

# Indigenous Peoples Development Planning Document

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Draft Indigenous Peoples Development Framework  
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India: Northeastern Region Capital Cities  
Development Investment Program

The indigenous peoples development framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

## I. PROJECT BACKGROUND

### A. Overview

1. The Investment Program will improve environment and well-being of urban residents in five capital cities<sup>1</sup> of the North Eastern Region. The Program will improve and expand urban infrastructure and services in cities, including its slums; and strengthen urban institutions' management and financing capacity. The Program's outputs include: (i) urban infrastructure and services improvement including the rehabilitation, improvement, and expansion of water supply, sewerage and sanitation, solid waste management, and slum infrastructure; and (ii) capacity building and investment program management.

### B. Spread of Scheduled Tribes in Project Cities

2. All the states in the North Eastern Region of India have a high concentration of scheduled tribes both at the state level as well as in the urban areas. The concentration of scheduled tribes in the project cities is given in Table 1. The proportion of scheduled tribes varies amongst the cities. Also, a list of scheduled tribes (notified under Article 342 of the Constitution of India) present in the project cities has been compiled (Table). Annex A gives the list of the notified tribes in each of the states.

**Table 1: Scheduled Tribes in Project Cities**

Project Cities	% of STs	Scheduled Tribes
Agartala	5	Tripuri (86), Jamatia (2.3), Halam (2.5), Chakma (2.2).
Aizawl	92	Lushai (98), Others (2)
Gangtok	26	Bhutia (85), Lepcha (13).
Kohima	61	Angami (29), AO (28), Sema (11), Lotha (10), Chakhesang (5), Rengma (4), Zeliang (2), Naga (1.7), Sangtam (1.4).
Shillong	48	Khasi (93), Garo (3), Lushai (2).

Source: Socio-Cultural Tables, Census of India for Respective States, 2001. Note: The figures in parentheses refer to proportion of the particular tribe amongst the total number of scheduled tribes in the project cities.

3. Extensive consultations with stakeholders were conducted. Focus group discussions, meetings and individual interviews were held involving stakeholders, particularly affected households; and a socio-economic survey was conducted. Socio-economic surveys show STs among city residents (6.5% in Agartala, 98.2% in Aizawl, 32.3% in Gangtok, 89.6% in Kohima, and 77% in Shillong). In all cities, initial screening for impact on IPs show that there are no impacts on IPs other than the fact that the Law define STs are part of a distinct indigenous group. In urban program areas of Agartala and Gangtok where STs do not constitute a majority of the population, the social, cultural, economic, and political characteristics of STs are no different from non-ST groups. In Kohima and Shillong where STs have strong attachments to natural resources, habitats, and ancestral territories, STs comprise mainstream or dominant society, and there is general homogeneity in social, cultural, economic, and political characteristics in the urban areas. Based on discussions with the respective state government officials and surveys on the Scheduled Tribes (STs), it was observed that STs have already been mainstreamed into the society.

4. NERCCIP will result in environmental and public health benefits to the population, STs and non-STs. The negative impacts on affected persons are mostly related to land acquisition. Negative impacts are addressed through resettlement plans (RPs) including specific entitlements for vulnerable persons that include IPs. Based on the *National Policy on Scheduled*

<sup>1</sup> Agartala, Aizawl, Gangtok, Kohima, and Shillong.

*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. When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement shall be given land against land. This will be reflected in the entitlement matrix of the RP. In view of this, the likelihood of sub-projects affecting IPs is small and likely impacts are addressed by RPs. Further, sub-project design prioritizes rehabilitation over new construction of infrastructure, avoiding land acquisition and consequent resettlement, and sub-project siting in built-up areas. Despite the small likelihood, there is a possibility that certain sub-projects identified during program implementation may have some impact on STs. A brief profile of the STs in the project cities is given in Annex B.

### C. Legal and Policy Framework

5. The Ministry of Tribal Affairs, Government of India has drafted a National Policy on Scheduled Tribes (ST) to bring these tribes into the mainstream society through a multi-pronged approach for their all-round development without disturbing their distinct culture. The Policy 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 shall be given land against 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 tribals' land disputes.
- (iv) States prohibit transfer of lands from tribal to non-tribal.
- (v) Tribals and their representatives are associated with land surveys

6. The constitutional provisions applicable with respect to the project cities in the context of the STs are (i) the sixth schedule<sup>2</sup> and (ii) Article 371 A<sup>3</sup> in the case of Kohima. Besides these constitutional provisions, there exist at the state level, legislations<sup>4</sup> that govern land acquisition,

<sup>2</sup> **Sixth Schedule:** Of the five project cities, Shillong falls under the Sixth Schedule<sup>2</sup> of the Constitution of India. In **Shillong** (and also for the entire state of Meghalaya), the provisions of the Sixth Schedule as per Article 244 of the Constitution of India are applicable to the administration of the indigenous areas. This essentially means that the tribal area of Meghalaya will be governed not by other provisions of the Constitution relating to the States or Union Territories of the Union of India but by the provisions of the Sixth Schedule alone, which contain a self contained code for the governance of the tribal areas. The Autonomous District Councils, under paragraph 3 of the Sixth Schedule, have the powers to make laws. The Sixth Schedule gives the ADC power over management of land, watercourses, creation of village and town committees, public health, sanitation, appointment and succession of chiefs (Syiems) and headmen, inheritance of property, marriage and social customs.

<sup>3</sup> **Article 371 A of constitution of India:** In **Nagaland**, Article 371 A of the constitution of India is applicable. Article 371A of the Constitution specifies that no Act of Parliament in respect of (i) religious or social practices of the Nagas, (ii) Naga customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Naga customary law and (iv) ownership and transfer of land and its resources shall apply to the State unless its Legislative Assembly by a Resolution so decides.

<sup>4</sup> Such legislations exist in states of Nagaland and Meghalaya. In Nagaland, these acts include (i) the Nagaland Tribe, Area, Range and Village Council Act, 1966, (ii) the Nagaland Land (Requisition and Acquisition) Act 1965, and (iii) the Nagaland Eviction of Persons In Unauthorized Occupation of Public Land Act, 1971. Similarly, in Meghalaya the Meghalaya Transfer of Land (Regulation) Act, 1971 has been enacted. A brief description of each of these is given in **Annex C**.

transfer, eviction, etc of tribal land. The provision of these legislations are integrated in the RF for the NERCCIP.

7. The above policy and legal instruments are supplemented by ADB's Indigenous Peoples Policy (1998) for the implementation of NERCCIP. The policy ensures equality of opportunity for indigenous peoples. It aims to ensure that any ADB-assisted development interventions which will have any impact on indigenous peoples will be consistent with the needs and aspirations of affected indigenous peoples and compatible in substance and structure with affected IP's culture and social and economic institutions. The IPDF recognizes the vulnerability of indigenous peoples and it specifically ensures that any project intervention, whether positive or adverse will be addressed by the implementing agencies. Moreover, the implementing agencies will ensure that affected IPs will have opportunities to participate in and benefit equally from such project interventions.

## **II. OBJECTIVES OF IPDF AND APPROACH TO IPDP PREPARATION**

### **A. Identification of IPs**

8. ADB's Indigenous Policy uses the following characteristics to define indigenous people (i) descent from population groups present in a given area before territories were defined; (ii) maintenance of cultural and social identities separate from dominant societies and cultures; (iii) self identification and identification by others as being part of a distinct cultural group; (iv) linguistic identity different from that of dominant society; (v) social, cultural, economic, and political traditions and institutions distinct from dominant culture; (vi) economic systems oriented more towards traditional production systems rather than mainstream; and (vii) unique ties and attachments to traditional habitats and ancestral territories.

9. Likewise, the President of India under Article 342 of the Constitution uses the following characteristics to define indigenous peoples [Scheduled Tribes (ST)], (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a Scheduled Tribe. Essentially, indigenous people have a social and cultural identity distinct from the 'mainstream' society that makes them vulnerable to being overlooked or marginalized in the development processes. In the context of the project cities, where STs constitute the mainstream, the STs who have dependence on traditional mode of subsistence (for instance, shifting cultivation) and have no other alternative and modern means of subsistence, with distinctive culture and are characterized by socio-economic backwardness could be identified as Indigenous People's.

### **B. Approach to IPDP Preparation**

10. An Indigenous People Development Framework (IPDF) is a policy and procedural framework for Indigenous People Development Plans (IPDPs) that are developed for sub-projects and that are to be approved during Project implementation. Further, an IPDF sets out the indigenous people's policy together with the screening and planning procedures.

11. The need for a formulation of an IPDP will be established if the sub-projects to be funded under NERCCIP are screened as Category 'A' projects<sup>10</sup>. Category 'A' projects envisage significant impacts on IPs and they positively or negatively (i) affect their customary rights of use and access to land and natural resource; (ii) change their socio-economic status; (iii) affect their cultural and communal integrity; (iv) affect their health, education, livelihood and social security status; or (v) alter or undermine the recognition of indigenous knowledge.

12. If impacts are not significant, specific actions in favor of IPs can be incorporated within the Resettlement Plan (RP) formulated for the sub-project. This will include additional assistance for IPs as vulnerable groups. This would ensure appropriate mitigation of adverse program impacts on IPs and enhancement of program benefits for IPs.

13. The IPDP policy framework is based on the overall local and national development strategies and ADB's *Policy on Indigenous Peoples* (1998). The principal objectives are to:

- (i) ensure IPs affected by any sub-project will benefit from the Program;
- (ii) ensure IPs inclusion in the entire process of preparation, implementation, and monitoring of program activities;
- (iii) ensure benefits of sub-projects are available to IPs more than or at least equal to other affected groups; this may require giving preference to IPs as vulnerable groups over others on certain benefits under the Program; and,
- (iv) provide a base for IPs in the area to receive adequate development attention.

14. An IPDP addresses the aspirations, needs and preferred options of the affected indigenous peoples taking into consideration the marginality status of tribal community and offers them development options while respecting their socio-cultural distinctiveness. The IPDP<sup>5</sup> aims at strengthening the existing capacity of the affected tribal community to participate and benefit from Project interventions. The key elements in an IPDP include: (i) All development plans for indigenous people should be based on full consideration of the options and approaches that best meet the interests of individuals and communities affected by the Project. (ii) Scope and impact of adverse effects be assessed and appropriate mitigation measures are identified. (iii) Project should take into account the social and cultural context of affected peoples, and their skills and knowledge relating to local resource management. (iv) During Project preparation, formation, and strengthening of indigenous peoples organization; communication to facilitate their participation in Project identification, planning, execution and evaluation should be promoted. (v) Where previous experience and knowledge of working successfully with indigenous peoples is lacking, pilot scale operations should be carried out and evaluated prior to the execution of full-scale efforts. (vi) Experienced community organizations, non-government organizations (NGOs), and consultants will be hired to prepare IPDP. (vii) Responsible agency will formulate IPDP implementation schedule, which will be periodically monitored by ULB officials as well as independent/external monitoring agency. (viii) Responsible agency will also prepare a budget for IPDP implementation and a Financing Plan to ensure smooth progress.

15. The IPDP will consist of a number of activities and will include mitigation measures of potentially negative impacts, modification of program design, and development assistance. Where there is land acquisition in IP communities, the Program will ensure their rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to the affected IPs.<sup>6</sup> The IPDP will include:

- (i) Baseline data,
- (ii) Land tenure information,
- (iii) Local participation,
- (iv) Technical identification of development or mitigation activities,

<sup>5</sup> As per the ADB's F3/OP (13 May 2004), screening process categorizes projects by the significance of their impacts on IPs. It is recommended that for (i) Category 'A' projects: Impacts should be significant that require IPDP and/or IPDF; (ii) Category 'B' Projects: Impacts are limited that require specific action for IPs, specified in RP; and (iii)

<sup>6</sup> Category 'C' Projects: No impacts on IPs that require no special provision for them.  
<sup>6</sup> Compensation will be consistent with the Resettlement Framework for the Program.

- (v) Institutional arrangement,
- (vi) Implementation schedule,
- (vii) Monitoring and evaluation, and
- (viii) Cost estimate and financing plan.

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

16. The IPDP seeks to ensure that IPs are informed, consulted, and mobilized to participate in the sub-projects during IPDP preparation and ensure equitable sharing of program benefits. Participation can provide benefits with more certainty, and protect them from any potential adverse impacts of the sub-project. The main features of IPDP will be a preliminary screening process, a social impact assessment to determine the degree and nature of impact of each sub-project, and an action plan developed, if warranted. Consultations with and participation of IP communities, their leaders, and local government representatives will be an integral part of the overall IPDP.

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

17. The Social, Resettlement, and Rehabilitation Unit of the State Investment Program Management and Implementation Unit (SIPMIU) will study all IP communities and villages within and in the vicinity of the proposed sub-project area. The SIPMIU will arrange public meetings at selected communities to provide information regarding the proposed sub-project. During these meetings, community leaders and other participants will be given an opportunity to present their views and concerns.

18. An initial screening will check for the following:

- (i) Name(s) of IP community group(s) in the area;
- (ii) Total number of IP community groups in the area;
- (iii) Percentage of IP community population in the area compared with the total population; and
- (iv) Number and percentage of IP households to be affected by the sub-project site.

19. An IP assessment checklist will be prepared. If the results of the preliminary screening (reviewed with assistance from the project consultants) show that there are IP households in the proposed sub-project area, a social impact assessment (SIA) will be conducted to capture IP issues and development opportunities that exist in the area. (A checklist for screening of IPs in the sample sub projects is in Annex E.)

#### **B. Social Impact Assessment**

20. The policy on indigenous people ensures that the process of initial social assessment includes specific consideration of indigenous peoples as a potentially affected population. If the initial social assessment identifies indigenous peoples specifically as a significantly and adversely affected population, or vulnerable to being so affected, it is required that an indigenous peoples plan acceptable to ADB is prepared by the Project proponent. The SIA will gather relevant information on demographic data; social, cultural, and economic situation; and both positive and negative social, cultural and economic impacts.

21. Information will be gathered through separate group meetings within the IP community, including IP leaders; group of IP men and women, especially those who live in the zone of influence of the proposed sub-project. Discussions will focus on positive and negative impacts

of the sub-project as well as recommendations on the design of the sub-project. The PC appointed by the SIPMIU will be responsible for analyzing the SIA and for leading the development of an action plan with the support of IP community leaders. If the SIA indicates that the potential impact of the proposed sub-project will be significantly adverse—threatening the cultural practices and IP sources of livelihood, or that the IP community rejects the sub-project works—the SIPMIU will consider other design options to minimize such adverse impacts. If IP communities support the sub-project an IPDP will be formulated.

### **C. Mitigation Measures**

22. All affected indigenous households will be provided with assistance, which would help them to improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to receive special assistance not only to restore and improve their income and livelihood, but also to maintain their distinct cultural identity.

23. As indigenous peoples, they will have traditional land rights and these will be honored and the absence of land titles will not be a bar for receiving compensation and alternate land. Their compensation entitlements will be the same that are listed in the approved Resettlement Framework (RF) of the Program. The RF defines IPs as vulnerable people/ households. The RF's entitlement matrix is reproduced in Annex D.

24. If the sub-project impacts are not significant, and if they could be addressed by resettlement plans that will be prepared according to the agreed RF, 'specific actions' could be built into resettlement plans to safeguard their entitlements. This decision will depend on the severity of impacts on them. Such 'specific actions' are outlined in the RF.

### **D. Monitoring**

25. Monitoring and Evaluation (M&E) help ameliorate problems faced by project implementing agencies and develop solutions without delay. IPDP includes a set of monitoring indicators, for periodic assessment of planned activities, which will be reviewed during IPDP implementation. The NGO appointed by the SIPMIU will periodically report the assessment under these indicators and reports will be sent to the SIPMIU. The SIPMIU after initial check will send these reports to ADB for final evaluation.

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

26. Consultations and information disclosure will be undertaken to ensure that needs, priorities and preferences of IPs are adequately dealt with. The strategy of IPDP therefore would be to promote participation of the IPs, initiating and identifying people's need, priorities and preferences through participatory approaches. Consultations with and participation of IP communities, their leaders, ULBs/line agencies and SIPMIU representatives hence will be an integral part of the overall IPDP.

27. The affected IPs will be informed and consulted in preparing IPDP. Their participation in planning will enable them to benefit from the project and to protect them from any potential adverse impacts of the project. The IPDP prepared in consultation with affected IPs will be translated into local language<sup>7</sup> of IPs and made available to them before implementation with the assistance of NGOs (the NGOs appointed for conducting Community Development and

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<sup>7</sup> Bengali in case of Agartala, Mizo in case of Aizawl, Hindi/Nepali in case of Gangtok. In case of Kohima and Shillong, the IPDP in English language shall be notified to the public.

Participation activities will implement the IPDP). The EA/SIPMIU will ensure that adequate funds will be made available for consultation and facilitation.

28. In the following paragraphs, a broad strategy for inclusion of IP s issues and information disclosure has been formulated.

#### A. Activities for inclusion of IPs' Issues

29. Involvement of IPs / indigenous groups in problem identification and design of solutions has to be ensured through the entire cycle of project interventions. Table 2 presents the activities to be undertaken by the implementation agency to ensure inclusion of indigenous issues in the main project.

**Table 2: Activities and Indicators of IPs' Involvement Issues**

Project Stages	Procedures	Process and Outcome Indicators	Remarks		
Design Stage	Identify locations of dominant indigenous population in the sub-project sites.	IP screening checklist	To be carried out by SIPMIU with assistance from project consultants.		
	Identification of indigenous community stakeholders at site	List of all Indigenous communities in the project areas			
	Sensitization and 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 project	Documentation of the issues.			
	Consultations to establish existing concerns related to:	<ol style="list-style-type: none"> <li>1. Land availability and Tenure</li> <li>2. Access to urban infrastructure facilities</li> <li>3. Representation in CBDs</li> <li>4. Existing Government schemes</li> <li>5. Dependency on Minor Forest Produce (MFP) and common property resources</li> </ol>		Justifications for preparing IPDP	
				List of spatial and non-spatial issues	
				Discussions on possible intervention measures, through the project their likely impacts and safeguard measures (mitigation and monitoring) to be incorporated into the project activities.	List of safeguard measures
					Enlistment of project impacts
					<ol style="list-style-type: none"> <li>1. Loss of agricultural and homestead land</li> <li>2. Loss of structure and immovable assets</li> <li>3. Loss of livelihood</li> <li>4. Loss of common property resources</li> </ol>
	Measures to be taken in complying with the frameworks prepared for resettlement and IPDP.				
Participatory approach to be taken up to involve IPs in finalizing projects, Resettlement Action Plan/ IPDP etc.					
Disbursement of entitlements as per the RP / IPDP / Framework.	Measures undertaken as suggested in RP/IPDP / Framework	NGO engaged for implementing RAP / IPDP will do that during project implementation			
Implementation of safeguards measures as per IPDP / Framework proposals	Measures undertaken as suggested in RP/IPDP / Framework				
Post Implementation Stage	Evaluation of the success of programs and safeguard measures undertaken	Indicators developed for evaluation of project impacts	Consultants engaged for impact evaluation study will do that after project		

Project Stages	Procedures	Process and Outcome Indicators	Remarks
	Follow up activities based on lessons learnt	Listing of modified programs completion to be implemented for uplifting affected indigenous communities	

IP = indigenous people, IPDP = Indigenous People Development Plans, RP = resettlement plan, SIPMIU = State Investment Program Management and Implementation Unit.

30. Electronic version of the IPDP will be placed in the official website of the SIPMIU / State Government and the official website of ADB after approval of the IPDP by Government and ADB. Hard copies of the IPDP will be accessible to citizens and kept in the city library, SIPMIU and office of the ULBs/line agencies. The information of the IPDP including entitlements for IPs and implementation arrangements will be presented in the form of a brochure that will be circulated among the indigenous APs. Posters designed to mass campaign the basic tenets of the IPDP will be displayed at suitable locations for generating mass awareness.

## V. BENEFITS AND MITIGATION OF ADVERSE IMPACTS

31. The main thrust of IPDP is to address the development issues taking into consideration the marginality status of tribal community. The IPDP will offer development options addressing community based needs of indigenous people while respecting their socio-cultural distinctiveness. The IPDP aims at strengthening the existing capacity of the affected tribal community to participate and benefit from project interventions. Based on the impacts and their significance, affected IPs will be entitled to various compensation packages. These compensation entitlements will be the same that are listed in the approved Resettlement Framework of the program. As indigenous peoples, they will have traditional land rights and these will be honored and the absence of land titles will not be a bar for receiving compensation.

32. Additionally, as vulnerable group, they are entitled to receive special assistance, not only to restore and improve their income and livelihood but also to maintain their distinct cultural identity.

33. If the impacts of the sub-projects are not significant, the SIPMIU could decide to prepare a 'specific action' to address the IP issues without preparing IPDP. This decision will depend on the severity of impacts on them. A 'specific action' could take the form of a common community action plan where the indigenous peoples groups live with non-indigenous peoples in the same subproject location. Another 'specific action' is to incorporate IP issues and their benefits into the Resettlement Plan, if any.

## VI. INSTITUTIONAL ARRANGEMENTS

### A. Institutional Arrangements for preparing and implementing IPDPs

34. The Ministry of Urban Development (MOUD) is the national-level executing agency (EA) of the Program. An IPCC will be established in MOUD and will include a social officer. A National Steering Committee (NSC) will monitor fund use and overall implementation performance of the Investment Program. A State-level Executing Agency (SEA) will execute the part of the loan falling under respective State Governments. In each State there will be a State Steering Committee (SSC), and an Investment Program Empowered Committee (IPEC). SIPMIUs will be responsible for overall program implementation, monitoring, and supervision. The SIPMIU will have a Safeguards and Social Unit. An RO will be part of the Unit. ROs and implementing NGOs will be responsible for RP implementation.

35. The Safeguards and Social Unit of the SIPMIU shall be responsible for implementing the IPDP. The unit will be taking care of redressing grievances and mitigating negative social impacts caused due to the project on APs including those belonging to indigenous communities. The Unit should have staff fully aware of provisions of IPDP, adequate understanding on norms and customs of and respect to the local people, especially the indigenous people.

36. A Resettlement Officer/Social Development Specialist (RO) will be part of the Unit. The RO will be entrusted with responsibilities to effectively implement the RP/Gender Action Plan/IPDP complying with the safeguard provisions in the project. The roles and responsibilities of the RO include but not limit to the following:

- (i) Coordinate implementation of R&R activities with the assistance of Unit staff.
- (ii) Coordinate training for the Unit staff for capacity building to implement the RP.
- (iii) Organize public awareness campaigns on project including resettlement provisions with the help of print and electronic media.
- (iv) Facilitate and coordinate joint verification survey of APs with the elected representatives as appropriate, finalize list of APs and inform them about tentative schedule of land acquisition / occupation.
- (v) Coordinate valuation of assets, such as land, trees of various species, agricultural crops, etc. facilitating a joint process involving the elected representatives, NGOs and APs.
- (vi) Based on assessment of property values finalize compensation packages.
- (vii) Prepare procedures to be adopted for the land acquisition within the ambit of LA Act, 1894.
- (viii) Coordinate the land acquisition processes with the associated Government departments.
- (ix) Inform APs about entitlement matrix and compensation packages against different categories of losses.
- (x) Liaison with the District Administration and line departments (DRDA, DoRD, etc.) for dovetailing Government's schemes for income generation and development programs for the APs.
- (xi) Make budgetary provisions for R&R activities.
- (xii) Coordinate, supervise and monitor disbursement of compensation.
- (xiii) Coordinate monitoring activities to be taken up for assessing progress in implementing RP.
- (xiv) Facilitate the appointment of the external agency for Impact Evaluation and coordinate evaluation activities to be taken up by the agency.
- (xv) Prepare Terms of Reference (ToR) for procuring the external agency.
- (xvi) Facilitate appointment of the consultant to carry out the studies and coordinate them.
- (xvii) Prepare quarterly monitoring reports for the Unit on the progress of RP implementation.
- (xviii) Participate in the GRC.

37. The major IPDP implementation responsibilities vests with RP implementing NGO. The responsibilities of these NGOs in IPDP implementation will include the following:

- (i) Work under close coordination of the IPDP Unit staff to implement the IPDP.
- (ii) Facilitate transparency in process and public participation.
- (iii) Take lead in joint verification and identification of IPs, enlist IPs, counselling for livelihood restoration, dissemination of project policies, documents etc.
- (iv) Identify training needs of IPs for income generation activities and ensure that they are adequately supported.

- (v) Put forth the grievances of the IPs to the GRC.
- (vi) Generate awareness about the livelihood restoration activities, and help the IPs to make informed choices.
- (vii) Assist the IPDP Unit in disbursement of cheques.
- (viii) Participate in public meetings as and when required.
- (ix) Periodical IPDP implementation report should be submitted to the RO.

38. The external impact evaluation agency appointed for RP implementation will also carry out monitoring and evaluation of the effectiveness of IPDP implementation through formulation of indicators. The program will have a Grievance Redressing Committee (GRC) for redressing the grievances of the APs, with emphasis on vulnerable communities in the project. Table 1 gives the institutional roles and responsibilities for preparation and implementation of IPDP.

**Table 3: Institutional Roles and Responsibilities**

S.No.	Activities	ULB/Line Agency	SIPMIU	Project consultants	NGOs	ADB	IP Community Involvement
1	Finalization of sites/alignments for sub-project components	Identify and finalize sites/alignments for sub-project components	SIPMIU will appoint project consultants (PC) for design and implementation of sub-project components	PC appointed by SIPMIU will provide technical help to ULB in finalizing sites/alignments			
2	Preliminary Screening (PS)						
a	Collecting and analyzing required information	SIPMIU will appoint a full time resource person to oversee IPDP activities, who will undertake PS					Co-operation and active participation of IPs is anticipated in IPDP activities
b	Preparation of PS report	Designated staff will prepare PS report, which will be sent to SIPMIU					
c	SIA recommendation		Based on PS report, and in compliance with ADB policy, SIPMIU will recommend SIA				
3	Social Impact Assessment						
a	Collecting and analyzing required information	Designated staff of SIPMIU agency will monitor SIA activities		PC appointed by SIPMIU will conduct SIA			IPs will be responsible for giving information to and participate with concerned officials
B	Preparation of SIA report			PC will prepare report and submit it to the SIPMIU			
C	Recommendation for IPDP preparation		Based on SIA report, and in compliance with the ADB policy, SIPMIU will recommend IPDP preparation				
4	Preparation of IPDP						
a	Formulation of mitigation measures and development of action plan	Designated staff will monitor IPDP preparation activities and will provide required help to PC		PC will prepare IPDP in consultation with affected IPs/community leaders			Affected IPs, IP leaders, CBOs will participate in formulation of mitigation

S.No.	Activities	ULB/Line Agency	SIPMIU	Project consultants	NGOs	ADB	IP Community Involvement
							measures and development of action plan
b	Disclosure of IPDP	Designated staff will participate in information disclosure meetings to finalize IPDP at community level	SIPMIU staff will participate in information disclosure meetings to finalize IPDP at community level	PC will conduct meetings for information disclosure and will provide required information during meetings	Local NGOs can be invited to bring transparency in information disclosure meetings		Affected IPs, IP leaders will participate and approve IPDP
c	Preparation of budget and financing plan	Designated staff will provide required necessary help to PC		PC will prepare IPDP budget and financing plan			
E	IPDP approval from ADB		SIPMIU after scrutinizing IPDP for compliance with ADB policy will submit it to ADB	As per ADBs comments, PC will revise IPDP and budget		Concerned staff at ADB will review and approve the IPDP document	
5	IPDP implementation	ULB/line agency will appoint NGO for IPDP implementation	SIPMIU will monitor IPDP implementation periodically along with an independent agency				

ADB = Asian Development Bank, IP = indigenous people, IPDP = Indigenous People Development Plans, SIA = social impact assessment, SIPMIU = State Investment Program Management and Implementation Unit.

## VII. BUDGET FOR FORMULATING AND IMPLEMENTING IPDPS

39. Each IPDP will have its own budget. The EA will provide sufficient resources to formulate an IPDP for each sub-project that will have impacts on IPs. A detailed budget will be prepared by the social, resettlement and rehabilitation unit taking into account all activities associated with the formulation and implementation of the IPDP. Such budgets will be an integral part of the program cost, and will be made available during program implementation.

## VIII. PROGRAM FOR MONITORING AND EVALUATION

40. Implementation of the IPDP will be monitored regularly. The SIPMIUs will establish a quarterly monitoring system involving the staff of the Social, Resettlement and Rehabilitation Unit, representative of affected IP groups, NGOs and CBOs to ensure participatory monitoring arrangements are followed. A set of monitoring indicators will be determined during IPDP implementation. The SIPMIU will prepare appropriate monitoring formats for effective internal and external monitoring and reporting requirements. Independent monitoring will be undertaken through NGOs and CBOs engaged by the EA in consultation with ADB to carry out external monitoring of the IPDP operations for the whole Program. Monitoring reports will be prepared twice a year during program implementation. These reports will be submitted to the EA and ADB for review. The SIPMIU will be responsible for determining if any follow-up actions are necessary and ensuring any necessary actions are taken regarding the implementation of IPDPS.

41. The Social, Resettlement and Rehabilitation Unit will implement the IPDP. As part of their duty they will carry out the monitoring and evaluation activities as prescribed in this section. The Unit staff will be trained and motivated in carrying out these activities. The mid-term and end-term impact evaluation will be conducted by outsourcing it to an Agency/NGO/Institution, which will do the work in close coordination with the Social, Resettlement and Rehabilitation Unit.

42. IPDP implementation will be closely monitored to provide officials at Social, Resettlement and Rehabilitation Unit with an effective basis for assessing resettlement progress and identifying potential difficulties and problem areas. Monitoring will be carried out by appropriate specialists within the Unit and reported regularly to the Social, Resettlement and Rehabilitation Unit on a quarterly basis. The internal monitoring will involve the following tasks:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- (ii) Socio-economic monitoring during and after the relocation process utilizing the baseline information established by the socio-economic survey of APs undertaken during project preparation to ensure that people are settled and recovering.
- (iii) Overall monitoring whether recovery has indeed taken place successfully and in time.

43. Data from the baseline socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the Monitoring process to assess the progress and success of the IPDP programme. However, Monitoring process will also include the following:

- (i) Communication to and noting of reactions from APs.

- (ii) Information from APs on entitlements, options, alternative developments and relocation timetables.
- (iii) Valuation of properties.
- (iv) Usage of grievance redress mechanism.
- (v) Disbursement of compensation amounts and all assistances.

44. Monitoring will also cover the physical progress of implementation of IPDP. This will include land acquisition of the AHs and project affected community properties. Quarterly reports will be prepared by the Unit on the progress of the IPDP provisions.

45. **Internal Monitoring Indicators:** the Social and Resettlement Unit will carry out internal monitoring. The indicators for achievement of objectives under the IPDP programme are of two kinds as stated below:

- (i) Process Indicators – Indicating project inputs, expenditure, staff deployment, etc.
- (ii) Output Indicators – Indicating results in terms of numbers of affected indigenous people compensated and resettled, training imparted, credit disbursed, etc.

46. **Reporting:** Reporting and monitoring formats will be prepared for an effective internal and external monitoring. These reports will be submitted to ADB for review and comments. Each IPDP will be submitted by EA to ADB for review and approval.

## LIST OF SCHEDULED TRIBES

### A. Mizoram

1. Chakma
  2. Dimasa (kachari)
  3. Garo
  4. Hajong
  5. Hmar
  6. Khasi and Jaintia, (Including Khasi, synteng or Pnar,
  7. War, Bhoi or Lynggam)
- Any Juki tribes, including: (i) Baite or beite , (ii) Changsan, (iii) Chonloi, (iv) Dounge, (v) Gamalhu, (vi) Gangte, (vii) Guite, (viii) Hanneng, (ix) Haokip or Haupt, (x) Haolai, (xi) Hengna, (xii) Hongsungh, (xiii) Hrangkhwal or Rangkhol, (xiv) Jongbe, (xv) Knawchung, (xvi) Knawathlang or Khothalong, (xvii) Khelma, (xviii) Kholhou, (xix) Kipgen, (xx) Kuki, (xxi) Lenthang, (xxii) Lhangum, (xxiii) Lhoujem, (xxiv) Lhouvun, (xxv) Lupheng, (xxvi) Mangjel (xxvii) Missao (xxviii) Riang (xxix) Siarhem (xxx) Selnam (xxxi) Singson (xxxii) Sitlhou (xxxiii) Sukte (xxxiv) Thado (xxxv) Thangneu (xxxvi) Uibuh (xxxvii) Vaiphei
8. Lakher
  9. Man (Tai-speaking)
  10. Any Mizo (Lushai) tribes
  11. Mikir
  12. Any Naga tribes.
  13. Pawi
  14. Synteng.

### B. Meghalaya

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lynggam
7. Kuki, including the following sub-tribes :-
  - i. Biata, Biete ii. Changsan iii. Chongloi iv. Dounge v. Gamalhou vi. Gangte vii. Guite viii. Hanneng ix. Haokip, Haupt x. Haolai xi. Hengna xii. Hongsungh xiii. Hrangkhwal, Rangkhol xiv. Jongbe xv. Khawchung xvi. Khawathlang, Khothalong xvii. Khelma xviii. Khoohou xix. Kipgen xx. Kuki xxi. Lengthang xxii. Lhangum xxiii. Lhoujem xxiv. Lhouvun xxv. Lupheng xxvi. Mangjel xxvii. Misao xxviii. Riang xxix. Sairhem xxx. Selnam xxxi. Singson xxxii. Sitlhou xxxiii. Sukte xxxiv. Thado xxxv. Thangngcu xxxvi. Uibuh xxxvii. Vaiphei
8. Lakher
9. Man (Tai Speakign)
10. Any Mizo (Lushai) tribes
11. Mikir
12. Any Naga Tribes
13. Pawi
14. Synteng
15. Boro kacharis

16. Koch
17. Raba, rava

**C. Nagaland**

1. Naga
2. Kuki
3. Kachari
4. Mikir
5. Garo

**D. Tripura**

1. Bhil
2. Bhutia
3. Chaimal
4. Chakma
5. Garoo
6. Halam
7. Jamatia
8. Khasia
9. Kuki, including the following sub-tribes:-

(i) Baite (ii) Belalhut (iii) Chhalya (iv) Fun (v) Hajango (vi) Jangtei (vii) Khareng (viii) Khephong (ix) Kuntei (x) Laifang (xi) Lentei (xii) Mizel (xiii) Namte (xiv) Paitu, paite (xv) Rangchan (xvi) Rangkhole (xvii) Thangluya

10. Lepcha
11. Lushai
12. Mag
13. Munda, Kaur
14. Noatia
15. Orang
16. Raing
17. Santal
18. Tripura, tripuri, tippera
19. Uchai.

**E. Sikkim**

1. Bhutia (including Chumbipa, Dophapa, Dukpa, Kagatcy, Sherpa, Tibetan, Tromopa, Yolmo)
2. Lapeha

## PROFILE OF SCHEDULED TRIBES IN PROJECT CITIES

1. In Agartala, the tribes constitute 6.5% of the population mainly belonging to Tripura / Tripuri / Tippera and Chakma communities. In the city a few households of Tripura tribe live in Krishnanagar area. Apart from this, a very few others are scattered over Agartala.

2. In Aizawl and the entire state of Mizoram, the tribes constitute the mainstream society. These STs account for nearly the entire population. The main tribes are the Lushais, Chakmas, Ralte, Paite, Baite, Pawi Dhilen, Lakher, Hmar and Piang. Lushai group of tribals accounts for more than 98% of the city tribals. Though they speak their tribal dialect among themselves, they also speak English in general, while interacting with others. Most tribes are Christian (84%). Riangs and Chakmas are Buddhists (8%). There are some Hindus and Muslims. The other languages of Mizoram are Mizo, Hmar, Chakma, Lai, Mara and Ralte. An estimated 98.2% of the population in the city is STs.

3. In Sikkim, except for the North district where 50% of the population is tribal, in the other districts of Sikkim one fourth of the population are STs. Overall 20.59% of the population in Sikkim is tribal. An estimated 32.3% of the population in the city belongs to ST category. The major communities are the Lepcha, the Bhutia, the Nepali and the caste communities from the plains. These different ethnic groups have their distinct languages and cultural pattern. Over centuries, the narrow fertile valleys of the inner Himalayas and the rugged hill tracts of the greater Himalayas have been settled by the Tibeto-Burmese, Tibeto-Mongoloid and Indo-Aryan races who have adjusted themselves to the rigorous climate of this state. Thus Sikkim has become a state of multi-racial inhabitants. The oldest inhabitants are the Rongs or Lepchas who migrated via Assam to this mountain state. Next came the Khampas from the Tibetan province of Kham, they are now commonly known as Bhutias. The Limbus who are considered by some as belonging to Lhasa gotra are believed to have migrated from Shigatse, Penam, Norpu, Giangtse etc of the Tsong province of Tibet. These Limbus and other Magar, Rai, Gurung, Murmi etc. are allied races and in fact belong to the Kirati sub-cultural stock of the Nepali race who migrated to Sikkim from Nepal in the west. English is the official language of Sikkim. The Lingua-franca is however Nepalese. It closely resembles Hindi. The Lepcha language belongs to the Tibeto-Burman family. The language of the Bhutias, Limbu, Murmi, Magar, Khamba and Mewar also belongs to it.

4. In Kohima and the entire state of Nagaland, the tribes constitute the mainstream society. There are 16 tribes in Nagaland. These tribal communities (IPs) account for nearly the entire population. The major tribes include Angami, AO, Sema, Lotha, Chakesang, Rengma, Zeliang and Sangtam. An estimated 89.6% of the population in the city is STs.

5. In Shillong and the entire state of Meghalaya, the tribes constitute the mainstream society. The Khasi, Jaintia, Bhoi and War collectively known as the Hynniewtrep people predominantly inhabit the districts of East Meghalaya, also known to be one of the earliest ethnic group of settlers in the Indian sub-continent, belonging to the Proto Austroloid Monkhmer race. The main tribal groups are the Khasi, Garo, Jaintia, and Bhoi. All of these tribals claim to have descended from the 'Ki Hynniew Trep' and are now known by the generic name of Khasi-Pnars or simply Khasis. They have the same traditions, customs and usage with a little variation owing to geographical divisions.

## STATE LAWS

### A. Nagaland

#### 1. Nagaland Tribe, Area, Range and Village Council Act, 1966

1. After the formation of the State of Nagaland in 1963, the traditional Village Councils were restructured and replaced by Village, Area and Regional Councils under the Nagaland Tribe, Area, Range and Village Council Act, 1966. In general, the Village Councils had the duties, such as to function as the highest court in the village, as the custodian and manager of village common property. At the village level the members were to be chosen by their respective clans. The size of the Village Council was to be determined according to the customs of the village. The supra-Village Councils i.e. the Area and Regional Councils, were much more intimately linked with the next lower level. In 1978, a new Act was passed which did away with the regional councils, while the duties and powers of the Village Councils were more elaborately defined including that of constituting a Village Development Board. In 1980 statutory rules were promulgated to cover the latter also. In 1990, the Act was amended to do away with the Area Councils leaving only the Village Councils.

#### 2. The Nagaland Land (Requisition and Acquisition) Act 1965

2. This Act relates to the law for requisition and speedy acquisition of premises and land for certain public purposes. The State Government has the power to requisition any land if it is of the opinion that it is necessary for maintaining services essential to the life of the community or for providing proper facilities for transport, flood control and anti-erosion measures including embankment and drainage etc. Except land used for religious purposes, the State Government may also acquire land subject to the provisions of the Land Acquisition Act, 1894. The Land Acquisition Act, 1894 applies to the extent that the principles contained therein, such as for the making of the award would apply and later reference to the Court. But for the purposes of determining the compensation payable and powers of requisition and acquisition, it is this State legislation that comes into play. It is noteworthy that compensation payable in the case of compulsory acquisition attracts an additional 15% of the market value, i.e. in addition to the market value. Though this act is in place the general process followed for land acquisition is only through negotiations with the individual landowners.

#### 3. Nagaland Eviction of Persons In Unauthorized Occupation of Public Land Act, 1971

3. This act applies to Kohima and has the effect to override custom or usage that permits the use or occupation of any public land by any person or group of persons without the sanction of the appropriate officer. This provision becomes relevant in view of the myriad customs that permit people to continue to occupy public land and it becomes difficult to evict them. It is stipulated that the term of a lease not governed by a written contract or any local law for public land, shall be year-to-year, terminable by a six months notice by either the lessor or the lessee in the case of land used for agricultural or manufacturing purposes. For any other purpose, the lease would be month-to-month and terminable in the same manner by fifteen days notice. For unauthorized occupants, the Deputy Commissioner is empowered to issue a show cause notice to the said unauthorized occupants and they are in turn required to respond to the same within 15 days. Thereafter the Deputy Commissioner after considering the response may issue orders evicting the said persons from the land within 14 days from the date of the order. An appeal against the orders of the Deputy Commissioner may be preferred to the Commissioner of

Nagaland, who is the designated appellate officer and his orders have finality and the same cannot be impugned before any other court.

## **B. Shillong**

### **1. Meghalaya Transfer of Land (Regulation) Act, 1971**

4. The Meghalaya Transfer of Land (Regulation) Act (MLTRA) 1971 is applicable in the State that protects tribal land alienation. However, the act also has an exemption clause that states – "Nothing contained in this Act shall apply to any transfer of land to, or in favor of, Government or Autonomous District Council."

5. MLTRA specifies – "No land in Meghalaya shall be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with previous sanction of the competent authority. Provided that the Government of Meghalaya is satisfied may, from time to time, by notification, prohibit any transfer of land within such area or areas as may be specified in the notification and there upon the competent authority shall not sanction any such transfer of land under the provision of this Act, within such area or areas."

## ENTITLEMENT MATRIX

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Agricultural land, homestead land or vacant plot	Legal titleholders	<ul style="list-style-type: none"> <li>• Compensation at replacement/market value or land for land where feasible (including option for compensation for non-viable residual portions)</li> <li>• Transitional allowance<sup>1</sup> based on three months minimum wage rates</li> <li>• Shifting assistance<sup>2</sup> for households.</li> <li>• Notice to harvest standing seasonal crops.</li> <li>• If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households<sup>3</sup> (item 7) whose livelihood is impacted by the project.</li> </ul>	<ul style="list-style-type: none"> <li>• If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households.</li> <li>• Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size.</li> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO</li> </ul>	The Valuation committee will determine replacement value. The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, and identify vulnerable households.
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants & leaseholders	<ul style="list-style-type: none"> <li>• Transitional allowance based on three months minimum wage rates.</li> <li>• Notice to harvest standing seasonal crops.</li> <li>• If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Shifting assistance for households</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease</li> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	NGO will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to SIPMIU.

<sup>1</sup> To be provided for APs whose livelihood is getting affected by the project. The transitional allowance shall be calculated based on minimum wage rates for semi-skilled labor in the respective cities for 26 working days a month for three months (Agartala- INR 150/day, Shillong- INR 196/day, Aizawl - INR 150/day, Gangtok-INR 177/day, Kohima-INR 200/day). This allowance shall be utilized till an alternative means of livelihood is found. In case of vulnerable households, the transitional allowance will be supplemented by livelihoods related skill training.

<sup>2</sup> To be provided to APs who would be relocate from the site proposed for acquisition to new place decided by AP. This shall be equivalent to one day hire charges for a truck, including shifting within a radius of 50km (around INR 3,000)

<sup>3</sup> Vulnerable household comprise female-headed household, disabled-headed household, indigenous person-headed households and Below Poverty Line households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Sharecropper	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops</li> <li>• If notice cannot be given, compensation for share of crops will be provided</li> <li>• Additional compensation for vulnerable households</li> </ul>	<ul style="list-style-type: none"> <li>• Harvesting prior to acquisition will be accommodated to the extent possible.</li> <li>• Work schedule will avoid harvest season.</li> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO</li> </ul>	PMU will ensure provision of notice. NGO will identify vulnerable households.
1-c	Loss or private land	Agricultural land, homestead land or vacant plot	Encroachers/Squatters	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted as part of the RP.</li> </ul>	PMU will ensure provision of notice. NGO will identify vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder	<ul style="list-style-type: none"> <li>• Transitional allowance based on three months wage rates</li> <li>• Reimbursement of unexpired lease.</li> <li>• Additional compensation for vulnerable households (item 7).</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	
2-a	Loss of Government land	Vacant plot, RoW of road	Encroachers	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Additional compensation for vulnerable households (item 7).</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	PMU will ensure provision of notice. NGO will identify vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from occupied land.</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	PMU will ensure provision of notice. NGO will identify vulnerable households.
3	Loss of residential structure	Residential structure and other assets <sup>4</sup>	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable)</li> <li>• Shifting assistance for households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	The Valuation committee will determine replacement value. <sup>5</sup> The NGO will verify the extent of impacts through a 100%

<sup>4</sup> Other assets includes, but isn't limited to walls, fences, sheds, wells, trees etc.

<sup>5</sup> The replacement value shall be assessed based on the current schedule of rates of the respective cities.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<ul style="list-style-type: none"> <li>• Right to salvage materials from structure and other assets</li> <li>• All fees, taxes and other charges (registration etc) incurred for replacement structure</li> <li>• Transitional allowance based on three-month minimum wage rates.</li> <li>• Additional compensation for vulnerable households (item 7)</li> </ul>		<p>survey of AHs determine assistance, verify and identify vulnerable households.</p>
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP</li> <li>• Shifting assistance for households.</li> <li>• Right to salvage materials from structure and other assets.</li> <li>• Transitional allowance based on three month minimum wage rates.</li> <li>• Additional compensation for vulnerable households (item 7)</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> <li>• Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</li> </ul>	<p>The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.</p>
3-b	Loss of residential structure	Residential structure and other assets	Encroachers and Squatters	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from occupied land</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Additional compensation for vulnerable squatter households (item 7)</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	<p>The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable)</li> <li>• Shifting assistance for households.</li> <li>• Right to salvage materials from structure and other assets</li> <li>• All fees, taxes and other charges (registration etc) incurred for replacement structure.</li> <li>• Transitional allowance for three months based on structure</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	<p>The Valuation committee will determine replacement value. The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<ul style="list-style-type: none"> <li>rental rates.</li> <li>Additional compensation for vulnerable households (item 7)</li> </ul>		
4	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP</li> <li>Shifting assistance for households.</li> <li>Right to salvage materials from structure and other assets.</li> <li>Transitional allowance for three months based on structure rental rates.</li> <li>Additional compensation for vulnerable households (item 7)</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census conducted by the implementing NGO.</li> <li>Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</li> </ul>	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Encroachers and squatters	<ul style="list-style-type: none"> <li>60 days advance notice to shift from occupied land.</li> <li>Shifting assistance to vulnerable groups.</li> <li>Right to salvage materials from structure and other assets.</li> <li>Transitional allowance for three months based on structure rental rates.</li> <li>Additional compensation for vulnerable squatter households (item 7).</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
5	Loss of livelihood	Livelihood	Owner / tenant /leaseholder/ employee of commercial structure, agricultural worker	<ul style="list-style-type: none"> <li>Assistance for lost income based on three months minimum wage rates</li> <li>Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census conducted by the implementing NGO.</li> </ul>	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
6	Loss of trees and crops	Standing trees and crops	Legal titleholder, Sharecropper, Leaseholder	<ul style="list-style-type: none"> <li>Notice to harvest standing seasonal crops</li> <li>If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>Compensation for trees based on timber value at market price to be determined by the Forest Department for timber trees and</li> </ul>	<ul style="list-style-type: none"> <li>Harvesting prior to acquisition will be accommodated to the extent possible</li> <li>Work schedules will avoid harvest season.</li> <li>Market value of trees/crops has to be determined.</li> </ul>	SIPMIU will ensure provision of notice. The valuation committee shall undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				for other trees by the Horticultural Department.		
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> <li>Agricultural land. Further to item 1, in case of total loss of land, and a total dependency on agriculture, land-for-land compensation if feasible/available.</li> <li>Government land. Further to Item 2, provision for skill training for displaced vulnerable squatters</li> <li>Residential structure. Further to Item 3, in case of total loss of structure, skill training for vulnerable households</li> <li>Commercial structure. Further to item 4, in case of total loss of business, skill training for vulnerable households, including assistance for purchase of income generating assets, to a maximum of INR 30,000/-</li> <li>Livelihood. Vulnerable households shall be given priorities in employment as labor in the project.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census conducted by the implementing NGO.</li> <li>If land-for-land is offered, ownership in the name of original landowner(s).</li> </ul>	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders	<ul style="list-style-type: none"> <li>Provision of rent for the period of occupation</li> <li>Compensation for assets lost at replacement value</li> <li>Restoration of land to its previous or better quality.</li> </ul>	<ul style="list-style-type: none"> <li>Arrangement by the contractor on the activities to be taken up.</li> <li>Impacts if any on the structures, assets and plantation due to the temporary occupation.</li> <li>Extent of rehabilitation, restoration of the site.</li> </ul>	The valuation committee will determine rental value and duration of lost income though survey and consultation with APS. A photograph of the pre occupation to be made by the NGO. NGO and RO shall ensure that the compensation is paid prior to handing over of site to the owner. The site shall be taken up by the contractor after consent of RO.
9	Temporary disruption of	Commercial and	Legal titleholders, tenants, leaseholders,	<ul style="list-style-type: none"> <li>30 days advance notice regarding construction activities,</li> </ul>	<ul style="list-style-type: none"> <li>During construction, the PMU will identify</li> </ul>	Alternative locations, if any shall be identified

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	livelihood	agricultural activities	sharecroppers, employees, hawkers or vendors.	<p>including duration and type of disruption.</p> <ul style="list-style-type: none"> <li>For construction activities involving disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on minimum wage rate for vulnerable households for 1 month or the actual period of disruption whichever is more.</li> </ul>	<p>alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity.</p> <ul style="list-style-type: none"> <li>PMU will ensure civil works will be phased to minimize disruption through construction scheduling in coordination with the contractors and the DSC</li> </ul>	for the said duration of disruption.
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies, Dorbars, Village Councils	<ul style="list-style-type: none"> <li>Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc.</li> <li>Enhancement of community resources</li> </ul>	-	PMU and Contractor.
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>Unanticipated involuntary impacts shall be documented and mitigated based on the principles provided in the ADB IR Policy.</li> </ul>	-	The NGO shall ascertain the nature and extent of such loss. The SIPMIU shall finalize the entitlements in line with the ADB IR policy.

ADB = Asian Development Bank, AP = affected persons, PMU = project management unit, RP = resettlement plan.

## IP IMPACT SCREENING CHECKLIST OF TRANCHE 1 SUB PROJECT WITH IR IMPACTS

### IP Impact Screening Checklist for Water Supply Sub-Project in Gangtok

Impact on the indigenous peoples (IPs)/Ethnic Minority (EM)	Yes	No	Remarks or identified problems, if any
Are there any IPs or EM groups present in the project locations?		No	The water supply sub project in Gangtok does not involve any permanent land acquisition. Temporary impacts <sup>1</sup> are anticipated for 48 households. While the socio-economic survey identifies that 40% of households are scheduled tribes. <sup>2</sup> While designated as STs, they are mainstreamed and have no distinct characteristics compared with other city residents.
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardships?		No	The APs do not maintain any distinctive customs or economic activities. They are into modern means of livelihood. APs who would be subject to temporary impacts have incomes above that of the state poverty line, the average monthly income being in the range of INR 4500-8500 per month.
Will the project restrict their economic and social activity and make them particularly vulnerable in the context of the project?		No	
Will the project change their socio economic and cultural integrity?		No	
Will the project disrupt their community life?		No	
Will the project positively affect their health, education, livelihood or social security status?		No	The proposed water supply sub-project will result in (i) better access to water supply and (ii) health benefits to the city population.
Will the project alter or undermine the recognition of their knowledge, preclude customary behaviours or undermine customary institutions?		No	
In case no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?		No	

AP = affected persons, ST = scheduled tribes.

<sup>1</sup> The temporary impacts include disruption of services, temporary loss of access to houses. Also, the temporary occupants of the RoW such as hawkers and vendors would have to move to other sides of the road or to nearby areas. No disruption of livelihood is anticipated. Assistance shall be given to the affected households for mitigation of such temporary impacts. These include provision of planks to ensure access, advance information on likely impacts to the affected households and provision of basic services such as water supply during the period of service disruption.

<sup>2</sup> An estimated 26% of the population in the city belongs to the Scheduled Tribes.