

# Indigenous Peoples Planning Framework

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## India: Rajasthan Secondary Towns Development Sector Project – Additional Financing

Prepared by Rajasthan Urban Infrastructure Development Project, Government of Rajasthan for  
the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 21 March 2023)

Currency unit	–	Indian rupee (₹)
₹1.00	=	\$0.01
\$1.00	=	₹82.52

## ABBREVIATIONS

ADB	–	Asian Development Bank
AMRUT	–	Atal mission for rejuvenation and urban transformation
CAPPC	–	community awareness and public participation consultant
CLCs	–	city-Level committees
CMSC	–	construction management and supervision consultant
CWR	–	clear water reservoir
DMA	–	district metering area
DMS	–	detailed measurement survey
DPRs	–	detailed project reports
FRA	–	Forest Rights Act
FSSM	–	fecal sludge and Septage management
GRC	–	grievance redress committee
GRM	–	grievance redress mechanism
IEC	–	information education communication
IND	–	India
INRM	–	India Resident Mission
IPPF	–	indigenous people planning framework
IPPF	–	indigenous people plan
LARRA	–	Land Acquisition, Rehabilitation and Resettlement Authority
LPCD	–	Liters Per Capita Per Day
LSGD	–	Local Self Government Department
NCST	–	national commission for scheduled tribes
NGO	–	Non-Governmental Organizations
NRW	–	non-revenue water
O&M	–	operation & maintenance
PESA	–	Panchayats extension to scheduled areas
PHED	–	Public Health Engineering Department
PIU	–	project implementation unit
PMC	–	project management consultants
PMCBCs	–	project management and capacity building consultants
PMU	–	project management unit
PWD	–	Public Works Department
RFCTLARRA	–	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act
RSTDSP	–	Rajasthan Secondary Towns Development Sector Project

RUDSICO	–	Rajasthan Urban Drinking Water Sewerage & Infrastructure Corporation Limited
RUIDP	–	Rajasthan Urban Infrastructure Development Project
SCA	–	special central assistance
SIA	–	social impact assessment
SLEC	–	state-level empowered committee
SPO	–	social protection officer
SPS	–	Safeguard Policy Statement
TSS	–	tribal sub-scheme
ULBs	–	urban local bodies
WASH	–	water, sanitation and hygiene

### **NOTES**

- (i) The fiscal year (FY) of the Government of India and its agencies ends on 31 March.
- (ii) In this report, "\$" refers to United States dollars.

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## I. PROJECT BACKGROUND

### A. Introduction

1. Rajasthan is India's largest state in terms of areal extent. It covers 10% of the country's land area and has 5% of the population but only about 1% of the country's surface water resources. One-fourth of the population, or 17 million people, lives in 297 urban centers. Rajasthan has achieved a reduction in poverty) from 34% to 15% between 2005-2012.<sup>1</sup> Yet significant differences remain in poverty rates between urban and rural areas. Below poverty line (BPL) population in urban areas is about 11% compared to 25% for the state as a whole.<sup>2</sup>

2. ADB approved a loan of \$300 million for the Rajasthan Secondary Towns Development Sector Project (RSTDSP, Loan 3972: IND) from its regular ordinary capital resources on 25 September 2020 and became effective on 4 January 2021. The closing date of the current project is 31 May 2028. This project is on track and has performed well consistently since the first quarter of 2021. Under this project, water supply systems are being improved in eight urban local body (ULB) towns (Output 1), and sanitation systems in 13 ULBs (Output 2). During the implementation, an additional 13 ULBs were added to the project for fecal sludge and septage management system development. Under Output 3, capacity building and training activities on sustainable and resilient water supply and sanitation (WSS) operations, hygiene, gender equality and social inclusion conducted.

3. The RSTDSP Additional Financing (RSTDSP-AF) project aims will expand the improved access to WSS services in at least ten urban local bodies (ULBs), benefiting 1.2 million people. Important value addition of the proposed project to the ongoing project is that it will provide innovative solutions to address climate change to respond to the growing climate risks and vulnerability and also to improve livability and prosperity through enhancing natural and/or built heritage at least ten ULBs in Rajasthan, benefiting 1.0 million people. The overall project is aligned with the following impacts: (i) access to potable, affordable, reliable, equitable, environmentally sustainable drinking water supply in all urban areas of Rajasthan improved, (ii) health status of urban population, especially the poor and under-privileged improved, and (iii) productivity, livability and prosperity for the citizens in Rajasthan cities and towns enhanced. Reflecting the additional measures to enhance climate resilience and heritage-sensitive urban development of the project, impact statement (iii) was added; the outcome statement is modified as quality, reliability, equity, and sustainability of urban assets and services in project towns of Rajasthan improved; and additional output was also added, resulting in four outputs.

- (i) **Output 1: Resilient water supply systems developed or improved.** By 2028, the project will (i) At least 1,300 km of water supply pipelines will be commissioned through a district-metered area approach for effective non-revenue water (NRW) management, (ii) at least 79,000 households will be connected to an improved water supply system, including at least 95% below poverty line households, with 100% functional meters allowing for the introduction of volumetric billing, (iii) three new water treatment plants (WTPs) will be commissioned with a total capacity of at least 24 million liters per day (mld).
- (ii) **Output 2: Resilient and inclusive sanitation systems developed or improved.** By 2028, (i) at least 500 km of sewers will be constructed; (ii) seven sewage treatment

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<sup>1</sup> World Bank. 2018. *Rajasthan: Playing to its Strengths*. Washington, D.C.

<sup>2</sup> Government of India. 2012. *National Sample Survey rounds (NSS) of 1993-1994, 2004-2005 and 2011-2012*. Delhi.

plants (STPs) with co-treatment of wastewater and fecal sludge and with a total capacity of at least 30 mld will be commissioned and one existing STP with 10 mld capacity will be upgraded to meet current effluent standards; and (iii) at least 54,000 new household connections (including at least 95% below poverty line households) to the sewer system will be installed.

- (iii) **Output 3: Urban assets to enhance climate resilience and heritage living developed or improved.** By 2028, (i) at least 50 km of drainage networks will be constructed in five ULBs; (ii) at least five either kunds or baories rehabilitated and/or reconstructed in three ULBs that were heritage structures built for drainage, rainwater harvesting, and reuse, but currently are not properly functioning; (iii) five water parks rehabilitated in one ULB to enhance water retention and storage capacity and/or to improve people's well-being, both residents and visitors; and (iv) at least four heritage structures are refurbished in five ULBs to improve the living environment and attract more tourists.
- (iv) **Output 4: Institutional and human capacities strengthened for sustainable service delivery, gender equality, and improved public health.** The project will provide training to an additional 300 staff and 300 elected council members' of 10 project ULBs on urban infrastructure and services including water and sanitation, water conservation, financial sustainability, climate change impacts, gender equality, and social inclusion (GESI), and/or public health. It will continue supporting 10 ULBs with (i) a monitoring system on contractor performance and service levels, (ii) WSS O&M procedures, and (iii) data platforms with supervisory control and data acquisition and a geographic information system for efficient O&M and WSS asset management. The project will continue promoting gender equity by expanding the internship program for an additional 500 college-aged women and skills training to additional 100 women, including 50 women from scheduled caste, other backward castes, or scheduled tribes. Also, it will pilot an all-women O&M of two urban space/heritage structures/buildings.

## B. Project Description

4. The overall project is aligned with the following impacts: (i) access to potable, affordable, reliable, equitable, environmentally sustainable drinking water supply in all urban areas of Rajasthan improved,<sup>3</sup> (ii) health status of urban population, especially the poor and under-privileged improved,<sup>4</sup> and (iii) productivity, livability and prosperity for the citizens in Rajasthan cities and towns enhanced.<sup>5</sup> Reflecting the additional measures to enhance climate resilience and heritage-sensitive urban development of the AF project, impact statement (iii) was added; the outcome statement is modified as quality, reliability, equity, and sustainability of urban assets and services in project towns of Rajasthan improved; and additional output was also added, resulting in four outputs.<sup>6</sup>

<sup>3</sup> Government of Rajasthan. 2018. *Rajasthan Urban Water Supply Policy*. Jaipur.

<sup>4</sup> Government of Rajasthan. 2016. *State Sewerage and Waste Water Policy*. Jaipur.

<sup>5</sup> Government of Rajasthan. 2017. *Rajasthan Urban Development Policy*. Jaipur.

<sup>6</sup> The design and monitoring framework is in Appendix 1.



5. The following secondary towns are included in the project. Improvements to water supply and/or wastewater systems and/or city beautifications are proposed in project towns. Relevant data about the project towns is tabulated in Table 1 below. The scheduled area of Rajasthan is attached in Appendix 1.

**Table 1: Indicative List of Subprojects and Components under RSTDSP  
(under the Original Project)**

S. No.	Name of Town	Components		Population	
		Water Supply	Wastewater	2011	2021
1.	Banswara	Construction of Clear Water Reservoir (CWR), pumping station, WTP and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	101,017	117,563
2.	Abu Road	Construction of CWR, pumping station, WTP and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	55,599	63,554
3.	Sirohi	Construction of CWR, pumping station, WTP and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	39,229	43,932
4.	Pratapgarh	-	Construction of STP, SPS, laying of sewer line and house sewer connections	42,079	49,477
5.	Khetri	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	18,917	20,594
6.	Mandawa	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	23,335	26,543
7.	Kuchaman	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	61,969	74,040
8.	Ladnu	-	Construction of STP, laying of sewer line and house sewer connections	65,575	74,510
9.	Didwana	-	Construction of STP,	53,749	63,720

S. No.	Name of Town	Components		Population	
		Water Supply	Wastewater	2011	2021
			SPS, laying of sewer line and house sewer connections		
10.	Makrana	-	Construction of STP, SPS, laying of sewer line and house sewer connections	94,487	1,08,830
11.	Laxmangarh	Construction of CWR, laying of pipeline and house service connections	None	53,392	60,821
12.	Fatehpur	-	Construction of STP, SPS, laying of sewer line and house sewer connections	92,595	1,06,140
13.	Ratangarh	-	Construction of STP, SPS, laying of sewer line and house sewer connections	71,124	79,358
14.	Sardarshahar	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	95,911	1,09,830

CWR= clear water reservoir, NA = Not available, SPS = sewage pumping station, STP = sewage treatment plant, WTP = water treatment plant.

Source: RSTDSP, PMU

\*figures as per census 2011

6. A summary of proposed improvements in project towns is presented in Table 2.

**Table 2: Summary of Proposed Improvements in Subproject Towns  
(under the Original Project)**

Subprojects	ULBs
Water supply (8 ULBs)	Abu Road, Banswara, Khetri, Kuchaman, Laxmangarh,** Mandawa, Sardasahar, Sirohi
Sanitation (13 ULBs)	Abu Road, Banswara, Didwana*, Fatehpur*, Khetri, Kuchaman, Ladnu, Mandawa, Makrana*, Pratapgarh*, Ratangarh*, Sardasahar, Sirohi

\*Indicates that the project is only investing in sanitation in that ULB, and not water supply.

\*\* Indicates that the project is only investing in water supply in that ULB, and not sanitation.

**Table 3: Indicative List of Subprojects and Components Under Rajasthan Secondary Towns Development Sector Project (under the proposed Additional Financing)**

S. No.	Name of Subproject Towns	Components				Population	
		Water Supply	Wastewater	Drainage	City Beautification	2011*	2022
1	Balotra	X	X			74,496	89,760
2	Barmer		X			46,705	47,000
3	Bharatput		X		X	252,342	306,950
4	Bhawani Mandi		X	X		22,156	25,985
5	Bundi	X	X	X	X	103,286	122,800
6	Dungapur	X	X			47,706	54,080
7	Jaisalmer				X	65,471	78,870
8	Jodhpur		X	X		198,301	547,014
9	Mt. Abu				X	22,943	29,040
10	Nathdwara	X			X	42,016	48,010
11	Nawalgarh		X	X	X	63,948	71,750
12	Nimbaheda					61,949	72890
13	Nokha	X	X			62,699	77,220
14	Pushkar					21,626	27,580
15	Ratangarh			X		52,817	59,695
16	Sagwara	X	X			29,439	33,963

\* Source: Census 2011 and Rajasthan Secondary Towns Development Sector Project, project management unit.

**Table 4: Summary of Proposed Improvements in Subproject Towns (under the proposed Additional Financing)**

Subprojects	ULBs
Water supply (7 ULBs)	Balotra, Bundi, Dungarpur, Nathdwara, Nimbaheda, Nokha, Sagwara
Sanitation (11 ULBs)	Balotra, Barmer, Bharatpur, Bhawani Mandi, Bundi, Dungarpur, Jodhpur, Nawalgarh, Nokha, Ratangarh, Sagwara
Beautification (8 ULBs)	Bharatpur, Bundi, Jaisalmer, Mt. Abu, Nathdwara, Nawalgarh, Pushkar, Sagwara

7. Government of Rajasthan, through its Local Self Government Department (LSGD), is the executing agency and the RUDSICO will be the implementing agency. The project management unit (PMU) headed by dedicated project director is housed in RUDSICO's division for externally aided projects (EAP). There will be 2 Zonal Offices in Jaipur and Jodhpur, and PIUs in each project ULB.

8. This indigenous people planning framework (IPPF) will be the reference document for the preparation of indigenous peoples plan/combined resettlement and indigenous peoples plan under the original project and the proposed additional financing. This document is an extension to resettlement framework prepared for the RSTDSP and must be read conjointly with the resettlement framework document.

9. This IPPF outlines the objectives, policy principles and procedures for any land acquisition, if any; compensation, and other assistance measures for affected indigenous persons, if any. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The indigenous people planning framework will apply to all subprojects

under RSTDSP and will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's SPS, 2009, as amended from time to time.

### **C. Objectives and Policy Framework**

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

#### **1. National and State Laws and Regulatory Policies**

11. The Constitution of India defines scheduled tribes, as follows: "Scheduled tribes (scheduled tribes) are those communities notified as such by the President of India under Article 342 of the Constitution. The president may with respect to a state or union territory, and where it is a state, after consultation with governor of the state, may notify a community as scheduled tribe. The first notification was issued in 1950. Criteria followed for specification of a community as a scheduled tribe are (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>7</sup>

12. Under the Constitution of India, a number of articles have been included for the protection of its citizens and few that are specifically for scheduled tribes. These are:

- (i) Article 14 – confers equal rights and opportunities to all;
- (ii) Article 15 – prohibits discrimination against any citizen on grounds of sex, religion, race, caste, etc.;
- (iii) Article 15(4) – enjoins upon the state to make special provisions for the advancement of any socially and educationally backward classes;
- (iv) Article 16(4) – empowers the state to make provisions for reservation in appointments or posts in favor of any backward class of citizens;
- (v) Article 46 – enjoins upon the state to promote with special care the educational and economic interests of the weaker sections of the people and, in particular, the scheduled tribes, and promises to protect them from social injustice and all forms of exploitation;
- (vi) Article 275(1) – promises grant-in-aid for promoting the welfare of scheduled tribes and for raising the level of administration of the scheduled areas<sup>8</sup>;

<sup>7</sup>Source: <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1514486> and [https://ncst.nic.in/sites/default/files/2017/Office\\_Order/798.pdf](https://ncst.nic.in/sites/default/files/2017/Office_Order/798.pdf)

<sup>8</sup> As per the Constitutional provision under Article 244(1) of the Constitution of India, the 'scheduled areas' are defined as "such areas as the President may by order declare to be scheduled areas"- as per paragraph 6(1) of the Fifth Schedule of the Constitution. The specification of "Scheduled Areas" in relation to a State is by a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to "Scheduled Areas". Criteria for declaring any area as a "Scheduled Area under the Fifth Schedule are: • Preponderance of tribal population, • Compactness and reasonable size of the area, • A viable administrative entity such as a district, block or taluk, and

- (vii) Articles 330, 332, and 335 – stipulate reservation of seats for scheduled tribes in the Lok Sabha and in the State Legislative Assemblies and in services;
- (viii) Article 340 – empowers the state to appoint a commission to investigate the conditions of the socially and educationally backward classes; and
- (ix) Article 342 – specifies those tribes or tribal communities deemed to be scheduled tribes (scheduled tribes).

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

- (i) The **National Commission for Scheduled Tribes (NCST)** came into effect from 19<sup>th</sup> February 2004 through Constitution (89th Amendment) Act, 2003 which bifurcated the erstwhile National Commission for Scheduled Castes and Scheduled Tribes into two separate commissions for Scheduled Castes and Scheduled Tribes. The NCST functions under clause (5) of Art.338 A includes “*To investigate & Monitor matters relating to Safeguards provided for STs under the Constitution or under other laws or under Govt. Order, to evaluate the working of such Safeguards.*” Further, it also has a duty to submit report to the President annually and at such other times as the Commission may deem fit, upon/ working of Safeguards.
- (ii) The **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights Act)** or FRA, 2006 and the Rules, which came into force from 1 January 2008 (including an Amendment in 2012). The Act recognizes and records the rights of forest dwellers who have been residing and depending on the forest for generations for their bonafide livelihood needs, without any recorded rights;
- (iii) The **Provisions of the Panchayats (Extension to Scheduled Areas) Act** or PESA, 1996 empowers the Gram Sabha in a scheduled area to prevent alienation of land in the scheduled area and to take appropriate action to restore unlawfully alienated land of a scheduled tribe; and the power to control local plans (for development) and resources for such plans. The Gram Sabha has to approve any plan for social and economic development in a scheduled area before implementation, and is responsible for selection of beneficiaries under any poverty alleviation or other program; and
- (iv) The **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**, and the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995** which protect SC/scheduled tribes from (a) wrongful occupation or cultivation of any land owned by them or allotted to them or lands notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe and transfer of land allotted to SC/scheduled tribes; (b) wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interference with the enjoyment of his rights over any land, premises or water; and (c) from any forceful removal/ causing of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence.<sup>9</sup>

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• Economic backwardness of the area as compared to the neighbouring areas.

Source: <https://tribal.nic.in/declarationof5thSchedule.aspx> <https://tribal.nic.in/DivisionsFiles/clm/ScheduledAreas.pdf>

<sup>9</sup> Transfer means a sale, gift, exchange, mortgage (with or without possession), lease, or any other transaction not being a partition among members of a family or a testamentary disposition, and includes the creation of a charge or an agreement to sell, exchange, mortgage, or lease or enter into any other transaction.

14. **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013** has special provisions for additional benefits to affected households who are members of scheduled castes/scheduled tribes under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a development plan is to be prepared; and (c) continuation of reservation and other schedule V and VI area benefits from displaced area to resettlement area. Appendix 3 presents all relevant clauses of the RFCTLARRA 2013 for scheduled tribes. The Act meets ADB indigenous people policy requirement of broad community consent and of ensuring that development interventions that affect indigenous people should ensure that they have opportunities to participate in and benefit equitably from the interventions.

15. **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013 (Special Provision for STs)**. The act has special provisions for additional benefits to affected households who are members of scheduled castes/scheduled tribes under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a development plan is to be prepared; and (c) continuation of reservation and other schedule V and VI area benefits from displaced area to resettlement area. The Act meets ADB indigenous people policy requirement of broad community consent and of ensuring that development interventions that affect indigenous people should ensure that they have opportunities to participate in and benefit equitably from the interventions.

16. **Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016**: Exercising its power, as conferred under sub section 1 and 2 of section 109 of the RFCTLARRA, state of Rajasthan passed the rules for implementation of the national act (RFCTLARRA). Some of the key items covered relate to request for land acquisition (with supporting documents mentioned therein), role of district collector post receipt of request, process and procedure for conduct of social impact study (SIA) and various requirements therein, requirement and procedures related to public disclosure of SIA and social impact management plan (SIMP), procedure for conducting public hearing, documentation and incorporation public hearing in the SIA report, submission of SIA report and its evaluation by multi-disciplinary team of experts, requirements of consent- process and mechanism to be followed, process and procedures for land acquisition and notifications to be made for the purpose under various sections of the Act, R&R requirements and its implementation arrangements, awards and compensation (including methods of calculation of award amount, timelines and method for payment of award), power, duties and responsibilities of administrator, rehabilitation and resettlement committee (at project level) and state monitoring committee, appointment of LARR authority.

17. As per notification of Government of India 2018, the areas comprising 3 complete districts namely, Banswara, Dungarpur, Pratapgarh; and 5 districts with partial coverage (includes 9 complete tehsils, 1 complete block and 46 complete gram panchayats covering 227 villages in the districts of Udaipur, Rajsamand, Chittorgarh, Pali and Sirohi of Rajasthan), have been included in the Scheduled Areas in the State of Rajasthan.<sup>10</sup> The state receives central fund (as 100% grant) under special central assistance to tribal sub-scheme<sup>11</sup> (SCA to TSS) as additional financial resource to state plan funds for tribal development. The fund is utilized for implementation of various human resource development schemes/activities such as on health

<sup>10</sup> <http://tad.rajasthan.gov.in/content/raj/tad/hi/tribal-area/scheduled-area.html>

<sup>11</sup> Tribal Sub-Plan is now renamed as Tribal Sub-Scheme.

and education, enhancement of life quality by providing basic amenities including housing, livelihood support/improvement for reduction of poverty and unemployment, improved access to entitlements and rights.

18. Fifth schedule areas in Rajasthan are now spread across 8 districts (earlier 5 districts prior to Government of India notification dated 19 May 2018) of south eastern part of the state. Of these, 3 districts are fully covered under scheduled areas while the other 5 are partially covered, 23 complete tehsils and 8 partial tehsils have been included in these scheduled areas. The scheduled areas also cover 9 municipalities (for further details on subproject locations and related information on scheduled areas in the state, Appendix 1 may be referred. It may also be noted that TSP areas are co-terminus with scheduled areas as per Ministry of Tribal Affairs, Government of India Policies, 1976.

## **2. ADB Safeguard Policy Statement, 2009**

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

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

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

customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous people. For the purposes of policy application, the consent of affected indigenous people's communities refers to a collective expression by the affected indigenous people communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities;

- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous people communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared;
- (vi) Prepare an indigenous people plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous people communities. The IPP includes a framework for continued consultation with the affected indigenous people communities during project implementation; specifies measures to ensure that Indigenous People receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous people's communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous people communities and other stakeholders;
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that indigenous people have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands; and
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, considering the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

21. Provisions of the Constitution of India and several acts that ensure protection of scheduled tribes, as defined by the Constitution, the national and state policy framework for scheduled tribes, as discussed above, are aligned with the ADB's indigenous people's safeguards.

#### **D. Policy Gap Analysis**

22. The above policies and legal instruments available in India are supplemented by ADB's Safeguard Policy Statement (SPS), 2009 for the implementation of the project. The SPS ensures equality of opportunity to be derived from project interventions for indigenous peoples. The policy emphasizes that development interventions will be planned in a manner consistent with the needs and aspirations of affected IPs, and compatible in substance and structure with affected IP's culture and social and economic institutions. ADB SPS Safeguard Requirement 3 Policy Principle



8 has an additional requirement for an action plan to be prepared for legal recognition of customary rights to lands and territories or ancestral domains of indigenous peoples, which is not a requirement as per Indian law.

23. Both Government of India and ADB recognize the vulnerability of indigenous peoples, and specifically ensure that any project intervention, whether positive or adverse, will be addressed by the implementing agencies. The Constitution of India and acts listed above ensure protection of IP or ST, as defined by the Constitution, which is consistent with ADB policy.

## **E. Identification of Indigenous People**

24. Under Article 342 of the Constitution of India, following characteristics are used to define scheduled tribes: (i) tribes' primitive traits, (ii) distinctive culture, (iii) shyness with public at large, (iv) geographical isolation, and (v) social and economic backwardness.

According to the Census of India 2011, 104.28 million or 8.84% of India's population is classified as scheduled tribes (ST). In comparison with the national figure, Rajasthan has 13.48% of its population classified as scheduled tribes, constituting 8.31% of total national tribal population. However, share of ST communities in the urban habitations in Rajasthan is not proportionate to its state level aggregate proportion (3.20 % compared to 13.48%). Appendix 2 provides details of district-wise scheduled tribe population (total and urban) in the state. In Rajasthan, scheduled tribes also commonly referred to as tribal people, are classified in to 12 distinct tribal community groups. Of these, 1 tribal group has been classified as Particularly Vulnerable Tribal Groups (PVTGs). Appendix 2 also provides the list of tribal communities (including PVTGs) in the state as per Ministry of Tribal Affairs, Government of India. The appendix also provides the list of scheduled areas in the state.

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

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

26. ADB indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous people or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. In the context of RSTDSP that is set in urban Rajasthan, only those subproject towns/cities that fall in scheduled areas and/or those recording a presence of a particularly vulnerable tribal groups (and not a few individuals belonging to such tribes) will trigger ADB SPS safeguards requirement 3 for indigenous peoples.

27. The RSTDSP project/sub projects DPRs are in their early stage of finalization. The project encourages selection of towns located in scheduled areas. Given its inherent urban focus, most of the projects and related infrastructure development activities will be carried out within urban settlements across the state. The impacts to scheduled tribe population in project towns are likely to be beneficial in nature, apart from possible temporary economic / involuntary resettlement impacts. As per available information from preliminary detailed project report (DPR) and transect walk conducted in project locations including alignment of proposed pipe network for WSS components, adverse impact to indigenous people is not anticipated in this project. However, possibilities, nature and extent of impacts, direct or indirect, can only be ascertained only after alignments related to various project infrastructure components are confirmed after design finalization by the contractor. Impacts on scheduled tribes (indigenous people) will be confirmed after completion of census surveys of affected persons for all subprojects. Any subproject with significant adverse impacts on indigenous people should be avoided for financing under this Project.

#### **F. Social Impact Assessment and Indigenous People Plan for Subproject Components**

28. The ADB SPS, 2009 requires the borrower/ client to screen and categorize a subproject at the initial project preparatory phase. The objective of the exercise is to (i) determine the significance of the potential impacts and risks on indigenous people that a project might present; (ii) identify the level of assessment and institutional resources required to address indigenous people safeguard issues; and (iii) determine information disclosure and consultation requirements. The executing agency, through the project management unit (PMU), will screen and categorize subproject components. A project's indigenous people's category is determined by the category of its most sensitive component in terms of impacts on indigenous people. The significance of impacts of an ADB supported project on indigenous people is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected indigenous people's community. The level of detail and comprehensiveness of the IPP needs to be commensurate with the significance of potential impacts on indigenous people. A proposed project is assigned to one of the following categories depending on the significance of the potential impacts on indigenous people:

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

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

30. Based on screening, a primary SIA field level survey will be conducted, either as part of a detailed project study report or as a stand-alone activity. The SIA will be conducted in consultation

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

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

- (i) Ancestral Domains and Lands and Related Natural Resources
  - (a) As indigenous people communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will be given to protect such ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system. The need to protect such ties, respecting cultural and spiritual values that indigenous people attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of indigenous people who are displaced should take priority.
  - (b) If the project requires acquisition of lands that are customarily owned, used, or occupied by indigenous people, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower/ client. This will need full recognition of the existing customary land tenure system of the indigenous people and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the IPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.
- (ii) Consent of affected tribal communities
  - (a) indigenous people may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous people, physical displacement of indigenous people, and commercial development of natural resources within customary land use. The borrower/ client in such projects will seek the consent of the affected indigenous people communities to proceed with the project. For the purpose of policy application, consent of affected indigenous people through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.
  - (b) After receiving community support/consent, the borrower/ client will provide documentation detailing the process and outcomes of consultation with indigenous people and indigenous people organizations, including findings

of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and content of formal agreement with the indigenous people/ organizations. The borrower/ client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.

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

32. The main source of information for SIA will be direct interviews with potentially affected indigenous people households, besides separate group meetings with the indigenous people communities, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and indigenous people groups' recommendations on design of the project components. The construction management and supervision consultants (CMSC) under the guidance of project management and capacity building consultants (PMCBCs) will be responsible for analyzing the SIA data and information collected by CMSC's field support staff and developing an action plan in consultation with the indigenous people community leaders. If the SIA indicates significantly adverse impacts, or that the indigenous people community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. An IPP will be prepared only when the indigenous people community accepts the design of the subproject component, and broad community support (BCS) has been ascertained. Meaningful consultation will be undertaken such that participation of affected IPs are ensured.

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

33. The main thrust of the IPP is to address the potential adverse impacts of the development project, taking into consideration the marginality and vulnerability status of the tribal community. The IPP will be formulated in such a way that the indigenous people 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 socio-cultural identity. The IPP will also focus on developmental strategy that encourages and strengthens their existing skill so that the indigenous people are able to derive benefits from project intervention.

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

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

36. If the indigenous people impacts are not significant or generally positive, the PIU in consultation with CMSC and PMCBCs (the consultants) could decide to prepare a “specific action” plan in a due diligence report or a combined resettlement and indigenous peoples plans (RIPP)<sup>12</sup> detailing required actions to address the indigenous people issues without preparing a stand-alone IPP. This decision will depend on the severity of impacts. This “specific action” plan can be a community action plan where the indigenous people groups live with non-indigenous people in the same subproject location. Another way is to incorporate indigenous people issues and their benefits into the resettlement plan, if any. If the above is not feasible, it is possible to specifically include them in the subproject beneficiary group.

37. 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>13</sup> not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

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

39. In case of limited impacts on indigenous people due to land acquisition, these impacts will be addressed by specific action planned for mitigation and included within the resettlement plan. These specific action plans will be incorporated into the resettlement plan to safeguard their interest as indigenous people. This decision of preparing a specific action plan for the indigenous people will depend on the significance and severity of impacts. A grievance redress mechanism

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<sup>12</sup> Note: The sample subproject RIPP prepared for Abu Road may be referred for preparation of any RIPPs required in future.

<sup>13</sup> Special assistance is an additional allowance to which indigenous people are entitled, other than the decided compensation package. This may include assistance/support to preserve indigenous people’ cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

(GRM) is prepared to address project-related issues affecting indigenous people, and to identify responsible persons for mitigating project-related grievances. (Figure 1).

## **H. Project Monitoring**

40. Monitoring and evaluation (M&E) facilitate resolving problems that crop up during implementation by providing solutions without delay. The IPP/RIPP includes a set of monitoring indicators for periodic monitoring of the progress of planned activities incorporated in the IPP/RIPP. Though not anticipated at this stage, for sub-projects with significant adverse impact on indigenous people, the PIU will engage qualified and experienced external experts and a qualified NGO/agency with experience in similar work to assist the monitoring expert and verify monitoring information. The external monitor will advise the executing agency on compliance issues. If any significant indigenous people issues are identified, the executing agency will prepare a corrective action plan to mitigate those and/or update approved IPP/RIPP. The PIU will implement the corrective action plan and take necessary steps to follow up the effectiveness of those corrective measures. The executing agency will prepare periodic monitoring reports on the progress of IPP/RIPP 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.

## **I. Outline of Indigenous People Plan**

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

- (i) Executive summary of the IPP—describes the critical facts, significant findings, and recommended actions.
- (ii) Description of the Project—provides a general description of the project; discusses project components and activities that may cause impacts on indigenous people; and identifies project area.
- (iii) Social Impact Assessment—this section:
  - (a) reviews the legal and institutional framework applicable to indigenous people in project context;
  - (b) provides baseline information on the demographic, social, cultural, and political characteristics of the affected indigenous people communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
  - (c) identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with indigenous people at each stage of project preparation and implementation;
  - (d) based on meaningful consultation with the affected indigenous people communities, assesses the potential adverse and positive effects of the project. Assessment will include a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected indigenous people communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
  - (e) includes a gender-sensitive assessment of the affected indigenous people's perceptions about the project and its impact on their social, economic, and cultural status; and
  - (f) based on meaningful consultation with the affected indigenous people communities, identifies and recommends the measures necessary to avoid

adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects, and to ensure that the indigenous people receive culturally appropriate benefits under the project.

- (iv) Information Disclosure, Consultation, and Participation–this section:
  - (a) describes the information disclosure, consultation, and participation process with the affected indigenous people communities that was carried out during project preparation;
  - (b) summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
  - (c) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected indigenous people communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
  - (d) describes consultation and participation mechanisms to be used during implementation to ensure indigenous people participation during implementation; and
  - (e) confirms disclosure of the draft and final IPP to the affected indigenous people communities.
- (v) Beneficial Measures-This section specifies the measures to ensure that the indigenous people receive social and economic benefits that are culturally appropriate and gender responsive.
- (vi) Mitigation Measures-This section specifies the measures to avoid adverse impacts on indigenous people, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected indigenous people group.
- (vii) Capacity Building-This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address indigenous people issues in the project area; and (b) indigenous people organizations in the project area, to enable them to represent the affected indigenous people more effectively.
- (viii) Grievance Redress Mechanism-This section describes the procedures to redress grievances of affected indigenous people communities. It also explains how the procedures are accessible to indigenous people, culturally appropriate, and gender sensitive.
- (ix) Monitoring, Reporting, and Evaluation-This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected indigenous people in the preparation and validation of monitoring and evaluation reports.
- (x) Institutional Arrangement-This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP.
- (xi) Budget and Financing-This section provides an itemized budget for all activities described in the IPP.

## **J. Grievance Redress Mechanism**

42. A project-specific, three-tier grievance redress mechanism (GRM) covers both environment and social issues. The GRM will be established to receive, evaluate, and facilitate

the resolution of affected persons' concerns, complaints, and grievances about the social and environmental performance at project level. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns related to the project. Assessment of the GRM designed and implemented for Rajasthan Urban Sector Development Program (RUSDP)<sup>14</sup> shows that the system was effective in timely resolution of grievances in a transparent manner.<sup>15</sup> The multichannel, project-specific, three-tier GRM is functional at RUSDP, hence the design of GRM for RSTDSP takes into account the proposed institutional structure for RSTDSP and the positive features and learnings from the previous GRM.<sup>16</sup>

43. **Common GRM.** A common GRM will be in place for social, environmental, or any other grievances related to the project. Implementation of the resettlement plans/RIPPs/DDRs/IEEs will follow the GRM described below. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project.

44. Public awareness campaigns within entire ULB/Municipal area will ensure that awareness on grievance redress procedures is generated. The nodal officer-safeguards and gender supported by ASO at zonal level, will oversee the conduct of ULB/ project coverage area-based awareness campaigns by the town-level safeguards and safety officers, through the community awareness and public participation consultants (CAPPC). The awareness campaigns will ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements. Contractors will provide pamphlets to communities prior to start of works and billboards during construction. The pamphlets and billboards will include relevant environmental and social safeguards, GRM information, and contact details of key personnel from PIU and contractors.

45. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaint/suggestion boxes that will be installed by project PIUs or by e-mail, by post, or by writing in a complaints register in ULB offices/complaints register

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<sup>14</sup> The procedures followed for grievance redress during implementation of RUSDP Phase III included the project GRM and the pilot GRM software application (Smart Check) in Pali, the Sampark portal of Government of Rajasthan, and the Chief Minister's helpline. Complaints received through various channels were mostly minor and pertained to damage to existing water supply pipelines and disruption of water supply during construction, delays in road restoration, and pending new connections. Complaints related to damage to private property (compound walls/steps, etc.) were less in number. The grievances were mostly possible to resolve in coordination with the contractors. Complaints received were immediately referred by the CAPC/PMDSO supervision staff to the PIU Nodal officer (safeguards) and concerned engineer at PIU, who advised them on further action. Follow up with the contractor on complaint resolution was undertaken by PIU Nodal officer CAPC and PMDSO and final feedback sought from complainant upon resolution. Complaints requiring inter-departmental coordination were referred to the PMU for resolution, and feedback provided to complainant. The PMU kept regular track of grievances through WhatsApp and email alerts, ensuring registration and follow-up until resolution.

<sup>15</sup> Town-level grievance registration data indicates that a large number of grievances were registered, pointing to the effectiveness of the multi-channel GRM. No major grievance was received for RUSDP Phase III. The GRM helped smoothen the process of project implementation, hence the proposed architecture for the RSTDSP GRM remains similar, with some refinement, taking into account the changes in institutional setup proposed for project implementation.

<sup>16</sup> Continued logistics support at field level will be key to successful management of grievance redress under RSTDSP. The target date for establishment of the first level (PIU level) and second level (Zonal level) of GRM is before loan negotiation.



at contractor's work site<sup>17</sup> or by sending a WhatsApp message to the PIU<sup>18</sup> or by dialling the phone number of town level PIU/CAPPC or by dialling a toll-free number.<sup>19</sup> Any aggrieved person can also avail the facilities of online grievance monitoring system 'Rajasthan Sampark' portal to register their grievances which is a parallel mechanism of grievance registration, in addition to the project GRM.<sup>20</sup> Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken and feedback provided to the complainant on action/decision taken. The Safeguard and Safety Officer of town/city level PIU will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, with the assistance of project consultants. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and officials of PIU with assistance from construction management and supervision consultants (CMSC) and CAPPC on-site will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact numbers and names of the concerned PIU safeguard and safety officer, contractors, CAPPC and CMSC personal will be posted at all construction sites at visible locations.

- (i) **1st level grievance.** The contractors, PIU executive engineer/assistant engineer designated as safeguard and safety officer (social and environment), CMSC (safeguard staff) and CAPPC can immediately resolve issues on-site, in consultation with each other and will be required to do so within 7 days of receipt of a complaint/grievance. If required, city level monitoring committee (CLMC)<sup>21</sup> will be involved in resolution of grievances at the 1st level.<sup>22</sup>
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 7 days at field/PIU level will be brought to the notice of Zonal PIU headed by Additional Chief Engineer (ACE). The ACE at zonal PIU will resolve the grievance within 7 days of receipt of complaint/grievance in discussion with the ASO, field level PIU, CMSC, CAPPC and the contractor.<sup>23</sup>
- (iii) **3rd level grievance.** All the grievances that are not addressed by Zonal PIU within 7 days of receipt will be brought to the notice of the PMU. Depending on the nature of grievance, the Project Officer (Social/Environment) at PMU will resolve the grievance within 15 days of receipt of grievance with necessary coordination of Zonal PIU and CMSC and guidance/instruction of Additional Project Director (APD-PMU).

<sup>17</sup> RUSDP piloted an online application based live GRM counter for resolution of public grievances over and above the usual process of grievance registration and redressal. This app based GRM - "RUIDP Smart Check" is available at Google play store (free of cost) and is operational. The RUIDP Smart Check "app" was launched in Pali town in July 2017 and is proposed to be scaled up in RSTDSP project towns. For persons without access to the application, the traditional channels will continue to be available.

<sup>18</sup> It is suggested for each PIU to have a dedicated WhatsApp group for registration of grievances and receipt of quick feedback, to be followed by more formal communication.

<sup>19</sup> Project contractors in all project towns will have a toll-free number with specific working hours for registration of grievances related to RSTDSP.

<sup>20</sup> <http://www.sampark.rajasthan.gov.in/RajSamWelcome.aspx>

<sup>21</sup> The CLMC has been formed at the town/city level for planning and monitoring of work, resolve issues related to departmental coordination etc. It is headed by Commissioner/Executive Officer ULB (Chairman) and city engineer of public health engineering department (PHED), public works department (PWD) and head of PIU acting as Member Secretary.

<sup>22</sup> In case the complainant is a vendor, the 1<sup>st</sup> level grievance redress committee will make effort to resolve the concern at this level, in his/her presence.

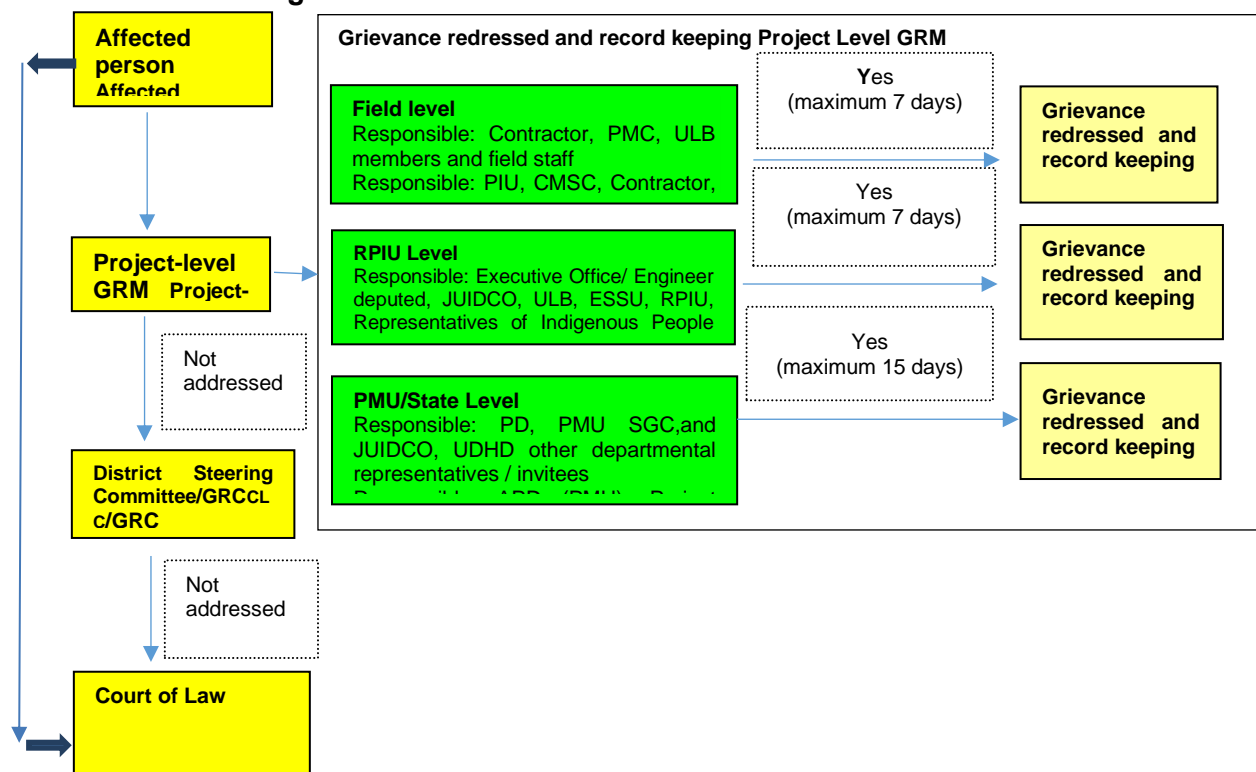
<sup>23</sup> In case the complainant is a vendor, and the grievance is not resolved at the 1<sup>st</sup> level, the issue will be brought up to 2<sup>nd</sup> level grievance redress committee. The 2<sup>nd</sup> level grievance committee, if required, may invite a representative from the local Town Vendor Committee to resolve the matter.

- (iv) Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the CLC/GRC, which has been set up.<sup>24</sup> In its role as a GRC, the CLC will meet whenever there is an urgent, pending grievance. Other grievances can be discussed during its regular meetings. Zonal PIU will inform the CLC regarding any grievances required to be resolved urgently. The GRC will resolve the grievance within 15 days of receiving the complaint. In case of any indigenous peoples impacts in subprojects, the CLC/GRC must have representation of the affected indigenous people community, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups. GRC will also ensure that grievance mechanism established is gender inclusive in receiving and facilitating resolution of the IPs' concerns.
- (v) The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration.

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<sup>24</sup> City Level Committee (CLC)/grievance redress committees (GRCs) has been constituted for each town/city under the Chairmanship of District Collector to provide overall subproject guidance and "to sort out issues and remove hindrances, if any". CLC formed at city-level/district level with members composed of: District Collector as Chairperson, and following as members: ULB Commissioner/Mayor/Chairman; Deputy Mayor/Vice Chairman ULB; Chairman / Secretary Urban Improvement Trust (UIT); Head of Zonal/field level PIU as Member Secretary; one representative each from relevant government departments as appropriate (PWD/PHED/Town Planning Department etc.). All CLCs in their role as GRCs will have at least one-woman member/chairperson. In addition, for project-related grievances, representatives of affected persons, community-based organizations (CBOs), and eminent citizens will be invited as observers in GRC meetings. The concerned Member of Parliament (MP) and Member of Legislative Assembly are also part of the CLC.

Figure 1: Grievance Redress Mechanism-RSTDSP



Note: APD = Additional Project Director, ASO = Assistant Safeguards Officer, CAPPCC = community awareness and public participation consultant, CMSC = construction management and supervision consultants, CLC = city level committee, CLMC = city level monitoring committee, GRC = grievance redress committee, PIU = project implementation unit, PMU = program management unit, PMCBC = project management and capacity building consultant.

46. 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. In case of grievance related to land acquisition, resettlement and rehabilitation, the affected persons will have to approach a legal body/court specially proposed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013.<sup>25</sup>

47. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism<sup>26</sup>.

<sup>25</sup> The Authority admits grievance only with reference to the Land Acquisition and R&R issues under the RFCTLARRA, 2013.

<sup>26</sup> Accountability Mechanism. <http://www.adb.org/Accountability-Mechanism/default.asp>.

48. **Consultation Arrangements:** This will include regular group meetings and discussions, at least twice during the indigenous peoples plan preparation with the affected persons. by the social safeguards personnel of PMCBCs and PIU. During the first year of implementation, such meetings will take place on a quarterly basis, while in subsequent years; these meetings will be held at least twice a year. The consultation arrangement thus envisaged is intended to address both general and/or specific individual grievances through a participatory approach. Besides, the consultative process is meant to be flexible to provide timely mitigation of grievances of the affected persons. The most complex cases will be dealt with through one-to-one consultation with particular affected persons by a host of actors comprising Project officer-Social, Project officer-Environment at PMU, and safeguard experts from PMCBC and CMSC and the field support team CMSC and CAPPCC, indigenous people community leaders and local NGO and CBOs working with indigenous people communities, as and when required. Project officer (Social) through PIUs (zonal and town level) will be overall responsible for ensuring that non-literate affected persons and/or vulnerable affected persons are assisted to understand the grievance redress process as well as for encouraging them to register complaints and follow-up with relevant authorities at different stages in the process.

49. **Information Dissemination Methods of the Grievance Redress Mechanism:** The PIU, assisted by CMSCs and CAPPCC will be responsible for information dissemination to affected persons on grievance redressal procedure. ULBs/ coverage area/ affected area-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. PIU safeguard and safety officer will be assisted by CAPPCC and CMSC safeguard staff with information/ collateral/ awareness material etc. and in conducting project awareness campaigns.

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

51. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PMU and PIU offices, local ULB office notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in Appendix 6 for the resettlement framework document for RSTDSP.

52. **Record-keeping.** The PIU of each town/city will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PMU office, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis. The sample grievance registration format is attached as Appendix 8.

53. **Periodic review and documentation of lessons learned.** The PMU Project Officers (Social and Environment) will periodically review the functioning of the GRM in each town and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

54. **Costs.** Contractors are required to be allocated budget for pamphlets and billboards as part of the EMP. Costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU at town level while costs related to escalated grievances will be met by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates

## **K. Strategy for Indigenous People 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 PIUs will be fully involved in evolving the strategy and consultation process.

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

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 CAPPC and CMSC. The Government of Rajasthan 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 indigenous people, and distributed among them. Appendix 5 provides the template for the PID.

## **II. INSTITUTIONAL ARRANGEMENTS**

### **A. Institutional Arrangements**

59. The proposed implementation arrangements include Local Self Government Department (LSGD), Government of Rajasthan which will be the executing agency of the Project. The department will be responsible for overall strategic guidance and for ensuring compliance with ADB's loan covenants. Rajasthan Urban Drinking Water Sewerage and Infrastructure Corporation Limited (RUDSICO) will be the implementing agency for the RSTDSP responsible for technical supervision and project implementation. The RUDSICO Board under the Chairmanship of the Minister for Urban Development, and members comprising of the Chief Secretary, Secretaries of LSGD, Finance, Planning, Public Works Department (PWD), PHED and the Project Director, RUIDP as Member Secretary. It shall have full powers to decide on matters related to RSTDSP. The Board will take needful policy decisions, provide administrative and financial approvals, expedite clearances of project matters, ensure inter-departmental coordination and provide guidance to the PMU. As per GO dated 21 Feb 2018, all powers and responsibilities of earlier State Level Empowered Committee (SLEC, under RUIDP Phase III) have now been transferred to RUDSICO Board.

60. RUDSICO will establish a state-level PMU, headed by dedicated project director, and housed in EAP division of RUDSICO. For the purpose of project implementation, two Zonal Project Implementation Units (Zonal PIUs), at Jaipur and Jodhpur, headed by Additional Chief Engineers (ACE) will be established. At field level, town-level PIUs will be established for project implementation on ground

## **B. Safeguard Implementation Arrangement**

61. **Project management unit.** RUDSICO will establish a state-level PMU, headed by dedicated project director, and housed in EAP division of RUDSICO. For the purpose of project implementation, two Zonal Project Implementation Units (Zonal PIUs), at Jaipur and Jodhpur, headed by Additional Chief Engineers (ACE) will be established. At PMU, there will be two dedicated project officers (i) Project Officer (Environment) and (ii) Project Officer (Social and Gender), who will be responsible for compliance with the environmental, social safeguards and gender in project implementation. Project officer (social and gender) will have overall responsibility in implementation of the RSTDSP as per the social safeguards frameworks (RF and IPPF) and GESI Action Plan agreed between ADB and the government, including appropriate monitoring and reporting responsibilities. Project Officer (Social and Gender) at the PMU is supported by the Social Safeguard Specialist and the Gender Specialist of PMCBC. Key safeguard and gender mainstreaming related tasks and responsibilities at the PMU level are as follows:

### **62. Social Safeguards and Gender**

- (i) Ensure subprojects conform to the agreed subproject selection criteria for the project;
- (ii) Review and finalize subproject involuntary resettlement and indigenous people category;
- (iii) Oversee preparation of resettlement plans, due diligence report (DDRs), and indigenous people plans (IPPs); confirm existing resettlement plans, DDRs, and IPPs are updated based on detailed designs, and that new subproject resettlement plans, DDRs are prepared in accordance with the resettlement framework and indigenous people planning framework (IPPF) prepared for the project;
- (iv) Liaise with district administration for land acquisition, transfers; ensuring land availability;
- (v) Ensure that resettlement plans, DDRs, and IPPs are included in the bidding documents and civil works contracts;
- (vi) Provide oversight on social safeguard management aspects of subprojects and facilitate and follow-up to ensure that any delays in land procurement are addressed;
- (vii) Ensure and monitor the provision in the contract to include the indigenous people to benefit from the facilities constructed under the project;
- (viii) 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 for each site, as relevant;
- (ix) Supervise and guide the zonal PIUs and city level PIUs to properly carry out the social safeguard monitoring;
- (x) Review, monitor, and evaluate the effectiveness with which the resettlement plans, IPPs, and provisions of DDRs are implemented, and recommend corrective actions to be taken as necessary;

- (xi) Consolidate monthly social safeguard and gender monitoring reports from PIUs and the construction management and supervision consultants (CMSCs) and submit semi-annual social safeguard monitoring reports to ADB;
- (xii) Ensure timely disclosure of final resettlement plans, DDRs, and IPPs in locations and form accessible to the public and affected persons;
- (xiii) Address any grievances brought about through the grievance redress mechanism promptly;
- (xiv) Oversee the assessment of training needs of affected persons and vulnerable persons by PIUs and/or PMCBC, coordinate training activities and convergence with the livelihood programs of the government;
- (xv) Ensure effective implementation of grievance redress mechanism (GRM) at all levels;
- (xvi) Coordinate database management for social safeguards implementation and monitoring; and
- (xvii) Coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media.
- (xviii) Serve as Gender Focal Point at PMU, which would involve overseeing - with the support of PMCBC, the implementation, monitoring and reporting on the GESI action plan.

63. The PMU will be supported by three institutional consultants under the supervision and control of PD, PMU: (i) the Project Management and Capacity Building Consultants (PMCBC) will support the PMU; (ii) 2 Construction Management and Supervision Consultants (CMSC) will support the 2 zonal PIUs and town-level PIUs; and (iii) Community Awareness and Public Participation (CAPP) Consultants, will support the zonal PIUs and town-level PIUs.

64. **Zonal Project implementation units (Zonal PIUs).** There will be two zonal level PIUs at Jaipur and Jodhpur. Under each zonal PIU, there will be city/town level PIUs, for ease of day-to-day monitoring and management at local level. The Additional Chief Engineer at each Zonal PIU will serve as the Nodal Officer, Safeguards and Gender. Each Zonal PIU will be staffed with an assistant safeguards officer (ASO Environmental and Social Safeguards) who will assist PMU project officer (environment/social) in implementation of the environmental/social safeguards and GESI Action Plan in PIUs under its jurisdiction. Zonal PIUs will undertake internal monitoring and supervision and record observations throughout the project period to ensure that the safeguards and mitigation measures are provided as intended.

65. The zonal level Assistant Safeguards Officer will oversee safeguards implementation by the city/town level PIUs, coordinate public consultations, information disclosure, regulatory clearances and approvals, implementation of resettlement plans, EMP implementation, and grievance redressal.

66. The Zonal PIUs will oversee and support social safeguards and gender equality and social inclusion action plan implementation by the PIUs at town/city level, through the following key tasks:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify the project;
- (ii) supervise CMSC to coordinate with PIUs and safeguards field staff for conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of affected persons, conduct consultations with affected persons, finalize the list of affected persons, prepare and/or update the

- resettlement plan, DDR, and IPP with the assistance of CMSC and submit to PMU for review and approval and submission to ADB;
- (iii) supervise PIUs to inform affected persons about (a) the project cutoff date; (b) public notice for the schedule of land acquisition and/or occupation; (c) entitlement matrix; and (d) compensation packages against different categories of loss and a tentative schedule of land clearing and/or acquisition for the start of civil works activities;
  - (iv) coordinate valuation of assets, such as land and trees of various species. Finalize compensation packages based on proper due diligence and assessment;
  - (v) facilitate land acquisition and compensation processes in consultation with the district administration; coordinate, supervise, and monitor the disbursement of compensation;
  - (vi) Support PIUs to obtain no objection certificates, land documents, and third-party certifications as required for the subproject, in coordination with PIUs;
  - (vii) support PMU to include resettlement plans, IPPs, and DDRs in bidding documents and civil works contracts;
  - (viii) guide PIUs to oversee implementation of avoidance and mitigation measures in the resettlement plans, DDRs, and IPPs by contractors, including compliance with all government rules and regulations; take necessary action for obtaining rights of way;
  - (ix) guide and monitor PIUs to oversee resettlement plans, DDR, and IPP, and gender equality and social inclusion action plan implementation and maintenance of data for monitoring by contractors;
  - (x) ensure listing of town wise BPL households;
  - (xi) assist in conducting needs assessment to list skills relevant to the sector;
  - (xii) assist to identify participants for livelihood and skilling training for women and members of other vulnerable groups;
  - (xiii) ensure that the project maintains sex disaggregated data on staff, consultants, construction workforce participation, labor and project related trainings
  - (xiv) ensure that gender focal points are nominated in town level PIUs
  - (xv) ensure and monitor the provision in the contract to include the indigenous people to benefit from the facilities constructed under the project;
  - (xvi) to ensure that corrective actions are taken when necessary to ensure compliance with SPS and loan covenants;
  - (xvii) submit monthly social monitoring reports to PIUs and PMU;
  - (xviii) guide PIUs to conduct continuous public consultation and awareness;
  - (xix) address any grievances brought about through the grievance redress mechanism promptly;
  - (xx) organize an induction course for the training of contractors, preparing them on RPs, DDR, IPP, and gender equality and social inclusion action plan implementation, social safeguard, and gender monitoring requirements related to mitigation measures, grievance redress mechanism and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during implementation;
  - (xxi) liaise with the district administration, and line departments for dovetailing government's schemes for income generation and development programs for affected people, as and when required; and
  - (xxii) assist in the implementation, monitoring, and reporting progress of gender equality and social inclusion action plan.



67. **Town/City Level Project Implementation Unit (PIU).** The town-level PIUs shall be responsible for the quality of works executed under the project and will be guided by the zonal PIUs. The city/town PIUs will be responsible for implementation of the IEE/resettlement plan/IPP/RIPP/GESI action plan. The town-level PIUs will be headed by a Project Manager [Executive Engineer (EE) or Assistant Engineer (AE)] and supported by CMSC field staff. Environment Specialist of CMSC will assist PIU in implementation of environmental safeguard. Social and Gender Specialist of CMSC will assist PIU in implementation of social safeguard and GESI related tasks. At each PIU, the Assistant Project Manager will be given additional responsibilities of safeguard tasks and will be designated as Safeguard and Safety Officer (SSO). The SSO will be assisted by the Social and Gender Specialist and Environment Specialist of CMSC in reviewing updated/ revised IEEs, conducting surveys for updating of resettlement plan/due diligence report, public consultation and disclosure, assessment of entitlement and computation of compensation other than those covered under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013, etc. The SSO, with the support of CMSC Social safeguards and Gender Specialist and CMSC field support staff, will assist Zonal ASO and PMU PO (social) in implementation of the following key tasks. They will also be responsible for coordination of field level activities related to safeguards conducted by the DBO contractor and CMSC. Key role and tasks of town/city level PIU will be:

- (i) Provide field data to fill up IR/IP impact checklist and classify the project;
- (ii) Conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of affected persons, conduct consultations with affected persons, prepare list of affected persons, provide all data required to prepare/update resettlement plans/DDR/PPs with the assistance of CMSC field support, and ensure updated information is submitted to zonal PIU for preparation/ updating of documents with CMSC and DBO contractor's support;
- (iii) Inform affected persons about tentative schedule of land acquisition/occupation, entitlement matrix and compensation packages against different categories of loss, and cut-off date;
- (iv) Coordinate valuation of assets, such as land, trees of various species, etc. Based on proper due diligence and assessment, prepare compensation packages;
- (v) Coordinate, supervise and monitor disbursement of compensation;
- (vi) Obtain NOCs, land documents, third party certifications as required for the subproject
- (vii) Support Zonal PIUs to prepare/update RPs/PPs/DDR;
- (viii) Oversee day-to-day implementation of impact avoidance and mitigation measures in resettlement plans/DDR/PPs and EMP by contractors, including compliance with all government rules and regulations particularly health and safety, take necessary action for obtaining rights-of-way;
- (ix) Oversee maintenance of data for monitoring, by consultants and contractors;
- (x) Implement corrective actions when necessary to ensure no adverse social impacts;
- (xi) Submit monthly social monitoring reports to zonal PIU;
- (xii) Conduct continuous public consultation and awareness;
- (xiii) Set up GRM at field/site/PIU level and ensure it is fully functional. Address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xiv) Ensure that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement

plans/DDR/IPP/GAP implementation, social safeguard and gender monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation.

- (xv) Liaise with the District Administration and line departments for dovetailing Government's schemes for income generation and development programs for affected persons, as and when required;
- (xvi) Supervise the work of all consultants at town level (CMSC, CAPPCC).
- (xvii) Undertake day-to-day implementation of final resettlement plans and gender equality and social inclusion (GESI) action plan;
- (xviii) Provide field level information required to prepare periodic safeguard monitoring reports in a format acceptable to ADB and quarterly GESI action plan updates in the format provided in PAM;
- (xix) Ensure relevant data on implementation of GESI action plan is collected and a gender-sensitive communication strategy and information, education and communication (IEC) materials are designed, illustrating key social and behavioural messages related to hygiene, sanitation, and health jointly with the communication specialist and in accordance with the GESI action plan; and
- (xx) Extend support in carrying out awareness campaigns in project towns.

68. **DBO Contractor.** The contractor will be required to update the IEE and will be responsible for providing final design (including pipe alignments) to the supervision consultant for finalization/updating of resettlement plan. The contractor shall appoint an Environment, Health and Safety (EHS) Engineer who will be responsible on a day-to-day basis for (i) ensuring implementation of EMP, (ii) coordinating with the Town-level PIUs and environment specialists of project consultant teams; (iii) community liaison,<sup>27</sup> consultations with interested/affected people, (iv) field-level grievance redress; and (iv) reporting.

69. The DBO Contractor will have a dedicated Social Outreach Team and designated Social Supervisor, who will hold a Master's degree in social science and would have at least 5 years of experience in resettlement planning and implementation and engage with the PIU, CAPPCC and CMSC on social safeguards, health and safety, and core labor standards. The key role of the Contractor's Social Supervisor related to social safeguards will be to:

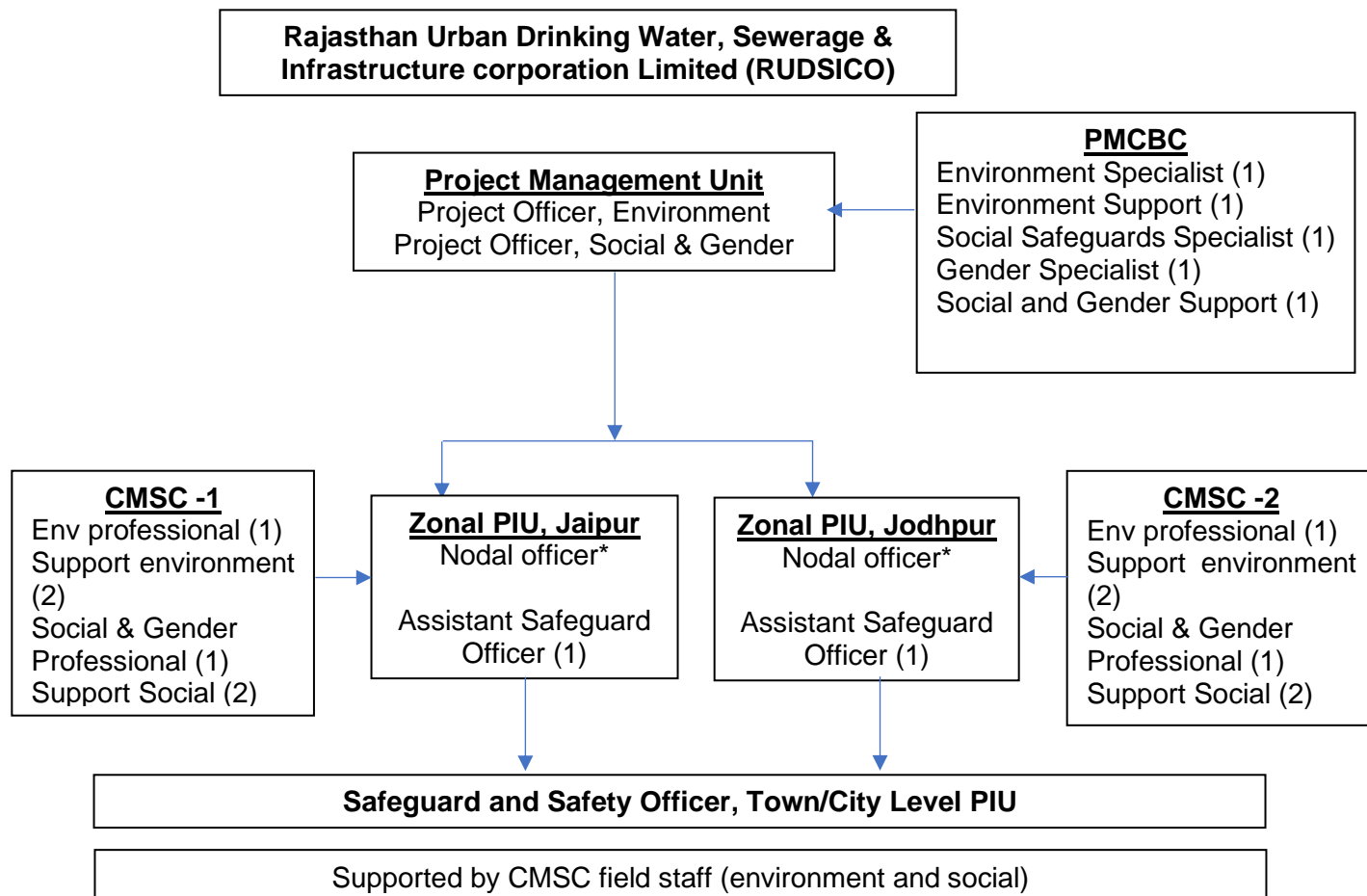
- (i) Work in close coordination with the PIU, CMSC and PMCBC engineers and social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view;
- (ii) Ensure that all design-related measures (e.g., special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons etc.) are integrated into project designs before approval;
- (iii) Conduct joint walk-throughs with PIU, design engineers and social safeguards personnel of CMSC in sites/sections ready for implementation; identify the need for detailed measurement surveys, and support CMSC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iv) Support project consultants in updating the draft resettlement plan/due diligence report/IPP/RIPP for submission to PIU/PMU and ADB for review and approval;

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<sup>27</sup> Reasonable size social outreach team (SOT) to be appointed by contractor to facilitate community liaison, consultations and R&R implementation (including resolution of grievances). Requirement of SOT will be included in bid document.

- (v) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/IPP/RIPP during implementation;
- (vi) Assist with grievance redressal and ensure recording, reporting and follow-up for resolution of all grievances received; and
- (vii) Submit monthly progress reports including safeguards, health and safety and gender-disaggregated data as required for monitoring.

**Figure 2: Safeguard Organogram – RSTDSP**



\*Zonal PIU will be led by a nodal officer of the rank of assistant chief engineer who will also be the nodal person for safeguards and gender compliances in project implementation by town level PIUs. S/he will be supported by ASO in execution of these responsibilities.

### C. Preparing and Implementing Indigenous People Plans

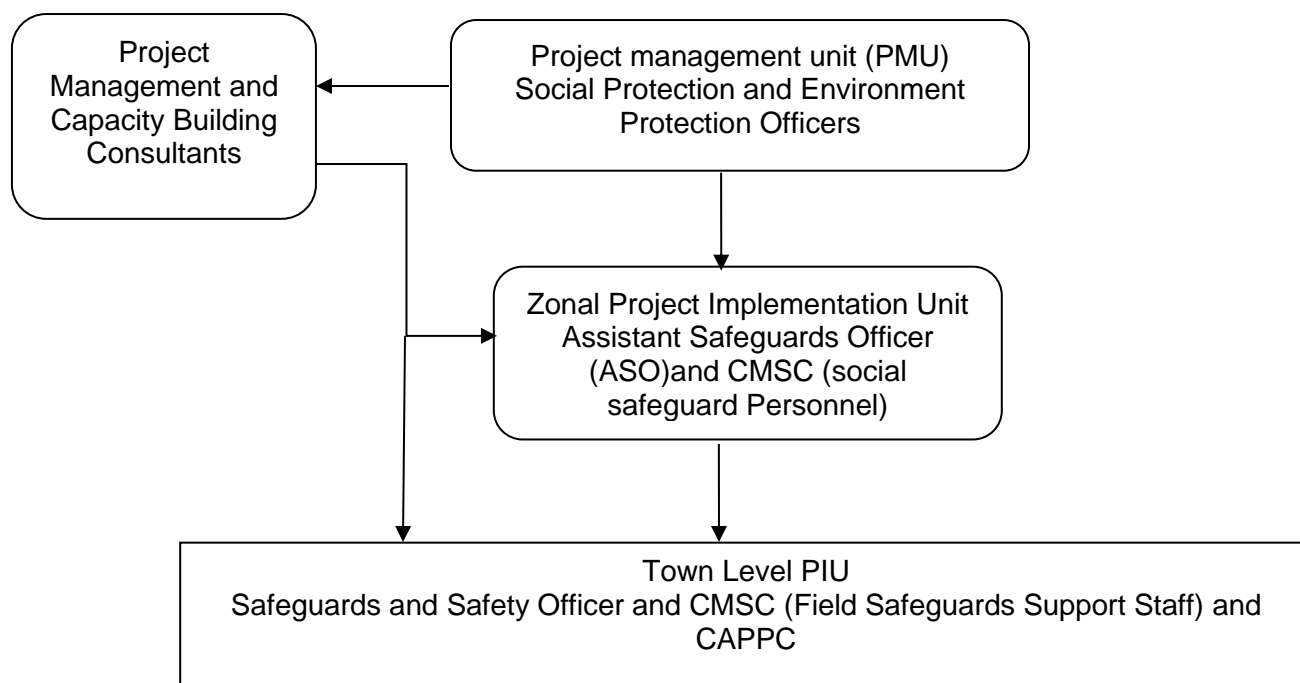
70. Based on the sample subprojects assessed, only beneficial impacts to scheduled tribe population in project coverage areas are envisaged; and none will be rendered vulnerable by the project. In case of subprojects with beneficial impacts to IP, combined resettlement and indigenous peoples plans or combined due diligence reports will be prepared. If any adverse impacts to IP groups are identified in future and the need for an IPP is established on the basis of preliminary screening and social impact assessment conducted by PMCBC/CMSC, the CMSC will provide assistance in surveys and consultations for IPP preparation as well as IPP implementation and reporting. If an IPP is recommended/ required, the PMCBC will guide and supervise CMSC to prepare the IPP in consultation with the concerned PIU (zonal and town level) safeguard staff/officials. CMSC will be responsible for data collection on affected indigenous people. In all these activities, the District Magistrate's office, will be consulted, and an orientation on a participatory approach will be provided by the responsible officers of the District Magistrate's office.

71. The draft IPP/RIPP prepared by CMSC with guidance from PMCBS will be reviewed by the PIU (both zonal and town level) and submitted to PMU, which will scrutinize whether all

provisions have been made in accordance with the existing laws pertaining to protection of the interest and welfare of tribal communities, and compliance with ADB Safeguard Policy Statement (2009) and government policy, and send it to ADB for approval. ADB will review and approve the IPP after incorporation of observations, if any, for IPP/RIPP implementation. After the final approval from ADB, PIU will undertake IPP/RIPP implementation with the assistance of the CMSC.

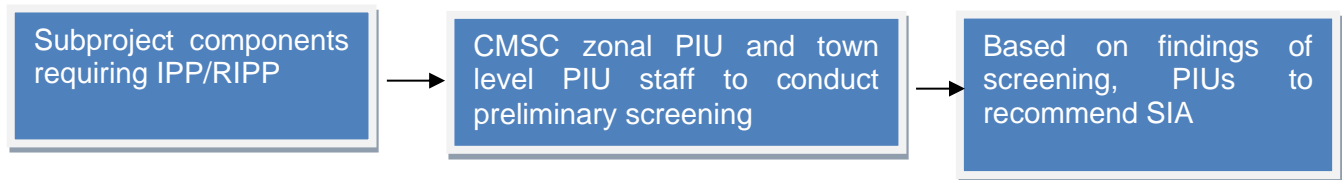
72. CMSC will facilitate IPP/RIPP action plan preparation and implementation. The PMU and PIUs supported by the PMCBCs will monitor IPP/RIPP implementation periodically. Diagrams in Figures 3 and 4 show the flow of activities for IPP implementation.

**Figure 3: IPP/RIPP Implementation Arrangements**

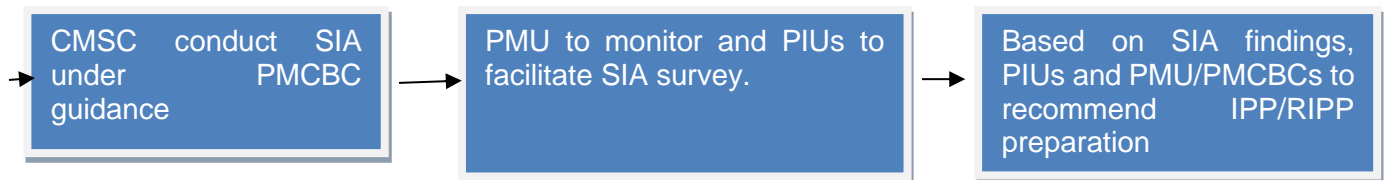


**Figure 4: IPP/RIPP - Flow of Planned Activities**

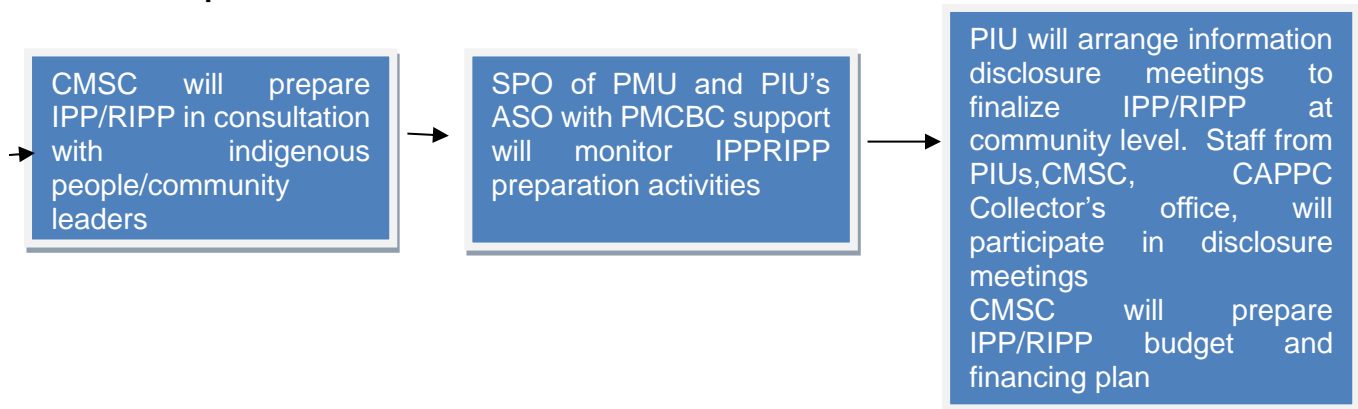
**A. Preliminary Screening**



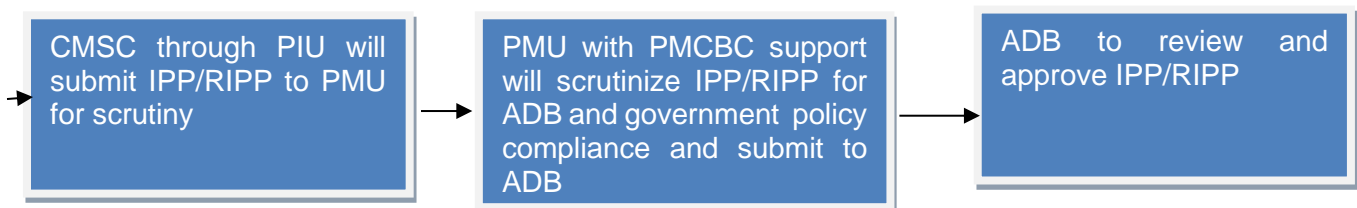
**B. Social Impact Assessment (SIA)**



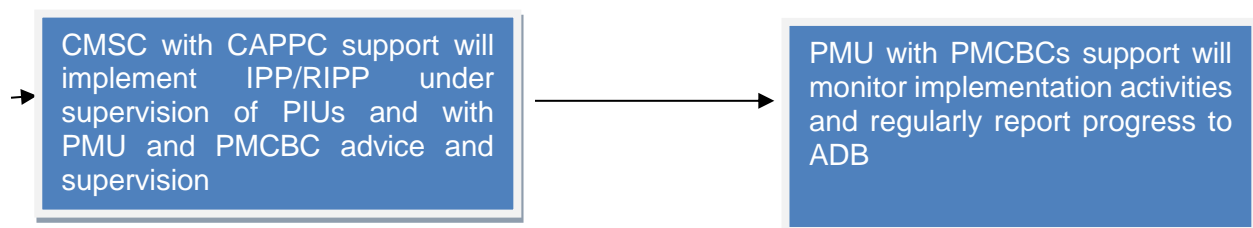
**C. Preparation of IPP/RIPP**



**D. IPP/RIPP Approval**



**E. IPP/ RIPP Implementation**



### **III. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLE PLAN**

73. RUDSICO-EAP/PMU will ensure that each PIUs has sufficient resources to prepare and implement the IPP/RIPP if the subproject component will have any impact on indigenous communities. The activities of the IPP/RIPP will be implemented by the PIUs, with assistance from CMSC. A detailed budget will be prepared by the PIUs through the consultant CMSC), considering all the activities associated with formulation and implementation of IPPs. Such budgets will be an integral component of the project cost and will be made available during project implementation.

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

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

#### **A. Internal Monitoring**

75. Internal monitoring for IPP implementation will be carried out in a regular basis to identify potential difficulties and problem areas. After 3 months of project initiation, monitoring will be performed with reports generated every quarter for the first year of implementation (refer to social monitoring report outline in the project administration manual)and bi-annually thereafter. The CMSC will undertake internal monitoring at PIU level and prepare reports documenting actual achievements against targets fixed and identifying reasons for shortfalls, if any. All monitoring reports will be produced within fifteen days of the end of each quarter or half-year. After review, the zonal PIUs will submit their monitoring reports to the PMU.

76. No negative impact on indigenous people is anticipated under RSTDSP Any subproject with significant adverse impacts on indigenous people will be avoided for financing under this Project.

#### **B. Reporting**

77. The quarterly and semiannual social monitoring report prepared by the PIUs should include the implementation of the IPP/RIPP or specific action plan of the identified indigenous people. The executing agency, as required, will submit biannual monitoring reports to 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.

78. 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/RIPP monitoring report will be submitted by executing agency to ADB for review and disclosure on the ADB website.



## Appendix 1: DETAILS OF SUBPROJECTS, COMPONENTS AND ITS LOCATION vis-à-vis SCHEDULED AREAS

**Table A-1: Project Towns – Original Project**

S. No.	Name of Town	Whether Located in Scheduled Area
1.	Banswara	Yes
2.	Abu Road	Yes
3.	Sirohi	No
4.	Pratapgarh	Yes
5.	Khetri	No
6.	Mandawa	No
7.	Kuchaman	No
8.	Ladnu	No
9.	Didwana	No
10.	Makrana	No
11.	Laxmangarh	No
12.	Fatehpur	No
13.	Ratangarh	No
14.	Sardarshahar	No

Source: RSTDP PMU

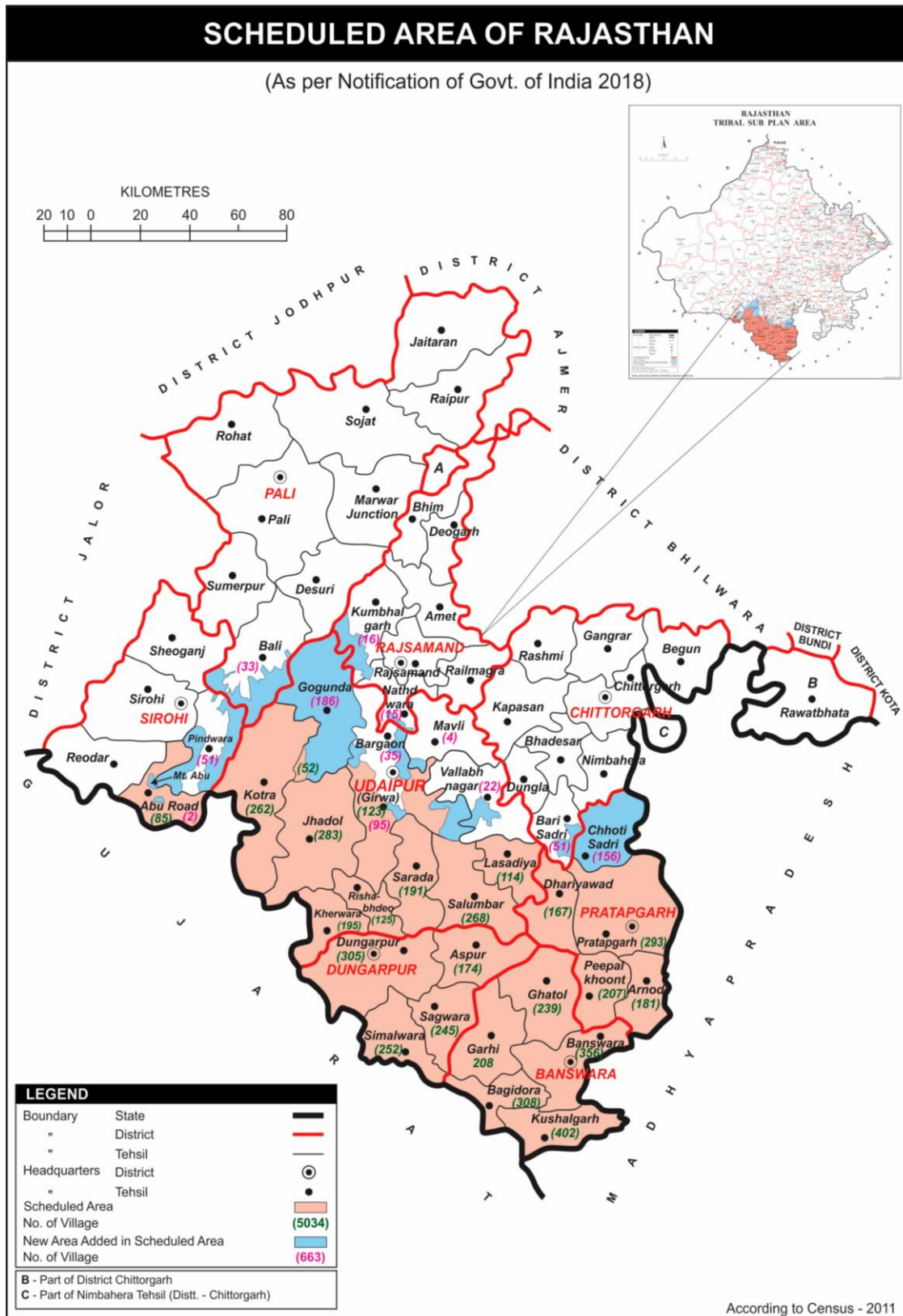
Note:

- a. As per the Constitutional provision under Article 244 (1) of the Constitution of India, the 'scheduled areas' are defined as "such areas as the President may by order declare to be scheduled areas"- as per paragraph 6(1) of the Fifth Schedule of the Constitution. The specification of "Scheduled Areas" in relation to a State is by a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any Orders relating to "Scheduled Areas". Criteria for declaring any area as a "Scheduled Area under the Fifth Schedule are: • Preponderance of tribal population, • Compactness and reasonable size of the area, • A viable administrative entity such as a district, block or taluk, and • Economic backwardness of the area as compared to the neighbouring areas.  
Source: <https://tribal.nic.in/declarationof5thSchedule.aspx>  
<https://tribal.nic.in/DivisionsFiles/clm/ScheduledAreas.pdf>
- b. Banswara, Pratapgarh and Abu road are amongst the project towns that are located in scheduled areas
- c. Scheduled Areas in Rajasthan are spread across 8 districts of which 3 districts (Banswara, Dungarpur and Pratapgarh) are fully covered, 5 districts (Udaipur, Sirohi, Rajsamand, Chittorgarh and Pali) are partially covered (select tehsils and blocks). A map of scheduled areas as per Government of India 2018 notification has been included below.

**Table A-2: Scheduled Tribe Population in the Towns under RSTDSP – Additional Financing**

S. No.	Name of Towns	Total Population (Census 2011)	Scheduled Tribe Population (Census 2011)	Percent Scheduled Tribe Population	Whether located in Scheduled Area
1.	Bundi (M+OG)	104,919	4,364	4.16	
2.	Bharatpur (M+OG)	252,838	2,854	1.13	
3.	Jodhpur (M+OG)	1,056,191	25,253	2.39	
4.	Sagwara (M)	29,439	8,108	27.54	Yes
5.	Barmer (M)	96,225	1,497	1.56	
6.	Balotra (M)	74,496	2,511	3.37	
7.	Bhawani Mandi (M)	42,283	1,232	2.91	
8.	Dungarpur (M)	47,706	5,481	11.49	Yes
9.	Jaisalmer (M)	65,471	3,454	5.28	
10.	Mt Abu (M)	22,943	4,341	18.92	Yes
11.	Nawalgarh (M)	63,948	108	0.17	
12.	Nathdwara (M)	42,016	4,399	10.47	
13.	Nimbaheda (M)	61,949	1,953	3.15	
14.	Nokha (M)	62,699	121	0.19	
15.	Pushkar (M)	21,626	118	0.55	
16.	Ratangarh (M)	71,124	176	0.25	
	<b>Total</b>	<b>2,115,873</b>	<b>65,970</b>	<b>3.12</b>	

Source: <https://censusindia.gov.in/census.website/data/handbooks#>



Source: <http://tad.rajasthan.gov.in/content/dam/doitassests/tad/images/Scheduled%20Area%20of%20State.jpg>

**Appendix 2: DEMOGRAPHIC DETAILS OF SCHEDULED TRIBES IN RAJASTHAN<sup>1</sup>****Table A2.1: Scheduled Tribe Population in Rajasthan**

S. N	District	Total/Urban	Total Population (Person)	Scheduled Tribes population (Person)	Percentage of Total
1	Ganganagar	Total	1969168	13477	0.68%
	Ganganagar	Urban	535432	10488	1.96%
2	Hanumangarh	Total	1774692	14289	0.81%
	Hanumangarh	Urban	350464	8572	2.45%
3	Bikaner	Total	2363937	7779	0.33%
	Bikaner	Urban	800384	3997	0.50%
4	Churu	Total	2039547	11245	0.55%
	Churu	Urban	576235	3601	0.62%
5	Jhunjhunu	Total	2137045	41629	1.95%
	Jhunjhunu	Urban	489079	4767	0.97%
7	Alwar	Total	3674179	289249	7.87%
	Alwar	Urban	654451	22369	3.42%
8	Bharatpur	Total	2548462	54090	2.12%
	Bharatpur	Urban	495099	5536	1.12%
9	Dhaulpur	Total	1206516	58594	4.86%
	Dhaulpur	Urban	247450	2752	1.11%
10	Karauli	Total	1458248	324960	22.28%
	Karauli	Urban	218105	10492	4.81%
11	Sawai Madhopur	Total	1335551	285848	21.40%
	Sawai Madhopur	Urban	266467	13275	4.98%
12	Dausa	Total	1634409	433344	26.51%
	Dausa	Urban	201793	13528	6.70%
13	Jaipur	Total	6626178	527966	7.97%
	Jaipur	Urban	3471847	134101	3.86%
14	Sikar	Total	2677333	75349	2.81%
	Sikar	Urban	633906	8520	1.34%
15	Nagaur	Total	3307743	10418	0.31%
	Nagaur	Urban	637204	1357	0.21%
16	Jodhpur	Total	3687165	118924	3.23%

<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 RPIUs refer to the updated list of statewide scheduled tribes while implementing the IPP/indigenous people DDR.

	Jodhpur	Urban	1264614	28099	2.22%
17	Jaisalmer	Total	669919	42429	6.33%
	Jaisalmer	Urban	89025	5156	5.79%
18	Barmer	Total	2603751	176257	6.77%
	Barmer	Urban	181837	4072	2.24%
19	Jalor	Total	1828730	178719	9.77%
	Jalor	Urban	151755	8608	5.67%
20	Sirohi	Total	1036346	292470	28.22%
	Sirohi	Urban	208654	19554	9.37%
21	Pali	Total	2037573	144578	7.10%
	Pali	Urban	460006	13122	2.85%
22	Ajmer	Total	2583052	63482	2.46%
	Ajmer	Urban	1035410	14918	1.44%
23	Tonk	Total	1421326	178207	12.54%
	Tonk	Urban	317723	4259	1.34%
24	Bundi	Total	1110906	228549	20.57%
	Bundi	Urban	222701	11544	5.18%
25	Bhilwara	Total	2408523	229273	9.52%
	Bhilwara	Urban	512654	14689	2.87%
26	Rajsamand	Total	1156597	160809	13.90%
	Rajsamand	Urban	183820	10818	5.89%
27	Dungarpur	Total	1388552	983437	70.82%
	Dungarpur	Urban	88743	16351	18.43%
28	Banswara	Total	1797485	1372999	76.38%
	Banswara	Urban	127621	14791	11.59%
29	Chittorgarh	Total	1544338	201546	13.05%
	Chittorgarh	Urban	285264	8794	3.08%
30	Kota	Total	1951014	183816	9.42%
	Kota	Urban	1176604	57091	4.85%
31	Baran	Total	1222755	276857	22.64%
	Baran	Urban	254214	12530	4.93%
32	Jhalawar	Total	1411129	182229	12.91%
	Jhalawar	Urban	229291	10401	4.54%
33	Udaipur	Total	3068420	1525289	49.71%
	Udaipur	Urban	608426	42254	6.94%
34	Pratapgarh	Total	867848	550427	63.42%
	Pratapgarh	Urban	71807	5005	6.97%

	RAJASTHAN	Total	68548437	9238534	13.48%
	RAJASTHAN	Urban	17048085	545411	3.20%

Source: Census 2011

**Table A2.2: Percentage of Scheduled Tribes Population in Project Towns, 2011**

S. No.	Name of Town (Original Project)	Percentage of Scheduled Tribe Population to Total Population	Name of Town (Additional Financing)	Percentage of Scheduled Tribe Population to Total Population
1.	Banswara	9.96	Bundi (M+OG)	4.16
2.	Abu Road	10.6	Bharatpur (M+OG)	1.13
3.	Sirohi	8.18	Jodhpur (M+OG)	2.39
4.	Pratapgarh	8.22	Sagwara (M)	27.54
5.	Khetri	0.7	Barmer (M)	1.56
6.	Mandawa	0.21	Balotra (M)	3.37
7.	Kuchaman	0.17	Bhawani Mandi (M)	2.91
8.	Ladnu	0.1	Dungarpur (M)	11.49
9.	Didwana	0.17	Jaisalmer (M)	5.28
10.	Makrana	0.08	Mt Abu (M)	18.92
11.	Laxmangarh	0.33	Nawalgarh (M)	0.17
12.	Fatehpur	0.37	Nathdwara (M)	10.47
13.	Ratangarh	0.25	Nimbaheda (M)	3.15
14.	Sardarshahar	1.35	Nokha (M)	0.19
15.			Pushkar (M)	0.55
16.			Ratangarh (M)	0.25

Source: Table 17, District Census Handbook, <http://censusindia.gov.in/2011census/dchb/RajasthanA.html>**Table A2.3: Status of Scheduled Tribe on Other Demographic Parameters**

Demographic Parameters	Rajasthan	All India*
Literacy Status	52.8	59.0
Male Literacy	67.6	68.5
Female Literacy	37.3	49.4
Percentage of ST Population below BPL- Urban**	21.7	24.1
Maternal Mortality Ratio (per 1 lakh live births)	199	130***

Source: <https://tribal.nic.in/ST/Statistics8518.pdf>

\* Figures mentioned, unless mentioned otherwise, correspond to all India average for ST population

\*\*20011-12, Planning Commission, estimated as per Tendulkar methodology

\*\*\*correspond to all India average (and not ST specific data), source: special bulletin on MMR, June 2011- Registrar

General of India, Source: [http://www.censusindia.gov.in/vital\\_statistics/SRS\\_Bulletins/MMR%20Bulletin-2014-16.pdf](http://www.censusindia.gov.in/vital_statistics/SRS_Bulletins/MMR%20Bulletin-2014-16.pdf)

<b>Table A2.4: List of Tribal and Particularly Vulnerable Tribal Groups</b>
<p><b>List of Tribals</b></p> <ol style="list-style-type: none"> <li>1. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave</li> <li>2. Bhil Mina</li> <li>3. Damor, Damaria</li> <li>4. Dhanka, Tadvi, Tetaria, Valvi</li> <li>5. Garasia (excluding Rajput Garasia)</li> <li>6. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari</li> <li>7. Kokna, Kokni, Kukna</li> <li>8. Koli Dhor, Tokre Koli, Kolcha, Kolgha</li> <li>9. Mina</li> <li>10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka</li> <li>11. Patelia</li> <li>12. Seharia, Sehria, Sahariya.</li> </ol> <p>Source: <a href="https://tribal.nic.in/ST/LatestListofScheduledtribes.pdf">https://tribal.nic.in/ST/LatestListofScheduledtribes.pdf</a></p>
<p><b>List of Particularly Vulnerable Tribal Groups</b></p> <ol style="list-style-type: none"> <li>1. Seharias</li> </ol> <p>Source: <a href="https://tribal.nic.in/ST/StatewisePvTGsList.pdf">https://tribal.nic.in/ST/StatewisePvTGsList.pdf</a></p> <p>Note: These are identified isolated communities among tribals characterized by a stagnant or declining rate of population growth, pre-agricultural level of technology and extremely low level of literacy. 75 tribal groups (including 1 mentioned above) have been categorized by Ministry of Home Affairs as Particularly Vulnerable Tribal Groups (PVTG)s. PVTGs reside in 18 States and UT of A&amp;N Islands. The Ministry of Tribal Affairs implements the Scheme of “Development of Particularly Vulnerable Tribal Groups (PVTGs)” exclusively for them. Under the scheme, Conservation-cum-Development (CCD)/Annual Plans are to be prepared by each State/UT for their PVTGs based on their need assessment, which are then appraised and approved by the Project Appraisal Committee of the Ministry. Activities for development of PVTGs are undertaken in Sectors of Education, Health, Livelihood and Skill Development, Agricultural Development, Housing &amp; Habitat, Conservation of Culture etc.</p>

### Appendix 3: 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.

### Appendix 4: ROLES AND RESPONSIBILITIES OF AGENCIES/GOVERNMENT DEPARTMENTS FOR IPP PREPARATION AND IMPLEMENTATION

	<b>Activities</b>	<b>Project Implementation Unit</b>	<b>Project Management Unit</b>	<b>Project Management and Capacity Building Consultant</b>	<b>Construction Management and Supervision Consultant and Community Awareness and Public Participation Consultant</b>	<b>ADB</b>	<b>Others/ Indigenous People Community</b>
1	Finalization of sites/alignment for subprojects	To identify and finalize sites/alignments for subprojects	Will appoint PMCBC for design, implementation and (internal) monitoring of subprojects.	PMCBC will provide technical guidance to PIUs in finalizing sites/ alignments	CMSC along with contractor will be responsible for finalization of the alignment/sites	-	-
	Assessment of alternatives: sites/alignments and technological options, as applicable, to minimize indigenous people impacts			guidance support to PIU in assessment of alternatives,	will provide inputs to select alternatives with maximum benefits to indigenous people HHs and minimum adverse impacts, based on input from ground will make the final assessment		
2	Preliminary screening Collection of required information, analysis of data	Will appoint a full-time resource person to supervise, participate in IPP activities, and will perform preliminary screening	-	-	Consultations and identification of indigenous people pockets/households	-	Active participation of indigenous people 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 PMCBC support)	-	PMCBC to guide in preparation of screening report	Inputs for screening report and preparation of report	-	-

	<b>Activities</b>	<b>Project Implementation Unit</b>	<b>Project Management Unit</b>	<b>Project Management and Capacity Building Consultant</b>	<b>Construction Management and Supervision Consultant and Community Awareness and Public Participation Consultant</b>	<b>ADB</b>	<b>Others/ Indigenous People Community</b>
	SIA recommendation	-	Based on screening report and in accordance with ADB policy, PMU will recommend SIA	PMCBC to assist PMU in decision-making	-Assessment of potential indigenous people impacts if any; recommendations for inclusion of indigenous people in project benefits and minimization of adverse impacts.	-	-
	Recommendation whether broad community consent triggered		PMU, with the advice of PMCBC, will recommend whether broad community consent triggered		CMSC to provide inputs, for recommendation		
3	SIA preparation i) Collection and analysis of required socioeconomic data on indigenous people and other vulnerable groups in project areas, if any	Designated staff of PIU will monitor SIA study/ analysis	-	guidance and supervision of SIA exercise	-to conduct SIA with help of field support team.	-	Active participation of indigenous people community and their leaders will be solicited/facilitated
	ii) Preparation of SIA	-	-	PMCBC to guide and review the document	- field support team to help CMSC zonal team in SIA preparation.	-	-
	iii) Recommendation for IPP preparation	-	Based on SIA report and in agreement with ADB policy, PMU will recommend preparation of IPP	-	-	-	-

	<b>Activities</b>	<b>Project Implementation Unit</b>	<b>Project Management Unit</b>	<b>Project Management and Capacity Building Consultant</b>	<b>Construction Management and Supervision Consultant and Community Awareness and Public Participation Consultant</b>	<b>ADB</b>	<b>Others/ Indigenous People Community</b>
4.	Meaningful consultations with indigenous people population including subgroups within indigenous people, women and other vulnerable sections: recording issues and concerns	PIUs with the support of PMCBC to conduct meaningful consultations and document the issues, concerns and needs of indigenous people community			CMSC with help of CAPPC to conduct of meaningful consultations with indigenous people community and documentation of the same		
5.	Preparation of IPP: Devising mitigation measures and action plan development	Designated staff will monitor IPP preparation and provide necessary help and inputs	-		- CMSC field support staff will collect field data for IPP preparation. - CMSC zonal PIU team will prepare IPP in consultation with affected indigenous people/ community leaders	-	Affected indigenous people/ indigenous people 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	PIUs to establish broad community consent through consultations with indigenous people community members, with the guidance and support of PMCBC		PMCBC to supervise the exercise	CMSC and CAPPC to document surveys and consultations undertaken to establish broad community consent		Affected indigenous people/ indigenous people community members to be engaged in consultation meetings and proposed impact minimization measures, benefits and mitigation measures under the project to be clearly explained

	<b>Activities</b>	<b>Project Implementation Unit</b>	<b>Project Management Unit</b>	<b>Project Management and Capacity Building Consultant</b>	<b>Construction Management and Supervision Consultant and Community Awareness and Public Participation Consultant</b>	<b>ADB</b>	<b>Others/ Indigenous People Community</b>
	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	PMCBC will ensure that disclosures are made, participate in disclosure event	CMSC field support staff and CAPPCC will ensure participation of local civil society organizations to attend disclosure meeting. CMSC and CAPPCC will be responsible for conduct of IPP information and disclosure meetings and clarify any points/measures	-	Affected indigenous people/indigenous people 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	-		- CMSC will prepare IPP budget and financing plan	-	-
	IPP approval from PMU	-	-PMU with PMCBC input will review and approve IPP at its end	-	-	-	-
	IPP approval from ADB	-	PMU and PIUs will scrutinize the IPP for ADB compliance and submit it to ADB as draft IPP		- As per ADB's comments/ observations, will revise and finalize the final IPP and budget	ADB will review the draft IPP and approve final IPP	-

	<b>Activities</b>	<b>Project Implementation Unit</b>	<b>Project Management Unit</b>	<b>Project Management and Capacity Building Consultant</b>	<b>Construction Management and Supervision Consultant and Community Awareness and Public Participation Consultant</b>	<b>ADB</b>	<b>Others/ Indigenous People Community</b>
8.	IPP implementation	PIUs will appoint local CMSC for IPP implementation. Agency with experience of working with indigenous people and having staff with knowledge of indigenous people languages/dialects will be preferred.	PMU will monitor IPP implementation periodically	Monitor and guide IPP implementation on behalf of PMU	CMSC will carry out IPP activities under supervision of PMU/PMCBC. Submit progress reports to PMU/PMCBC	-	
	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				

ADB = Asian Development Bank, CBO = community-based organization, IPP = indigenous people plan, CAPPC= community awareness and public participation consultant CMSC = construction management and supervision consultant, PIU = project implementation unit, PMCBC = project management and capacity building consultant, PMU = project management unit.

## **Appendix 5: SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR INDIGENOUS PEOPLE PLAN**

1. The following structure of Information Disclosure leaflet on indigenous people plan (IPP) is recommended to be prepared in the local language by CMSC under PMCBC guidance:

### **A. Background<sup>29</sup>**

2. The proposed Rajasthan Secondary Towns Development Sector Project (RSTDSP) will support the Government of Rajasthan (GOR) in expanding access to improved (WSS) services for about 570,000 people in about 14. The project will finance climate-resilient and inclusive WSS infrastructure in Rajasthan's small and medium towns, including heritage towns, and strengthen human and institutional capacity for improved and sustainable service delivery in line with the GOR's investment program. The project seeks to improve WSS services in secondary towns with populations between 20,000-115,000 through a sector loan modality. The project is aligned with the following impact(s): access to potable, affordable, reliable, equitable, and environmentally sustainable drinking water supply in all urban areas of Rajasthan improved; and health status of urban population, especially the poor and under-privileged improved.

### **B. Policy and Principles: Indigenous People Planning Framework (IPPF)**

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

### **C. Subproject components**

4. Specific and brief description of subproject needs to be provided here.,, (that is assessed to have indigenous people impacts)

### **D. Indigenous People Impacts**

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

### **E. Indigenous people plan (IPP)**

6. An IPP is prepared to safeguard potential impacts of proposed subproject components to indigenous people. During the course of project identification and social impact assessment, if any indigenous people are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development. This IPP includes the following measures for indigenous people living in proposed subproject areas, to be accomplished by the project team (the PMU/PIUs of RSTDSP): (a) beneficial measures include house service connections to IP households, awareness generation among IP households to ensure their

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<sup>29</sup> The figures and content of the paragraph below will be modified as per final list of approved projects.

participation and inclusion in project benefits, etc. and (b) mitigative measures as appropriate (to be specified). Specific budgets for each of the above-mentioned activities are provided in the IPP. The above-mentioned activities, their timelines and budgets in the IPP, are part of the condition for project activities to proceed. These IPP activities are selected in consultation with the indigenous people communities in proposed subproject affected areas.

## **F. Entitlements and Compensation**

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

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

## **G. Institutional arrangements**

8. The GOR through its Local Self Government Department (LSGD) is the executing agency and the Rajasthan Urban Drinking Water, Sewerage and Infrastructure Corporation (RUDSICO) will be the implementing agency. The project management unit (PMU) headed by dedicated project director is housed in RUDSICO's division for externally aided projects (EAP). There will be two Zonal Offices in Jaipur and Jodhpur, and PIUs in each project ULB. The PMU and PIUs will be supported by project management and capacity building consultants (PMCBCs) and Construction Management and Supervision Consultants (CMSC) respectively. PIUs will also be supported by Community Awareness and Public Participation Consultants (CAPPC). CMSC and CAPPS will be responsible for safeguard planning and implementation of the project. In case of design-build-operate (DBO) contract packages, the contractor is envisaged to have a Social Supervisor, who will be responsible for joint inspections with design engineers of PIUs and CMSC for detailed measurement surveys (DMS). CMSC will prepare IPP based on socioeconomic surveys and consultations by its field level safeguard support staff and the detailed measurement surveys undertaken by the contractor. CMSC in consultation with PIUs and contractor will be responsible for finalization of inventory of losses, updating and implementation of IPP and reporting on its implementation. PMCBC on behalf of PMU will provide guidance and monitoring support to PIUs and CMSC in planning and implementation of IPP.

## **H. Grievance Redress Mechanism**

9. A three tier project level GRM, covering both social and environment issues will be established to receive, evaluate, and facilitate the resolution of affected persons' concerns, complaints, and grievances about the social and environmental performance at project level. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns related to the project. For the project level GRM, a Grievance Redress Unit will be established at PIU level. Grievances of affected persons will first be resolved at field level by the contractor, CMSC field staff of PIU, CAPPC in consultation with the concerned member of ULBs. In all areas where indigenous people groups are present or affected, consultations with indigenous people community representatives and local NGOs/CBOs working with indigenous people will be required. Grievances not redressed at field level will be referred to respective PIU office. Any grievance that remains unresolved by the PIU within 7 days, will be escalated to the Zonal PIU, headed by the nodal officer (safeguards and gender) who will be assisted by Assistant Safeguards Officer (Social) and social safeguards personal of CMSC in resolving the issue. In the event that zonal PIU fails to redress grievance within 7 days, matter



will be referred to PMU, headed by project officer (social safeguards and gender). Certain grievances that cannot be resolved at project level, they will be referred to the City/Town Level Steering Committee, which will also act as Grievance Redress Committee. CLC will meet whenever there is urgent pending grievance. The GRC will resolve the grievance within 15 days of receiving the complaint. In case of any indigenous peoples impacts in subprojects, the CLC/GRC must have representation of the affected indigenous people community, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups. The GRM will continue to function throughout the project duration

10. CMSC will assist PIUs to keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The assistant safeguards officer (social) of PIUs will be the focal person for facilitating the grievance redress.. Documented records of each PIU will be compiled by PMCBC and collated information will be presented in regular PMU's reporting to ADB.

### Contact details

Organization	Name	Position	Phone Number	Email Id
Contractor: Social Supervisor				
CMSC Staff (PIU level)				
Safeguard and Safety Officer (PIU)				
CMSC social safeguards personal (Zonal PIU)				
PMCBC Social and Gender Specialist (PMU)				

### Appendix 6: ENTITLEMENT MATRIX<sup>30</sup>

The entitlement matrix prepared for the resettlement framework for Rajasthan Secondary Towns Development Sector Project has specific provisions for scheduled tribe or vulnerable affected persons and will be followed in the Indigenous Peoples planning framework as well.

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
1	Loss of private land	Agricultural land, <sup>a</sup> homestead land or vacant plot	Legal titleholders/ traditional titleholders <sup>b</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement value (as per RFCTLARRA, 2013) or land-for-land where feasible.<sup>c</sup> If land-for-land is offered, titles will be in the name of original landowners. Joint titles in the name of husband and wife will be offered in the case of married affected persons<sup>d</sup></li> <li>• Fees, taxes, and other charges related to replacement land (applicable to all parcels of replacement land, which totals the equivalent area of land acquired, if parcels of non-contiguous land are bought due to the unavailability of one contiguous parcel).</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) one-time payment of ₹500,000 per family; (iii) annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families<sup>e</sup> will receive both: (i) one time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Schedules Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> </ul>	<ul style="list-style-type: none"> <li>• Fees, taxes, and other charges should be completed within a year of compensation payment and for land of equivalent size.</li> <li>• Vulnerable households will be identified during the census.</li> <li>• New land registrations and titles should be completed prior to project closure/completion.</li> </ul>	<p>The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PMU will ensure provision of notice.</p> <p>CMSC<sup>33</sup> with support of DBO contractor and CAPPCC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</p>

<sup>30</sup> All entitlements in rupees (other than those provided under RFCTLARRA) will be adjusted for inflation till the year of compensation payment.

<sup>31</sup> Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once.

<sup>32</sup> For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks

<sup>33</sup> CMSC may hire services of any agency/NGO for verification survey, census/socio-economic survey, DMS survey as part of their contract provisions.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>All affected families<sup>f</sup> will receive: (i) compensation for 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) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> <li>Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>Additional compensation for vulnerable households<sup>9</sup> (item 7).</li> </ul>		
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ul style="list-style-type: none"> <li>Compensation for rental deposit or unexpired lease.</li> <li>One-time resettlement allowance of ₹50,000 per affected family</li> <li>One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>All affected families will receive: (i) Compensation for 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) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and</li> </ul>	<ul style="list-style-type: none"> <li>Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease</li> <li>Vulnerable households will be identified during the census.</li> </ul>	CMSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIU/PMU. PIU to initiate and PMU to ensure provision of notice.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<p>(iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• Additional compensation for vulnerable households (item 7).</li> </ul>		
1-b	Loss of private land	Agricultural land	Sharecroppers	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families will receive: (i) Compensation for 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) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Harvesting prior to acquisition will be accommodated to the extent possible.</li> <li>• Work schedule will avoid harvest season.</li> <li>• Vulnerable households will be identified during the census.</li> </ul>	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.
1-c	Loss of private land	Agricultural land, homestead	Encroachers and Squatters <sup>h</sup>	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	PIU to initiate and PMU to ensure provision of notice.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
		d land or vacant plot		<ul style="list-style-type: none"> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> </ul>		CMSC will identify vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Reimbursement of unexpired lease.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families will receive: (i) Compensation for 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) <i>Bonafide</i>; resulting from 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>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<p>time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <ul style="list-style-type: none"> <li>• Additional compensation for vulnerable households.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• Additional compensation for vulnerable households.</li> </ul>		
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Non-titleholders	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.</li> <li>• If residing for three years prior to acquisition, One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.</p>
3	Loss of residential structure	Residential structure and other assets'	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without any depreciation value applied.</li> <li>• If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 square meters (m<sup>2</sup>). plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas,</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>Valuation committee will verify replacement value. CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.</p>

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<p>the actual cost of house construction shall be offered in such cases.</p> <ul style="list-style-type: none"> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> </ul>		
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• If residing for minimum three years prior to acquisition, if house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 m<sup>2</sup>. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials (of the portion constructed by affected person) from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</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>	Valuation committee will verify replacement value. CMSC will verify the extent of impacts through 100% surveys of affected households determine assistance, verify and identify vulnerable households.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same.</li> </ul>		
3-b	Loss of residential structure	Residential structure and other assets	Non-titleholders	<ul style="list-style-type: none"> <li>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>If residing for minimum three years prior to acquisition, if house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 m<sup>2</sup>. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>Fees, taxes, and other charges related to replacement structure.</li> <li>One-time Resettlement allowance of ₹50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU with support of CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households. PMU/PMCBC will provide supervisory guidance.
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> <li>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>Fees, taxes, and other charges related to replacement structure.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	Valuation committee will determine replacement value. CMSC will verify the extent of impacts through



No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>		a 100% survey of affected households determine assistance, verify and identify vulnerable households.
4-a	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• If residing for minimum three years prior to acquisition, One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>	<ul style="list-style-type: none"> <li>• Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</li> <li>• Vulnerable households will be identified during the census.</li> </ul>	Valuation committee will determine replacement value. CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Non-titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	CMSC will verify the extent of impacts through 100% surveys of affected households determine assistance, verify and identify vulnerable

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>One-time Resettlement allowance of ₹50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>If residing for minimum three years prior to acquisition, One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>		households. PIU and PMU to supervise and guide
5	Loss of livelihood	Livelihood	Legal titleholder/tenant/leaseholder/non-titled/employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> <li>Subsistence allowance of ₹3,000 per month for a period of one year from the date of award (Total ₹36,000). Scheduled Castes/Schedule Tribes families from scheduled areas will receive additional ₹50,000</li> <li>One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> <li>Transitional allowance.<sup>k</sup></li> <li>Income restoration and training.<sup>l</sup></li> <li>Additional compensation for vulnerable households.</li> <li>Consideration for project employment.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/non-titled affected person	<ul style="list-style-type: none"> <li>Notice to harvest standing/seasonal crops and compensation for crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. For seasonal crops notice should be given at least 6 months in advance.</li> <li>If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>	<ul style="list-style-type: none"> <li>Harvesting prior to acquisition will be accommodated to the extent possible.</li> <li>Work schedules will avoid harvest season.</li> <li>Market value of trees/crops has to be determined.</li> </ul>	PIU to initiate PMU to ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with affected persons.

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
7	Impacts on vulnerable affected persons <sup>m</sup>	All impacts	Vulnerable affected persons <sup>n</sup>	<ul style="list-style-type: none"> <li>• Land: Further to item 1, in case of total loss of land, and a total dependency on agriculture, land-for-land compensation. Titles will be in the name of original occupants. Joint titles in the name of husband and wife will be offered in the case of married affected persons.</li> <li>• Government land: Further to Item 2, provision for skills training for displaced affected persons.</li> <li>• Residential structure: Further to Item 3, in case of total loss of structure, additional shifting allowance shall be paid.<sup>34</sup> Scheduled Castes and Scheduled Tribes affected persons shall receive other additional benefits as mentioned in item 3.<sup>o</sup></li> <li>• Commercial structure: Further to item 4, in case of total loss of business, support to reestablish business for vulnerable households which shall include assistance for purchase of income generating assets and initial capital of ₹40,000. Additional shifting allowance shall be paid.<sup>35</sup> Scheduled Castes and Scheduled Tribes affected persons shall receive other additional benefits as mentioned in item 4.</li> <li>• Livelihood: Vulnerable households will be given priority in project construction employment and provided with income restoration support. For permanent loss of livelihoods, affected persons will be provided skill training.</li> <li>• Vulnerable persons will receive additional 3 months of assistance based on minimum wage rates.</li> <li>• Vulnerable persons/businesses will receive ₹9,000 as one-time assistance under temporary impacts.</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 Rs50,000 per the provisions of the RFCTLARRA.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	<p>CMSC will verify the extent of impacts through 100% surveys of AHs and determine assistance, verify and identify vulnerable households.</p> <p>PIU and CMSC will monitor and ensure this entitlement</p>

<sup>34</sup> The additional shifting allowance for vulnerable households shall not be less than 20 percent of the value of shifting allowance mentioned under item 3 of this EM.

<sup>35</sup> The additional shifting allowance for vulnerable households shall not be less than 20 percent of the value of shifting allowance mentioned under item 4 of this EM.

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
8	Temporary loss of land <sup>p</sup>	Land temporarily required for subproject construction	Legal titleholders, non-titled affected persons	<ul style="list-style-type: none"> <li>• provision of rent for period of occupation for legal titleholders (and also for non-titled of attached to proposed land from minimum three years prior to temporary acquisition)<sup>q</sup></li> <li>• compensation for assets lost at replacement value, and trees and crop loss in accordance with item 6.</li> <li>• restoration of land to previous or better quality<sup>r</sup></li> <li>• 30 days advance notice regarding construction activities, including duration and type of disruption.</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> <li>• Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. this includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.</li> </ul>	Valuation Committee will determine rental value and duration of construction survey and consultation with affected persons. A pre-subproject photograph to be made by the CMSC. PMU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled affected persons	<ul style="list-style-type: none"> <li>• 30 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>• Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption Contractor's actions to ensure there is no income/access loss consistent with the environmental management plan (EMP)/initial environmental examination (IEE).<sup>s</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Identification of alternative temporary sites to continue economic activity.</li> <li>• Contractor's actions to ensure there is no income/access loss consistent with the initial environmental</li> </ul>	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.

No	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>31</sup>	Implementation Issues <sup>32</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>• Assistance to vendors/hawkers to temporarily shift for continued economic activity (₹1,500 as one time assistance)<sup>†</sup></li> <li>• For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance will be paid as per average daily income arrived at from census and socio-economic survey or as per applicable minimum wage, whichever is greater. This assistance shall be paid for a minimum of 14 days or the actual period of disruption, whichever is higher.</li> </ul>	examination. this includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.	
10	Loss and temporary impacts on common resources	Common resources	Communities	<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, etc.</li> </ul>	-	PMU and PIU through Contractor.
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>• Unanticipated involuntary impacts will be documented and mitigated based on ADB's Safeguard Policy (SPS), 2009.</li> </ul>	-	CMSC/CAPPC will ascertain the nature and extent of such loss. PMU will finalize the entitlements in line with ADB's SPS, 2009.

CAPPC = community awareness and public participation consultant, EMP = environmental management plan, ₹ = Indian rupee, PMU = project management unit, ROW = right-of-way, RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, SPS = Safeguard Policy Statement, m<sup>2</sup> = square meter.

- a The RFCTLARR, 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 reflect while preparing resettlement budget. Similarly, the Act says as far as possible no land acquisition shall be made in scheduled areas and where such acquisition takes place, it shall be done only as a demonstrable last resort.
- b Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders.
- c Including option for compensation for non-viable residual portions. Land for land will be the preferred option for compensation in case of land loss to scheduled tribes or scheduled castes.
- d Affected persons can also be offered with shares (if any, of Requiring Body) (up to max 25% of the total replacement value) and such amount can be deducted. However, no affected person should be compelled to take the shares.
- e "Displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. This also includes affected people that lose their agricultural land but not the houses. But, they still have to relocate for economic reasons.
- f These compensations will be appropriately distributed among various eligible candidates (if any) (such as between owner, tenant, sharecropper etc.).
- g Vulnerable households comprise below poverty line households, female-headed households, households with out of school/ working children, disabled person-headed household, elderly headed household, landless household, household with no legal title/tenure security, and schedule castes and scheduled tribe households.
- h Non-titleholders are those without legal title to land and without any recognizable rights to land occupied by them.
- i Other assets include, but is not limited to walls, fences, sheds, wells, etc. Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's Safeguard Policy (SPS), 2009.
- j Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's SPS, 2009.
- k To be provided for affected persons whose livelihood is affected by the Project. The transitional allowance will cover the period of transition and comply with established minimum wage standards in the respective towns/cities in the case of wage-earning affected persons and incomes earned in the case of non-wage-earning affected persons.
- l Refer to Section H item 2.
- m Vulnerability benefits are incremental, i.e., in addition to other entitlements and benefits
- n Vulnerable households comprise below poverty line households, female-headed households, households with out of school/ working children, disabled person-headed household, elderly headed household, landless household, household with no legal title/tenure security, and schedule castes and scheduled tribe households.
- o All rupee compensations other than statutory compensations in this entitlement matrix will be adjusted for inflation until the year of compensation payment.
- p Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.
- q Payment can be either through a lumpsum payment, or by monthly or other periodical payments as shall be agreed upon in writing.
- r If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under RFCTLARR Act to acquire the land as if it was needed permanently for a public purpose.
- s This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.
- t For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

**Appendix 7: 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**

<b>KEY CONCERNS</b> (Please provide elaborations in the "Remarks" column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>A. Indigenous People Identification</b>				
1. Are there sociocultural groups present in or using the project area who may be considered "tribes" (hill tribes, scheduled tribes, tribal people), "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 people, 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?				

<b>KEY CONCERNS</b> (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
7. Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "indigenous people," "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 people?				
10. Will the project directly or indirectly affect indigenous people' traditional sociocultural and belief practices (e.g. child-rearing, health, education, arts, and governance)?				
11. Will the project affect the livelihood systems of indigenous people (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 people, 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 people?				
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 people?				



<b>KEY CONCERNS</b> (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous people?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous people?				

### C. Indigenous People Impact

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

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

Prepared by:  Signature: Name: Position:	Verified by:  Signature: Name: Position:
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## Appendix 8: SAMPLE GRIEVANCE REGISTRATION FORM

(To be made available in Hindi and English)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing **\*(CONFIDENTIAL)\*** above your name. Thank you.

<b>Date</b>	<b>Place of registration</b>	<b>Project Town</b>		
		<b>Project:</b>		
<b>Contact information/personal details</b>				
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>
<b>Home address</b>				
<b>Place</b>				
<b>Phone no.</b>				
<b>E-mail</b>				
<b>Complaint/suggestion/comment/question</b> Please provide the details (who, what, where, and how) of your grievance below:				
If included as attachment/note/letter, please tick here:				
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>				

### FOR OFFICIAL USE ONLY

<b>Registered by:</b> (Name of official registering grievance)	
<b>Mode of communication:</b>	
a) Note/letter	
b) E-mail	
c) Verbal/telephonic	
<b>Reviewed by:</b> (Names/positions of officials reviewing grievance)	
<b>Action taken:</b>	
<b>Whether action taken disclosed:</b>	Yes No
d)	
<b>Means of disclosure:</b>	