

Indigenous Peoples Planning Framework (DRAFT)

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CURRENCY EQUIVALENTS

(as of 17 January 2018)

Currency unit	—	Indian rupee (₹)
₹1.00	=	\$64.0187
\$1.00	=	₹0.0156

ABBREVIATIONS

ADB	—	Asian Development Bank
CBO	—	Community-Based Organization
GRC	—	grievance redress committee
GRM	—	grievance redress mechanism
IPP	—	Indigenous Peoples plan
IPPF	—	Indigenous Peoples planning framework
ITDP	—	Integrated Tribal Development Programme
M&E	—	monitoring and evaluation
NGO	—	nongovernmental organization
PIU	—	project implementation unit
PMU	—	project management unit
RFCTLARR	—	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
SIA	—	Social Impact Assessment
TLC	—	Town Level Committee
TNUFIP	—	Tamil Nadu Urban Flagship Investment Program
TNUIFS	—	Tamil Nadu Urban Infrastructure Financial Services Ltd.
ULB	—	urban local body

NOTE

In this report, “\$” refers to US dollars.

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I. INTRODUCTION

1. The proposed Tamil Nadu Urban Flagship Investment Program (TNUFIP) is aligned to support in the following: (i) urban infrastructure across the state improved and world class cities focusing on universal access to 24x7 water supply services and sanitation facilities including tertiary treatment of sewage to become engines for economic growth developed (Vision 2030, Government of Tamil Nadu, [GOTN]); (ii) five industrial corridors developed (GOTN Vision 2030); (iii) quality of life for all, especially the poor and the disadvantaged improved (Mission Statement and Guidelines, Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Government of India, 2015); (iv) a clean and sustainable environment provided (Smart Cities - Mission Statement and Guidelines, Government of India, 2015). TNUFIP will focus on cities in five priority economic corridors: (i) Chennai–Hosur, (ii) Chennai–Tiruchirapalli, (iii) Coimbatore–Madurai, (iv) Coimbatore–Salem and (v) Madurai–Thoothukudi. The reform-based component of the program will seek to provide results-based performance incentives to select cities and towns. The program shall also focus on transformative investments in 24X7 water supply, full sanitation coverage smart water management, and urban climate change resilience drawing from the support of various Asian Development Bank (ADB) grant technical assistance.

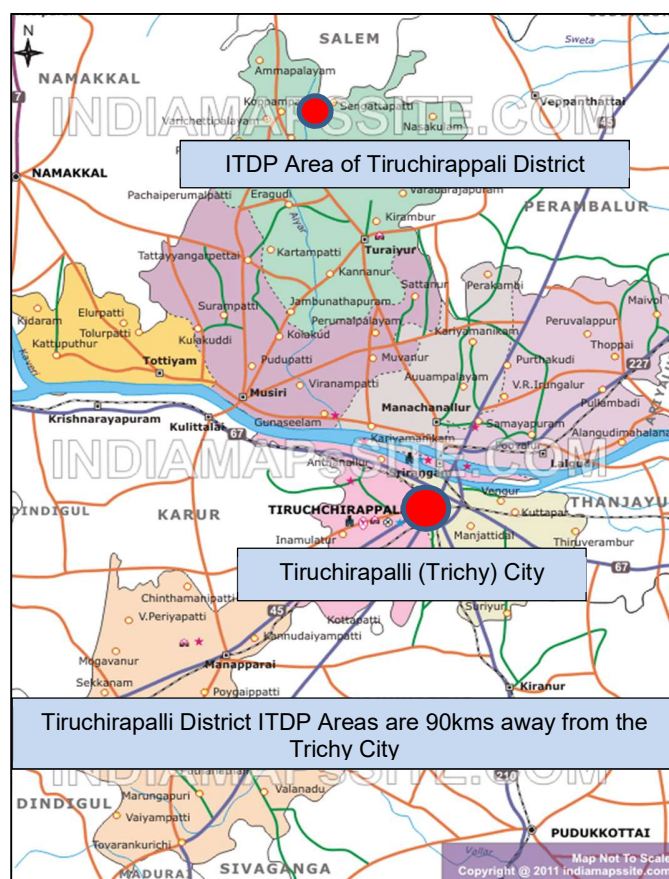
2. Components. The TNUFIP is envisaged to be structured under three main components: (i) investment in municipal infrastructure namely water supply and sewerage, (ii) municipal reform-based activities, and (iii) technical assistance for design, supervision, program management, reforms, and climate change. TNUFIP will be implemented over an 8-year period beginning in 2018, and will be funded by ADB via its multitranchise financing facility (MFF). The impact of the TNUFIP will be improved livability and resilience in urban areas of economic importance in Tamil Nadu. The outcome of TNUFIP will be smart and climate resilient urban services delivered in priority industrial corridors in Tamil Nadu. The main types of infrastructure and their principal components are shown in Table 1.

Table 1: Subprojects and Components Proposed under Tamil Nadu Urban Flagship Investment Program

Subproject	Main Components	Infrastructure (New or Refurbished)
Water Supply	Source development	Intake works (for surface water sources)
		Tube wells
	Treatment works	Water treatment plant
		Chlorination unit
	Water Transmission	Raw Water Transmission mains
		Clear water Transmission mains
	Water Storage	Ground level reservoirs
		Overhead tanks
	Water Distribution	Distribution mains and network
		Bulk valves and flow meters
		House connections
		Household meters
Sewerage and Sanitation	Sewer Network	Sewer network
		Tertiary piped network
		Household connections
	Sewage Transfer	Trunk sewer
	Sewage Treatment Facility	Sewage treatment plant
		Outfall for treated effluent

3. There are no indigenous peoples, based on the Safeguard Policy Statement definition, in any Tranche 1 project areas. No indigenous peoples group or community is found among affected persons of tranche 1 subprojects. Screening of Tranche 1¹ subprojects showed no impacts to Indigenous Peoples and there are no scheduled areas as defined by the Constitution of India at these locations.² None of the proposed subproject facilities are located on land belonging to scheduled tribes.³

Map 1: Locations



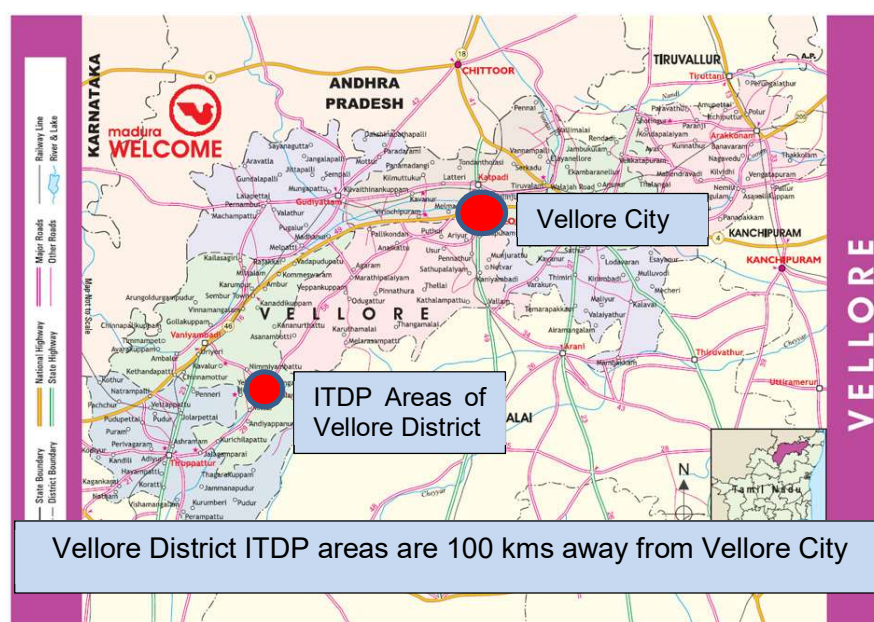
¹ Tranche-1 cities include Chennai, Coimbatore, Tirunelveli, Vellore and Rajapalayam.

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

³ The state of Tamilnadu has 10 tribal pockets which are known as Integrated Tribal Development Programme (ITDP) areas in 7 districts, namely Salem, Namakkal, Tiruvannamalai, Villupuram, Tiruchirappalli, Dharmapuri and Vellore. Though Tiruchirappalli and Vellore are project districts, project areas are located far away from the ITDP areas of those districts. Pachamalai ITDP area is 90 kms away from Tiruchirappalli city, while Jawadhu and Yelagiri Hills ITDP areas 100 kms away from Vellore city. There are no scheduled areas as defined under the Fifth Schedule of Indian Constitution in Tamilnadu. No tribal areas in the state are recognized under the Sixth Schedule of the Indian Constitution as well.

4. In Tamil Nadu, there are 36 notified tribes (refer to Appendix 1 for list of tribes in Tamil Nadu) according to the notified Schedule under Article 342 of the Constitution of India. Among these 36 tribes, the Government of India has identified 6 tribes, namely: (i) Irular; (ii) Kattunayakan; (iii) Kota; (iv) Korumba; (v) Paniyan; and (vi) Toda tribes as particularly vulnerable tribal groups (PVTGs; earlier primitive tribal groups-primitive tribal groups)⁴. All the PVTGs in Tamil Nadu are found in the Nilgiri District;⁵ currently outside the TNUFIP project area. In addition to PVTGs; tribal pockets in India are classified as Integrated Tribal Development Programme (ITDP), Modified Area Development Approach (MADA) and Clusters. However, Tamil Nadu has only ITDP Areas.⁶ A total of ten ITDP pockets are in districts of (i) Namakkal-1, (ii) Salem-4; (iii) Tiruvannamalai-1; (iv) Dharmapuri-1; (v) Villupuram-1; (vi) Tiruchirappalli-1; and (vii) Vellore-1. ITDP areas of Tiruchirappalli and Vellore districts are located far away from the project cities. There are no indigenous peoples in the project areas in Tiruchirappalli and Vellore, which are urban areas.

Map 2: Locations



5. In Vellore UGSS subproject, only one scheduled tribe household with two members face permanent (relocation) impact; however does not show any indigenous peoples characteristics as defined by the SPS. The household is residing at the current location for more than 30 years, speaks the local language and was found well-integrated in the local community. No persons

⁴ PVTGs are tribal communities among the scheduled tribes who live in near isolation in inaccessible habitats. They are characterized by a low rate of population growth, pre-agricultural level of technology and extremely low levels of literacy (Panchayats Extension to Scheduled Areas Act, 1996).

⁵ According to 2001 census, the total population of the Nilgiri District was 7.64 lakhs, out of which the total primitive tribal groups population was 28,373. This constituted around 4.32 percent of the total general population.

⁶ The ITDPs are generally contiguous areas of the size of a Block (group of villages) or *Taluka* in which the scheduled tribe population is 50% or more of the total population. ITDP areas have a separate administrative structure headed by a project officer to implement various development programs.

belonging to the scheduled tribes were found among temporarily affected persons in any of the tranche 1 subproject areas. Scheduled tribes in project cities speak the same language (Tamil) as the majority of the population, do not have traditional rights and/or access to land resources and do not follow any distinct cultural practices. It can be safely presumed that tribal people residing in the Tranche 1 cities have been assimilated over a period of centuries with the mainstream community. Considering this, Tranche 1 subprojects are categorized as 'C' for indigenous people impacts and no indigenous peoples plans (IPPs) will be required.

6. Subproject components of future tranches are still under identification / preparation and the complete scope of work is currently not known. Though the beneficiary' population of project cities is completely urban⁷; impacts on Indigenous Peoples will be confirmed only after the scope is known, sites are identified and detailed design is prepared for subsequent tranches. Therefore, an indigenous peoples planning framework (IPPF) has been developed to manage and mitigate possible impacts to the scheduled tribe/ indigenous people in the investment program area, identified during implementation of future tranches. Any subproject with significant adverse impacts on Indigenous Peoples should be avoided for financing under TNUFIP.

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

II. OBJECTIVES AND POLICY FRAMEWORK

8. This Indigenous Peoples Planning Framework (IPPF) is a policy and procedural framework for the preparation and implementation of Indigenous Peoples plan (IPP) developed for subprojects financed in future tranches. IPPs will be developed if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset consistent with the SPS, 2009 of ADB. The IPPF is updated prior to processing and implementation of tranche 2, to reflect changes in policy and practice related to land acquisition and resettlement in India and Tamil Nadu, following the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 and provisions related to scheduled tribes/Indigenous Peoples in the Act. The IPPF provides guidance in mitigating IP/ST impacts if any identified during implementation, as stipulated in ADB SPS, 2009, Safeguard Requirements 3.

A. Objectives

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

⁷ Identification of tribes is a state subject; classification of a tribe would depend on the status of the tribe in a particular state. Accordingly to Census of India 2011, 1.1% of the total population in the Tamil Nadu state is classified as scheduled tribe (ST). This is much lower than the national figure at 8.6%. In urban Tamil Nadu, only 0.19% of the total population of the state is classified as STs.

safeguards policy for the indigenous peoples in ADB-financed projects.

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

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

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

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

B. Policy Framework

1. National Level

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

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

- (i) Article 14 - confers equal rights and opportunities to all;
- (ii) Article 15 - prohibits discrimination against any citizen on grounds of sex, religion, race, caste, etc.;
- (iii) Article 15(4) - enjoins upon the state to make special provisions for the advancement of any socially and educationally backward classes;
- (iv) Article 16(4) - empowers the state to make provisions for reservation in appointments or posts in favor of any backward class of citizens;

- (v) Article 46 - enjoins upon the state to promote with special care the educational and economic interests of the weaker sections of the people and, in particular the STs, and promises to protect them from social injustice and all forms of exploitation;
- (vi) Article 275(1) - promises grant-in-aid for promoting the welfare of STs and for raising the level of administration of the scheduled areas;
- (vii) Articles 330, 332, and 335 - stipulate reservation of seats for STs in the Lok Sabha and in the State Legislative Assemblies and in services;
- (viii) Article 340 - empowers the state to appoint a commission to investigate the conditions of the socially and educationally backward classes; and
- (ix) Article 342 - specifies those tribes or tribal communities deemed to be scheduled tribes (STs).

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

- (i) the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights (ROFR) Act, 2006 and the Rules, which came into force from 1 January 2008. The Act recognizes and records the rights of forest dwellers who have been residing and depending on the forest for generations for their Bonafide livelihood needs, without any recorded rights;
- (ii) the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which protects SC/ST from (a) wrongful occupation or cultivation of any land owned by them or allotted to them or lands notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe and transfer of land allotted to SC/ST; (b) wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interference with the enjoyment of his rights over any land, premises or water; and (c) from any forceful removal/causing of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence;
- (iii) the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013 has special provisions for additional benefits to Scheduled caste and scheduled tribe families under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a Development Plan is to be prepared; and (c) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area. Appendix 2 presents all relevant clauses of the RFCTLARRA 2013 for scheduled tribes. The Act meets ADB Indigenous Peoples policy requirement of broad community consent and of ensuring that development interventions that affect Indigenous Peoples should ensure that they have opportunities to participate in and benefit equitably from the interventions; and
- (iv) Draft National Policy on Scheduled Tribes. The Ministry of Tribal Affairs, Government of India has drafted a National Policy on Scheduled Tribes to bring such tribes into mainstream society through a multi-pronged approach for their all-round development without affecting their distinct culture. The policy aims to bring the benefits of economic development to tribal areas without eroding their traditional culture and identity. It also stipulates that displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement will be given land for land. To handle the problem of shifting cultivation, land tenure system is proposed giving tribals the right to land ownership so that they invest their energy and

resources in checking soil erosion and fertility. The policy seeks to tackle tribal land alienation by stipulating that: (i) tribals have access to village land records; (ii) land records be displayed at the Panchayat; (iii) oral evidence be considered in the absence of records in the disposal of tribal land disputes; (iv) States prohibit transfer of lands from tribals to non-tribals; and (v) tribals and their representatives are associated with land surveys.

2. ADB Safeguards Policy Statement, 2009

16. ADB's indigenous people safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use occupy, or claim as an ancestral domain or asset. Policy principles are in Appendix 5.

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

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

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

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

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

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

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

A. Application of ADB Indigenous People Definition for Subprojects

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

socially isolated, and often overlooked in the development process.

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

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

22. ADB Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. Any subproject with significant adverse impacts on Indigenous Peoples should be avoided for financing under the investment program. The TNUFIP envisages benefits to scheduled tribes in terms of house connections to all and priority for local scheduled tribe people in project related construction work; however, this will not trigger SR3 as scheduled tribe households living in project areas are not indigenous peoples groups or communities as defined in SPS. All sites for tranche-1 subprojects are assessed for involuntary resettlement/ indigenous people impacts and even though one ST household faces relocation impact, there are no indigenous people groups or communities as per SPS definition among affected persons. None of the temporarily affected persons in tranche 1 subprojects were found to belong to scheduled tribes.

B. Potential Positive and Adverse Effects on Indigenous Peoples

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

24. The subprojects will have environmental and public health benefits to the population, both scheduled tribes and non-scheduled tribes. Potential negative impacts on affected persons are either permanent, related to land acquisition, or temporary, related to construction impacts. Consistent with the Draft National Policy on Scheduled Tribes, displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. Where displacement is inevitable, the preferred compensation for each scheduled tribe family having land in the earlier settlement will be land for land. This is also consistent with ADB's SPS and is reflected in the entitlement matrix of

the resettlement framework. Subproject design also prioritizes rehabilitation over new construction of infrastructure, avoiding land acquisition and consequent resettlement, and subproject siting in built-up areas.

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

IV. SOCIAL IMPACT ASSESSMENT AND INDIGENOUS PEOPLES PLAN FOR SUBPROJECTS

A. Preliminary Screening and Classification

26. The Assistant Safeguards Officer (ASO) of the project implementation unit (PIU) with the help from Social Project Officer (SPO) of project management unit (PMU) will study all indigenous peoples' communities and villages within the vicinity of subproject sites or areas being affected and influenced by the subproject. The PMU/ PIU/ Construction, Management, Supervision Consultants (CMSCs) will arrange public meetings at indigenous people communities to provide information on the subproject. During these meetings, community leaders and other participants will be given an opportunity to present their views, concerns and preferences. The PIU/ CMSC will undertake screening for indigenous people populations with the help of indigenous people community leaders and local leaders. The initial screening will check for the following:

- (i) Name(s) of indigenous people community group(s) in the area;
- (ii) Total number of indigenous people community groups in the area;
- (iii) Percentage of indigenous people community population to that of area population; and
- (iv) Number and percentage of indigenous people households to be affected by the subproject.

27. Based on the above criteria, an indigenous people assessment checklist will be prepared. (A checklist format for screening of Indigenous Peoples in subprojects is provided in Appendix 4). If the results of the preliminary screening (reviewed with the assistance of the project consultants) show that there are indigenous people households in the proposed subproject area, SIA will be conducted to capture indigenous people issues and development opportunities for Indigenous Peoples that exist in the area.

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

- (i) **Category 'A' Projects:** A proposed project is classified A if it is likely to have significant impacts on Indigenous Peoples.⁸ An indigenous peoples plan (IPP), including assessment for social impacts, is required.
- (ii) **Category 'B' Projects:** A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required.

⁸ Impacts on indigenous peoples will be considered significant if they positively or negatively (i) affect their customary rights of use and access to land and natural resources; (ii) change their socioeconomic status; (iii) affect their cultural and communal integrity; (iv) affect their health, education, livelihood and social security status; or (iv) alter or undermine recognition of Indigenous Peoples. This will include additional assistance for Indigenous Peoples and enhancement of project benefits for Indigenous Peoples.

- (iii) **Category 'C' Projects:** A proposed project is classified C if it is not expected to have impacts on Indigenous Peoples. No further action is required.

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 sub-project area, a social impact assessment (SIA) will be conducted to capture indigenous people issues and development opportunities that exist in the area. A checklist format for screening of Indigenous Peoples in the sub projects is in Appendix 4.

B. Social Impact Assessment

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

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

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

- (ii) Consent of affected tribal communities:
 - (a) Indigenous peoples may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous peoples, physical displacement of indigenous peoples, and commercial development of natural resources within customary land use. The borrower/ client in such projects will seek the consent of the affected indigenous peoples communities to proceed with the project. For the purpose of policy application, consent of affected indigenous peoples through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.
 - (b) After receiving community support/consent, the borrower/ client will provide documentation detailing the process and outcomes of consultation with indigenous peoples and indigenous peoples organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and content of formal agreement with the indigenous peoples/ organizations. The borrower/ client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.
- (iii) Commercial development of cultural resources
 - (a) If the project involves commercial development of indigenous peoples' cultural resources and knowledge, the borrower/client will ensure that the affected indigenous peoples communities are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on indigenous peoples' livelihood, environment, and use of such resources. The IPP will reflect the nature and content of the agreement and will include arrangements to ensure indigenous peoples receive an equitable share from such commercial development/ the project.
- (iv) Physical displacement of tribal people
 - (a) All possible alternate project designs will be explored to avoid physical displacement of indigenous peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an IPP will be prepared that could be combined with a resettlement plan.

32. The main source of information for SIA will be direct interviews with potentially affected indigenous peoples households, besides separate group meetings with the indigenous peoples communities, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and Indigenous Peoples groups' recommendations on design of the project components. The PIU/CMSC will be responsible for analyzing the SIA data and will work under the overall guidance of Governance Improvement and Participation Consultant Resettlement Expert. An action plan will be developed in consultation with the Indigenous Peoples community leaders. If the SIA indicates significantly adverse impacts, or that the indigenous peoples community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. An IPP will be prepared only when the Indigenous Peoples community accepts the design of the subproject component, and broad community support has been ascertained. An outline of IPP is provided in Appendix 8.

C. 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 Peoples groups will have development options built into the project design which are in accordance with their needs, and at the same time preserve their distinctive sociocultural identity. The IPP will also focus on developmental strategy that encourages and strengthens their existing skill so that the Indigenous Peoples are able to derive benefits from project intervention.

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

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

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

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 assistance⁹ 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 Peoples are entitled to receive land-for-land compensation for the acquired land if government land is available. As Indigenous Peoples, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the resettlement framework of the project as well as certain additional compensations. The entitlement matrix is appended as Appendix 6.

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

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

D. Project Monitoring

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

V. CONSULTATION AND PARTICIPATION

41. Meaningful consultations and information disclosure will be undertaken at various stages of a subproject to deal adequately with the needs, priorities and preferences of indigenous peoples. Affected indigenous peoples' communities, indigenous peoples leaders, community-based organizations (CBOs) and NGOs working with affected Indigenous Peoples groups, if any will participate in the subproject preparation phase to assess the positive and negative impacts of the subproject. Their involvement will be sought to minimize the negative impact to the extent possible and to maximize subproject benefits to the indigenous people community. The affected Indigenous Peoples will be informed and consulted in preparing IPP(s). Their participation in planning will enable them to benefit from the subproject and protect them from any potential adverse impacts of a subproject.

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

A. Disclosure

43. The draft IPP, entitlements, compensation, assistance, and mitigation measures and the final IPP will be disclosed to affected Indigenous Peoples in a timely manner (refer C&P Plan for

the subproject) in a language understood by Indigenous Peoples and other stakeholders. In case of illiterate Indigenous Peoples, communication methods will be different and will involve more discussions, consultations and meetings for disclosure.

44. The following documents will be endorsed by Tamil Nadu Urban Infrastructure Financial Services Ltd. (TNUIFSL) and submitted to ADB for disclosure on ADB's website:

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

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

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

B. Activities for Inclusion of Indigenous Peoples Issues

47. A broad strategy for inclusion of indigenous peoples' issues has been formulated. Involvement of Indigenous Peoples in problem identification and design of solutions must be ensured through the entire cycle of subproject interventions. Table 2 presents activities to be undertaken by the implementing agency to ensure inclusion of indigenous people issues in subprojects.

Table 2: Activities and Indicators of Indigenous Peoples Involvement

Project Stages	Procedures	Process and Outcome Indicators	Remarks
Planning Stage	Identify locations of dominant indigenous population in the subproject sites.	Indigenous People screening checklist	To be carried out by Project Implementation Unit (PIU)/Project Management Unit (PMU) with the assistance of Construction, Management, Supervision Consultant (CMSC).
	Identification of indigenous community stakeholders at site	List of all indigenous communities in the project areas	
	Sensitization and meaningful consultation through focus group discussions with indigenous communities	Documentation on number of discussions and minutes of the meetings	
	Identification of environmental and social issues of the indigenous population and possible impacts as a result of the subproject	Documentation of issues Preparation of Indigenous Peoples plan (IPP) based on screening and Social Impact Assessment (SIA)	
	Meaningful consultation to establish existing concerns related to: (i) land availability and tenure; (ii) access to urban infrastructure facilities; (iii) representation in Community Based Development; (iv) existing Government schemes; and (v) dependency on minor forest produce (MFP) and common property resources.	List of spatial and non-spatial issues	
Design Stage	Discussions on possible intervention measures through the subproject, their likely impacts and safeguard measures (mitigation and monitoring) to be incorporated into subproject activities: (i) loss of agricultural and	List of safeguard measures List of subproject impacts	

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

48. The PMU will ensure adequate budgetary provision for consultation with Indigenous Peoples and facilitation.

VI. GRIEVANCE REDRESS MECHANISM

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

50. Affected persons/indigenous persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in complaints register in ULB or PIU or implementing agency offices. PIU Safeguards officer will have the responsibility for timely grievance redress on safeguards and gender issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

51. GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A two-tier grievance redress mechanism is conceived, one, at project level and another, beyond project level. For the project level GRM, a grievance redress committee (GRC) will be established in PIUs; Safeguards officer, supported by the social, gender and environmental safeguards specialist of CMSC will be responsible for creating awareness among affected communities and help them through the process of grievance redress, recording and registering grievances of non-literate affected persons.

52. GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances – major or minor, will be registered. 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. PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions).

53. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel of the CMSC and PIU will resolve the issue on site, and any issue that is not resolved at this level will be dealt at PIU head level for immediate resolution. Should the PIU fail to resolve any grievance within the stipulated time period, the unresolved grievances will be taken up at ULB level. In the event that certain grievances cannot be resolved even at ULB level, particularly in matters related to land purchase/acquisition, payment of compensation, environmental pollution etc., they will be referred to the district level GRC headed by the District Collector. Any issue which requires higher than district level inter-departmental coordination or grievance redress, will be referred to the state level Steering Committee.

54. GRC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which the grievance will be addressed by the state-level Steering Committee (SC). The SC will resolve escalated/unresolved grievances received.

55. **Composition of GRC.** GRC will be headed by the District Collector, and members include: PIU head, Safeguards Officer of PIU, representative of TNPCB, one elected representative / prominent citizen from the area, and a representative of affected community. In ITDP areas or in any subproject with IP impacts, GRC will include an Indigenous Peoples community leader or a representative of CBO/ NGO working with Indigenous Peoples community, and an officer of the Adi Dravidar and Tribal Welfare Department. GRC must have a woman member.

56. State level steering committee will include Commissioner of Municipal Administration as chair, member include managing directors of TNUIFSL, CMWSSB, TWAD Board and others as applicable.

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

58. The multi-tier GRM for the project is outlined in Figure 1, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The implementing agencies/ ULBs shall issue notifications to establish the respective PIU level grievance redress cells, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

59. TNUIFSL proposes to adopt a multi-level GRM, as outlined below:

- (i) **1st level grievance.** The contractor and CMSC supervision personnel and PIU supervision personnel can immediately resolve issues on-site in consultation with each other, and will be required to do so within 3 days of receipt of a complaint/grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 3 days at field/ward level will be brought to the notice of Social Safeguards Officer (SSO) of PIU. PIU will resolve the grievance within 7 days of receipt of compliance/grievance in discussion with the CMSC and the Contractor. PIU SSO will be supported by the CMSC SSS at this stage.
- (iii) **3rd level grievance.** All the grievances that are not addressed by PIU within 7 days of receipt will be brought to the notice of the Town Level Committee (TLC), of which ULB Commissioner will be the Chairperson, and will be assisted by the concerned city level engineers. In towns/subprojects with IP impacts, an IP community leader/representative of CBO from IP community must be members of the TLC. The TLC will meet twice a month and determine the merit of each grievance brought to the committee. The PIU SSO will be responsible to see through the process of redressal of each grievance. The TLC will resolve the grievance within 15 days of receiving the complaint.
- (iv) **4th level grievance.** All grievances that are not addressed by the TLC within 15 days, and which require the District Collector's intervention, will be escalated to the district level GRC, chaired by the District Collector. The district level GRC will have the District Collector as chair, PIU head as Convenor, and Safeguard Officers of the PIU, representative of TNPCB, one elected representative, one prominent person/member of the community, and a representative of affected persons/community as members. At least one member of the GRC will be a

- woman. The GRC will resolve the grievance within 30 days of registration.
- (v) **5th level grievance.** Any grievance that remains unresolved by the GRC will be escalated to the state level steering committee.

60. 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 & rehabilitation,¹⁰ the affected persons will have to approach a legal body/court specially proposed under RFCTLARR, 2013; Land Acquisition, Rehabilitation and Resettlement Authority (LARRA). APs cannot approach any other court other than this

61. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB India Resident Mission (INRM). Before submitting a complaint to the Accountability Mechanism, it is necessary that affected persons make a good faith effort to solve the problem by working with the concerned ADB operations department and/or INRM. Only after doing that, and if they are still dissatisfied, will the Accountability Mechanism consider the complaint eligible for review. The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

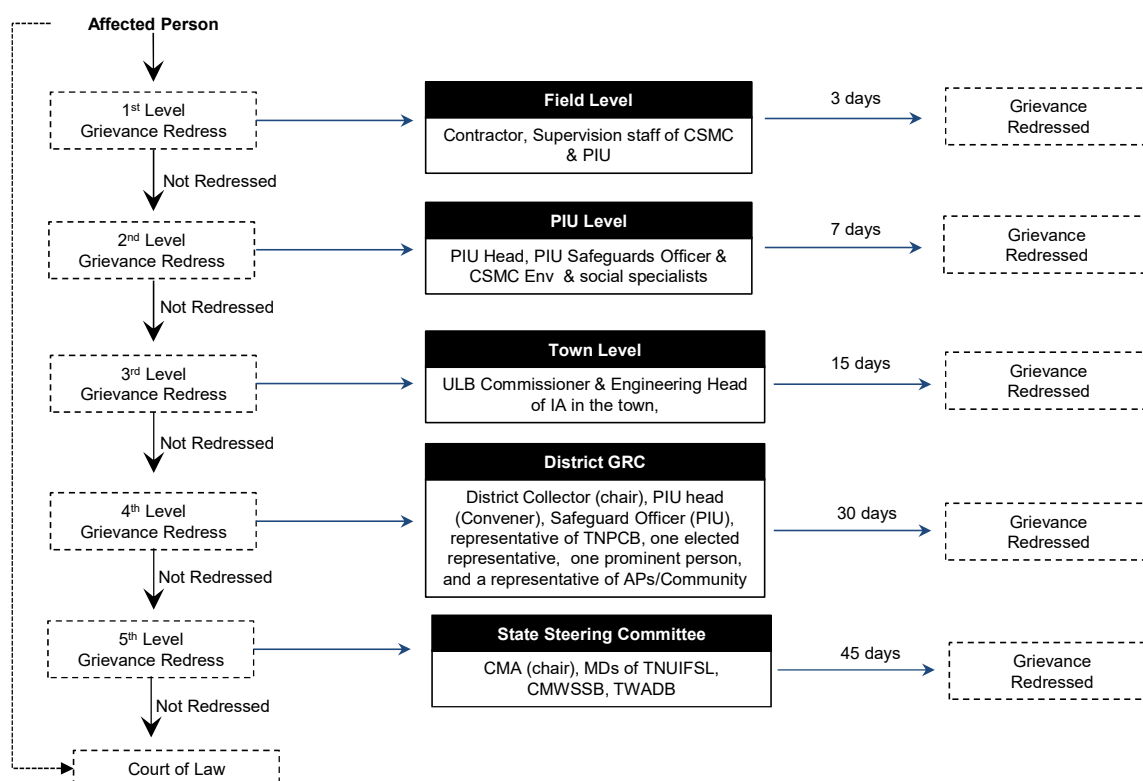
62. Recordkeeping. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU (with the support of CMSC) and submitted to PMU.

63. Information dissemination methods of the GRM. The PIU, assisted by CMSC will be responsible for information dissemination to affected persons and general public in the project area on grievance redress mechanism. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per agreed IPPF including contact details of officials/members of GRC, where/how to register grievance, various stages of grievance redress process, time likely to be taken for redress of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU, offices, ULB 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 7.

64. Periodic review and documentation of lessons learned. The PMU will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

65. Costs. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the respective PIU.

¹⁰ The Authority admits grievance only with reference to the LA and R&R issues under the RFCTLARR, 2013.

Figure 1: Project Grievance Redress Mechanism

VII. Institutional and Implementation Arrangements

66. The Municipal Administration and Water Supply Department (MAWS) acting through the Tamil Nadu Urban Infrastructure Financial Services Ltd. (TNUIFSL) will be the state-level executing agency. A program steering committee, headed by Principal Secretary, MAWS, GOTN, will provide overall guidance and strategic directions to the program. A program management unit (PMU) for TNUFIP, headed by the Managing Director (MD), TNUIFSL acting as Program Director will be established within TNUIFSL for overall management, planning, implementing, monitoring, reporting, and coordinating TNUFIP. The Commissioner of Municipal Administration will act as the Deputy Program Director in the PMU. The project urban local bodies (ULBs), represented by respective Municipal Commissioners, will be the implementing agencies (IAs) for works in cities/towns and will establish program implementing units (PIUs) headed by a municipal engineer as full-time Project Manager. For sewerage and water supply works in Chennai, CMWSSB, represented by its Managing Director, will be the IA and establish a PIU headed by a superintending engineer as full-time Project Manager. PIUs will be responsible for overseeing implementation of the various projects on a day-to-day basis. ULBs under the Program with less project implementation capacity, may utilize implementation support from the Tamil Nadu Water and Drainage Board (TWADB) to act as PIU. The Project Managers of the PIUs will be supported by technical, financial, safeguards and administrative staff from a CMSC recruited by TNUIFSL. For the capacity development and incentivized reforms components, CMA acting through its Commissioner, will be responsible for carrying out these activities and establish a PIU.

67. A Program Steering Committee, headed by Principal Secretary, MAWS, and Members comprises of: (i) Managing Director, TNUIFSL (Convener); (ii) Commissioner of Municipal Administration; (iii) Managing Director, CMWSSB; (iv) Managing Director, TWADB; and (v) Managing Director, TUFIDCO.

A. Program Management Unit

68. The PMU SPO will deal with safeguards issues and oversee implementation of the PIU/CMSCs. The PMU will endorse subproject IPPs prepared by PIUs and will have financing and monitoring responsibilities. It will coordinate with national and state agencies to resolve inter-departmental issues, if any. It will also monitor physical and non-physical activities under the subproject and will monitor implementation of safeguards plans and guide PIU as and when necessary. TNUIFSL/PMU so far has not prepared or implemented any IPP as there are no IPs present in urban areas of Tamil Nadu.

B. Program Implementation Unit

69. The PIU will be responsible for implementation of the IPP. CMSC SRSE with the help from PIU ASO will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PIU will be responsible for implementing and monitoring safeguards compliance activities, public relations and disclosure activities, gender mainstreaming activities and community participation activities. It will be responsible for obtaining statutory clearances and obtaining No Objection Certificates from government agencies and other entities and entering agreements with them for use of their land. It will also coordinate for obtaining right of way clearances with related state and national agencies. PIU will also obtain right of way clearances and prepare progress reports with respect to resettlement plan/IPP implementation. The PIU will recommend entitlements, which will be examined and approved by the PMU. The PIU will be responsible for delivery of entitlements to affected indigenous persons. Organizational procedures and institutional roles and responsibilities for IPP implementation and steps or activities involved in delivery of entitlements are described in Table 3.

C. Governance Improvement and Awareness Consultants

70. The GIAC Consultants scope of service will include, but not be restricted to, implementation, monitoring and reporting of the community awareness and participation plan (CAPP); Gender Action Plan (GAP), and monitor and guide resettlement plan implementation and lead involuntary resettlement trainings. GIAC will also provide guidance to PIUs on specific requirements for IPP implementation, if Safeguard Requirements 3 triggered.

Table 3: Institutional Roles and Responsibilities with Respect to Indigenous Peoples Plan Preparation and Implementation

	Activities	Municipal/Line Agency	Project Implementation Unit/ Project Management Unit	Project Consultants	Nongovernmental Organizations / Community-Based Organizations	ADB	Indigenous People Community Involvement
1	Finalization of sites/alignments for subproject components	Identify and finalize sites/alignments for subproject components	Project implementation unit (PIU) will appoint project consultant	Project consultant appointed by PIU will provide technical help to urban local body (ULB) in finalizing sites/alignments			
2	Preliminary Screening						
A	Collecting and analyzing required information		PIU will appoint a full time Construction, Management, Supervision Consultants (CMSC); one of the responsibilities of the CMSC will be to oversee Indigenous Peoples plan (IPP) activities	The project consultant will undertake preliminary screening			Cooperation and active participation of Indigenous Peoples is anticipated in IPP activities
B	Preparation of preliminary screening report			Designated staff will prepare preliminary screening report, which will be sent to project management unit (PMU)			
C	SIA recommendation		Based on preliminary screening report, and in compliance with ADB policy, PMU will recommend SIA				
3	SIA						
A	Collecting and		Designated staff of	CMSC appointed			Indigenous

	Activities	Municipal/Line Agency	Project Implementation Unit/ Project Management Unit	Project Consultants	Nongovernmental Organizations / Community-Based Organizations	ADB	Indigenous People Community Involvement
	analyzing required information		PIU/PMU will monitor SIA activities	by PIUs will conduct SIA			Peoples will be responsible for giving information to and participation with concerned officials
B	Preparation of SIA report			CMSC will prepare report and submit it to the PIU/ PMU			
C	Recommendation for IPP preparation		Based on SIA report, and in compliance with the ADB policy, PMU will recommend IPP preparation				
4	Preparation of IPP						
A	Formulation of mitigation measures and development of action plan		Designated staff at CMSC/PIU/PMU will monitor IPP preparation activities and will provide required help	Project consultant will prepare IPP in consultation with affected Indigenous Peoples/community leaders			Affected Indigenous Peoples, indigenous people leaders, Community-Based Organizations (CBOs) will participate in formulation of mitigation measures and development of action plan
B	Disclosure of IPP	Designated staff will participate in information disclosure meetings to	PIU/PMU staff will participate in information disclosure meetings to finalize IPP at community level	CMSC/PIU will conduct meetings for information disclosure and will provide required	Local nongovernmental organizations (NGOs)/CBOs can be invited to bring		Affected Indigenous Peoples, indigenous people leaders will

	Activities	Municipal/Line Agency	Project Implementation Unit/ Project Management Unit	Project Consultants	Nongovernmental Organizations / Community-Based Organizations	ADB	Indigenous People Community Involvement
		finalize IPP at community level		information during meetings	transparency in information disclosure meetings		participate and approve IPP
C	Preparation of budget and financing plan		Designated staff will provide required necessary help	CMSC will prepare IPP budget and financing plan			
E	IPP clearance from ADB		PMU after scrutinizing IPP for compliance with ADB policy will submit it to ADB	As per ADB's comments, project consultant will revise IPP and budget		Concerned staff at ADB will review and approve the IPP document	
5	IPP Implementation		PIU/PMU/CMSC will monitor IPP implementation periodically along with GIAC.				

D. Institutional Capacity

71. TNUIFSL/ PMU will have overall responsibility of implementation, compliance, reviewing and approving report, monitoring of safeguards issues, providing support and guidance to IAs as required. TNUIFSL project staff through its earlier World Bank funded projects have gained substantial knowledge on involuntary resettlement safeguards and experience in its implementation. However, TNUIFSL project staff did not have to deal with indigenous people issues in the World Bank's urban sector projects, as no indigenous peoples were present in urban areas in the state. Training and Capacity building programs under the Project will orient PMU/ PIU/ CMSC staff on social (distinct social, economic and cultural traits and traditions of Indigenous Peoples and the importance of preserving the same, including indigenous knowledge systems, etc.), legal (traditional rights over land and land tenure issues) and technical aspects pertaining to indigenous peoples in such subprojects, with an adequate budgetary provision.

72. Compliance in relation to ADB policies, changes in nature of duties and candidates will also require training of new/additional staff and officers that will be involved in project preparation and implementation of this Project.

E. Coordination with Other Agencies and Organizations

73. The PMU/ PIU will establish networking relationships with line departments and other government and NGOs. Without effective coordination, IPP implementation will be delayed. The PMU/ PIU will: (i) coordinate with the Forest Department on environmental issues and Revenue Department to expedite the land acquisition process; and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines, etc. Restoration of community assets, if needed, will require help from relevant government departments as well. The PMU/ PIU will develop lateral linkages to achieve convergence/mobilize resources to benefit affected persons (e.g. establishing linkages with the government's livelihoods programs) and to achieve the desired results expected from IPP implementation.

74. An external monitoring and impact evaluation agency will undertake M&E of the effectiveness of IPP implementation with the use of appropriate indicators. A GRM will redress the grievances of affected persons, including indigenous people communities. Table 3 gives the institutional roles and responsibilities for preparation and implementation of IPP.

VIII. MONITORING AND REPORTING ARRANGEMENTS

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

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

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

heritage/protection of access to community property undertaken etc.

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

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

IX. BUDGET AND FINANCING

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

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

LIST OF TRIBES IN TAMIL NADU

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

SPECIAL PROVISIONS FOR SCHEDULED TRIBES IN THE RFCTLARR ACT, 2013

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.

SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR INDIGENOUS PEOPLES PLAN

Up to 2-4 pages maximum.

Sub-project Information	Description
Name of the subproject, EA/IA and town	
Proposed subproject technical details and project benefits	
Summary of subproject impacts	
Compensation and entitlements, Brief of IPP Policy	
IPP budget	
IPP implementation schedule	
Consultation and disclosure requirements	
Implementation structure and GRM information	
Contact numbers of CMSC, PIU, PMU, GIAC	

Attach list of Affected Persons and Entitlement Matrix to this leaflet.

INDIGENOUS PEOPLE IMPACTS SCREENING CHECKLIST

A. Introduction

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

B. Information on project/subproject/component:

- a. District/administrative name: _____
 b. Location (km): _____

C. Civil work dates (proposed): _____

- d. Technical description: _____

B. Screening Questions for Indigenous People Impact

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

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

C. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1.		
2.		
3.		

D. Indigenous People Impact

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

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

plan is required.

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

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

Note: The above checklist would be prepared for each subproject in all the Project towns.

ASIAN DEVELOPMENT BANK'S INDIGENOUS PEOPLES SAFEGUARDS

1. Asian Development Bank's safeguards principles for Indigenous Peoples include:
 - (i) Screen early to determine (a) whether Indigenous Peoples are present in, or have collective attachment to the project area; and (b) whether project impacts on Indigenous Peoples are likely;
 - (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize and / or mitigate adverse impacts on Indigenous Peoples; and
 - (iii) Undertake meaningful consultations with indigenous people communities and concerned indigenous people organizations to solicit their participation (a) 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 (b) in tailoring project benefits for affected indigenous people communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples concerns.

2. Ascertain the consent of affected indigenous people communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples, (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected indigenous people 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.

3. 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 M&E of management arrangements for such areas and natural resources and that their benefits are equally shared.

4. Prepare an Indigenous Peoples 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 Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance

procedures, M&E arrangements, and a budget and time-bound actions for implementing the planned measures;

5. 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 communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous people communities and other stakeholders.

6. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

7. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

ENTITLEMENT MATRIX¹¹

No.	Impact Category	Entitlements	Explanations
I. Impacts to Title holders (Loss of Private Properties)			
A	Loss of Land (agricultural, homestead, commercial or otherwise)	<ol style="list-style-type: none"> 1. Compensation at replacement cost^a as specified in the RFCTLARR Act, 2013 and Rules notified by GOTN^b. 2. One-time grant not exceeding ₹5,00,000/- for each affected household or annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to Consumer Price index. 3. One-time Resettlement Allowance of ₹50,000/- for the displaced household. 	<p>Higher of (i) market value as per India Stamp Act, 1899 for the registration of sale deed or agreements; or (ii) average sale price for similar land ascertained from the highest 50% of sale deeds of the preceding 3 years or (iii) consented amount paid for PPPs or private companies. Plus 100% solatium and 12% interest from date of notification to award. The multiplied factor adopted by GOTN for distance from urban area to the affected area will be applied. In case of impacts to assigned lands, the compensation and other benefits will be provided to affected owners at par with the land owners. The provision of infrastructural amenities will be as per the Third Schedule of RTFCTLARR Act 2013, wherever alternative resettlement sites are provided. The provision of purchase or lease as available under RTFCTLARR act, 2013, will be exercised whoever appropriate. The acquiring entity shall consider acquisition of residual land or asset, if it is not economically viable and shall compensate as per the provisions of the RTFCTLARR Act, 2013 and Rules Notified by GOTN.</p> <p>All fees, stamp duties and registration charges are to be borne by the executing agency.</p>
B	Loss of residential structure	<ol style="list-style-type: none"> 1. Cash compensation as per the replacement cost of the structure without depreciation and 100 % solatium. 	The value of houses, buildings and other immovable properties will be determined without depreciation and as per the provisions of RTFCTLARR Act 2013.

¹¹ Any changes required in the Entitlement Matrix (EM) pursuant to any Amendments in the LARR 2013 Act and Rules notified by the GoTN will be incorporated with the concurrence of the ADB. All cash allowances in the EM will be revised at the rate of 5% per annum starting from financial year 2019-20.

No.	Impact Category	Entitlements	Explanations
		<p>2. Each affected family having cattle will be provided one time financial assistance of ₹25,000 for construction of cattle shed.</p> <p>3. Provision of alternative house or Minimum of Rs,1,50,000 financial assistance in Urban Areas. Provision of House in case of rural area as per IAY specifications or equivalent cost of the house.</p> <p>4. Each affected family which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent to ₹3000/- per month for a period of one year from the date of award.</p> <p>5. Transportation cost of ₹50,000/-</p> <p>6. Right to salvage affected materials.</p>	<p>Stamp duty and registration charges will be borne in case of new houses or sites by the executing agency. Houses in urban areas may be provided in multi-storied building complexes.</p> <p>Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.</p>
C	Loss of Commercial structure/productive asset	<p>1. Cash compensation as per replacement cost for the Structure without depreciation and 100 % solatium.</p> <p>2. One-time grant to artisan, small trader and certain others shall get a onetime financial assistance of ₹25,000/-.</p> <p>3. Each owner of affected commercial establishment which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent to Rs.3000/- per month for a period of one year from the date of award.</p> <p>4. Each affected family having cattle will be provided one-time financial assistance of ₹25,000.</p> <p>5. Transportation cost of ₹50,000/-</p> <p>6. Right to salvage affected materials.</p>	<p>The value of commercial structures and other immovable properties will be determined without depreciation and as per Section 29 of RTFCTLARR Act 2013.</p> <p>Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.</p>
D	Impacts to tenants, leaseholders and sharecroppers	<p>Residential</p> <p>1. Each affected family (not the owner) which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent to</p>	

No.	Impact Category	Entitlements	Explanations
	(residential / commercial/agricultural)	<p>₹3000/- per month for a period of one year from the date of award.</p> <p>2. One-time financial assistance of ₹50,000 as transportation cost for shifting of the family, building materials, belongings and cattle.</p> <p>3. Right to salvage affected materials</p> <p><u>Commercial</u></p> <p>1. Each affected commercial establishment (not the owner) which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent of Rs.3000/per month for a period of one year from the date of award.</p> <p>2. One-time financial assistance of ₹50,000 as transportation cost for shifting of the family, building materials, belongings and cattle.</p> <p>3. One-time grant to artisan, small trader and certain others shall get a onetime financial assistance of ₹25,000</p> <p><u>Agricultural</u></p> <p>Advance notice to harvest crops or compensation for lost crop at market value of the yield determined by Agriculture Department</p>	
II. Impacts to Non-title holders (Squatters, encroachers, tenants, leaseholders) ^c			
A	Loss of House:	<p>1. Compensation as per replacement cost for the structure without depreciation</p> <p>2. Alternative house with minimum area as per Government norms. The cost of alternative housing to be provided can be set off against all or part of the compensation payable for the structure lost.</p>	Houses in urban areas may, if necessary, be provided in multi-storied building complexes. The Titles for alternatives houses shall be provided in the joint name of the wife and husband.

No.	Impact Category	Entitlements	Explanations
		3. One-time Subsistence grant equivalent to 180 days of minimum wages which will be worked out as per the notified minimum wage rates. ^d 4. One-time financial assistance of ₹10,000/- as transportation cost for shifting of the family, building materials, belongings and cattle. 5. Right to salvage the affected materials.	
B	Loss of shop/ productive asset	1. Compensation as per the replacement cost of the structure/productive asset without depreciation. 2. One-time subsistence grant equivalent to 180 days of minimum wages which will be worked out as per the notified minimum wage rates. 3. One-time financial assistance of ₹10,000/- as transportation cost for shifting. 4. One-time assistance of ₹15,000/- toward economic rehabilitation. 5. Right to salvage the affected materials.	
C	Encroached Structure:	1. Cash compensation for the affected structure as per the replacement cost without depreciation. 2. Right to salvage material.	The value of commercial structures and other immovable properties will be determined by the replacement value of the encroached structure without depreciation
D	Loss of Kiosk	1. Compensation as per The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) scheme and Rules, 2015. ^e	The relocation shall be done with concurrence of the Town Vending Committee, and will broadly involve relocation of permanently impacted vendors to a suitable area/vending zone without threat of eviction and issuance of vending licenses to them to continue with their economic activities. This will be over and above any compensation for structure/asset loss, in accordance with the provisions of this EM.
III. Loss of Income /Livelihood			

No.	Impact Category	Entitlements	Explanations
A	Loss of employment in non-agricultural activities or daily agricultural wage and other wage workers	1. Subsistence allowance as per notified minimum wage rates for a period of 3 months. ^f	Only agricultural laborers, who are in fulltime / permanent employment of the affected land owner or fulltime employees of the affected business, will be eligible for this assistance.
B	Loss of livelihood (other than wage income)	1. Assistance to link up with government skill or entrepreneurship development programs (including training, travel, conveyance and food costs).	Training will be provided through relevant training institutes. Suitable government skill /entrepreneurship development programs will be identified and assistance provided to APs to enroll and access the same.
IV. Loss of Trees and Crops			
A	Loss of trees, plants and standing crops	1. Compensation at market value The District Collector for the purpose of determining the market value of trees, plants and standing crops attached to the land acquired, will use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.	The compensation for the affected trees, plants shall be determined as per Section 29 (2) & (3) of the RTFCTLARR Act 2013.
V. Impact to Vulnerable affected persons			
A	Vulnerable ^g affected persons (permanently affected)	1. Training for skill development. This assistance includes cost of training and financial assistance for travel/conveyance and food. ^h 2. One adult member of the affected household, whose livelihood is affected, will be entitled for skill development. 3. Additional one-time assistance of ₹5000 will be paid to the vulnerable affected persons whose livelihood/ shelter is impacted by the project. 4. Wherever possible, the vulnerable people shall be assisted in enrolling in the applicable government programmes.	Training will be provided through relevant training institutions. Suitable government skill /entrepreneurship development programs will be identified and assistance provided to APs to enroll and access the same. Each vulnerable household - with single or multiple vulnerabilities, will receive one-time assistance.

No.	Impact Category	Entitlements	Explanations
VI. Impacts to Community Assets			
A	Community Assets	Wherever possible the community assets will be relocated/restored in consultation with community. When the relocation/restoration of the community assets are not feasible, they will be replaced/provided afresh.	-
VII. Unforeseen Impactsⁱ			
A	Unforeseen Impacts	Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of this resettlement framework.	-
VIII. Temporary Economic Impacts during implementation			
A	Temporary economic impacts	Compensation for loss of income for the duration of impact based on net income worked out as per IT returns or based on notified minimum wage rates, whichever is higher.	Advance notice provided to temporarily affected persons once contractor's work plans are finalized, with minimum 7 working days.

^a Replacement cost includes (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any (ADB SPS 2009, p 45 para 10). Applicable wherever replacement cost is mentioned in this EM.

^b The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017. Notified by GoTN G.O.Ms.No.298, Revenue and Disaster Management (LA-1(1), 20th September 2017, புரட்டாசி 4, ஹைவிலம்பி, திருவள்ளூர் ஆண்டு -2048. (http://www.stationeryprinting.tn.gov.in/extraordinary/2017/300_Ex_III_1a.pdf).

^c Affected non-titleholders on private or government land are included. Tenants and leaseholders in this category are those with informal/verbal arrangements.

^d Minimum wage rate for unskilled category estimated based on: Weblink: http://cms.tn.gov.in/sites/default/files/go/labemp_e_62_2017_2D_pdf.pdf.

^e [http://moud.gov.in/upload/uploadfiles/files/5\(1\).pdf](http://moud.gov.in/upload/uploadfiles/files/5(1).pdf) (Tamil Nadu).

^f Subsistence allowance is not incremental if the impact period for various losses is same. In such case allowance will be provided under any one category, whichever is higher.

^g Vulnerable affected persons are those living below the poverty line, the elderly (age above 60), persons with disabilities, SC and ST families, widows, women headed households and children (orphans, child workers), the landless and those without legal title to land among the affected persons).

^h Skill training institutes will be contractually bound for job placement as well, as per GoTN's current practice. Elderly or physically challenged APs who are unable to undergo training and/or access job placement, will be assisted to access government social welfare programs.

ⁱ If unanticipated involuntary resettlement impacts are found during implementation, a social impact assessment will be conducted, and the resettlement plan updated, or a new resettlement plan prepared, in accordance with ADB SPS 2009.

SAMPLE GRIEVANCE REDRESSAL FORM

(To be available in Hindi, English, Tamil and any other local/affected persons language)

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.

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

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

OUTLINE OF AN INDIGENOUS PEOPLES PLAN

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

- (i) Executive Summary of the Indigenous People Plan—describes the critical facts, significant findings, and recommended actions.
- (ii) Description of the Project—provides a general description of the project; discusses project components and activities that may cause impacts on Indigenous Peoples; and identifies project area.
- (iii) Social Impact Assessment—this section:
 - (a) reviews the legal and institutional framework applicable to Indigenous Peoples in project context;
 - (b) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
 - (c) identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with Indigenous Peoples at each stage of project preparation and implementation;
 - (d) based on meaningful consultation with the affected Indigenous Peoples communities, assesses the potential adverse and positive effects of the project. Assessment will include a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
 - (e) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status; and
 - (f) based on meaningful consultation with the affected Indigenous Peoples communities, identifies and recommends the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation—this section:
 - (a) describes the information disclosure, consultation, and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
 - (b) summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
 - (c) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
 - (d) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
 - (e) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

- (v) **Beneficial Measures**-This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender responsive.
- (vi) **Mitigation Measures**-This section specifies the measures to avoid adverse impacts on Indigenous Peoples, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected Indigenous Peoples group.
- (vii) **Capacity Building**-This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area, to enable them to represent the affected Indigenous Peoples more effectively.
- (viii) **Grievance Redress Mechanism**-This section describes the procedures to redress grievances of affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples, culturally appropriate, and gender sensitive.
- (ix) **Monitoring, Reporting, and Evaluation**-This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of M&E reports.
- (x) **Institutional Arrangement**-This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.
- (xi) **Budget and Financing**-This section provides an itemized budget for all activities described in the IPP.