

# Indigenous Peoples Planning Framework

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Project Number: 42486-016  
August 2016

## IND: Madhya Pradesh Urban Services Improvement Project

Prepared by the Government of Madhya Pradesh for the Asian Development Bank.

This Indigenous Peoples Planning Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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## ABBREVIATIONS

ADB	–	Asian Development Bank
BPL	–	below poverty line
EA	–	executing agency
EMP	–	Environmental Management Plan
GOI	–	Government of India
GOMP	–	Government of Madhya Pradesh
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
HA	–	hectares
IA	–	implementing agency
INR	–	Indian rupee
IPP	–	Indigenous People's Plan
IP	–	indigenous peoples
IR	–	involuntary resettlement
LA	–	land acquisition
MPUDC	:	Madhya Pradesh Urban Development Company Limited
MPIIF	:	Madhya Pradesh Urban Infrastructure Fund
MPUSIP	:	Madhya Pradesh Urban Services Improvement Project
PIU	–	project implementation unit
PMC	–	project management consultants
PMU	–	Project management unit
PO (SSG)	–	Project Officer (Social Safeguard and Gender)
NGO	–	non-government organization
RF	–	resettlement framework
RP	–	resettlement plan
SPS	–	safeguard policy statement
UADD	-	Urban Administration and Development Directorate
UDHD	-	Urban Development and Housing Department
ULB	-	urban local body
WTP	-	water treatment plant

## WEIGHTS AND MEASURES

Cum	–	cubic meter
Km	–	Kilometer
mm	–	Millimeter
MCM	–	micrograms per cubic meter

## NOTES

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

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## I. PROJECT BACKGROUND

### A. Overview

1. Government of Madhya Pradesh (GoMP) with a sector project loan funding from Asian Development Bank (ADB) has proposed to implement Madhya Pradesh Urban Services Improvement Project (MPUSIP), herein after referred as 'the Project'. Madhya Pradesh Urban Development Company Limited (MPUDC) shall be the Implementing Agency (IA) and the State Urban Development and Housing Department (UDHD) shall be the executing agency for the Project. A project management unit (PMU) created under MPUDC is implementing MPUSIP.

2. MPUSIP's physical components include (a) improvements to water in 64 project towns; and (b) sewage and storm water collection and treatment services proposed in two (2) identified towns (Khajuraho, and Rajnagar).<sup>1</sup> The project also includes an institutional strengthening component and a project management and administrative support component.

3. This Indigenous Peoples Planning Framework (IPPF) for MPUSIP outlines the objectives, policy principles and procedures for compensation and other assistance measures for tribal people who may be displaced/ affected due to project implementation. A detailed description of each compensation measure and assistance is provided in the entitlement matrix.

4. In the course of initial social assessment for 9 packages, no indigenous/ tribal people were found to be affected by the proposed subprojects and their components. No IP/ tribal families were residing within or on the proposed sites/alignments.<sup>2</sup> Tribal people residing in the project areas have been assimilated over a period of several decades with the mainstream community and speak the mainstream language, but in general, remain economically backward. The envisaged impacts to IP living in the subproject areas is the provision of reliable water supply to IP households and wards in MPUSIP towns. Specific requirement to include the IP communities as subproject beneficiaries is included in the civil work contract. This will be ensured and monitored by PMU/PIU safeguard officer and ULB staff.

### B. Scope of Indigenous Peoples Planning Framework (IPPF)

5. The selection of the MPUSIP subprojects mentioned in Table 1 above was made under a sector project loan. Although all sites for facility locations for sample subprojects are fully known, some of the final facility locations and final alignments for water supply transmission lines and impacts will be confirmed after requisite permissions from entities like Archeological Survey of India, Cement Corporation of India, Water Resources Department and Revenue Department, Government of Madhya Pradesh are received. Besides, MPUSIP envisages benefits to indigenous peoples in terms of house connections to all and priority for local scheduled tribe people in project related construction and operation and maintenance work. Therefore, an indigenous peoples planning framework (IPPF) has been developed to manage

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<sup>1</sup> The total population in the 64 project towns is 1544971 as per Census 2011, of which 96020 (6.2%) belong to scheduled tribes A9Appendix 1). Of the nine priority packages, only one package (7B) consisting of towns Jaithri, Khand and Chandia fall under 'scheduled area'.

<sup>2</sup> Scheduled tribe areas are defined as exclusive tribal areas that require special consideration for development of the indigenous/tribal people (IP). The criteria followed for declaring an area as scheduled area are: a) preponderance of tribal population; b) compactness and reasonable size of the area; c) underdeveloped nature of the area; and d) marked disparity in economic standard of the people. In August 1976, it was decided to make the boundaries of the scheduled areas co-terminus with the tribal sub-plan areas. Source: Ministry of Tribal Affairs, Government of India.

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

6. The term IP is understood to be co-terminus with the communities defined by the Constitution of India as scheduled tribe<sup>3</sup>. In official parlance, neither the state nor union government has a category called indigenous people in its policies. By a constitutional provision, the Government of India provides a definition of scheduled tribes (ST). This indigenous peoples planning framework prepared for MPUSIP considers scheduled tribes (ST) as defined by the Indian Constitution as indigenous peoples (IP). According to the Census of India 2011, 104.28 million or 8.61 percent of India's population is classified as ST. In comparison with the national figure, Madhya Pradesh has 21.1 percent of its population classified as ST, which comprises 14.7 percent of the total ST population in the country, the highest among Indian states.<sup>4</sup> In Madhya Pradesh, there are 46 tribal communities. **Appendix 1** provides details of district-wise scheduled tribe population in Madhya Pradesh, as well as project town wise tribal population. **Appendix 2** provides the list of tribal communities in the state of Madhya Pradesh as per Ministry of Tribal Affairs, Government of India. The tribal population of Madhya Pradesh increased to 15,316,784 in 2011 from 12,233,474 in 2001. The decadal growth rate of tribal population during this period is 25.20 percent. Of the 75 primitive tribal groups (PTG) identified in the country, 3 PTGs (Bharia, Baiga and Saharia) are found in Madhya Pradesh.

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

8. To ensure application of ADB's Indigenous People Policy within the context and Constitution of India this framework will use the tribal people (IP) that consist of schedule tribes (ST) to refer the indigenous people (IP) that targeted in ADB's Policy on Indigenous People.

### C. Legal Policy and Framework

9. A scheduled tribe (ST) is identified by the Constitution of India, taking into consideration various factors such as (i) primitive traits, (ii) distinctive culture, (iii) geographical isolation, (iv) social and economic backwardness, and others. But identification of tribes is a state subject. Thus, the ST is judged by one or a combination of these factors by the respective state. Tribes notified for Madhya Pradesh State are ST in Madhya Pradesh only, and their category may vary

<sup>3</sup> Scheduled tribes (ST) 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.

<sup>4</sup> Ministry of Tribal Affairs. Statistics Division. Government of India. *Statistical Profile of Scheduled Tribes in India, 2013*, New Delhi. [www.tribal.nic.in](http://www.tribal.nic.in) The document reveals that the state of Madhya Pradesh accounts for the highest Schedule Tribe (ST) population in India (14.69 percent).

in other states.

10. Under the Constitution of India, a number of articles have been included for the protection of the STs in particular.<sup>5</sup> These are:

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

11. 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. 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.
- (iii) the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which protects SC/ST 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/ST; (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.<sup>6</sup>

<sup>5</sup> The Tenth Five-Year Plan, 2002-2007

<sup>6</sup> Transfer means a sale, gift, exchange, mortgage (with or without possession), lease, or any other transaction not



12. In addition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has special provisions for additional benefits to SC/ST families under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a Development Plan is to be prepared; and (c) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area. Annex 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.

13. Scheduled tribes and scheduled areas in the state are protected by the Madhya Pradesh Land Revenue Code, 1959. The Madhya Pradesh Land Revenue Code has specific clauses that govern any transaction or land transfer in scheduled areas notified by government. The Collector is required to ratify all such transactions, taking into consideration whether the person to whom the land is being transferred is a resident of the scheduled area, the purpose for which the land is likely to be used post-transfer, whether the transfer serves or is likely to serve or prejudice the social, cultural and economic interest of the residents of the scheduled area, whether the transaction is spurious or benami and whether the consideration paid is adequate. The decision of the Collector in such matters is final. The Madhya Pradesh Land Revenue Code 1959 also specifies that if the gram sabha (village council) in a scheduled area finds that any person other than a member of an aboriginal tribe is in possession of land belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to the person to whom it originally belonged or to his legal heirs.

14. The Tribal Sub Plan Strategy of the Government of Madhya Pradesh (GoMP) classifies the problems of tribal development into three categories: (1) areas of tribal concentration; (2) special primitive tribal communities, and (3) dispersed tribals. The approach for development for the three above-mentioned categories adopted by GoMP is area development, community or family-focused development and family-focused development, respectively. The state has developed a system of implementation and monitoring of tribal sub plans. The Chairman of the Integrated Tribal Development Project (ITDP) Advisory board is a Minister / MLA / Chairman of Zila Panchayat/ Janpad Panchayat who belongs to Scheduled Tribe. The other members are Chairman, Zila Panchayat, all the MLAs and Chairman of Janpad Panchayats that fall in the project area, two tribal members of Zila Panchayat of which one has to be a woman, two eminent tribal social workers or two eminent NGO's working for welfare of Scheduled Tribes, Collector, Manager, Lead Bank, Chairman of Central Cooperative Bank, Land Development Bank Project Officer is the member Secretary of the Project Advisory Board. The Project Implementation Committee comprises of officials of different developmental departments. The Committee prepares plans and implements various schemes approved by the Advisory Board. At State level, the Director, Tribal Area Development Planning monitors the progress of Tribal Sub-Plan at State level. These schemes are also reviewed by Cabinet Sub - Committee for Tribal Sub-Plan / Special Component Plan.

15. The above policies and legal instruments available in India and Madhya Pradesh are supplemented by ADB's Safeguard Policy Statement (SPS), 2009 for the implementation of MPUSIP. The SPS ensures equality of opportunity to be derived from project interventions for

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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.

indigenous peoples. The policy emphasizes that development interventions will be planned in a manner consistent with the needs and aspirations of affected indigenous peoples, and compatible in substance and structure with affected IP's culture and social and economic institutions. The IPPF recognizes the vulnerability of indigenous peoples, and specifically ensures that any project intervention, whether positive or adverse, will be addressed by the implementing agencies. Moreover, the implementing agencies will ensure that affected IPs will have opportunities to participate in and benefit equally from such project interventions.

16. ADB policy on safeguards requirement for indigenous peoples recognizes the right of IP to direct the course of their own development. IP are defined in different countries in various ways. For operational purposes, the term "indigenous people" is used to refer to a distinct, vulnerable social and cultural group with the following characteristics:

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

17. According to ADB policy, IP safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IP or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. In the present MPUSIP activities, for the known sites/alignments, such a situation has not arisen, according to initial social assessments. However, in view of such a possibility in the future, this IPPF will provide guidelines to mitigate the adverse impact, if any, through the preparation of an indigenous people plan (IPP). The need for an IPP will depend on the nature and scale of the project impacts and sensitivity of ethnic minority issues. Based on the initial poverty and social assessment prepared in every project, a requirement for preparing an IPP will be identified. An IPP would be required if the impact is "significant," which means (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An indigenous people impact checklist to be used in the IP screening exercise during project preparation is provided.

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

## **II. OBJECTIVES**

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

in ADB-financed projects.

### **A. Identification of IP**

20. ADB's Indigenous People Policy uses the following characteristics to define IP: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

21. 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, IP have a social and cultural identity distinctly different from the mainstream (or dominant) society that makes them marginalized, socially isolated, and often overlooked in the development process.

### **B. Approach to Indigenous Peoples Plan (IPP) Preparation**

22. The indigenous peoples planning framework (IPPF) is a policy document that sets out the procedural framework for preparing an IPP for the subprojects of future projects and future projects in the event of any positive or/and adverse impacts on IP. Besides framing the investment program's tribal people's policy, the IPPF also spells out screening and planning procedures.

23. Preparing an IPP is necessary when ADB-supported subprojects under MPUSIP are screened as category A or B projects.<sup>7</sup> IP category is determined by the project's impact on these people. Any subprojects that based on the IP screening/ assessment will have significant impacts or significantly affects directly or indirectly the dignity, human rights, livelihood systems, or culture of Indigenous People own, occupy or claim as their ancestral domain will be excluded for MPUSIP financing. Only subproject with limited impacts, thus categorized as B or no IP impacts<sup>8</sup>, will be eligible to be included in the financing of PMUSIP. The significance of a project's impact on IP/ST is determined by the following assessment.

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

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

<sup>8</sup> IP due diligence report will be prepared to confirm the absence of IP impacts. This report can be prepared together/ part of IR due diligence report of the subproject.

- (ii) Level of vulnerability of the affected tribal people

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

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

### **III. STEPS FOR FORMULATING AN IPP**

#### **A. Preliminary Screening**

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

26. During initial visit, a screening exercise will be undertaken by the PIU using ADB's screening and categorization forms for IP populations, with the help of IP community leaders. Concerned staff will refer the list of scheduled tribes for the Government of Madhya Pradesh and description of IPs based on ADB IP policy. The screening will be done based on the following:

- (i) presence and names of IP community groups in the area;
- (ii) cultural and religious distinction of the IP groups vis-à-vis other communities, and mainstreaming of the IP with the dominant population;
- (iii) laws and legislations related to IP groups;
- (iv) total number of IP community groups and percentage of IP population to total population in the area;

- (v) number and percentage of IP households likely to be affected by the subproject component; and
- (vi) initial assessment to also include level of vulnerability of the IP, such as being (primitive) tribal groups (PTG) and existing socioeconomic conditions that may further deteriorate due to project impact. If such especially vulnerable groups among the IP community are identified within the project area, they warrant special measures for protecting their socio-cultural identity and baseline economic standard. While determining vulnerability of these IP groups, assessment will be made if there is any possibility of future impact due to the project.

27. Based on the IP assessment checklist, the project would be categorized according to ADB policy.<sup>9</sup> If the assessment confirms likely impacts on IP, PMU's Safeguard Officer on Social Safeguard and PIU's Assistant Safeguard Officer will engage qualified and experienced experts to carry out a full social impact assessment (SIA) of the affected IP/ST families and community.

## **B. Social Impact Assessment**

28. The SPS spells out that in the initial project preparatory phase, an initial social assessment will include specific potential impacts on IPs potentially affected due to project implementation. If the IPs are identified as an adversely affected group of people or become vulnerable to being thus affected, an IPP must be prepared by the EA in a manner acceptable to ADB.

29. Based on screening, a primary social impact assessment (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 IP communities, with emphasis on a gender-sensitive approach, and will identify project-affected IPs, potential impact, and severity of impact with special reference to gender impact. The SIA will prepare a baseline socioeconomic profile of the IP 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 IP groups' social, cultural and economic status due to the project, assess which IP group will require IP principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected IP 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 IP groups.

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

- (i) Ancestral domains and related natural resources
  - As IP communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will

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<sup>9</sup> As per the ADB's OM Section F1/OP March 2010 (para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required. Only subproject that categorized as B or no IP impacts are eligible to be financed under MPUSIP.

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 IP attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of IP who are displaced should take priority.

- If the project requires acquisition of lands that are customarily owned, used, or occupied by IP, 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 IP 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
- IP may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of IP, physical displacement of IP, and commercial development of natural resources within customary land use. The borrower/client in such projects will seek the consent of the affected IP communities to proceed with the project. For the purpose of policy application, consent of affected IPs through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.
  - After receiving community support/consent, the borrower/client will provide documentation detailing the process and outcomes of consultation with IP and IP 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 IPs/organizations. The borrower/client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.
- (iii) Commercial development of cultural resources
- If the project involves commercial development of IP's cultural resources and knowledge, the borrower/client will ensure that the affected IP 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 IP's livelihood, environment, and use of such resources. The IPP will reflect the nature and content of the agreement and will include arrangements to ensure IPs receive an equitable share from such commercial development/the project.
- (iv) Physical displacement of tribal people
- All possible alternate project designs will be explored to avoid physical displacement of IP 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.

31. The main source of information for SIA will be direct interviews with potentially affected IP households, besides separate group meetings with the IP 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 IP groups' recommendations on design of the project components. The PMC consultants will be responsible for analyzing the SIA data and information and developing an action plan in consultation with the IP community leaders. If the SIA indicates significantly adverse impacts, or that the IP community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. An IPP will be prepared only when the IP community accepts the design of the subproject component, and broad community support has been ascertained.

### **C. Mitigation Measures**

32. All affected tribal households will be provided with assistance, which would help them improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to special assistance<sup>10</sup> not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

33. Where land acquisition is essential, IPs are entitled to receive land-for-land compensation for the acquired land if government land is available. As IP, 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 RF of the project. According to the RF, the IP, defined as scheduled tribes, will be treated as vulnerable persons/groups. The RF is attached as an annex.

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

### **D. Project Monitoring**

35. Monitoring and evaluation (M&E) facilitates resolving problems that crop up during implementation by providing solutions without delay. The IPP includes a set of monitoring indicators for periodic monitoring of the progress of planned activities incorporated in the IPP. For subprojects with significant adverse impact on IPs, 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 EA on compliance issues. If any significant IP issues are identified, the EA will prepare a corrective

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<sup>10</sup> Special assistance is an additional allowance to which IP are entitled, other than the decided compensation package. This may include assistance/support to preserve IP's cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

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 EA will prepare periodic monitoring reports on the progress of IPP implementation, highlighting compliance issues and corrective actions taken, if any. The PIU will submit biannual monitoring reports. The costs of monitoring requirements will be included in project budgets.

### **E. Outline of Indigenous Peoples Plan (IPP)**

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

- (i) Executive Summary of the Indigenous People Plan - describes the critical facts, significant findings, and recommended actions.
- (ii) Description of the Project - provides a general description of the project; discusses project components and activities that may cause impacts on IP; and identifies project area.
- (iii) Social Impact Assessment - this section:
  - reviews the legal and institutional framework applicable to IP in project context;
  - provides baseline information on the demographic, social, cultural, and political characteristics of the affected IP communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
  - identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with IP at each stage of project preparation and implementation;
  - based on meaningful consultation with the affected IP 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 IP communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
  - includes a gender-sensitive assessment of the affected IPs' perceptions about the project and its impact on their social, economic, and cultural status; and
  - based on meaningful consultation with the affected IP 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 IP receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation - this section:
  - describes the information disclosure, consultation, and participation process with the affected IP communities that was carried out during project preparation;
  - summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
  - in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected IP communities and any agreement resulting from such consultations for the



- project activities and safeguard measures addressing the impacts of such activities;
  - describes consultation and participation mechanisms to be used during implementation to ensure IP participation during implementation; and
  - confirms disclosure of the draft and final IPP to the affected IP communities.
- (v) Beneficial Measures - This section specifies the measures to ensure that the IP 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 IP, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected IP group.
- (vii) Capacity Building - This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address IP issues in the project area; and (b) IP organizations in the project area, to enable them to represent the affected IP more effectively.
- (viii) Grievance Redress Mechanism - This section describes the procedures to redress grievances of affected IP communities. It also explains how the procedures are accessible to IP, 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 IP in the preparation and validation of monitoring and evaluation reports.
- (x) Institutional Arrangement - This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.
- (xi) Budget and Financing - This section provides an itemized budget for all activities described in the IPP.

## **F. Grievance Redress Mechanism**

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

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

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

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

#### **A. Common Grievance Redress Mechanism (GRM)**

41. A project-specific grievance redress mechanism (GRM) shall be established to receive, evaluate, and facilitate the resolution of AP's concerns, complaints, and grievances about the social and environmental performance at the level of the project. The following GRM provides a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

42. A common GRM will be in place for social, environmental, or any other grievances related to the project. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project. The multi-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. ULB-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign.

43. **Who can complain:** A complaint may be brought by persons who are, or could be, "directly, indirectly, materially, and adversely" affected by the project. A complaint can be submitted on behalf of the affected person/people by a representative, provided that he or she identifies the affected person/people and includes evidence of the authority to act on their behalf.

44. **What the Grievance/Complain should contain:** Any concerns pertaining to safeguard compliance - environment, involuntary resettlement, indigenous people, design related issues, compensation, service delivery or any other issues or concerns related to the project. The

complaint must contain name, date, address/contact details of the complainant, location of the problem area, along with the problem. Sample grievance registration form is provided in the Resettlement Framework for MPUSIP.

45. **Where to file a Complaint:** Complainants will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes to be installed by project at ULB offices, PIU offices or by e-mail or by writing in a complaints register in the PIU offices or at construction site offices. In addition, online filing using the state's existing grievance redress mechanism or telephone helpline will also be open to use by affected persons.<sup>11</sup>

46. **How to file a Complaint:** The application should be precise and specific. The application can be sent either by post or through electronic means or deliver personally.

- Offline System - The application can be made on the application form available at all accessible places (ULBs/ Office of PIUs/ construction site offices). The application should have the name and complete postal address of the applicant.
- Online System - Grievances pertaining to the implementation of the project can also be filed online at the website of MPUDC or by e-mails or with the use of the CM Monitoring System.

47. **Documentation:** Documentation of the complaints is important and must contain 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. PMU with the support of PIU will have the overall responsibility for timely grievance redress, and for registration of grievances, related disclosure, and communication with the aggrieved party. All the documents made available to the public at the community level (at ward offices) and will include information on the contact number, address and contact person for registering grievances, and will be disseminated throughout the project area by the PIU.

48. **Grievance/Problem Redress through Participatory Process:** Efforts must be made by the PIU with the support of safeguard consultants to resolve problems amicably, conflicts through participatory process with the community and the ULBs. In case of grievances that are immediate and urgent in the perception of the complainant, the Contractor, and supervision personnel from the PIU will provide the most easily accessible or first level of contact for the quick resolution of grievances. Contact phone numbers and names of the concerned staff and contractors, will be posted at all construction sites at visible locations.

49. The following process will be followed:

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<sup>11</sup> Government of Madhya Pradesh has a special program called Chief Minister's Monitoring Programme, which monitors development programs in the state and provides for online registration of complaints. The Public Grievance Redressal Department of GoMP clearly displays the Chief Minister's Helpline Number, through which persons may lodge complaints directly to the highest authority in the state. The website of the Public Grievance Redressal Department also provides a kiosk locator for district level grievance redress kiosks. <http://www.mp.gov.in/web/quest/home>.

- (i) **1st level grievance.** In case of grievances that are immediate and urgent in the perception of the complainant, PMC supervising staff will direct the contractor to and ensure that it is resolved. If the grievance is not under the contractor scope, but under the project, PMC (field office) will resolve this issue. All the grievances should be resolved within 3 days of receipt of a complaint/grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed at first level within 3 days will be brought to the notice of PIU and PMC Assistant Safeguard Officer. PIU will review the grievance and act appropriately to resolve it within 10 days of receipt.
- (iii) **3rd level grievance.** All the grievances that are not addressed at 2<sup>nd</sup> level by PIU within in 10 days of receipt will be brought to the notice of notice of the Grievance Redressal Committee (GRC)<sup>12</sup>. GRC will meet twice a month and determine the merit of each grievance brought to the committee. The GRC will resolve the grievance within 1 month of receiving the complaint. All decisions taken by the GRC will be communicated to the complainant by the Nodal Officer.

50. In case of any inter-departmental or inter-jurisdictional coordination required for resolution of specific grievances, the PIU will refer the matter directly to the PMU for state-level or inter-departmental coordination and resolution, instead of the town-level GRC. The project GRM notwithstanding, 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. Alternatively, if the grievance is related to land acquisition, resettlement & rehabilitation<sup>13</sup>, the APs can approach the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA). As per the latest Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, the state government has established the LARRA to address grievances in implementation of LARRA.

51. **ADB's Accountability Mechanism.** In the event that the established GRM is not in a position to resolve the issue, 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). The complaint can be submitted in any of the official languages of ADB's developing member countries. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make a good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, INRM). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. 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.

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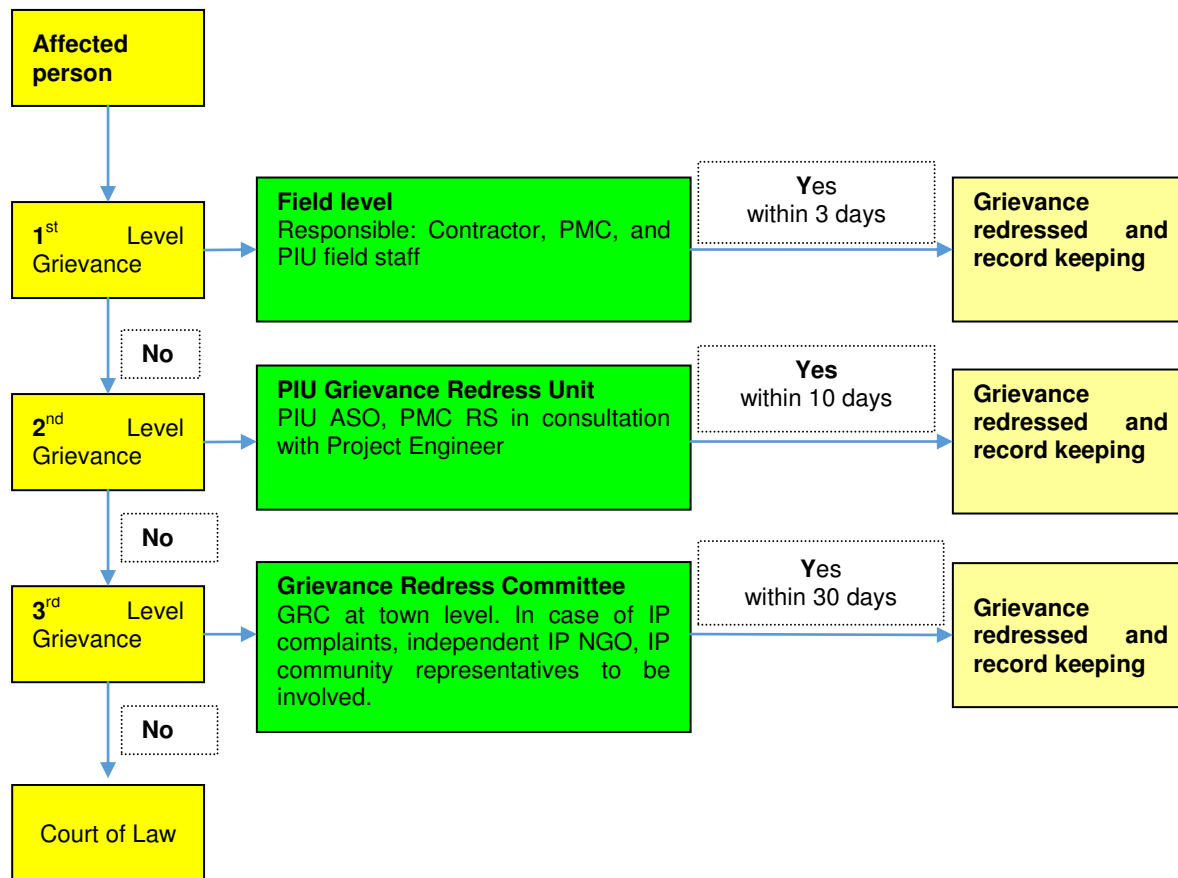
<sup>12</sup> Grievance redress committee (GRC) will be formed at town-level with members composed of: ULB Chairperson, Chief Municipal Officer (CMO), Environmental Specialist of PMC, Social Safeguard Specialist of PMC, PIU Deputy Project Manager and PIU Community Development Officer. In case of any complaints by IP or members of scheduled tribes, the PIU will include as special member, a representative of an independent local NGO involved in tribal welfare. Special invitees to hearing of IP complaints will include two representatives from affected IP community and the project IP NGO, if appointed for IPP implementation.

<sup>13</sup> The Authority admits grievance only with reference to land acquisition and rehabilitation and resettlement issues under the new Act.

52. **Record keeping.** 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 effected and final outcome will be kept by PIU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU office, ULB office and on the web, as well as reported in the semi-annual social and environmental monitoring reports to be submitted to ADB.

53. **Periodic review and documentation of lessons learned.** The PMU, and PIUs, supported by the PMC specialist 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. MPUSIP GRM is presented in the following figure.

**Figure 1: MPUSIP Grievance Redress Mechanism**



Note: ASO=Assistant Safeguard Officer,GRC = Grievance Redressal Committee; PMC = Project Management Consultants, PMU = Project Management Unit.

54. All costs involved in resolving the complaints will be borne by executing agency. The GRC will continue to function throughout the project duration.

#### **IV. STRATEGY FOR INDIGENOUS PEOPLES PARTICIPATION**

55. 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.

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

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

58. One project information disclosure (PID) brochure will be prepared, translated into a language understandable to the IPs, and distributed among them. Annex 4 provides the template for the PID.

#### **V. BENEFITS OF THE PROJECT AND MITIGATION OF ADVERSE IMPACTS**

59. 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 IP 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 IPs are able to derive benefits from project intervention.

60. Based on the significance and nature of the project impact on the IP community, the affected IPs will be entitled to various compensation packages. Where land acquisition is essential, IPs 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.

61. In addition, the affected IPs 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 IP community living in the project impact zone will prepare the mitigation action plan to address the adverse issues, with support from PIU officials, and project management consultants (PMC) to give shape to their plan of action.

62. If the IP 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 IP issues without preparing a stand-alone IPP. This decision will depend on the severity of impacts. This “specific action” plan can be a community action plan where the IP groups live with non-indigenous peoples in the same subproject location. Another way is to incorporate IP issues and their benefits into the RP, if any. If the above are not feasible, it is possible to specifically include them in the subproject beneficiary group.

## **VI. INSTITUTIONAL ARRANGEMENTS**

### **A. Institutional Arrangements**

63. The Urban Development and Housing Department (UDHD) of Government of Madhya Pradesh will be the executing agency for the Project, responsible for management, coordination and execution of all activities funded under the loan. The implementing agency will be the recently established Madhya Pradesh Urban Development Company (MPUDC), a wholly owned subsidiary of GoMP. A central Project Management Unit (PMU) attached to MPUDC will be responsible for implementing the MPUSIP. The PMU will be supported by Project Implementation Units (PIUs) with a flexibility for redeployment depending upon the implementation requirements.

64. The PMU and PIUs will be supported by several teams of Design Consultants in preparation of preliminary engineering designs.

65. A Water Resource Review Committee (WRRC) is constituted to undertake a thorough review of the source when recommended by the Design Consultant in regard to techno-economic feasibility and sustainability especially ensuring climate change resilience, and Technical Review Committee (TRC) to review and approve the preliminary designs developed by the Design Consultants.

66. Project Management Consultant (PMC) centrally located in PMU and with field teams located in PIUs shall be responsible for implementation of the Project. All infrastructure contracts will be procured through performance-based contracts (PBCs) and are likely to include build-operate (BO) framework.

67. Two Committees - an Empowered Committee cum Executive Committee and a Technical Clearance and Tender Committee have been constituted by the Government to be responsible for effective and timely implementation of the Project.

### **B. Safeguard Implementation Arrangements**

68. **Project Management Unit.** The PMU will be staffed with two safeguard specialists: (i) Project Officer (Environment) and (ii) Project Officer (Social Safeguard and Gender) and will receive support from environmental and social safeguard specialists on PMC teams. PO(SSG) will have overall responsibility in implementation of this RF, including appropriate monitoring and reporting responsibilities. PO(SSG) is supported by Social Safeguard Specialist of PMC. Key tasks and responsibilities of the PMU PO(SSG) are as follows:

- (i) Ensure subprojects conform to exclusion criteria
- (ii) Review and finalize subproject IR and IP category; assess type of documentation required (RP/IPP/DDR).



- (iii) Oversee preparation of RPs/DDR/PPs; confirm existing RPs/DDR/PPs are updated based on detailed designs, and that new subproject RPs/DDR/PPs are prepared in accordance with the RF and IPPF
- (iv) Ensure that RPs/DDR/PPs are included in bidding documents and civil works contracts
- (v) provide oversight on social safeguard management aspects of subprojects and ensure RPs/PPs and impact avoidance measures outlined in the RF/PPF/EMP/RP/PP/DDR are implemented by PIU and contractors
- (vi) Facilitate and ensure compliance with all government rules and regulations regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc. for each site, as relevant
- (vii) Supervise and provide guidance to the PIUs to properly carry out the social safeguard and gender monitoring (IR/IP/GAP monitoring) as per the RF/PPF/GAP
- (viii) Review, monitor, and evaluate the effectiveness with which the RPs/PPs/provisions of DDRs and GAP are implemented, and recommend corrective actions to be taken as necessary
- (ix) Consolidate monthly social safeguard (IR/IP) and gender monitoring reports from PIUs and submit semi-annual monitoring reports to ADB
- (x) Ensure timely disclosure of final RPs/DDR/PPs in locations and form accessible to the public and affected persons.
- (xi) Address any grievances brought about through the grievance redress mechanism in a timely manner.
- (xii) Oversee training needs assessment of affected persons and vulnerable persons by PIUs/PMC, coordinate training activities and convergence with livelihood programs of the government.
- (xiii) Identify training needs and coordinate training activities for the PIUs/contractors/CBOs for capacity building to implement the RP/PP/DDR, project GRM and GAP;
- (xiv) Coordinate database management for social safeguards implementation and monitoring;
- (xv) Coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media;
- (xvi) In case of any IR Category A subproject, facilitate the appointment of the external monitoring agency and coordinate evaluation activities to be taken up by the agency, as required; Prepare Terms of Reference (ToR) for procuring the external agency, as required, with the assistance of the PMC Resettlement Specialist, and facilitate appointment and coordination of the external monitor's activities.
- (xvii) In case need for IPP preparation and implementation identified, facilitate the appointment of NGO with a good track record and experience in working on tribal development issues in the state.

**69. Project Implementation Units.** PIUs will be headed by a Project Manager and supported by PMC. Resettlement Specialist of PMC will assist PIU in implementation of social safeguard related tasks. At each PIU, the Assistant Project Manager will be given additional responsibilities of safeguard tasks and will be designated as Assistant Safeguard Officer (ASO). ASO will be assisted by Resettlement Specialist of PMC in implementation/updating of resettlement plan/indigenous peoples plan/due diligence report, meaningful consultation, disclosure, establishing broad community consent, identification of appropriate impact avoidance and mitigation measures, assessment of entitlement and computation of compensation other than those covered under RFCTLARRA, etc. The ASO will assist PMU SSGO in implementation of the following key tasks at PIU level.

- (i) Fill up IR/IP impact checklist and classify the project
- (ii) Conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of APs, conduct meaningful consultations with APs/beneficiaries, finalise list of APs prepare/update RP/DDR/IPP with the assistance of PMC, and submit to PMU for review and approval and further submission to ADB;
- (iii) In case of IP impacts (positive or negative), conduct meaningful consultations, disclosure, establish broad community consent, identify of appropriate impact avoidance and mitigation measures, and measures for inclusion and participation of IPs in project benefits;
- (iv) inform APs about tentative schedule of land acquisition/occupation, entitlement matrix and compensation packages against different categories of loss
- (v) Coordinate valuation of assets, such as land, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (vi) Facilitate the land acquisition and compensation processes in consultation with the district administration; coordinate, supervise and monitor disbursement of compensation;
- (vii) Obtain NOCs, land documents, third party certifications as required for the subproject
- (viii) Include RPs/PPs/DDRs in bidding documents and civil works contracts
- (ix) Oversee day-to-day implementation of RPs/PPs/PPs by contractors, including compliance with all government rules and regulations, take necessary action for obtaining rights of way
- (x) Oversee RP/PP/PP and GAP implementation and maintenance of data for monitoring, by contractors
- (xi) Take corrective actions when necessary to ensure no adverse social impacts
- (xii) Submit monthly social monitoring reports to PMU
- (xiii) Conduct continuous public consultation and awareness
- (xiv) Address any grievances brought about through the grievance redress mechanism in a timely manner as per the RPs/PPs/PPs
- (xv) Organize an induction course for the training of contractors, preparing them on RP/PP/PP/GAP implementation, social safeguard and gender monitoring requirements related to inclusion, participation, mitigation measures, and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation.
- (xvi) Liaise with the District Administration and line departments for dovetailing Government's schemes for income generation and development programs for APs/IPs, as and when required;
- (xvii) Work in close coordination with IP NGO in design and implementation of IPP, if any prepared.

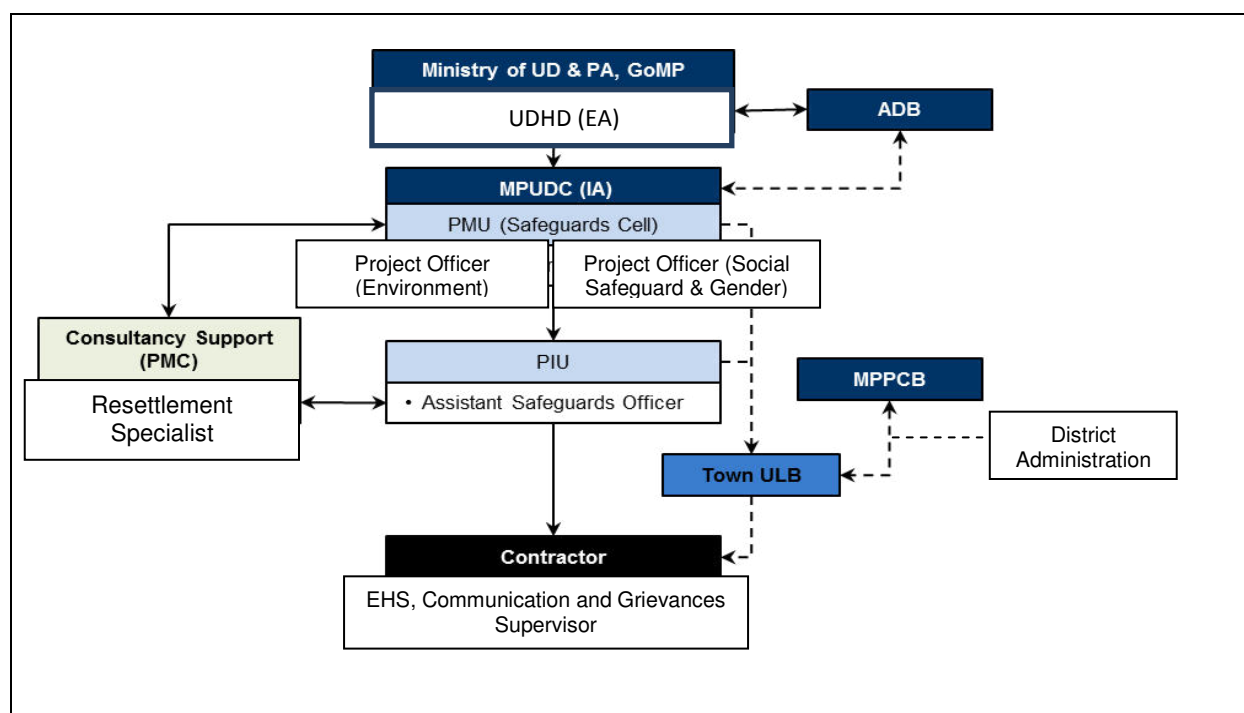
70. The PMC Resettlement Specialist will assist the PO(SSG) in training, social safeguard supervision, monitoring, record keeping and report preparation activities.

71. **Civil works contracts and contractors.** RPs/PPs/EM are to be included in bidding and contract documents and verified by the PIUs and PMU. The contractor will be required to designate an Environment, Health and Safety (EHS) supervisor to ensure implementation of EMP/ RP/EM/ social safeguard provisions in this RF during civil works, who will also have the responsibility for communication with the public under the guidance of PMU/PIU and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract. As the contract is to be procured through build-operate framework, contractor will also

be responsible for operation phase safeguard implementation during a 10 year O & M period, after which it will be responsibility of the respective ULBs to takeover and implement the O&M.

72. The PMU and PIU will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites. The bid documents will also include specific provision regarding inclusion and participation of indigenous peoples and vulnerable persons (disabled, elderly-headed and female-headed households, scheduled caste households, below poverty line households) in project benefits, by requiring the contractor to ensure 100% connections to such households and according priority in employing such persons in project-related construction and operation and maintenance work, and maintaining a sex-disaggregated record of persons benefited.

Figure 1: Safeguard Implementation Arrangements



ADB=Asian Development Bank, EHS=Environment, Health and Safety, GoMP=Government of Madhya Pradesh, MPPCB=Madhya Pradesh Pollution Control Board, MPUDC=Madhya Pradesh Urban Development Company, PIU=project implementation unit, PMU=project management unit, PMC=project management consultants, UDHD=urban development and housing department, ULB=urban local body

## G. Institutional Arrangements for Preparing and Implementing IPPs

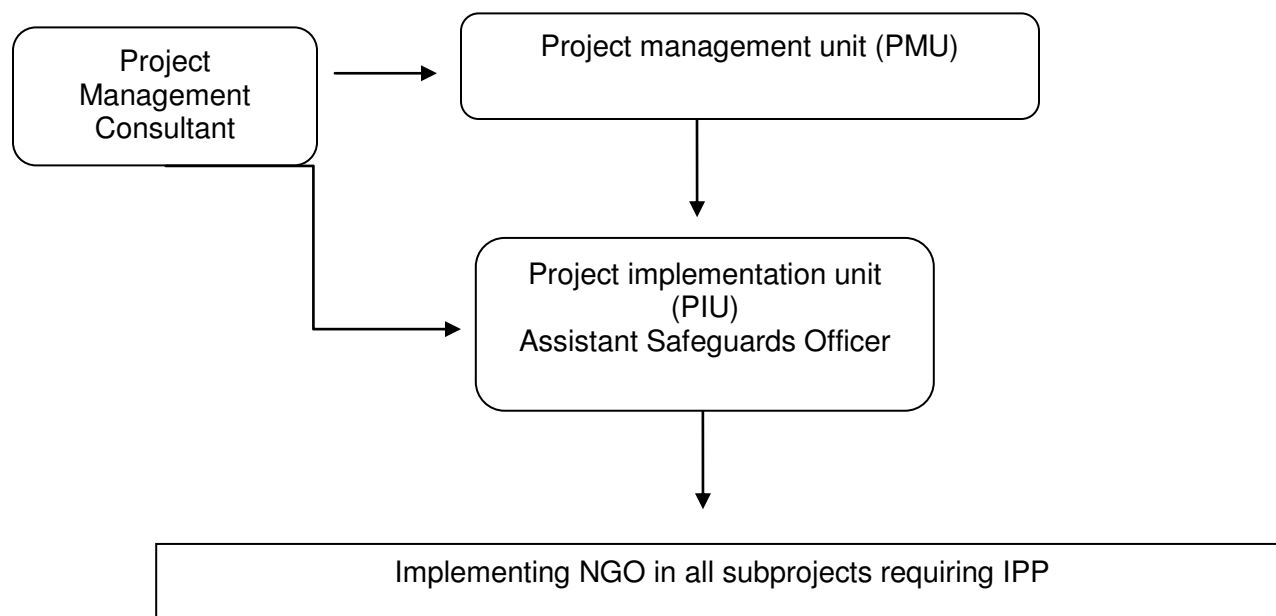
73. No negative impacts on IPs are envisaged in the sample subprojects prepared under MPUSIP for the identified sites and alignments. If the need for an IPP is established on the basis of preliminary screening and social impact assessment conducted by PMC, an IP

implementing NGO will be appointed by PMU. If an IPP is recommended/required, the PMC will prepare the IPP in consultation with the designated PIU staff and the IP NGO. In all these activities, the state's existing administrative set-up for tribal affairs and scheduled areas, namely the Tribal Welfare Department (Divisional Deputy Commissioner/Tribal Welfare Officer at division level; the CEO Jila Panchayat and either Assistant Commissioner Tribal Development in tribal dominated districts or the District Organizer Tribal Welfare in the remaining districts); and the District Collector's office, will be consulted, and an orientation on a participatory approach will be provided by the responsible officers of these departments.

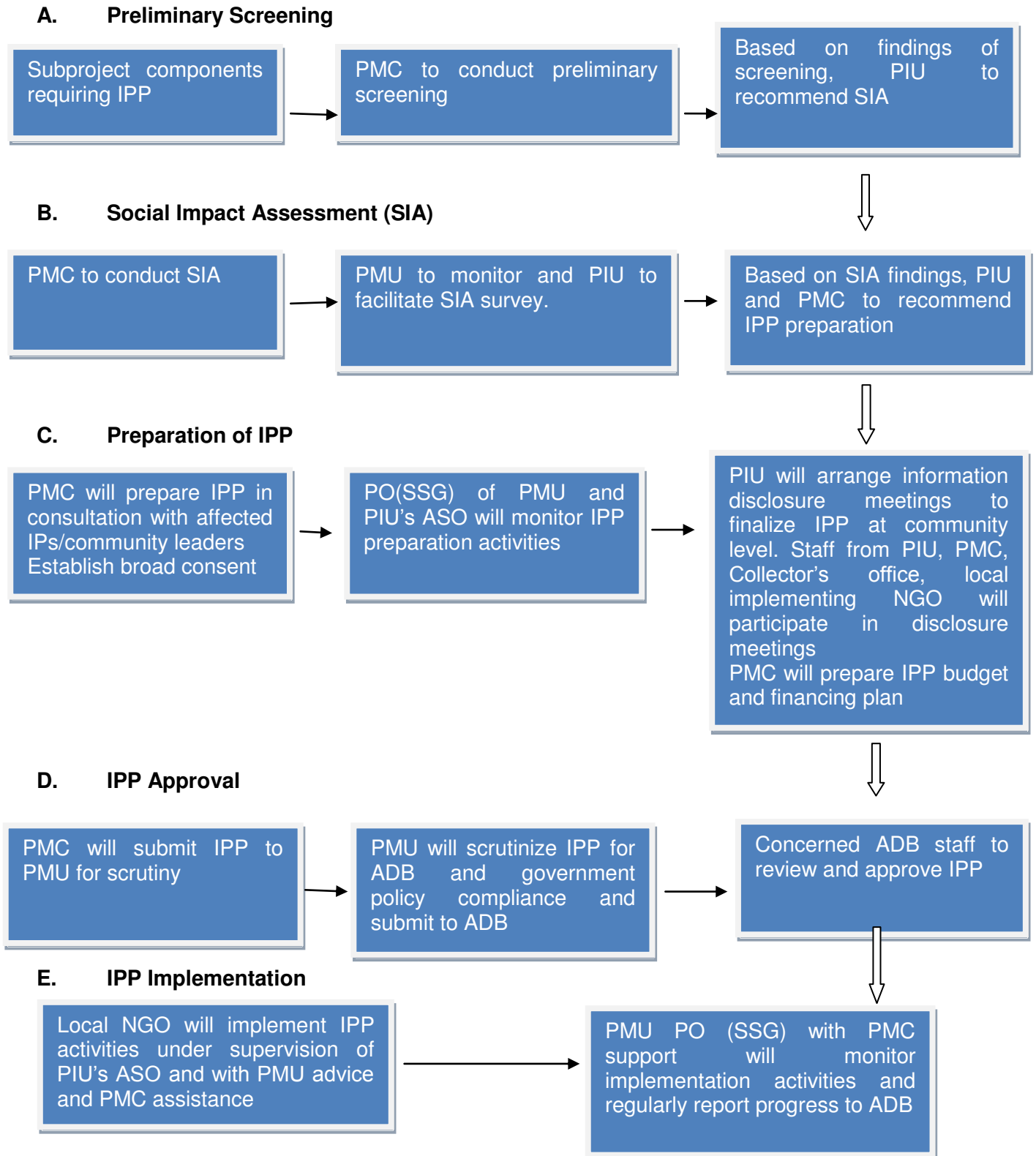
74. The draft IPP will be approved by the PMU, which will scrutinize whether all provisions have been made in accordance with the existing laws pertaining to protection of the interest and welfare of tribal communities, and compliance with ADB SPS and government policy, and send it to ADB for approval. 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 IP implementing NGO.

75. An NGO appointed by the PMU will facilitate IPP action plan preparation and implementation. The PO(SSG) at PMU and ASO at the 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: IPP Implementation Arrangements**



**Figure 3: IPP - Flow of Planned Activities**



## **VII. BUDGET FOR FORMULATING AND IMPLEMENTING IPP**

76. The GoMP 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.

## **VIII. PROGRAM FOR MONITORING AND EVALUATION**

77. Monitoring and evaluation (M&E) are significant activities in developmental programs which deal with IP 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 IP 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**

78. The safeguard officer (PO-SSG) at the 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 IP, the project will engage qualified and experienced external experts or NGOs to verify monitoring information. The external monitor engaged by the borrower/client (EA) will advise on ADB compliance issues. If any significant IP 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 PMU PO(SSG) 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.

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

80. The MPUSIP does not envisage any significant negative impact on IP. Any subproject with significant adverse impacts on IP should be avoided for financing under the investment program.

## **B. Reporting**

81. The semiannual safeguards monitoring report prepared by the PIUs should include the implementation of the IPP or specific action plan of the identified IP 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.

82. 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 EA 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.

**TABLE 1.1:SCHEDULED TRIBE POPULATION IN MADHYA PRADESH (2011)**

State/District	No_of households	Total Population	Scheduled Tribe (ST) Population	% ST Population
MADHYA PRADESH	15093256	72626809	15316784	21.09
Sheopur	146043	687861	161448	23.47
Morena	362646	1965970	17030	0.87
Bhind	299233	1703005	6131	0.36
Gwalior	383845	2032036	72133	3.55
Datia	160215	786754	15061	1.91
Shivpuri	359969	1726050	227802	13.20
Tikamgarh	296116	1445166	67857	4.70
Chhatarpur	356297	1762375	73597	4.18
Panna	228709	1016520	170879	16.81
Sagar	517850	2378458	221936	9.33
Damoh	297608	1264219	166295	13.15
Satna	478741	2228935	319975	14.36
Rewa	526065	2365106	311985	13.19
Umariya	145024	644758	300687	46.64
Neemuch	179746	826067	71441	8.65
Mandsaur	286808	1340411	33092	2.47
Ratlam	296683	1455069	409865	28.17
Ujjain	391438	1986864	48730	2.45
Shajapur	300025	1512681	37836	2.50
Dewas	308871	1563715	272701	17.44
Dhar	425914	2185793	1222814	55.94
Indore	649540	3276697	217679	6.64
Khargone (West Nimar)	367988	1873046	730169	38.98
Barwani	243277	1385881	962145	69.42
Rajgarh	345297	1545814	53751	3.48
Vidisha	299676	1458875	67603	4.63
Bhopal	501805	2371061	69429	2.93
Sehore	257311	1311332	145512	11.10
Raisen	278895	1331597	205006	15.40
Betul	329832	1575362	667018	42.34
Harda	113379	570465	159678	27.99
Hoshangabad	257199	1241350	197300	15.89
Katni	289551	1292042	317699	24.59
Jabalpur	539060	2463289	375231	15.23
Narsimhapur	250286	1091854	145879	13.36
Dindori	169630	704524	455789	64.69



Mandla	250146	1054905	610528	57.88
Chhindwara	443361	2090922	769778	36.82
Seoni	314767	1379131	519856	37.69
Balaghat	391836	1701698	383026	22.51
Guna	244401	1241519	190819	15.37
Ashoknagar	172680	845071	82072	9.71
Shahdol	251452	1066063	476008	44.65
Anuppur	170715	749237	358543	47.85
Sidhi	238448	1127033	313304	27.80
Singrauli	243925	1178273	383994	32.59
Jhabua	194157	1025048	891818	87.00
Alirajpur	123800	728999	648638	88.98
Khandwa (East Nimar)	266655	1310061	459122	35.05
Burhanpur	146341	757847	230095	30.36

Source: Census 2011

**TABLE 1.2: SCHEDULED TRIBE POPULATION IN 64 MPUSIP PROJECT TOWNS (2011)**

S.no	Town	District	package	Total population	Male	Female	ST population	Male	Female	
1.	Boda	Rajgarh	1A	9886	5078	4808	2145	1122	1023	
2.	Kurawar	Rajgarh								
3.	Kothri	Sehore			10526	5419	5107	138	63	75
4.	Amla	Betul	1B	30215	15562	14653	1711	850	861	
5.	Betul bazar	Betul			10630	5402	5228	427	221	206
6.	Bhaisdehi	Betul			11961	6093	5868	1104	549	555
7.	Sarni	Betul			86141	44928	41213	8174	4194	3980
8.	Bankhedhi	Hoshangabad	1C							
9.	Sohagpur	Hoshangabad			25040	12933	12107	880	442	438
10.	Betma	Indore	2A	15999	8208	7791	952	487	465	
11.	Gautampura	Indore			14584	7507	7077	962	507	455
12.	Depalpur	Indore			17474	8973	8501	835	435	400
13.	pansemal	barwani	2B	12166	6189	5977	2819	1380	1439	
14.	Rajpur	Barwani			20947	10718	10229	3108	1596	1512
15.	Karhi padlia	Khargone								
16.	Kasrawad	Khargone		22750	11583	11167	2677	1311	1366	
17.	Dhamnod	Dhar	2C	32093	16723	15370	6666	3534	3132	
18.	Mandav	Dhar			10657	5373	5284	8989	4516	4473
19.	Bhavra	Alirajpur	2D	10968	5480	5488	5705	2796	2909	
20.	Petlawad	Jhabua			15174	7791	7383	3655	1846	1809
21.	Meghnagar	Jhabua			12929	6712	6217	5117	2541	2576
22.	Athana	Neemuch	3A							
23.	Kukdeshwar	Neemuch			11956	6050	5906	101	50	51
24.	nagri	mandsaur			7034	3554	3480	496	249	247
25.	Sarwaniya maharaj	neemuch								
26.	nayagaon	Neemuch								
27.	Susner	Agar	3B	16432	8437	7995	199	91	108	
28.	Pankhedhi	Shajapur			11723	6095	5628	174	90	84
29.	Makdon	Ujjain			11678	5936	5742	1046	503	543
30.	Akoda		4A	12534	6866	5668	26	16	10	
31.	Alampur				10686	5764	4922	194	95	99
32.	Daboh				18097	9660	8437	16	11	5
33.	Mihona				16935	9037	7898	79	44	35
34.	Phuphlkalan				12657	6790	5867	1	1	0
35.	Bhind	Bhind	4B	197585	105352	92233	1832	976	856	
36.	Gohad	Bhind	4C	58939	31913	27026	1932	1053	879	
37.	Isagarh	Ashoknagar		12583	6611	5972	705	399	306	
38.	Aron	Guna	4D	28010	14662	13348	645	368	277	
39.	Bairad	Shivpuri			4098	2156	1942	46	27	19
40.	Karera	Shivpuri			28705	15595	13110	294	151	143
41.	Pichhore	Shivpuri			18127	9502	8625	837	413	424
42.	Antari	Gwalior	4E	9949	5331	4618	6	3	3	
43.	Bilaua	Gwalior			12893	6879	6014	279	145	134
44.	Pichhore	Gwalior			12425	6581	5844	275	137	138
45.	Barhi	katni	5A	13946	7211	6735	1675	821	854	

46.	Katangi	Jabalpur	5B	1815	941	874	646	336	310
47.	Bhedaghat	jabalpur		6657	3533	3124	1174	602	572
48.	Majholi	jabalpur		13210	6720	6490	762	407	355
49.	Panagar	jabalpur		27932	14470	13462	2433	1216	1217
50.	Patan	jabalpur		14624	7682	6942	938	476	462
51.	Sihora	jabalpur		44048	22715	21333	5709	2872	2837
52.	Tendukheda	Damoh		14399	7511	6888	795	384	411
53.	Khajoraho	Chhatarpur	6A	24481	12962	11519	523	260	263
54.	Rajnagar	Chhatarpur		14253	7573	6680	74	37	37
55.	Sagar	Sagar	6B	274556	143425	131131	3052	1576	1476
56.	Makroniya	Sagar		61821			1484		
57.	Rahatgarh	Sagar	6C	31537	16524	15013	132	73	59
58.	Buxwaha	Chhatarpur	6D	10216	5387	4829	230	135	95
59.	Hatta	Damoh		32465	17141	15324	297	178	119
60.	Pawai	Panna		14465	7682	6783	676	346	330
61.	Mauganj	Rewa	7A	26420	13589	12831	2483	1304	1179
62.	Jaithari	Annupur	7B	8396	4376	4020	1567	763	804
63.	Khand	Shahdol		10653	5672	4981	2092	1081	1011
64.	Chandia	Umaria		15891	8075	7816	4031	2017	2014

Source: Census 2011

**LIST OF NOTIFIED SCHEDULED TRIBES IN MADHYA PRADESH<sup>1</sup>**

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, Pando
6. Bhattra
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhwar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
21. (Omitted)
22. Khairwar, Kondar
23. Kharia
24. Kondh, Khond, Kandh
25. Kol
26. Kolam
27. Korku, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
28. Korwa, Kodaku
29. Majhi

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<sup>1</sup> 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/IP DDR.

30. Majhwar
31. Mawasi
32. Omitted
33. Munda
34. Nagesia, Nagasia
35. Oraon, Dhanka, Dhangad
36. Panika [in (i) Chhatarpur, Panna, Rewa, Satna, Shahdol, Umaria, Sidhi and Tikamgarh districts, and (ii) Sevda and Datia tehsils of Datia district]
37. Pao
38. Pardhan, Pathari, Saroti
39. Omitted
40. Pardhi, Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [In (i) Chhindwara, Mandla, Dindori and Seoni districts, (ii) Baihar Tahsil of Balaghat District, (iii) Betul, Bhainsdehi and Shahpur tahsils of Betul district, (iv) Patan tahsil and Sihora and Majholi blocks of Jabalpur district, (v) Katni (Murwara) and Vijaya Raghogarh tahsils and Bahoriband and Dhemerkheda blocks of Katni district, (vi) Hoshangabad, Babai, Sohagpur, Pipariya and Bankhedi tah sils and Kesla block of Hoshangabad district, (vii) Narsinghpur district, and (viii) Harsud Tahsil of Khandwa district]
41. Parja
42. Sahariya, Saharia, Seharua, Sehria, Sosia, Sor
43. Saonta, Saunta
44. Saur
45. Sawar, Sawara
46. Sonr

*Source:* Ministry of Tribal Affairs, Government of India

**LIST OF NOTIFIED SCHEDULED AREAS IN MADHYA PRADESH**

1. Jhabua district
2. Mandla district
3. Dindori district
4. Barwani district
5. Sardarpur, Dhar, Kukshi, Dharampuri, Gandhwani and Manawar tahsils in Dhar district
6. Bhagwanpura, Segaoan, Bhikangaon, Jhirniya, Khargone and Meheshwar tahsils in Khargone (West Nimar) district
7. Khalwa Tribal Development Block of Harsud tahsil and Khaknar Tribal Development Block of Khaknar tahsil in Khandwa (East Nimar) district
8. Sailana and Bajna tahsils in Ratlam district
9. Betul tahsil (excluding Betul Development Block) and Bhainsdehi and Shahpur tahsils in Betul district
10. Lakhanadone, Ghansaur and Kurai tahsils in Seoni district
11. Baihar tahsil in Balaghat district
12. Kesla Tribal Development Block of Itarsi tahsil in Hoshangabad district
13. Pushparajgarh, Anuppur, Jaithari, Kotma, Jaitpur, Sohagpur and Jaisinghnagar tahsils of Shahdol district
14. Pali Tribal Development Block in Pali tahsil of Umaria district
15. Kusmi Tribal Development Block in Kusmi tahsil of Sidhi district
16. Karahal Tribal Development Block in Karahal tahsil of Sheopur district
17. Tamia and Jamai tahsils, patwari circle Nos. 10 to 12 and 16 to 19, villages Siregaon Khurd and Kirwari in patwari circle no. 09, villages Mainawari and Gaulie Parasia of patwari circle No. 13 in Parasia tahsil, village Bamhani of Patwari circle No. 25 in Chhindwara tahsil, Harai Tribal Development Block and patwari circle Nos. 28 to 36,41,43,44 and 45B in Amarwara tahsil Bichhua tahsil and patwari circle Nos. 05,08,09,10,11 and 14 in Saunsar tahsil, Patwari circle Nos. 01 to 11 and 13 to 26, and patwari circle no. 12 (excluding village Bhuli), village Nandpur of patwari circle No. 27, villages Nikanth and Dhawdikhapa of patwari circle no 28 in Pandurna tahsil of Chhindwara district.

*Source:* Ministry of Tribal Affairs, Government 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**

<b>Sl. No</b>	<b>Activities</b>	<b>PIU</b>	<b>PMU</b>	<b>PMC</b>	<b>NGOs</b>	<b>ADB</b>	<b>Others/ IP Community</b>
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 IP impacts			PMC engineering and social safeguard specialists to work together for assessment of alternatives,			
2	Preliminary screening Collection of required information, analysis of data	Will appoint a full-time resource person to supervise, participate in IPP activities, and will perform preliminary screening	-	-	-	-	Active participation of IP community and their leaders will be facilitated in preliminary screening exercise
	Preparation of screening report	Designated staff (appointed resource person) will prepare screening report for review by PMU (with PMC support)	-	PMC to assist in preparation of screening report	-	-	-
	SIA recommendation	-	Based on screening report and in accordance with ADB policy, PMU will recommend SIA	PMC to assist PMU in decision-making	-	-	-

Sl. No	Activities	PIU	PMU	PMC	NGOs	ADB	Others/ IP Community
	Recommendation whether broad community consent triggered		PMU, with the advice of PMC, will recommend whether broad community consent triggered				
3	SIA preparation i) Collection and analysis of required socioeconomic data on IPs and other vulnerable groups in project areas, if any	Designated staff of PIU will monitor SIA study/ analysis	-	PMC will conduct SIA	-	-	Active participation of IP community and their leaders will be solicited/facilitated
	ii) Preparation of SIA	-	-	PMC to prepare report and submit to PMU	-	-	-
	iii) Recommendation for IPP preparation	-	Based on SIA report and in agreement with ADB policy, PMU will recommend preparation of IPP	-	-	-	-
4.	Meaningful consultations with IP population including subgroups within IPs, 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 IP community		PMC and PIU to conduct of meaningful consultations with IP community and documentation of the same			

Sl. No	Activities	PIU	PMU	PMC	NGOs	ADB	Others/ IP Community
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 IPs/ community leaders	-	-	Affected IPs/ IP 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 IP community members, with the support of PMC		PMC and PIU to document surveys and consultations undertaken to establish broad community consent			Affected IPs/ IP community members to be engaged in consultation meetings and proposed impact minimization measures, benefits and mitigation measures under the project to be clearly explained
	Disclosure of IPP	Designated staff will participate in disclosure meetings to finalize IPP at community level	PMU staff will participate in information disclosure meetings to finalize IPP	PMC will conduct IPP information and disclosure meetings and clarify any points/measures	Local NGO will be invited to attend disclosure meeting	-	Affected IPs/IP leaders will be consulted in finalization and acceptance of IPP
7.	Preparation of budget and financing plan	Designated staff will provide required help to prepare financing plan and budget allocation	-	PMC will prepare IPP budget and financing plan	-	-	-

SI. No	Activities	PIU	PMU	PMC	NGOs	ADB	Others/ IP Community
	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 IPs and having staff with knowledge of IP languages/dialects will be preferred.	PMU PO (SSG) will monitor IPP implementation periodically	-	Local NGO appointed by PMU, will carry out IPP activities under supervision of PMU/PMC.	-	
	Appointment of external monitor for IPP implementation		PMU will appoint external monitor/agency to independently monitor and supervise IPP implementation and prepare/submit semiannual reports to PMU/ADB				

## **SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR IPP**

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

### **Background**

Government of Madhya Pradesh (GoMP) with a sector project loan funding from Asian Development Bank (ADB) has proposed to implement Madhya Pradesh Urban Services Improvement Project (MPUSIP). Madhya Pradesh Urban Development Company Limited (MPUDC) shall be the Implementing Agency (IA) and the State Urban Development and Housing Department (UDHD) shall be the Executing Agency for the Project. A project management unit (PMU) created under MPUDC is implementing MPUSIP.

MPUSIP's physical components include improvements to water supply and sewerage services in identified towns, for (a) continuous, pressurized, safe and sustainable drinking water through private household metered connections in sixty four (64) tier II towns in the state; and (b) sewage and storm water collection and treatment services proposed in two (2) identified towns (Khajuraho, Rajnagar). The project also includes an institutional strengthening component and a project management and administrative support component.

### **Policy and Principles: Indigenous Peoples Planning Framework (IPPF)**

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

### **Subproject components**

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

### **Indigenous Peoples Impacts**

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

### **Indigenous peoples plan (IPP)**

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

### **Entitlements and Compensation**

The Entitlement Matrix in the IPPF defines entitlements and compensation for affected persons,

whether titled or non-titled. A budgetary provision of INR xxxx is made for IPP implementation. *Brief summary of applicable sections of the EM, relevant to identified losses for the specific subproject components with IP impacts to be added to this PID leaflet. Applicable sections of EM to be translated and appended to the PID leaflet.*

### **Institutional arrangements**

A central Project Management Unit (PMU) attached to MPUDC will be responsible for implementing the MPUSIP. The PMU is supported by Project Management Consultants (PMC) and Design Consultants (DC) in planning and implementation of MPUSIP. The PMU has a Project Officer (Social Safeguard and Gender). The PMU will be supported by Project Implementation Units (PIUs) with a flexibility for redeployment depending upon the implementation requirements. Contractors will be appointed for each cluster of towns and will be responsible for detailed engineering designs, construction, and operation and maintenance.

### **Grievance Redress Mechanism (IPP)**

A three-tier grievance redress mechanism is established for the project. The first/field level grievances will be resolved by the contractors, PMC and PIU field staff immediately on-site in consultation with the complainant, within 3 days of receipt of a complaint/grievance. All grievances that cannot be redressed within 3 days at field level will be reviewed by the PIU Assistant Safeguard Officer (ASO), PMC Resettlement Specialist, in consultation with Project Engineer, who will attempt to resolve them within 10 days. The PIU ASO will refer any unresolved or major issues to the town-level GRC, who in consultation with PIU will resolve them within 30 days. The grievance redress form is available at the contractor's site office, and at the municipal office. Any inter-jurisdictional or inter-departmental issues will be referred by the PIU to the PMU for resolution, as necessary.

### **Contact details**

Organisation	Name	Position	Phone number	Email Id
Contractor				
PMU Project Officer (Social Safeguard and Gender)				
PMC Supervision Staff				
PMC Resettlement Specialist				

**ENTITLEMENT MATRIX<sup>a</sup>**

The Entitlement Matrix (EM) prepared for the Resettlement Framework for MPUSIP has specific provisions for scheduled tribe or vulnerable affected persons and will be followed in the IPPF as well.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
<b>1.</b>	<b>Loss of Private Land</b>					
1.a	Loss of private land	Agricultural land <sup>15</sup> , homestead land or vacant plot	IP as Legal title holders/ Traditional titleholders <sup>16</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement/market value as specified in the LARR Act, 2013 or land-for-land where feasible. If land-for-land is offered, titles will be in the name of original landowners.</li> <li>• Compensation at replacement cost for any investment made to land</li> <li>• Solatium to be paid at 100 percent of the compensation amount</li> <li>• If the residual plot(s) is (are) not viable, any of the following three options are to be given to the affected person, subject to acceptance:                             <ul style="list-style-type: none"> <li>• Option 1 - The affected person remains on a portion of the plot and compensation is paid only for the amount of land acquired.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census. Compensation covers all taxes and fees.</li> </ul>	<ul style="list-style-type: none"> <li>• The Valuation Committee will determine compensation as per the procedures outlined in the subsequent sections of this document.</li> <li>• PMU will ensure provision of notices. PIU with support of PMC will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable HHs.</li> </ul>

<sup>15</sup>The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also be reflected in the Resettlement Budget.

<sup>16</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to title holders

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>• Option 2- The affected person remains on a portion of the plot, and the compensation is paid for all the remaining land, which will be acquired if the AP so desires.</li> <li>• Option 3 - 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.</li> <li>• All displaced families will receive monthly subsistence allowance of INR 3,000<sup>17</sup> for one year (total INR 36,000) from the date of award.</li> <li>• One-time resettlement allowance<sup>18</sup> of Rs. 50,000 per affected family<sup>19</sup></li> <li>• Choice of annuity or employment: Each affected family shall be eligible for choosing one time assistance option – (i) where jobs are created through the project, after</li> </ul>		

<sup>17</sup> The LARR Act, 2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.

<sup>18</sup> The LARR Act, 2013 specifies that each affected family shall be given a one-time resettlement allowance of Rs. 50,000.

<sup>19</sup> 'Affected Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on the household head. Widows, divorcees and women deserted by families shall be considered a separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act, 2013



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>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 (ii) one-time payment of INR 500,000 per affected family; or (iii) annuity policies that shall pay not less than INR 2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers</p> <ul style="list-style-type: none"> <li>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 the 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</li> </ul>		

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>time of the Collector's taking actual possession of the land; and (iii) compensation incidental to such change if the affected landowner is compelled to change his place of</p> <ul style="list-style-type: none"> <li>• Compensation for affected plants and trees (refer Section D of the Matrix);</li> <li>• Compensation for affected standing crops will be provided at market value (refer Section D of the Matrix);</li> <li>• 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 implementing agency.</li> </ul>		
1.b	Loss of private land	Agricultural land, homestead land or vacant plot	IP as tenants and leaseholders (whether having written tenancy/lease documents or not / sharecroppers	<ul style="list-style-type: none"> <li>• Reimbursement of rental deposit or unexpired lease - such amount will be deducted from the compensation of land owners</li> <li>• Compensation at full replacement cost for lost assets, irrigation infrastructure and other improvements made to the land by the AP.</li> </ul>	<ul style="list-style-type: none"> <li>• Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease and will provide proof of such reimbursement to the project.</li> <li>• Vulnerable</li> </ul>	<p>PIU will confirm land rental/lease and ensure tenants and lease holders receive reimbursement for land rental deposit or unexpired lease.</p> <p>PMU though PIU will ensure provision of notice.</p>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>• One-time resettlement allowance of INR 50,000 for those who become marginal framers or landless, or those who need to relocate due to acquisition.</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting</li> <li>• Choice of annuity or employment – the following options are to be provided:               <ul style="list-style-type: none"> <li>(i) where jobs are created through the project, after providing suitable training                   <ul style="list-style-type: none"> <li>a) 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</li> <li>(ii) one-time payment of INR 500,000 per affected family; or</li> <li>(iii) annuity policies that shall pay not less than INR 2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Laborers;</li> </ul> </li> <li>b) This entitlement will be</li> </ul> </li> </ul>	<p>households will be identified during the census.</p>	

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>provided to those who have been utilizing the land for income generation continuously for the last 3 years from the date of notification.</p> <ul style="list-style-type: none"> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided;</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided;</li> </ul>		
<b>1c.</b>	Loss of private land	Agricultural land, homestead land or commercial or mixed use land	IP as encroachers	<ol style="list-style-type: none"> <li>1. Encroachers will be notified and given 60 days advance notice to remove their assets.</li> <li>2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</li> <li>3. Right to salvage material from the demolished structure at no cost.</li> <li>4. Additional assistance for vulnerable households (refer to #7 in this matrix).</li> </ol>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted as part of the RP.</li> </ul>	PIU/PMC will identify vulnerable households. PMU through PIU will ensure provision of notice.
<b>1d.</b>	Loss of private land	Agricultural land, homestead land or commercial or mixed use land	IP as squatters	<ol style="list-style-type: none"> <li>1. Squatters will be notified and given 60 days advance notice to remove their assets.</li> <li>2. Compensation for affected structures at replacement</li> </ol>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census</li> </ul>	PMU through PIU will ensure provision of notice. PIU/PMC will identify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</p> <p>3. Right to salvage material from demolished structure at no cost.</p> <p>4. A lump sum shifting assistance of Rs10,000 will be provided</p> <p>5. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	conducted as part of the RP.	
<b>1.e</b>	Limited use of land	Private lands affected by Government underground cables and pipes	IP as legal title holders/traditional titleholders <sup>20</sup>	<p>1. Compensation of 15% of the market value of the land on the date of declaration, and interest on the compensation amount if works are not completed within the stipulated time.</p> <p>2. Compensation for crops and trees and any other loss/damage to the land or property as a result of such work (refer to # 3, 4, 5)</p> <p>3. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	Compensation to be paid to the owner within 30 days of issue of declaration. <sup>21</sup>	PMU through PIU will ensure provision of notice.

<sup>20</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to title holders

<sup>21</sup> <http://www.mp.gov.in/en/web/revenue/policies> (<http://www.mprevenue.nic.in/documents/10192/5815895/4.pdf>)

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
2	<b>Loss of Government Land</b>					
2.a	Loss of Government land	Vacant plot, Agricultural land, homestead land	IP as leaseholders	<ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee).</li> <li>• All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</li> <li>• Compensation for any investment made to the land</li> <li>• One-time resettlement allowance of INR 50,000</li> <li>• 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</li> </ul>	Vulnerable households will be identified during the census.	PMU through PIU will ensure provision of notice. PIUs will identify vulnerable households with the assistance of PMC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>the land; and (iii) compensation incidental to such change if affected leaseholder is compelled to change his place of residence or business due to proposed land acquisition;</p> <ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops, if any. If notice cannot be given, compensation for loss of crops will be provided</li> <li>• One-time financial assistance of INR 50,000 as transportation cost</li> <li>• In the event of permanent livelihood impact to leaseholder, choice of annuity or employment as per item #6 of this matrix.</li> <li>• Additional assistance for vulnerable households (refer to #7 in this matrix).</li> </ul>		
<b>2.b</b>	Loss of Government land	Vacant plot, RoW of road	IP as encroachers <sup>22</sup>	<ul style="list-style-type: none"> <li>• Encroachers will be given 60 days advance notice to remove their assets</li> <li>• Compensation at replacement cost for any investment made to the land;</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given,</li> </ul>	<ul style="list-style-type: none"> <li>• The date of the census survey will serve as cut-off date for non-titleholders.</li> <li>• Vulnerable households will be</li> </ul>	PMU through PIU will ensure the provision of notice. PIUs will identify vulnerable households with the assistance of PMC.

<sup>22</sup> Encroachers are those who build a structure which is in whole or in part on an adjacent property, to which he/she has no title.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>compensation for loss of crops will be provided</p> <ul style="list-style-type: none"> <li>Additional assistance to vulnerable households (refer to #7 in this matrix).</li> </ul>	<p>identified during the census.</p>	
<b>2c.</b>	Loss of Government land	Vacant plot, RoW of road	IP as squatters <sup>23</sup>	<ul style="list-style-type: none"> <li>Squatters will be notified and given 60 days advance notice to remove their assets.</li> <li>A lump sum shifting assistance of Rs 10,000 will be provided.</li> <li>Additional assistance to vulnerable households. c)</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix).</li> </ul>	<p>PMU through PIU will ensure provision of notice. PIU/PMC will identify vulnerable households.</p>
<b>3.</b>	Loss of Residential Structures					
<b>3.a</b>	Loss of residential structure	Residential structure and other assets <sup>24</sup>	<p>IP as Legal titleholders; Family with traditional land right; and Those without homestead land<sup>25</sup></p>	<ul style="list-style-type: none"> <li>If a house is lost in a rural area, a constructed house shall be provided as per the <i>Indira Awas Yojana</i> specifications or the equivalent cost of the house;</li> <li>In urban areas, a constructed house shall be provided, which will be not less than 50 square meters</li> </ul>	<ul style="list-style-type: none"> <li>Compensation includes all taxes and fees.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	<ul style="list-style-type: none"> <li>Valuation committee will verify replacement value.</li> <li>PIU/PMC will verify the extent of impacts through a 100% survey of affected households and determine assistance, and identify</li> </ul>

<sup>23</sup> Squatters are those who have no recognizable rights on the land that they are occupying.

<sup>24</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

<sup>25</sup> Who have been residing in the area continuously for a period of not less than three years preceding the date of notification



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>in plinth area or a one-time financial assistance for house construction, which shall not be less than INR 150,000;</p> <ul style="list-style-type: none"> <li>• The replacement value of the structure will be provided, calculated without depreciation as per the latest prevailing Schedule of Rates adjusted for inflation from the year of publication;</li> <li>• 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;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided</li> <li>• Right to salvage material from the demolished structure at no cost;</li> <li>• Rental assistance<sup>26</sup> until an alternative house is ready;</li> </ul>		vulnerable households

<sup>26</sup> Rental assistance will be based on rental prices in the area of current residence of the AP, and will be fixed by the PIU in discussion with the PMU and PMC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>Each affected family shall be given a one-time Resettlement Allowance of INR50,000 in case of relocation.</li> <li>For the loss of cattle shed a one-time assistance of INR25,000 to be provided. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the implementing agency.</li> </ul>		
<b>3.b</b>	Loss of residential structure	Residential structure and other assets	IP as Tenants and leaseholders	<ul style="list-style-type: none"> <li>Rental assistance for a period of three months.</li> <li>One-time financial assistance of INR50,000 as transportation cost for shifting;</li> <li>A monthly subsistence allowance equivalent to INR3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided;</li> <li>Each family will be provided with a one-time Resettlement Allowance of INR50,000, in case of relocation;</li> <li>d) Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</li> <li>Any advance deposited by the tenant to the landlord will be deducted from land</li> </ul>	<ul style="list-style-type: none"> <li>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	<ul style="list-style-type: none"> <li>Valuation committee will verify replacement value.</li> <li>PIU/PMC will verify the extent of impacts through a 100% surveys of affected households determine assistance, and verify identify vulnerable households</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				lord/owner's total compensation package on submission of documentary evidence; <ul style="list-style-type: none"> <li>For the loss of cattle shed a one-time assistance payment of INR25,000 to be provided</li> <li>Right to salvage material from demolished structure, erected by tenants.</li> </ul>		
<b>3.c</b>	Loss of residential structure	Residential structure and other assets	IP as Squatters, encroachers	<ul style="list-style-type: none"> <li>Squatters and encroachers will be given 60 days advance notice to remove their assets</li> <li>Replacement cost of structure constructed by the squatter</li> <li>Right to salvage materials from structure and other assets</li> <li>A lump sum shifting assistance of Rs. 25,000 will be provided.</li> <li>•</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<ul style="list-style-type: none"> <li>Non-titleholders will be eligible for compensation when they are found residing at the land on the date of the census / cut-off date</li> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU/PMC will verify the extent of impacts through 100% census survey of APs/AHs, determine assistance, and identify
<b>4</b>	<b>Loss of Commercial Structures</b>					
<b>4.a</b>	Loss of commercial structure	Commercial structure and other assets	IP as legal titleholders and those with traditional land rights	<ul style="list-style-type: none"> <li>The replacement value of the structure, calculated as per the latest prevailing Schedule of Rates without depreciation; One-time grant</li> </ul>	<ul style="list-style-type: none"> <li>Compensation accounts for all taxes and fees, and does not account</li> </ul>	<ul style="list-style-type: none"> <li>Valuation Committee will determine replacement value.</li> <li>PIU/PMC will verify</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>of a minimum of INR 25,000<sup>27</sup> for self-employed persons, artisans, traders etc.</p> <ul style="list-style-type: none"> <li>• One-time Resettlement Allowance of Rs. 50, 000.</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided.</li> <li>• Right to salvage material from the demolished structure at no cost;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• Rental assistance will be provided<sup>28</sup> at prevalent market rate for the space/location (on a square foot basis equivalent to the space lost at the location), for a period of three months</li> <li>• All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the implementing agency.</li> </ul>	<p>for any depreciation.</p> <ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>the extent of impacts through 100% census survey of APs/AHs to determine the compensation package.</p>

<sup>27</sup>Based on the LARR Act, 2013.

<sup>28</sup> Rental assistance will be fixed based on the rental prices of the area of current commercial establishment of the AP, and will be fixed by the PIU after discussions with the PMU, and the PMC.

	<b>Type of Loss</b>	<b>Application</b>	<b>Definition of Entitled Person</b>	<b>Compensation Policy</b>	<b>Implementation Issues</b>	<b>Responsible Agency</b>
<b>4.b</b>	Loss of commercial structure	Commercial structure and other assets	IP as tenants and leaseholders	<ul style="list-style-type: none"> <li>• Rental assistance will be provided at the prevalent rate of the area on a square feet basis equivalent to the space lost, for a period of three months;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided;</li> <li>• Any advance deposited by the tenant to the landlord will be deducted from landlord/owner's total compensation package on submission of documentary evidences; and</li> <li>• Right to salvage material from demolished structure, erected by tenants.</li> <li>• Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner.</li> </ul>	<ul style="list-style-type: none"> <li>• Land/structure owners will reimburse tenants and leaseholders the land rental deposit or unexpired lease, and provide proof of such reimbursement to the PIU.</li> <li>• Vulnerable households will be identified during the census.</li> </ul>	PIU/PMC will verify the extent of impacts through a 100% survey of APs to determine assistance, verify and identify vulnerable peoples/ households.
<b>4.c</b>	Loss of commercial structure	Commercial structure and other assets	IP as squatters and encroachers	<ul style="list-style-type: none"> <li>• Squatters and encroachers will be given 60 days advance notice to remove their assets</li> </ul>	<ul style="list-style-type: none"> <li>• Non-titleholders will be eligible for compensation when they have</li> </ul>	PIU/PMC will verify the extent of impacts through a 100% survey of APs/AHs to determine assistance,

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>Replacement cost of structure constructed by the squatter/encroacher</li> <li>Right to salvage materials from structure and other assets</li> <li>A lump sum shifting and transitional assistance of Rs.25,000 will be provided.</li> <li>Additional assistance to vulnerable households</li> </ul>	<p>a commercial establishment / structure on the date of the census survey / cut-off date.</p> <ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	verify and identify vulnerable people/households.
<b>5</b>	<b>Loss of Crops and Trees</b>					
<b>5.a</b>	Loss of trees and crops	Standing trees and crops	IP as titleholders, sharecroppers, leaseholders, encroachers and squatters	<ul style="list-style-type: none"> <li>APs will be notified and given 60 days advance notice to remove trees. For seasonal crops and fruit trees six months' notice is to be given;</li> <li>Compensation for trees at prevalent market rates<sup>29</sup>, to be calculated as annual net product value multiplied by the number of productive years remaining; <ul style="list-style-type: none"> <li>Compensation for trees at prevalent market rates,30 to be calculated as annual net product value multiplied by number of productive years remaining. <ul style="list-style-type: none"> <li>Compensation at market value of</li> </ul> </li> </ul> </li> </ul>	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.	PMU through PIU 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 APs

<sup>29</sup> Valued by an experienced person from the field of agriculture or Horticulture Department

<sup>30</sup> Valued by an experienced person in the field of horticulture/forestry etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>timber in case of timber-bearing trees.</p> <ul style="list-style-type: none"> <li>○ For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.</li> <li>• Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates.<sup>31</sup> <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>• Compensation for one-year net harvest for seasonal crops at prevalent market rates;<sup>32</sup></li> <li>• In case of trees/crops planted by non-titleholders, compensation will be given.</li> </ul>		
<b>6</b>	<b>Loss of Livelihood</b>					
<b>6.a</b>	Loss of livelihood	Permanent loss of livelihood to business owners/operators or self-employed persons	IPs facing loss of livelihood, irrespective of title (owners/tenants and leaseholders, with or without written tenancy/lease documents	<ul style="list-style-type: none"> <li>• Choice of annuity or employment – the following options are to be provided:               <ul style="list-style-type: none"> <li>(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</li> </ul> </li> </ul>	Non-titleholders will be eligible for compensation.	<p>PIU/PMC will verify the extent of impacts through a 100% survey of APs.</p> <p>PMU will ensure coordination with government departments and convergence with government social</p>

<sup>31</sup>To be valued by persons experienced in the field of horticulture, forestry etc. as necessary

<sup>32</sup>To be valued by persons experienced in the field of agriculture.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>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</p> <p>(b) onetime payment of Rs.5,00,000 per affected family; or</p> <p>(c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <ul style="list-style-type: none"> <li>• Preference for employment opportunity for affected persons in the project construction work, if so desired by them.</li> <li>• One time grant of a minimum of Rs. 25, 000<sup>33</sup> for self-employed persons, artisans and small traders.</li> <li>• Training would be provided for income generating vocational training and skill improvement options based on</li> </ul>		security schemes

<sup>33</sup> Based on the RFCTLARRA.



	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				the choice of the affected person at Rs 20,000 <sup>34</sup> per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to Rs.40,000 <sup>35</sup> .		
<b>6b</b>	Loss of livelihood	Permanent loss of employment	Wage-earning employees among IPs affected due to permanent displacement of commercial structure (those working in businesses such as petty shops, eateries etc.)	<ul style="list-style-type: none"> <li>• One-time financial assistance for lost income based on 6 months subsistence allowance at Rs. 18,000<sup>36</sup> per affected person.</li> <li>• Preference for employment opportunity for Affected Persons in project construction work, if so desired by them.</li> </ul>	Vulnerable persons will be identified during the census/income survey and provided additional assistance as per item 7 in this EM.	
<b>7</b>	<b>Impact on Vulnerable Affected Persons (APs) including IP</b>					
<b>7.a</b>	Impacts on vulnerable affected persons <sup>37</sup>	All impacts	All vulnerable APs : Legal titleholders; tenants, leaseholders; encroachers, squatters,	<u><b>Permanent Impacts</b></u> <ul style="list-style-type: none"> <li>• <b>Loss of land or structure</b></li> </ul>	Vulnerable households will be identified during the	PIU/PMC will verify the extent of impacts through a 100% survey of APs and

<sup>34</sup> 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, GOI 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 in Kolkata for 26 working days a month for three months

<sup>35</sup> This is an estimate. The income generating asset will be skill related. However the assets will be decided on a case to case basis.

<sup>36</sup> 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.

<sup>37</sup> Vulnerable households / families comprise woman-headed households, disabled-headed household, scheduled caste/scheduled tribe households, elderly-

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
			hawkers, vendors, sharecroppers, wage labour etc.)	<p><b>or livelihood:</b></p> <p>Further to item 1,</p> <ul style="list-style-type: none"> <li>• In case of loss of land and a total dependency on agriculture: land-for-land compensation if preference expressed by the affected person</li> <li>• Additional one-time lump sum assistance of Rs 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.</li> <li>• Vulnerable APs will be given priority in employment in the project construction and project operation activities.</li> <li>• 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 Rs 50, 000 per the provisions of the RFCTLARRA.</li> <li>• Provision for skill training for displaced vulnerable persons, in addition to</li> </ul>	census.	<p>identify vulnerable households.</p> <ul style="list-style-type: none"> <li>• PIUs will conduct a training need assessment in consultation with the displaced persons so as to develop appropriate income restoration schemes.</li> <li>• Suitable trainers or local resource persons will be identified by PIUs in consultation with local training institutes.</li> <li>• Contractor will maintain gender-disaggregated data on vulnerable persons employed in project construction/operation work.</li> <li>• PIU will maintain records of vulnerable persons provided skill training.</li> </ul>

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headed households and Below Poverty Line households

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				assistance for purchase of income generating assets upto INR 30,000 and initial capital of IN R 40,000/  <u><b>Temporary Impacts</b></u> Vulnerable APs will be given priority in employment in project construction work, in addition to compensation for income loss.		
<b>8</b>	<b>Temporary Impact</b>					
<b>8.a</b>	Temporary loss of land	Land temporarily required for subproject construction	IP as legal titleholders; tenants, leaseholders  encroachers, squatters, sharecroppers, wage labour etc.	<ul style="list-style-type: none"> <li>• Provision of rent payable to legal titleholders for temporary use of the land for period of occupation.</li> <li>• Restoration of land to previous or better quality.</li> <li>• Compensation for assets lost at replacement value, and trees and crop loss in accordance with item 1 and 5 respectively, excluding the provision of solatium.</li> <li>• In case the land has become permanently unfit for the purpose it was used before, it shall be acquired in accordance with item 1.</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</li> <li>• Site restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Valuation Committee will determine rental value and duration of construction survey and consultation with APs.</li> <li>• PMU/PIU will ensure compensation is paid prior to site being taken-over by contractor</li> <li>• Contractor will be responsible for site restoration.</li> </ul>
9-a	Structures temporarily required for project	Structures in the right of way	IP as legal titleholders/ non-titled holders including building owners, tenants, informal settlers, licenced	<ul style="list-style-type: none"> <li>• Advance notice of at least 4 weeks</li> <li>• Assistance to shift to</li> </ul>	PIU and contractor will identify alternative site and help in shifting to	<ul style="list-style-type: none"> <li>• PMU/PIU will be responsible for assistance and monitoring.</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
	activities		or non-licenced vendor	<p>nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc.</p> <ul style="list-style-type: none"> <li>• Assistance to shift back once construction completed</li> <li>• Compensation for damaged assets at replacement cost without depreciation</li> <li>• Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities</li> <li>• Subsistence/relocation allowance at Rs.3000 per month for 3 months, if temporarily displaced for more than 1 month.</li> </ul>	<p>the alternative site and back to the original place.</p> <ul style="list-style-type: none"> <li>• Replacement cost for damaged assets as determined by the PIU, with the assistance of PMC will be provided by the contractor.</li> </ul>	
<b>8.b</b>	Temporary disruption of livelihood		IP as legal titleholders tenants, leaseholders; encroachers, squatters, sharecroppers, wage labour etc.	<ul style="list-style-type: none"> <li>• 60 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>• Cash assistance based on the net average income from each type of affected business or minimum wage for the loss of income/livelihood for the period of disruption</li> <li>• Assistance to mobile vendors/ hawkers to temporarily shift for continued economic</li> </ul>	<p>Identification of alternative temporary sites to continue economic activity for the said duration of disruption</p> <p>Business survey o be conducted, which will serve as the cut-off date.</p>	<ul style="list-style-type: none"> <li>• Valuation Committee will determine income loss.</li> <li>• Contractors will be guided by PIUs to perform actions to minimize income/access loss.</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				activity. <sup>38</sup>	PIU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the PMC.	
<b>9</b>	<b>Loss of Common Resources</b>					
<b>9.a</b>	Loss/ impacts on common resources	Common resources	IP communities/user groups (formal/informal)	<ul style="list-style-type: none"> <li>• Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, bus shelters etc.</li> <li>• Restoration of access / provision of alternative access to common facilities/resources.</li> <li>• Enhancement of community resources in areas with major impacts on common resources</li> </ul>	The scope of work of the contractor should include the restoration of common sources if affected during project implementation	<ul style="list-style-type: none"> <li>• Project contractor should restore or enhance the common resources.</li> <li>• PIUs and PMC to ensure and monitor.</li> </ul>
<b>10</b>	<b>Any Other Unanticipated Impact</b>					

<sup>38</sup> For example, assistance to shift to the other side of the road where there is no construction.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
10a	Any other loss not identified	-	Affected community/member IP	<ul style="list-style-type: none"> <li>Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in the Resettlement Framework, and the IPPF</li> </ul> <p>Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy.</p>	-	PIU assisted by PMC will ascertain the nature and extent of such loss. PMU will finalize the entitlements in line with ADB's SPS, 2009 and in the spirit of the RF.

## 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
<b>A. Indigenous Peoples Identification</b>				
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?				

<b>KEY CONCERNS</b> (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
8. Are such groups represented as "indigenous peoples," "ethnic minorities," "scheduled tribes," or "tribal populations" in any formal decision-making bodies at the national or local levels?				
<b>B. Identification of Potential Impacts</b>				
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?				
<b>C. Identification of Special Requirements</b> <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of indigenous peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity and community of indigenous peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?				

### C. Indigenous People Impact

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

has indigenous people (IP) impact, so an indigenous people plan (IPP) or specific IP



action plan is required.

has No IP impact, so no IPP/specific action plan is required.

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