53. 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 NGO. The GOWB through the concerned PIU will ensure adequate flow of funds for consultation and facilitation of planned activities within IPP.

54. One project information disclosure (PID) brochure will be prepared, translated into a language understandable to the indigenous peoples, and distributed among them. Appendix 5 provides the template for the PID.

II. INSTITUTIONAL ARRANGEMENTS

55. The Public Health Engineering Department, Government of West Bengal will be the executing and implementing agency for the Project, responsible for management, coordination and execution of all activities funded under the loan. A central PMU in Kolkata attached to PHED will be responsible for implementing the WBDWSIP. The PMU will be supported by PIUs at district level. The PMU will be supported by the PMCs and PIUs will be supported by design, supervision and Institutional support consultants in project management and implementation respectively.

56. A state-level steering committee is constituted to provide policy direction and project oversight. A tender evaluation and recommendation committee is constituted to review and evaluate bids; and a district steering committee is constituted to monitor project implementation and undertake coordination among local agencies, set up monitoring mechanisms and undertake grievance redress activities as required.

57. A safeguard and gender cell (SGC) in the PMU will oversee all safeguards and gender related activities.

- (i) SGC to be headed by Safeguards Officer, an Executive Engineer rank officer (preferably with bachelors or masters in Environmental Engineering); to be provided with training in ADB SPS 2009, social and environmental safeguards. Safeguards Officer to report to PD directly;
- (ii) Safeguards Officer will be supported by an Environmental Engineer (Assistant Engineer rank officer, preferably with degree/diploma in environment), and a Social and Gender Development Officer, preferably with a social science background
- (iii) PMU will be supported by a district level PIUs in design and implementation of the project. Each program districted will be provided with a PIU;
- (iv) Each PIU will have an Environmental and Social Safeguards Unit (ESSU), which will be staffed with two Assistant Safeguards Officers, one environmental and one social (Assistant Engineer rank officers will be designated as ASO) – dedicated or delegated staff;
- (v) Consultancy Support. PMC to assist PMU; and DSISC to support PIUs;
- (vi) PMC team will include an Environment Management Specialist and a Social Safeguards and Gender Specialist; and

- (vii) Each DSISC team will include an Environment Specialist and a Social Safeguards and Gender Safeguard Expert.

58. Environmental and Social Safeguards Tasks: Safeguards and Gender Cell Project Management Unit. SGC PMU will have overall responsibility of implementation of project/program in compliance with ADB Safeguard Policy Statement (2009), country legislations, and the program-specific environmental assessment and review framework (EARF), resettlement framework and IPPF, as agreed between PHED and ADB. The SGC will undertake all safeguard activities—studies, verification, monitoring, reporting, consultation, disclosure, corrective actions, if any, and including review and approval of all documents prior to disclosure and submission to ADB. The detailed tasks include:

- (i) SGC to be headed by Safeguards Officer, an Executive Engineer rank officer (preferably with bachelors or masters in Environmental Engineering); to be provided with training in ADB SPS 2009, social and environmental safeguards. Safeguards Officer to report to PD directly;
- (ii) Safeguards Officer will be supported by an Environmental Engineer (Assistant Engineer rank officer, preferably with degree/diploma in environment), and a Social and Gender Development Officer, preferably with a social science background;
- (iii) PMU will be supported by a district level PIUs in design and implementation of the project. Each program districted will be provided with a PIU;
- (iv) Each PIU will have an Environmental and Social Safeguards Unit (ESSU), which will be staffed with two Assistant Safeguards Officers (ASO), one environmental and one social (Assistant Engineer rank officers will be designated as ASO) – dedicated or delegated staff;
- (v) Consultancy Support: Project Management Consultant (PMC) to assist PMU; and Design, Supervision and Institutional Support Consultants (DSISCs) to support PIUs;
- (vi) PMC team will include an Environment Management Specialist and a Social Safeguards and Gender Specialist;
- (vii) Each DSISC team will include an Environment Specialist and a Social Safeguard a Gender Expert.

59. Social Safeguards Tasks: Project Management Consultant. Assist SGC PMU to achieve compliance with the involuntary resettlement and indigenous peoples safeguards requirements in accordance with ADB Safeguard Policy Statement 2009 and government policy, and as per the agreed entitlement matrix for the Program, and ensuring that the contractors and their sub-contractors design, construct and operate the project facilities in compliance with the same. Detailed tasks of the PMC SMS include, but are not limited to, the following:

- (i) Establish a system to monitor social safeguards and gender outcomes of the Project; including the functioning of the grievance redress mechanism, and prepare indicators for monitoring important parameters of safeguards and gender;
- (ii) Take proactive action to anticipate the gender equality and social inclusion and social safeguards aspects of the Project to avoid delays in implementation;
- (iii) Support PMU to prepare Resettlement Plans, Indigenous Peoples Plans, of subproject water supply schemes that will be appraised during project implementation;
- (iv) Support the PMU in ensuring that the social safeguard and GESI activities are carried out in accordance with the agreed plans and frameworks;
- (v) Support PMU in preparing gender strategy for PHED

- (vi) Ensure that the relevant measures specified in the resettlement plans, Indigenous People Plans and GESI action plan will be incorporated in bidding documents and approved by ADB prior to issuance of invitation for bidding and monitor their compliance on behalf of PMU; and (f) ensure monitoring of social safeguards plans and GESI action plan and address unanticipated impacts, if any; and (g) provide training programs to PMU/PIU staff and contractors involved in the project implementation for strengthening their capacity in managing and monitoring social safeguards and gender.

60. **Social Safeguards Tasks: Safeguards and Gender Officer (Social), Environmental and Social Safeguards Unit and Project Implementation Unit.** The envisaged responsibilities include:

- (i) Coordinate public consultation and information disclosure;
- (ii) Liaise with local offices of regulatory agencies in obtaining clearances /approvals; assist PMU for clearances obtained at state level;
- (iii) Oversee day-to-day implementation of resettlement plans/PPs/GAP by contractors, including compliance with all government rules and regulations;
- (iv) Take necessary action for obtaining rights of way;
- (v) Ensure continuous public consultation and awareness;
- (vi) Coordinate grievance redress process and ensure timely actions by all parties;
- (vii) Review Monthly resettlement plan/PP/GAP Monitoring Reports of Contractor/DSISC;
- (viii) Review and forward quarterly monitoring reports prepared by DSISC to PMU.

61. **Social Safeguards and Gender Tasks: DSISC.** The tasks assigned include:

- (i) Screen and categorize subproject components;
- (ii) Carry out baseline surveys;
- (iii) Ensure the contractors comply with the agreed social safeguards frameworks, resettlement plans, and due diligence reports on social safeguards for the project;
- (iv) Prepare any additional draft resettlement plans, due diligence reports and prepare any new safeguard documents as and when required;
- (v) Assist the PIUs in the implementation of final resettlement plans and GESI action plan;
Prepare periodic safeguard monitoring reports as per the format acceptable to ADB and quarterly GESI action plan updates in format provided in PAM. Collect relevant data on implementation of GESI action plan and design gender-sensitive communication strategy and IEC materials illustrating key social and behavioral messages related to hygiene, sanitation and health jointly with the communication specialist and in accordance with the GESI action plan;
- (vi) Extend assistance to PHED in carrying out awareness campaigns focused on involving women and girls in water management activities in the focus areas and monitor activities of the Project NGOs.

62. **DBO Contractor.**⁶ The DBO Contractor will have a dedicated Social Supervisor, who will hold a Master's degree in social science and would have at least 5 years of experience in resettlement planning and implementation, as well as gender action plan implementation,

⁶ In case of Package WW/N24P/01, the DBO contractor will be responsible for resettlement plan updating and implementation, in close coordination with the PIU and DSISC.

preferably in multi-lateral aided projects. The tasks of the Contractor's Social Supervisor will be to:

- (i) Work in close coordination with the PIU, design engineers and DSISC social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view;
- (ii) Ensure that all design-related measures (e.g. special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons etc.) are integrated into project designs before approval;
- (iii) Conduct joint walk-throughs with PIU, design engineers and DSISC social safeguards personnel in sites/ sections ready for implementation; identify the need for detailed measurement surveys, and conduct detailed measurement surveys to arrive at the final inventory of loss;
- (iv) Update the draft resettlement plan/ IPP and due diligence report and submit to PIU/ PMU and ADB for review and approval;
- (v) Ensure strict adherence to ADB and government policy on social safeguards and the agreed entitlement matrix during implementation;
- (vi) Assist with grievance redressal and ensure recording, reporting and follow-up for resolution of all grievances received;
- (vii) Assist PIU in disclosing relevant information on safeguards (eligibility, entitlements, compensation, cut-off date, processes, timelines, GRM etc.) to beneficiaries and affected persons including the vulnerable; and
- (viii) Submit monthly social safeguard and gender action plan monitoring reports to PIU, with gender-disaggregated data as required for monitoring.

A. Institutional Arrangements for Preparing and Implementing Indigenous Peoples Plans

63. No negative impacts on indigenous peoples are envisaged in the subprojects prepared under WBDWSIP for the identified sites and alignments. If the need for an IPP is established on the basis of preliminary screening and social impact assessment conducted by PMC, the project NGO appointed by PMU will provide assistance in surveys and consultations for IPP preparation as well as IPP implementation and reporting. If an IPP is recommended/ required, the PMC will prepare the IPP in consultation with the designated PIU staff and the NGO. The NGO will support the PMC with data collection on affected indigenous peoples. In all these activities, the District Magistrate's office, will be consulted, and an orientation on a participatory approach will be provided by the responsible officers of the District Magistrate's office.

64. The draft IPP prepared by PMC with support from project NGO in the concerned district will be approved by the PMU, 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, and compliance with ADB Safeguard Policy Statement (2009) and government policy, and send it to ADB for approval. ADB will review and approve the IPP after incorporation of observations, if any, for IPP implementation. After the final approval from ADB, PIU will undertake IPP implementation with the assistance of the NGO.

65. The project NGO appointed for the district will facilitate IPP action plan preparation and implementation. The PMU and PIU supported by the PMC, will monitor IPP implementation periodically. Diagrams in Figures 2 and 3 show the flow of activities for IPP implementation.

Figure 2: Indigenous Peoples Plan Implementation Arrangements

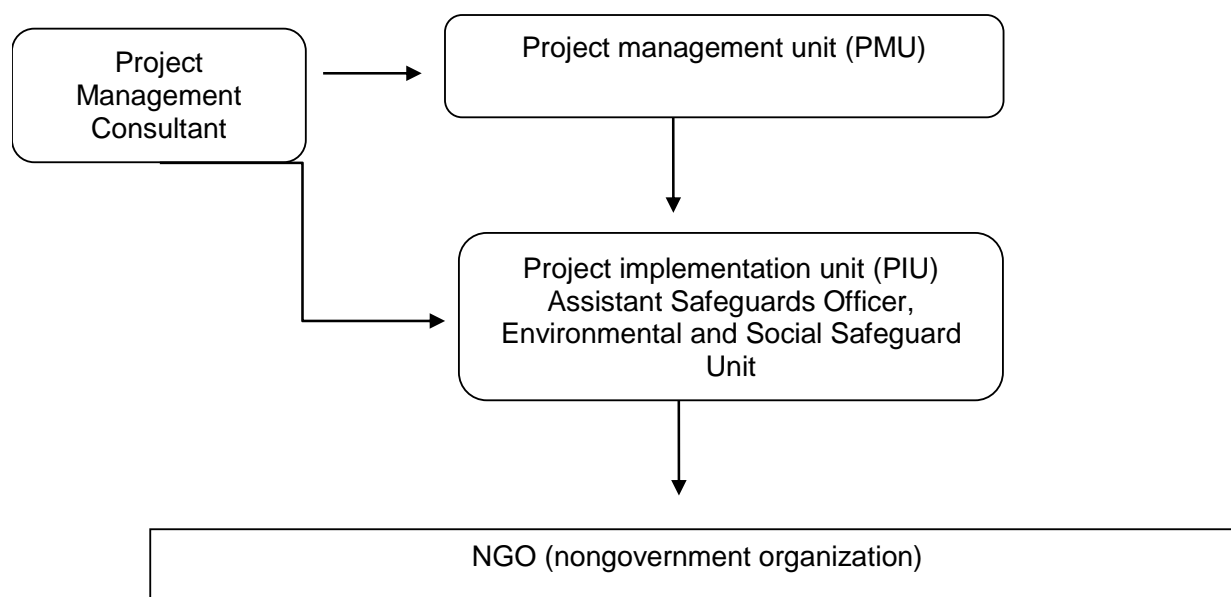
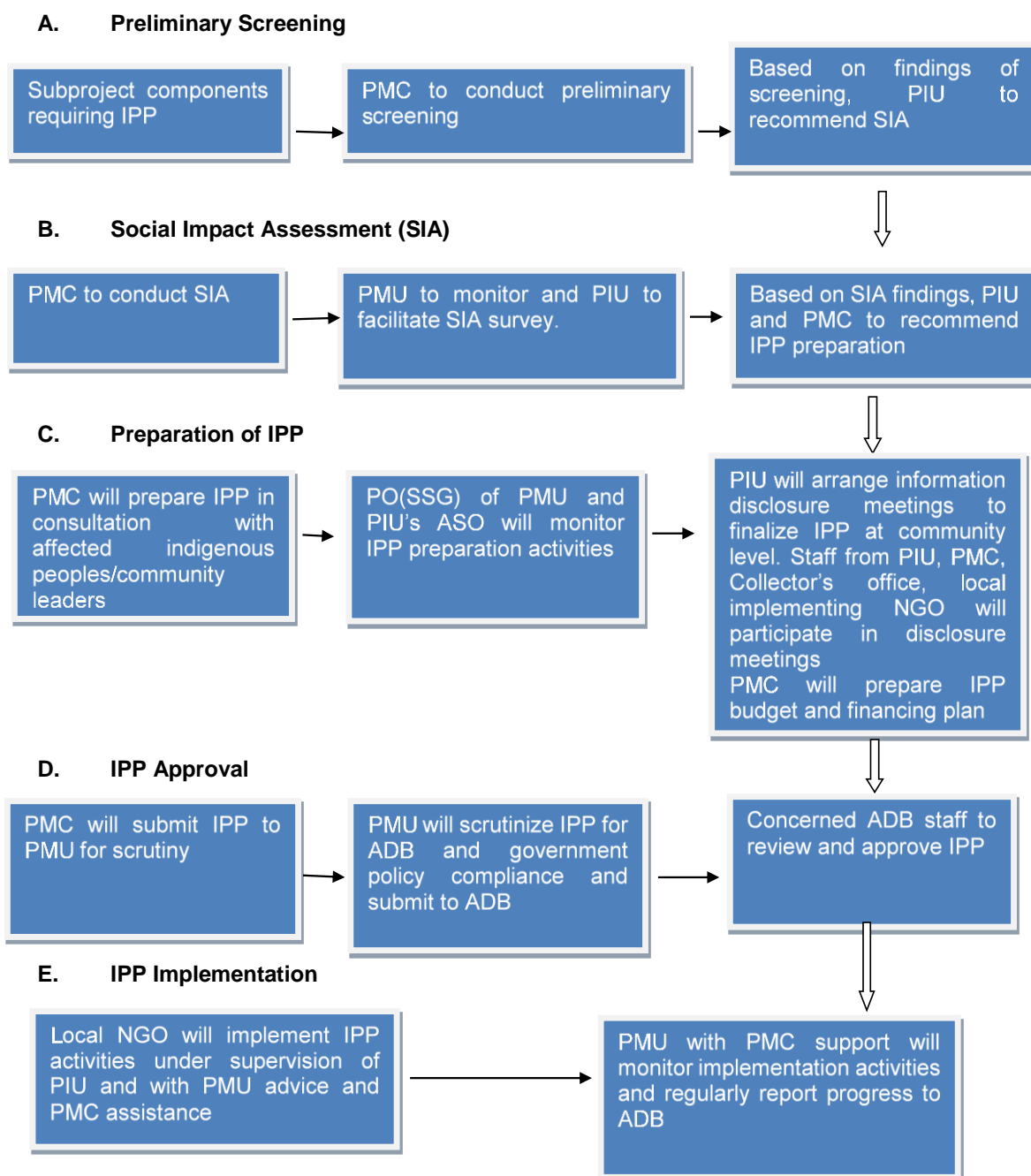


Figure 3: Indigenous Peoples Plan - Flow of Planned Activities

ASO = assistant safeguard officer, IPP = Indigenous Peoples plan, NGO = nongovernment organization, PIU = project implementation unit, PMC = project management consultant, PMU = project management unit, SIA = social impact assessment.

III. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLES PLAN

66. The GOWB 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 PMC. A detailed budget will be prepared by the PIU through the consultant (PMC), 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.

IV. PROGRAM FOR MONITORING AND EVALUATION

67. Monitoring and evaluation (M&E) are significant activities in developmental programs which deal with indigenous peoples 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 peoples 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

68. The SGC PMU, with the help of the PMC, PIU and implementing NGO, 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 peoples, the project will engage qualified and experienced external experts or NGOs to verify monitoring information. The external monitor engaged by the borrower/client (executing agency) will advise on ADB compliance issues. If any significant indigenous peoples issues are found, the borrower/ client will prepare a corrective action plan or prepare an updated IPP. 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 SGC PMU 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.

69. Projects with indigenous peoples 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 peoples families at pre- and post-project levels;
- (v) degree and frequency of participation of indigenous peoples 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 peoples community; and
- (ix) improvement in socioeconomic status of the affected indigenous families.

70. The WBDWSIP does not envisage any significant negative impact on indigenous peoples. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the investment program.

B. Reporting

71. The semiannual safeguards monitoring report prepared by the PIUs should include the implementation of the IPP or specific action plan of the identified indigenous peoples in a DDR. 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.

72. 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.

LIST OF NOTIFIED SCHEDULED TRIBES IN WEST BENGAL, 2011

State/District	Total/ Rural	Scheduled Tribes Population	Total Population	Scheduled Tribes Population
				(%)
WEST BENGAL	Total	5,296,953	91,347,736	5.8
WEST BENGAL	Rural	4,855,115	62,183,113	7.8
Darjiling	Total	397,389	1,330,110	29.9
Darjiling	Rural	319,069	1,118,860	28.5
Jalpaiguri	Total	731,704	3,411,618	21.4
Jalpaiguri	Rural	690,312	2,812,495	24.5
Koch Bihar	Total	18,125	2,636,608	0.7
Koch Bihar	Rural	16,872	2,529,652	0.7
Uttar Dinajpur	Total	162,816	2,678,722	6.1
Uttar Dinajpur	Rural	158,377	2,644,906	6
Dakshin Dinajpur	Total	275,366	1,468,643	18.7
Dakshin Dinajpur	Rural	267,913	1,439,981	18.6
Maldah	Total	313,984	3,699,312	8.5
Maldah	Rural	307,625	3,447,185	8.9
Murshidabad	Total	91,035	6,544,067	1.4
Murshidabad	Rural	86,004	5,703,115	1.5
Birbhum	Total	242,484	3,172,321	7.6
Birbhum	Rural	232,666	3,052,956	7.6
Bardhaman	Total	489,447	5,444,765	9
Bardhaman	Rural	379,262	4,639,264	8.2
Nadia	Total	140,700	4,336,541	3.2
Nadia	Rural	120,300	3,728,727	3.2
North Twenty-Four Parganas	Total	264,597	5,019,553	5.3
North Twenty-Four Parganas	Rural	196,920	4,277,619	4.6
Hugli	Total	229,243	4,003,465	5.7
Hugli	Rural	211,620	3,390,646	6.2
Bankura	Total	368,690	3,362,420	11
Bankura	Rural	365,380	3,296,901	11.1
Puruliya	Total	540,652	2,763,943	19.6
Puruliya	Rural	531,822	2,556,801	20.8
Haora	Total	15,094	3,257,341	0.5
Haora	Rural	4,025	1,775,885	0.2
Kolkata	Total	10,684	4,496,694	0.2
Kolkata	Rural	0	0	
South Twenty-Four Parganas	Total	96,976	7,054,540	1.4
South Twenty-Four Parganas	Rural	89,889	6,074,188	1.5
Paschim Medinipur	Total	880,015	5,348,544	16.5
Paschim Medinipur	Rural	853,031	5,190,771	16.4
Purba Medinipur	Total	27,952	4,649,436	0.6
Purba Medinipur	Rural	24,028	4,503,161	0.5

Source: Census 2011.

LIST OF SCHEDULED TRIBES IN WEST BENGAL¹

1	Asur
2	Baiga
3	Bedia, Bediya
4	Bhumij
5	Bhutia, Sherpa, Toto, Dukpa, Kagatay, Tibetan, Yolmo
6	Birhor
7	Birji
8	Chakma
9	Chero
10	Chik Baraik
11	Garo
12	Gond
13	Gorait
14	Hajang
15	Ho
16	Karmali
17	Kharwar
18	Khond
19	Kisan
20	Kora
21	Korwa
22	Lepcha
23	Lodha, Kheria, Kharia
24	Lohara, Lohra
25	Magh
26	Mahali
27	Mahli
28	Mal Pahariya
29	Mech
30	Mru
31	Munda
32	Nagesia
33	Oraon
34	Parhaiya
35	Rabha
36	Santal
37	Sauria Paharia
38	Savar
39	Limbu (Subba)
40	Tamang

Source: Census 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/indigenous peoples DDR.

Note: The Constitution of India Sixth Schedule [Articles 244(2) and 275(1)] has “Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura, Mizoram and **the areas under the Gorkha Hill Council, Darjeeling in the State of West Bengal.**” It provides that the Gorkha Hill Council, Darjeeling in the State of West Bengal shall consist of not more than thirty-three members, of whom twenty-eight shall be elected on the basis of adult suffrage out of whom ten shall be reserved for the Scheduled Tribes, fifteen for non-Tribal communities, three open for all communities and the remaining five, of which at least two shall be women, having same rights including voting rights and privileges as other members, to be nominated by the Governor from amongst the unrepresented communities of the areas under the Council. Provides also that the District Council constituted for the hill areas of Darjeeling District in the State of West Bengal shall be called the Gorkha Hill Council, Darjeeling and it shall comprise of such areas including all the mouzas under Darjeeling, Kurseong and Kalimpong Sub-divisions of Darjeeling District, eighteen mouzas of Siliguri Sub-division, which shall be transferred to Kurseong Sub-division, as may be notified in the Official Gazette by the Government of West Bengal. It also provides for additional powers to the Gorkha Hill Council to make laws.

Source: *Source:* Census 2011; and Sixth Schedule, Constitution of India

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

	Activities	Project Implementation Unit	Project Management Unit	Project Management Consultant	Non-government Organizations	ADB	Others/ Indigenous Peoples Community
1	Finalization of sites/alignment for subprojects	To identify and finalize sites/alignments for subprojects	Will appoint PMC for design, implementation and (internal) monitoring of subprojects.	PMC will provide technical help to PIU in finalizing sites/alignments		-	-
	Assessment of alternatives: sites/alignments and technological options, as applicable, to minimize indigenous peoples impacts			PMC engineering and social safeguard specialists to work together for assessment of alternatives,	NGO will provide inputs to select alternatives with maximum benefits to indigenous peoples HHs and minimum adverse impacts.		
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	-	-	Consultations and identification of indigenous peoples pockets/households	-	Active participation of indigenous peoples 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 PMC support)	-	PMC to assist in preparation of screening report	Inputs for screening report	-	-

	Activities	Project Implementation Unit	Project Management Unit	Project Management Consultant	Non-government Organizations	ADB	Others/ Indigenous Peoples Community
	SIA recommendation	-	Based on screening report and in accordance with ADB policy, PMU will recommend SIA	PMC to assist PMU in decision-making	-Assessment of potential indigenous peoples impacts if any; recommendations for inclusion of indigenous peoples in project benefits and minimization of adverse impacts.	-	-
	Recommendation whether broad community consent triggered		PMU, with the advice of PMC, will recommend whether broad community consent triggered		NGO to provide inputs.		
3	SIA preparation i) Collection and analysis of required socioeconomic data on indigenous peoples and other vulnerable groups in project areas, if any	Designated staff of PIU will monitor SIA study/ analysis	-	PMC will conduct SIA	-NGO will support PMC in SIA preparation.	-	Active participation of indigenous peoples community and their leaders will be solicited/facilitated
	ii) Preparation of SIA	-	-	PMC to prepare report and submit to PMU	- NGO will support PMC with field data for SIA preparation.	-	-
	iii) Recommendation for IPP preparation	-	Based on SIA report and in agreement with ADB policy, PMU will recommend preparation of IPP	-	-	-	-

	Activities	Project Implementati on Unit	Project Manageme nt Unit	Project Managemen t Consultant	Non- government Organizations	ADB	Others/ Indigenous Peoples Community
4	Meaningful consultations with indigenous peoples population including subgroups within indigenous peoples, women and other vulnerable sections: recording issues and concerns	PIU with the support of PMC to conduct meaningful consultations and document the issues, concerns and needs of indigenous peoples community		PMC and PIU to conduct of meaningful consultations with indigenous peoples community and documentati on 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	-	PMC will prepare IPP in consultation with affected indigenous peoples/ community leaders	- NGO will support PMC with field data for IPP preparation.	-	Affected indigenous peoples/ indigenous peoples community leaders, CBOs will be actively engaged in preparing IPP activities, mitigation measures of adverse impact, and development of action plan
	Establishing broad community consent, if required	PIU to establish broad community consent through consultations with indigenous peoples community members, with the support of PMC		PMC and PIU to document surveys and consultations undertaken to establish broad community consent			Affected indigenous peoples/ indigenous peoples community members to be engaged in consultation meetings and proposed impact minimization measures, benefits and mitigation measures under the project to be clearly explained

	Activities	Project Implementati on Unit	Project Manageme nt Unit	Project Managemen t Consultant	Non-government Organizations	ADB	Others/ Indigenous Peoples Community
	Disclosure of IPP	Designated staff will participate in disclosure meetings to finalize IPP at community level	PMU staff will participate in information disclosure meetings to finalize IPP	PMC will conduct IPP information and disclosure meetings and clarify any points/measures	Project NGO will ensure participation of local civil society organizations to attend disclosure meeting	-	Affected indigenous peoples/indigenous peoples 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	-	PMC will prepare IPP budget and financing plan	-	-	-
	IPP approval from 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 indigenous peoples and having staff with knowledge of indigenous peoples languages/dialects will be preferred.	PMU will monitor IPP implementation periodically	-	NGO will carry out IPP activities under supervision of PMU/PMC.	-	

	Activities	Project Implementati on Unit	Project Manageme nt Unit	Project Managemen t Consultant	Non- government Organizations	ADB	Others/ Indigenous Peoples Community
	Appointment of external monitor for IPP implementatio n		PMU will appoint external monitor/age ncy to independent ly monitor and supervise IPP implementat ion and prepare/sub mit semiannual reports to PMU/ADB				

ADB = Asian Development Bank, CBO = community-based organization, IPP = indigenous peoples plan, NGO = nongovernment organization, PIU = project implementation unit, PMC = project management consultant, PMU = project management unit.

SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR INDIGENOUS PEOPLES PLAN

1. The following structure of Information Disclosure leaflet on indigenous peoples plan (IPP) is recommended to be prepared in the local language by PMC:

A. Background

2. The proposed West Bengal Drinking Water Sector Improvement Project (WBDWSIP or the Project) aims to provide safe, reliable and continuous drinking water as per Government of India's standard to about 6 million people in the arsenic-, fluoride-, and salinity-affected selected areas of North 24 Parganas, South 24 Parganas, East Medinipur and Bankura districts in accordance with the Vision 2020 of GOWB and Government of India Strategy for Drinking Water Supply. The Project will ensure drinking water security through 24/7 piped water supply schemes in the areas covered. The Project will have the following key outputs: Output 1: Climate resilient drinking water infrastructure constructed; and Output 2: Institutions and capacity of stakeholders for drinking water service delivery strengthened.

B. Policy and Principles: Indigenous Peoples Planning Framework (IPPF)

3. The IPPF for WBDWSIP 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 (indigenous peoples). 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 addresses the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development.

C. Subproject components

4. Specific and brief description of subproject (that is assessed to have indigenous peoples impacts)

D. Indigenous Peoples Impacts

5. Brief summary of indigenous peoples impacts assessed as a result of the subproject.

E. Indigenous peoples plan (IPP)

6. An IPP is prepared to safeguard potential impacts of proposed subproject components to indigenous peoples. 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/ tribes as a distinct community through a process of sustainable development. This IPP includes the following measures for indigenous peoples living in proposed subproject areas, to be accomplished by the project team (the PMU/PIU of WBDWSIP): (a) beneficial measures include xxx; 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 indigenous peoples communities in proposed subproject affected areas.

F. Entitlements and Compensation

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

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

G. Institutional arrangements

8. The Public Health Engineering Department (PHED), West Bengal has overall responsibility for implementing this IPP. For the WBDWSIP, a project management unit (PMU) will be created under PHED Kolkata, supported by PHED project implementation units (PIU) at the district level. The PMU will be supported by project management consultants (PMC) and the PIUs by design, supervision and institutional support consultants (DSISCs) and district level project NGOs in planning and implementation of the project. In case of design-build-operate (DBO) contract packages like WW/N24P/01 subproject package, the contractor is envisaged to have a Social Supervisor, who will be responsible for joint inspections with design engineers, PIUs and NGOs, detailed measurement surveys (DMS). The PMC will prepare IPP based on socioeconomic surveys and consultations by the concerned NGO and the detailed measurement surveys undertaken by the contractor. The NGO in consultation with PIU and contractor will be responsible for finalization of inventory of losses, updating and implementation of IPP and reporting on its implementation.

H. Grievance Redress Mechanism

9. A two-tier grievance redress mechanism is conceived, one, at project level and another, beyond project level. For the project level GRM, a Grievance Redress Cell will be established at PIU level. Grievances of affected persons will first be resolved at field level by the contractor, DSISC supervision personnel and field staff of PIU in consultation with the concerned panchayat member and Gram Panchayat Pradhan. In all areas where indigenous peoples groups are present or affected, consultations with indigenous peoples community representatives and local NGOs/CBOs working with indigenous peoples will be required. Grievances not redressed at field level will be escalated to the PIU level Grievance Redress Cell headed by the Superintending Engineer in charge of the PIU, who will be assisted by the Assistant Safeguards Officers of the Environmental and Social Safeguards Unit of the PIU. Any grievance that remains unresolved by the PIU, will be escalated to the WBDWSIP PMU, headed by the Project Director, who will be assisted by the Environment and Social Cell in the PMU. In the event that certain grievances cannot be resolved at project level, they will be referred to the District Steering Committee, which will also act as Grievance Redress Committee, particularly in matters related to land purchase/acquisition, payment of compensation, environmental pollution etc.

10. The GRC will determine the merit of each grievance, and resolve grievances. The DSISC will assist the ASOs at ESSU PIU to keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The assistant safeguards officer (social) of PIU ESSU will be the focal person for facilitating the grievance redress. The GRM will continue to function throughout the project duration.

Contact details

Organization	Name	Position	Phone Number	Email Id
Contractor: Social Supervisor				
DSISC Staff				
SO, SGC PMU				
ASO (Social), ESSU PIU				
GR Hotline				

ENTITLEMENT MATRIX

The entitlement matrix prepared for the resettlement framework for West Bengal Drinking Water Sector Improvement Project has specific provisions for scheduled tribe or vulnerable affected persons and will be followed in the indigenous peoples planning framework as well.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
1	Loss of private land	Homestead or mixed use land or vacant plot	Titleholders	<ol style="list-style-type: none"> 1. Compensation at replacement value/market value as specified in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA) or land-for-land where feasible; 2. Solatium to be paid at 100% of the compensation amount; 3. If the residual plot(s) is (are) not viable, any of the following two options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for affected plants and trees will be provided at market value. (refer to #6 of the Matrix)^c 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the project implementation unit (PIU)/design, supervision and institutional support consultants (DSISCs) 	<p>The market value/replacement value will be confirmed by the concerned District Magistrate. The safeguards and gender cell (SGC) in the project management unit (PMU) will verify the affected households (AH) and determine the appropriate assistance as per this matrix</p>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				<p>6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency.</p> <p>7. One-time shifting assistance based on resettlement allowance of ₹50,000.</p> <p>8. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p>		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants/Lease holders/Sharecroppers (with or without written lease or tenancy agreement)	<ol style="list-style-type: none"> 1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of ₹50,000. 4. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to acquisition will be accommodated to the extent possible. • Work schedule will avoid harvest season. 	PIU/DSISC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease,

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				5. One-time financial assistance ₹50,000 as transportation cost for shifting.		and report to PMU/SGC.
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Encroachers	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. Additional assistance for vulnerable households (refer to #7 in this matrix). 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by PIU/DSISC as part of the final resettlement plan preparation 	PMU/SGC will ensure provision of notice. SGC will verify vulnerable households.
1-c		Homestead or mixed use land or vacant plot	Squatters	<ol style="list-style-type: none"> 1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from demolished structure at no cost. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix). 	<ul style="list-style-type: none"> • Squatters will be identified during the census conducted by PIU/DSISC as part of the final RP preparation 	PMU/SGC will ensure provision of notice. SGC will verify vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder/Le gal User	<ol style="list-style-type: none"> 1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. One time resettlement allowance of ₹50,000. 4. Choice of annuity or employment as 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSISC as part of the final RP preparation. 	PMU will ensure interdepartmental coordination. SGC will verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				<p>referred in #5 of the Matrix.</p> <p>5. All affected families will receive compensation for: (i) damage to land/ quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹3000 per month for a period of one year from the date of award.</p> <p>7. One-time financial assistance of ₹50,000 as transportation cost for shifting</p> <p>8. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>		
2-a	Loss of Government land	Vacant plot, ROW of road	Encroachers	<p>1. Encroachers will be notified and given 60 days advance notice to remove their assets.</p> <p>2. Compensation at replacement cost for any investment made to the land;</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix). 	PMU/ SGC will ensure provision of notice. PIU/ DSISC will identify and PMU/ SGC will verify

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
						vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<ol style="list-style-type: none"> 1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. A lump sum shifting assistance of ₹10,000 will be provided. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	PMU/SGC will ensure provision of notice. PIU/ DSISC will identify and SGC will verify vulnerable households.
3	Loss of residential structure	Residential structure and other assets ^d	Legal Titleholder of affected structure/ those without homestead land ^d	<ol style="list-style-type: none"> 1. If a house is lost in rural area a constructed house shall be provided as per the Indira Awas Yojana specifications or equivalent cost of the house. 2. In urban areas, a constructed house shall be provided, which will be not less than 50 square meters in plinth area OR a one-time financial assistance for house construction, which shall not be less than ₹150,000. 3. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation; 4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section. 5. One-time financial assistance of ₹50,000 as shifting allowance; 6. A monthly subsistence allowance equivalent to ₹3000.00 per month for 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC. 	The concerned District Magistrate will confirm the market value / replacement value ^e PMU/ SGC will verify the extent of impacts identified by PIU/ DSISC, determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				<p>a period of one year from the date of award will be provided</p> <p>7. Right to salvage material from the demolished structure at no cost;</p> <p>8. If relocation required, rental assistance at ₹5000 per month till alternative house is ready;</p> <p>9. Each affected family shall be given a one-time Resettlement Allowance of ₹50, 000 only.</p> <p>10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.</p>		
3-a	Loss of residential structure		Tenants and leaseholders	<p>1. Rental assistance at ₹5,000 per month for 3 months.</p> <p>2. One-time financial assistance of ₹50,000 as shifting allowance.</p> <p>3. A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided</p> <p>4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</p> <p>5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and</p> <p>6. Right to salvage material from demolished structure, erected by tenants.</p> <p>7. Additional compensation for vulnerable households (item # 7)</p>	<ul style="list-style-type: none"> Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC. Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional compensation for vulnerable squatter households (item # 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ SPMSC. 	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.
4	Loss of commercial/other structure	Commercial structure and other assets	Legal titleholders	<ol style="list-style-type: none"> 1. The replacement value of the structure without depreciation, subject to a minimum of ₹25,000; 2. One-time Resettlement Allowance of ₹50,000. a) A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided. 3. Right to salvage material from the demolished structure at no cost; 4. One-time financial assistance of ₹50,000 as transportation allowance. 5. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 6. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 7. Additional compensation for vulnerable households (item # 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC. 	The market value/replacement value will be confirmed by the concerned District Magistrate. PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
4-a	Loss of commercial/other structure	Commercial structure and other assets	Tenants and leaseholders	<ol style="list-style-type: none"> 1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of ₹50,000 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.
4-b	Loss of commercial/other structure		Encroachers and squatters	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting and transitional assistance of ₹10,000 will be provided 5. Additional compensation for vulnerable squatter households (item 	Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC.	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
5	Loss of livelihood	Livelihood	Owner/tenants/leaseholders/sharecroppers (with or without written tenancy or lease agreement)	<p># 7).</p> <ol style="list-style-type: none"> Choice of annuity or employment – the following options are to be provided: <ol style="list-style-type: none"> where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or onetime payment of ₹5,00,000 per affected family; or annuity policies that shall pay not less than ₹2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Laborers. Preference for employment opportunity for affected persons in the project construction work, if so desired by them. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000^f per family. This cost would be directly paid by the project to the training institute or purchase of income generating assets up to ₹40,000.^g 	Vulnerable households will be identified during the census survey of affected households conducted by the PIU/DSISC.	PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
5-a	Loss of livelihood		Titleholders/ tenants/ leaseholders losing income through business	<ol style="list-style-type: none"> 1. One time grant of a minimum of ₹25,000^h for self-employed persons, artisans, small traders etc. 2. Choice of annuity or employment – the following options are to be provided: <ol style="list-style-type: none"> d) (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹500,000 per affected family; or (c) annuity policies that shall pay not less than ₹2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Laborers. 	Vulnerable households will be identified and provided assistance as required	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.
5-b	Loss of livelihood		Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)	<ol style="list-style-type: none"> 1. One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000ⁱ per affected person. 2. Preference for employment opportunity for affected persons in the project construction work, if so desired by them. 	Vulnerable households will be identified and provided assistance as required	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
6	Loss of trees	Standing trees	Legal titleholder, Leaseholder	<ol style="list-style-type: none"> 1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For fruit trees 6 months' notice is to be given. 2. Compensation for trees at prevalent market ratesⁱ to be calculated as annual net product value multiplied by number of productive years remaining. 3. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 4. Compensation at market value of timber in case of timber-bearing trees. 5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years^k 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees has to be determined. • Vulnerable households will be identified and provided assistance as required 	PMU/ SGC will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/ Forest Department and in consultation with affected persons
6-a	Loss of trees		Encroachers/ squatters	<ol style="list-style-type: none"> 1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees. 2. In case of trees planted by non-titleholders, compensation will be given 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees/crops has to be determined. • Vulnerable households will be identified and provided assistance as required 	

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
7	Impacts on vulnerable affected persons	All permanent impacts	Vulnerable Affected Persons ¹	<ol style="list-style-type: none"> 1. Additional one-time lump sum assistance of ₹36,000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework. 2. Vulnerable households will be given priority in employment in the project construction activities. 3. All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of Rs50, 000 per the provisions of the RFCTLARRA. 4. Provision for skill training for displaced vulnerable persons 5. including assistance for purchase of income generating assets and initial capital of ₹40,000/- 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey of affected households conducted by the PIU/ DSISC. • If land-for-land is offered, ownership in the name of original landowner(s). 	PMU/ SGC will verify the extent of impacts determine assistance, verify vulnerable households.
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	<ol style="list-style-type: none"> 1. Compensation for loss of trees at current market value. 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. 4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement value 6. Restoration of land to its previous or better quality. 	<ul style="list-style-type: none"> • PIU/ DSISC will identify and include details in the resettlement plan • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site. 	The rental value and duration of lost income will be determined through survey and consultation with affected persons. A photograph of the status prior to occupation to be made by the PIU. PMU/ SGC, PIU/ DSISC will ensure that the

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
						compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor after consent of PIU/ DSISC.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	<ol style="list-style-type: none"> 1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement value without depreciation 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 6. Subsistence/relocation allowance at ₹3,000 per month for 3 months, if temporarily displaced for more than 1 month. 	<ul style="list-style-type: none"> • PIU/ DSISC will identify and include details in the resettlement plan • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site. 	PMU/ SGC will verify assistance and monitoring.
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, employees, hawkers or vendors.	<ol style="list-style-type: none"> 1. 30 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the net income from the affected business or minimum wage for the loss of income/livelihood for the period of disruption, whichever is more. 3. For construction activities involving 	<ul style="list-style-type: none"> • During construction, the PIU/ DSISC will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. • PIU/ DSISC will ensure civil works will be phased to minimize disruption through 	PIU/DSISC in coordination with Contractors will identify alternative locations

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on the net income of the affected business or minimum wage rate for the affected households up to 3 month or the actual period of disruption whichever is more.	construction scheduling in co-ordination with the contractors	
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies ^m	<ol style="list-style-type: none"> 1. The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. 2. Compensation for trees as per the market rate. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. 6. Enhancement of community resourcesⁿ 	PIU/ DSISC will ensure compensation and other entitlements are implemented in co-ordination with the contractors	PMU/DSISC and Contractor.
11	Any other loss not identified	-	-	1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this resettlement framework and the Right to Fair Compensation and Transparency in Land Acquisition	-	The PIU/ DSISC will ascertain the nature and extent of such loss. The SGC will finalize the entitlements in line with the ADB

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues ^a	Responsible Agency ^b
				Rehabilitation and Resettlement Act (RFCTLARRA) 2013 2. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB Involuntary Resettlement Policy.		Safeguard Policy Statement.

Notes:

^a For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks.

^b For DBO contracts, the DBO contractor carries out design responsibilities.

^c To be valued by persons experienced in the field of agriculture, horticulture forestry, etc. as necessary.

^d Who have been residing in the area continuously for a period of not less than three years preceding the date of notification.

^e The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, Government of India or additional cash assistance. The cost for training/ additional cash assistance will be calculated based on prevailing minimum wage rates for semi-skilled labor for 26 working days a month for three months.

^f The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, Government of India or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor for 26 working days a month for three months.

^g This is an estimate. The income generating asset will be skill related. However, the assets will be decided on a case to case basis.

^h Based on the RFCTLARRA.

ⁱ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36, 000 for a year. In this case 50% of given amount is provided for non-titleholders.

^j Valued by an experienced person in the field of horticulture/forestry etc.

^k To be valued by persons experienced in the field of horticulture forestry etc. as necessary.

^l Vulnerable households comprise below poverty line households, including female-headed households, disabled person-headed household, elderly-headed household, household with no tenure security, and schedule castes and scheduled tribe households.

^m For example, schools, health centers and integrated child development scheme centers.

ⁿ For example, provision of water connections, toilets and/or play areas with appropriate facilities.

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?				
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				

KEY CONCERNS (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
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, executing agency/ safeguard team confirms that the proposed subsection/ section/subproject/component (tick as appropriate):

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

Prepared by:	Verified by:
Signature:	Signature:
Name:	Name:
Position:	Position: