

# Indigenous People Planning Framework

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Management Investment Program

Prepared by Karnataka Urban Infrastructure Development and Finance Corporation  
Government of Karnataka for the Asian Development Bank

## CURRENCY EQUIVALENTS

(as of 4 April 2013)

Currency unit	=	Indian rupee/s (Re/Rs)
Re1.00	=	\$0.02
\$1.00	=	Rs 54.48

## ABBREVIATIONS

ADB	—	Asian Development Bank
BPL	—	below poverty line
CBO	—	community-based organization
CC	—	city corporation
CDP	—	comprehensive development plan
CLIP	—	city level investment plan
CPMU	—	central project management unit
DC	—	deputy commissioner
DLRC	—	district level resettlement committee
DPR	—	detailed project report
DP	—	displaced person
EA	—	executing agency
ELSR	—	elevated level storage reservoir
GLSR	—	ground level storage reservoir
Gol	—	Government of India
GoK	—	Government of Karnataka
GRC	—	grievances redressal committee
IP	—	Indigenous people
IWRM	—	integrated water resources management
KMRP	—	Karnataka Municipal Reforms Project
KUIDFC	—	Karnataka Urban Infrastructure Development and Finance Corporation
KUWSDB	—	Karnataka Urban Water Supply and Drainage Board
LA	—	land acquisition
LAA	—	Land Acquisition Act
LA and R&R	—	Land Acquisition and Resettlement and Rehabilitation
MFF	—	multitranches financing facility
MLA	—	member of legislative assembly
NGO	—	nongovernment organization
NKUSIP	—	North Karnataka Urban Sector Investment Program
O&M	—	operations and maintenance
PMU	—	project management unit
PWD	—	Public Works Department
RPMU	—	regional project management unit
RoW	—	right of way
SES	—	socioeconomic survey
SPS	—	Safeguard Policy Statement
SR	—	storage reservoir
STP	—	sewage treatment plant
TMC	—	town municipal council
TOR	—	terms of reference
TP	—	Tribal people
ULB	—	urban local body

WSS	—	water supply and sanitation
WTP	—	water treatment plant

### WEIGHTS AND MEASURES

ha	—	hectare
km	—	kilometer
lpcd	—	liter per capita per day
m	—	meter
m <sup>2</sup>	—	square meter

### NOTES

- (i) The fiscal year (FY) of the Government of India and its agencies begins on 1 April and ends on 31 March. "FY" before a calendar year denotes the year in which the fiscal year ends, e.g., FY2011 begins on 1 April 2011 and ends on 31 March 2012.
- (ii) In this report, "\$" refers to US dollars.

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## I. PROJECT BACKGROUND

### A. Overview

1. Karnataka Integrated Urban Water Management Investment Program (KIUWMIP, the Program) was initiated by the Asian Development Bank (ADB) with the Government of India (GoI) aims to improve water resource management in urban areas in a holistic and sustainable manner consistent with the principles of Integrated Water Resources Management (IWRM). Investment support will be provided to modernize and expand urban water supply and sanitation (UWSS), and strengthen institutions to improve water use efficiency, productivity, and sustainability. The Program will consist of three tranches (projects) and this framework will provide overall guidance for the preparation of future projects in which may affect any indigenous people located in the areas of future projects under the Program. Project 1 is representative of subprojects to be financed under the Program. Four towns of the Tungabhadra sub-basin: Byadagi, Davangere, Harihar, and Ranebennur are selected for Project 1 subprojects.

2. Davangere and Harihar towns are located in the district of Davangere, and Ranebennur and Byadgi towns in the district of Haveri. Water supply and wastewater systems suffer from under-investment throughout the state of Karnataka, and desired level of public service is extremely constrained. Water supply is intermittent and available only for limited periods, with limited capacity to meet public demand. Wastewater collection and treatment systems are either non-existent or poorly maintained. Absence of scientific wastewater treatment and sewer systems often leads to contamination of groundwater supplies and poses a risk to public health. The project is designed to assist urban local bodies (ULB) to develop, expand, and manage urban infrastructures with respect to water supply and sanitation throughout the towns in order to provide all sectors of society with access to basic urban services. This will in turn improve health and hygienic conditions, particularly of the marginalized and poor people, including those belonging to the scheduled tribes, thereby enhancing economic opportunities for them.

**Table 1: Proposed Project 1 Subprojects and Scope of Work**

Sl. no.	Subproject	Component	Total Land Requirement	Remarks
1	Byadgi TMC	Water supply: distribution network, SR (1 location)	For storage reservoir (SR) 625 m <sup>2</sup> ; 6 km of trunk main and 12 km distribution network	Replacement/improvement of distribution pipelines/facilities proposed along existing road RoW. All proposed SRs to be built on existing government/ ULB land. WTP within existing WTP location/compound
	Byadgi TMC	Wastewater: STP, pumping station	Approx. 4 ha needed for WSP <sup>a</sup> treatment technology for STP and 100 m <sup>2</sup> for PS, about 50 km sewer network	Land available is 5.79 ha, to be acquired by ULB. PS to be located within existing STP premise. Sewers will be laid along the roads and pathways.
	Byadgi TMC	Community toilet	Approx. 225.4 m <sup>2</sup> of land will be needed for construction of community toilet in slum areas for 530 HH.	As per ULB, land is available; however, details of land not provided. Community toilets will have to be built on government/ULB land.
2	Ranebennur	Water supply: distribution pipeline, SR (3 locations)	For SRs 675 m <sup>2</sup> ; 10 km of trunk main and 110 km distribution network	All construction within ULB/government land. WTP within existing WTP location/compound

Sl. no.	Subproject	Component	Total Land Requirement	Remarks
	Ranebennur	Wastewater: sewer network	50 km sewer network	No new sewage treatment facility proposed. Sewer lines will be laid in the middle of roads/highways.
	Ranebennur	Community toilet	Approx. 345 m <sup>2</sup> of land will be needed for construction of community toilet in slum/non-poor areas for 1,425 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet.
3	Harihar	Water supply: distribution network, SR (3 locations)	425 m <sup>2</sup> for SR; 8 km trunk main and 74 km distribution network	Replacement/improvement of distribution pipelines/facilities proposed along existing road RoW. Two SRs proposed to be built on existing government/ ULB land. Land for another SR will be donated by one housing cooperative society. WTP within existing WTP compound
	Harihar	Wastewater: PS (2 locations) and sewer network	200 m <sup>2</sup> 45-55 km sewer network	The pumping stations are to be located on government land, to be transferred to ULB. Sewers will be laid along middle of roads and highways.
	Harihar	Community toilet	Approx. 198.4 m <sup>2</sup> of land will be needed for construction of community toilet in slum areas for 752 HH.	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet.
4	Davengere	Water supply: replacement/ rehabilitation of distribution pipelines, SR (11 locations)	For SRs 2,475 m <sup>2</sup> (225 m <sup>2</sup> x 11); 15 km trunk main and 260 km distribution network	Improvements in water supply network proposed along existing road RoW. All sites for SRs are located within corporation parks/ land owned by CC.
	Davengere	Wastewater: Sewer lines, PS, STP for District 3	STP – Approx 4 ha, PS – 225 m <sup>2</sup> Sewer line network of about 300 km for SD 1, 2, and 3 to be laid	One government land identified for PS. Agricultural land parcels of 3.3 ha identified for STP. These are to be acquired. Sewer lines can be laid in the middle of the roads.
	Davengere	Community toilet	Approx. 201.8 m <sup>2</sup> of land will be needed for construction of community toilet in slum /poor HH areas for 3,805 HH.	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet. Part of the toilet construction program will be derived from Government of Karnataka's development fund reserved for SC/ST @ 22.75% of budget.

<sup>a</sup> WSP – waste stabilization pond, least costly technology with minimum O&M requirement. For Davengere, District 3, more advanced technology will be adopted.

3. In the course of initial social assessment, no indigenous/ tribal people were found to be affected by the proposed WSS component. No IP/ tribal families were residing within or nearby the proposed location. It is further noted that the districts of Davengere and Haveri, the two project districts, are not within the purview of scheduled tribe areas as defined by the Constitution of India,<sup>1</sup> which are defined as exclusive tribal areas that require special

<sup>1</sup> The criteria followed for declaring an area as scheduled area are: a) preponderance of tribal population; b)

consideration for development of the indigenous/tribal people (TP). It can be safely presumed that tribal people residing in the project area probably scattered and have been assimilated over a period of centuries with the mainstream community.

## **B. Scope of Tribal People Planning Framework (TPPF)**

4. The selection of the Project 1 subproject towns was made for consideration under an MFF loan. The towns of Davengere, Harihar, Ranebennur, and Byadgi were selected in concurrence with the stakeholders. The feasibility study deals with all aspects of UWSS in the selected Project 1 towns, and the proposed design is indicative. The final locations/sites and final impacts will be concluded after detailed design is prepared. Therefore, a tribal people planning framework (TPPF) has been developed to manage and mitigate possible impacts to the indigenous people in the investment program area identified during Project 1 implementation or in future projects. The TPPF sets out the policy, principles, and implementation mechanisms to address such impacts according to ADB's Safeguards Policy Statement (SPS) requirement no. 3 on indigenous people (IP). During the course of project identification and social impact assessment, if any IPs are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development.

5. It is also necessary to define the term IP, which is not only co-terminus with the communities defined by the Constitution of India as scheduled tribe<sup>2</sup>. It often also includes backward communities, as per the recommendation of the Karnataka Backward Classes Commission. Out of a total of 698 scheduled tribes in India, 75 are identified as primitive tribal groups, who are more backward even by the standards of scheduled tribes. The scheduled tribe population of India was 84.3 million in 2001, about 8% of India's population.

6. In official parlance, neither the state nor union government has a category called indigenous people in its policies. Instead, by a constitutional provision, the Government of India has categorized sections of socially, educationally, and economically deprived populations as scheduled castes (SC) and scheduled tribes (ST).

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

## **C. Distribution of Scheduled Tribes in Karnataka in Relation to India**

8. The tribal population of Karnataka increased to 34.64 *lakh* (1 *lakh* = 100,000) in 2001 from 19.16 *lakh* in 1991. The decadal growth rate during this period is a high of 80.8%, caused

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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.

<sup>2</sup> Scheduled tribes (ST) are those communities notified as such by the President of India under Article 342 of the Constitution. The first notification was issued in 1950. The President considers characteristics like (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a scheduled tribe.

not by a spurt in fertility rates, but by the addition of several new tribes to the ST category.<sup>3</sup> The proportion of ST population recorded was 6.55% of the total state population in the 2001 census and 4.1% of India's total ST population. The provisional population of the 2011 census is not yet available. None of the project districts has a significant proportion ST population, as revealed by the 2001 census data. Davengere district has an ST population that is 11.7% of its district population, while Haveri's ST population is 8.8% of its district population. Compared to the state ST population, the percentage is much less, 6% in Davengere and about 4% in Haveri (Table 2). Raichur (18.1%) has the highest percentage of ST population, followed by Bellary (18%), while the ST population of Chitradurga (17.5%) has gone down. However, the project districts of Davengere and Haveri together comprise 9.72% of the state's total ST population, less than 10%, and none of these are within the integrated tribal development project (ITDP) area of the state.<sup>4</sup>

**Table 2: Concentration of Scheduled Tribes in Project Districts, Karnataka, 2001**

Sl. No.	District	Total Population	Total ST Population	% of ST Population in the District	% of ST Population to the State ST Population
1	Davengere	1,790,952	209,701	11.71%	6.05%
2	Haveri	1,439,116	127,163	8.84%	3.67%
3	Karnataka State	52,850,562	3,463,986	6.55%	100%

9. There are 50 major tribes with 109 sub-tribes in the State (as of March 2005), according to the notified schedule under Article 342 of the Constitution of India. From these, the Government of Karnataka has identified (i) Jenu Kuruba and (ii) the Koraga tribes as primitive tribal groups (PTGs).<sup>5</sup> By a Constitution (scheduled tribes) Order (Second Amendment) Bill, 2011 (Bill No. 136 of 2011), the Medara community has been recommended for inclusion in the list of scheduled tribes in the state of Karnataka to fulfill a long-standing demand. According to the surveys conducted by Department of Tribal Welfare (DoTW), these PTGs are concentrated in the districts of their origin, although the possibility of tribal migration to neighboring districts for better employment opportunities cannot be ruled out. How far these migrant primitive tribes have merged with the traditional mainstream is still not known. This situation among the PTGs calls for preparation of IPPF, to address the unforeseen impacts of subprojects on IP.

10. In India, STs are scattered over all the states except Haryana, Punjab, Chandigarh, Delhi, and Pondicherry. While the highest concentration of the ST population is found in the northeastern states of Mizoram (94.8%), Nagaland (87.7%), Meghalaya (85.5%), and Arunachal Pradesh (63.7%) and in the Union Territory (UT) of Lakshadweep (93.2%) and Dadra and Nagar Haveli (79%), other states having high concentration of ST population are Madhya Pradesh (23.3%), Orissa (22.2%), Gujarat (14.9%), Assam (12.8%), Rajasthan (12.4%), Maharashtra (9.3%), Bihar (7.7%), Andhra Pradesh (6.3%), and the Andaman and Nicobar Islands (5.5%).

#### **D. Legal Policy and Framework**

11. A scheduled tribe (ST) is identified by the Constitution of India, taking into consideration various factors such as (i) primitive traits, (ii) distinctive culture, (iii) geographical isolation, (iv) social and economic backwardness, and others. But identification of tribes is a state subject.

<sup>3</sup> Karnataka Human Development Report, 2005.

<sup>4</sup> The ITDPs are generally contiguous areas of the size of a block (group of villages) or *taluka* in which the ST population is 50% or more of the total population.

<sup>5</sup> Few tribal groups still in the primitive stage continue to live in isolated areas and practice primitive agriculture, and most of them are still in the food gathering stage with an almost stagnant population growth.

Thus, the ST is judged by one or a combination of these factors by the respective state. Tribes notified for Karnataka State are ST in Karnataka only, and their category may vary in other states.

12. Under the Constitution of India, a number of articles have been included for the protection of the STs in particular.<sup>6</sup> These are:

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

13. Schedule tribes in the state are covered by the Karnataka Land Reforms (KLR) Act, 1964, Karnataka Scheduled Caste and Scheduled Tribe (Prohibition of Transfer of Certain Lands–PTCL) Act, 1978, and Prevention of Atrocities Act, 1989.<sup>7</sup> Certain features of the act are:

- (i) Under the KLR Act, 1964, scheduled caste (SC) and scheduled tribe (ST) families are eligible for part of lands identified as surplus land in the state.
- (ii) The PTCL Act, 1978, was intended for restricting the transfer of land by members of scheduled tribes in the state, and for the restoration of lands alienated by such members. No scheduled tribe can transfer allotted or granted lands without the permission of government; if done, the new registration will be invalid. Further, nothing in this act shall apply to the transfer of allotted/granted lands in favor of the government or central government, a local authority, or a bank either before or after the commencement of this act.
- (iii) The land purchase scheme, which provides that no scheduled caste or scheduled tribe is allowed to transfer the land before the loan repayment period of 10 years, given under the scheme of Karnataka Scheduled Caste and Scheduled Tribe Development Corporation Limited.

14. The Department of Tribal Welfare was formed specifically to address the needs of STs in Karnataka. Its budget is part of the budget of the Department of Social Welfare. The Tribal Sub-Plan (TSP) was introduced in 1975-1976 with the objectives of poverty alleviation, protection of

<sup>6</sup> The Tenth Five-Year Plan, 2002-2007

<sup>7</sup> Transfer means a sale, gift, exchange, mortgage (with or without possession), lease, or any other transaction not being a partition among members of a family or a testamentary disposition, and includes the creation of a charge or an agreement to sell, exchange, mortgage, or lease or enter into any other transaction.

tribal culture, education, health care, and providing basic minimum infrastructure. Some of the development programs for the STs in Karnataka are: (i) the formation of tribal cooperatives to market non-timber forest products (NTFP); (ii) income-generating schemes like the land purchase scheme that provides land to landless agricultural laborers by purchasing lands from non-SC/ST landholders at a unit cost of Rs. 60,000 with a subsidy of 50%; (iii) self-employment programs under which financial institutions provide assistance for setting up businesses; and (iv) community irrigation schemes, etc.<sup>8</sup>

15. The National Resettlement and Rehabilitation Policy (dated 31 October 2007) prepared by the Ministry of Rural Development, Government of India, provides guidelines for mitigating impacts due to involuntary resettlement of the scheduled tribes, who face displacement due to land acquisition for public purpose. The NRRP also provides, among other things, for the preparation of a tribal development plan in case of displacement of 200 or more ST families; instructions for a program for the development of alternate fuel, fodder, and non-timber forest product (NTFP) resources on non-forest lands for fuel requirements of ST families; and for preference in allotment of land for land where government land is available.<sup>9</sup> However, the NRRP falls short of the ADB's Indigenous Peoples Policy requirements that "the potential vulnerability of indigenous peoples" should be recognized, and "development interventions that affect indigenous peoples should ensure that they have opportunities to participate in and benefit equitably from the interventions" (1998, para 6).

16. The above policies and legal instruments available in India and Karnataka are supplemented by ADB's Safeguard Policy Statement (SPS), 2009 for the implementation of KIUWMIP. The SPS ensures equality of opportunity to be derived from project interventions for indigenous peoples. The policy emphasizes that development interventions will be planned in a manner consistent with the needs and aspirations of affected indigenous peoples, and compatible in substance and structure with affected IP's culture and social and economic institutions. The IPPF recognizes the vulnerability of indigenous peoples, and specifically ensures that any project intervention, whether positive or adverse, will be addressed by the implementing agencies. Moreover, the implementing agencies will ensure that affected IPs will have opportunities to participate in and benefit equally from such project interventions.

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

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

18. According to ADB policy, IP safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IP or affects the territories,

<sup>8</sup> Status of Scheduled Tribes in Karnataka, Chapter 10, *Karnataka Human Development Report, 2005*

<sup>9</sup> The National Rehabilitation and Resettlement Policy, Ministry of Rural Development, Department of Land Resources, 31 October, 2007, para 7.21.

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

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

## **II. OBJECTIVES**

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

### **A. Identification of IP/TPs**

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

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

## B. Approach to Tribal People Plan (TPP) Preparation

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

24. Preparing a TPP is necessary when ADB-supported subprojects under KIUWMIP are screened as category A or B projects.<sup>10</sup> IP/TP category is determined by the project's impact on these people. The significance of a project's impact on TP is determined by the following assessment.

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

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

- (i) development plans for TP should be prepared considering best options and approaches that are in accordance with affected individuals and communities;
- (ii) scope and impact of adverse effects of the project are assessed, and appropriate mitigation measures designed;
- (iii) social and cultural context of affected TPs and their traditional skill and knowledge in natural resource management should be considered;
- (iv) regular consultation will be held with the TPs, including the women, to seek their informed participation in designing mitigation measures and project intervention at all stages of project preparation and implementation. To achieve this information sharing, disclosure meetings, workshops, and distribution of pamphlets in local language will be carried out;
- (v) in areas where working experience with TP is unknown, a pilot scale operation will be carried out and evaluated prior to full-scale implementation;
- (vi) community organizations, NGOs, and consultants experienced in executing TP development plans will be engaged to prepare TPP;

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

- (vii) responsible agency will formulate TPP implementation schedule, which will be periodically monitored by ULB officials as well as an independent/external monitoring agency; and
- (viii) responsible agency will also prepare a budget for TPP implementation and a financing plan to ensure smooth progress.

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

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

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

27. During initial visit, a screening exercise will be undertaken by the ULB using ADB's screening and categorization forms for IP/TP populations, with the help of TP community leaders. Concerned staff will refer the list of scheduled tribes for the Government of Karnataka and description of TPs based on ADB IP policy. The screening will be done based on the following:

- (i) presence and names of TP community groups in the area;
- (ii) cultural and religious distinction of the TP groups vis-à-vis other communities, and mainstreaming of the TP with the dominant population;
- (iii) laws and legislations related to TP groups;
- (iv) total number of TP community groups and percentage of TP population to total population in the area;
- (v) number and percentage of TP households likely to be affected by the subproject component; and
- (vi) initial assessment to also include level of vulnerability of the TP, such as being a (primitive) tribal groups (PTG) and existing socioeconomic conditions that may further deteriorate due to project impact. If such especially vulnerable groups among the TP community are identified within the project area, they warrant special measures for protecting their socio-cultural identity and baseline economic standard. While determining vulnerability of these TP groups, assessment will be made if there is any possibility of future impact due to the project.

28. Based on the IP/TP assessment checklist, the project would be categorized according to ADB policy.<sup>11</sup> If the assessment confirms likely impacts on TP, ULB will engage qualified and experienced experts to carry out a full social impact assessment (SIA) of the affected TP families and community.

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<sup>11</sup> As per the ADB's OM Section F1/OP March 2010 (para 10), screening process categorizes projects by the significance of their impacts on IPs. A proposed project is classified as category A if it is likely to have significant impacts on indigenous peoples. An indigenous peoples plan (IPP), including assessment of social impacts, is required. A proposed project is classified as category B if it is likely to have limited impacts on indigenous peoples. An IPP, including assessment of social impacts, is required. A proposed project is classified as category C if it is not expected to have impacts on indigenous peoples. No further action is required.

## B. Social Impact Assessment

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

30. Based on screening, a primary social impact assessment (SIA) field level survey will be conducted, either as part of a detailed project study report or as a stand-alone activity. The SIA will be conducted in consultation with the TP communities, with emphasis on a gender-sensitive approach, and will identify project-affected TPs, potential impact, and severity of impact with special reference to gender impact. The SIA will prepare a baseline socioeconomic profile of the TP 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 TP groups' social, cultural and economic status due to the project, assess which TP group will require TP principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected TP 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 TP groups.

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

- (i) Ancestral domains and related natural resources
  - As IP/TP 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 IP/TPs attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of IP/TPs who are displaced should take priority.
  - If the project requires acquisition of lands that are customarily owned, used, or occupied by IP/TPs, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower/client. This will need full recognition of the existing customary land tenure system of the IP/TPs and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the TPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.
- (ii) Consent of affected tribal's communities
  - IP may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of TP, physical displacement of TP, and commercial development of natural resources within customary land use. The borrower/client in such projects will seek the consent of the affected TP communities to proceed with the project.

For the purpose of policy application, consent of affected TPs through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities.

- After receiving community support/consent, the borrower/client will provide documentation detailing the process and outcomes of consultation with TP and TP 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 TPs/organizations. The borrower/client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project.
- (iii) Commercial development of cultural resources
- If the project involves commercial development of TP's cultural resources and knowledge, the borrower/client will ensure that the affected TP 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 TP's livelihood, environment, and use of such resources. The TPP will reflect the nature and content of the agreement and will include arrangements to ensure TPs receive an equitable share from such commercial development.
- (iv) Physical displacement of tribal people
- All possible alternate project designs will be explored to avoid physical displacement of TP that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an TPP will be prepared that could be combined with a resettlement plan.
- (v) Commercial development of natural resources
- If the project involves commercial development of natural resources, such as minerals, forest, water, hunting or fishing grounds within customary lands, the borrower/client will ensure that the affected communities are informed of (i) their rights to such resources under statutory and customary laws, (ii) the scope and nature of proposed commercial development and the parties involved in such development, and (iii) potential effects of such development on TP communities. The borrower/client will include in the TPP arrangements to enable TPs to receive an equitable share of the benefits to be derived from the project.

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

### **C. Mitigation Measures**

33. All affected tribal households will be provided with assistance, which would help them improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to special assistance<sup>12</sup> not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

34. Where land acquisition is essential, TPs are entitled to receive land-for-land compensation for the acquired land if government land is available. As TP, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the RF of the project. According to the RF, the TP, defined as scheduled tribes, will be treated as vulnerable persons/households. The RF is attached as an annex.

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

### **D. Project Monitoring**

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

### **E. Outline of Tribal People Plan (TPP)**

37. The substantive aspects of this outline will guide the preparation of TPPs. The TPP will contain the following chapters:

- (i) Executive Summary of the Indigenous People Plan - describes the critical facts, significant findings, and recommended actions.

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<sup>12</sup> Special assistance is an additional allowance to which IP are entitled, other than the decided compensation package. This may include assistance/support to preserve IP's cultural heritage, identity, and income-generating practices. The amount decided will depend on results of detailed surveys conducted as a part of the IPP.

- (ii) Description of the Project - provides a general description of the project; discusses project components and activities that may cause impacts on TP; and identifies project area.
- (iii) Social Impact Assessment - this section:
- reviews the legal and institutional framework applicable to TP in project context;
  - provides baseline information on the demographic, social, cultural, and political characteristics of the affected TP communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
  - identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with TP at each stage of project preparation and implementation;
  - based on meaningful consultation with the affected TP 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 TP communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
  - includes a gender-sensitive assessment of the affected TPs' perceptions about the project and its impact on their social, economic, and cultural status; and
  - based on meaningful consultation with the affected TP 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 TP receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation - this section:
- describes the information disclosure, consultation, and participation process with the affected TP communities that was carried out during project preparation;
  - summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
  - in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected TP communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
  - describes consultation and participation mechanisms to be used during implementation to ensure TP participation during implementation; and
  - confirms disclosure of the draft and final TPP to the affected TP communities.
- (v) Beneficial Measures - This section specifies the measures to ensure that the TP 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 TP, and where avoidance is impossible, specifies the measures to minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected TP group.

- (vii) Capacity Building - This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address TP issues in the project area; and (b) TP organizations in the project area, to enable them to represent the affected TP more effectively.
- (viii) Grievance Redress Mechanism - This section describes the procedures to redress grievances of affected TP communities. It also explains how the procedures are accessible to TP, 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 TPP. It also specifies arrangements for participation of affected TP in the preparation and validation of monitoring and evaluation reports.
- (x) Institutional Arrangement - This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the TPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the TPP.
- (xi) Budget and Financing - This section provides an itemized budget for all activities described in the TPP.

## **F. Grievance Redress Mechanism for TP**

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

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

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

41. Where TP communities or their representatives are educated and literate in the local language of the mainstream, they will be informed about multiple means of registering

grievances and complaints: by dropping grievance forms in complaint/suggestion boxes at accessible locations, or through telephone hotlines, email, post, or writing in a complaint registrar book in the ULB's project office. There will also be a complaint registrar book and complaint boxes at the construction site office to allow a quick response to their grievances/complaints on urgent matters. The name, address, and contact details of the persons, with details of the complaint/grievance, location of problem area, and date of receipt of complaint will be documented. One special officer on tribal affairs will be recruited to register and sort out grievances and complaints of the TP community, and who will assist RPMU's social development/resettlement officer for registration of grievances and communication with the aggrieved TP community for timely resolution of the issues. A draft PID, which will include contact numbers of the respective ULB offices responsible for the implementation of KIUWMIP, is annexed, and is to be distributed to all affected TP communities and individuals. (Annex 4)

### **1. Grievance Redress Process**

42. There will be several tiers for grievance redress. For urgent matters that need immediate attention, supervision consultants and contractors will provide easily accessible contact details for speedy resolution. The name, designation, and contact number of personnel responsible for grievance redress—that is, the social development/safeguard/resettlement officer, special officer on tribal affairs, and the key person of the implementing NGO—will be posted in the contractor's and DSC's site office in full view of the public. If possible, this will be translated into tribal language, if any written form exists, or in a language understandable to the TP. Simple grievances and those needing immediate redress will be resolved onsite by the contractor and the design supervision consultant (PMDSC) engineer. If the grievance is not addressed in 7 days, the aggrieved persons will approach the social/resettlement officer at the ULB/PIU. During all these activities, the implementing NGO will maintain liaison and assist the aggrieved TPs/communities. Grievances of an immediate and urgent nature should be resolved at ULB/PIU level within 15 days of registration of grievances, either verbally or in written form.

43. All grievances that cannot be resolved by the ULB/PIU within 15 days will be jointly reviewed by the RPMU social safeguards officer and the special officer on tribal affairs, who will try to resolve them within 15 working days of grievance registration, with the assistance of the implementing NGO and other concerned stakeholders at ULB level. If necessary, a joint field visit should be made by the RPMU social safeguards officer and special officer on tribal affairs, the local NGO at ULB level, and the site engineers from the contractor's and DSC's office to verify justification and nature of the grievances, and seek mitigation measures to resolve the grievance, with consultation with the TPs, community, and representatives.

44. The RPMU will forward major grievances that cannot be resolved at RPMU/PIU/ULB level to the grievance redress committee (GRC) set up at district level for project-specific issues. For addressing issues related to the TP community, one expert member will be inducted into the committee who will provide best judgment and advice to resolve issues of the TPs. The GRC will try to resolve the issues within 30 days. All documents related to grievances and follow-up action taken to resolve them, along with an explanatory note on the nature, seriousness, and time taken for grievance redress, shall be prepared by the RPMU social safeguard officer and special officer on tribal affairs and circulated to GRC members at least 1 week prior to the scheduled meeting. The decision taken at the GRC level will be communicated to the TPs/community by the RPMU through PIU/ULB and the implementing NGO. For any issues that remain unresolved by the GRC or SC, or if the decision made at such meetings is not acceptable, the TPs/community can approach the Court of Law.

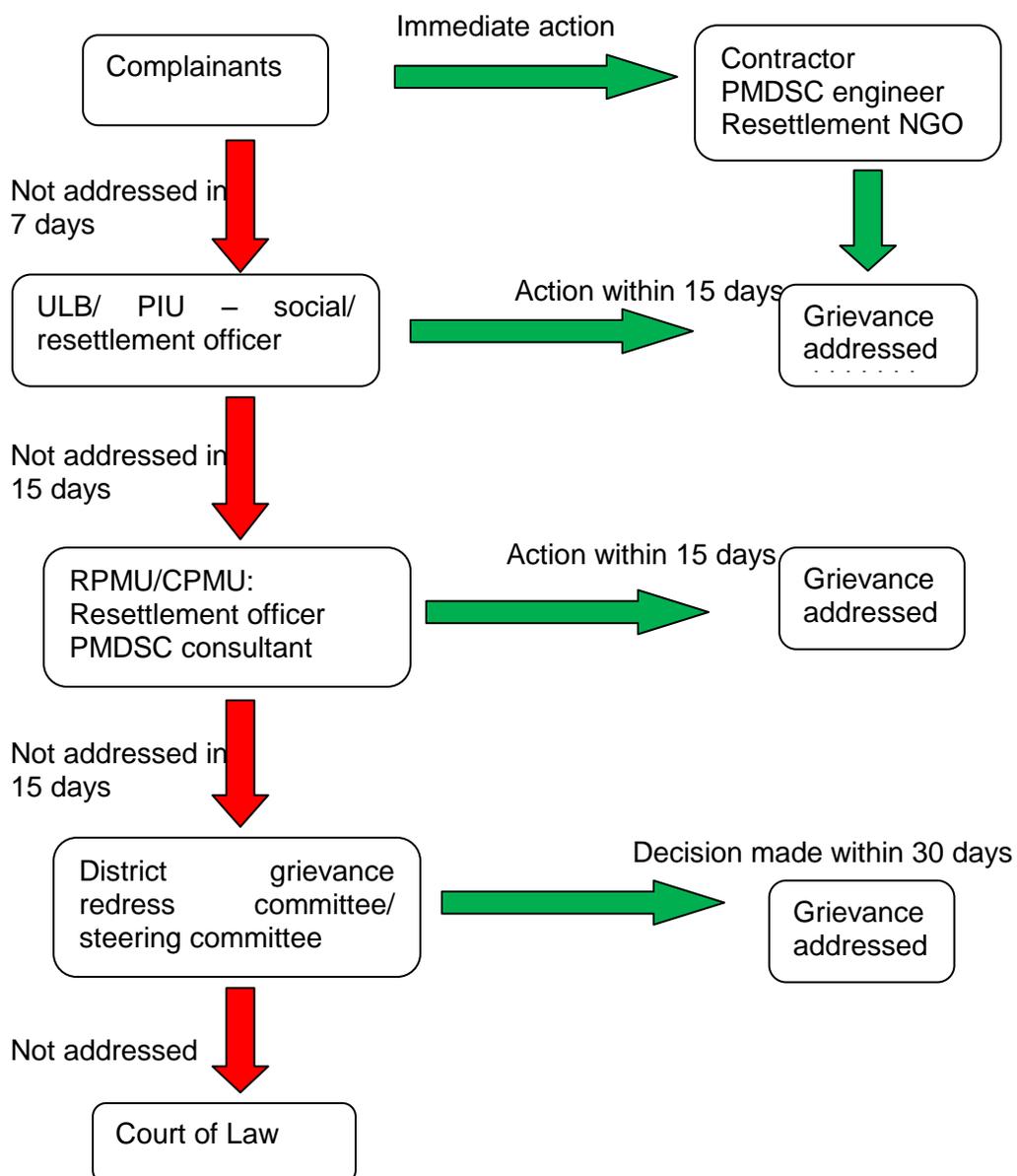
## **2. GRC/SC composition and selection of members**

45. The GRC/SC for the project will be headed by the deputy commissioner (DC) of the district with members as follow: (i) ULB commissioners of project towns, (ii) revenue department (registrar) official, (iii) RPMU social safeguard officer/special officer on tribal affairs, and (iv) ULB officer who will convene the periodic meeting of the GRC and shoulder responsibility of keeping records of grievances/complaints in detail, with help from the resettlement NGO. Other members, such as NGO/CBO representatives, ward council representatives, and TPs' representatives will be selected by the ULB commissioner to represent them in the GRC/SC meeting. The NGO should also deploy one person in the team who will be responsible for coordinating with all GRC members and the DPs for grievance redress.

## **3. ADB Accountability Mechanism**

46. In the event that the established GRM is not in a position to resolve the issue, the TP, as affected person, can also use the ADB Accountability Mechanism (AM) by directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the project information disclosure (PID) to be distributed to the affected communities, as part of the project GRM.

**Figure 1: Grievance Redress Process**



#### **IV. STRATEGY FOR TRIBAL PEOPLE'S PARTICIPATION**

47. Consultations and information disclosure are an integral part of TPP preparation in order to ensure that the priorities, preferences, and needs of the tribal groups have been taken into consideration adequately. With that objective in view, a strategy for consultation with tribal communities and their leaders will be developed so that these are conducted in a participatory manner. The ULB and RPMU representatives will be part of evolving that strategy and consultation process.

48. The affected TPs will be actively engaged in all stages of the project cycle, including project preparation, and feedback of consultations with the TPs will be reflected in the project design, followed by disclosure. Their participation in project planning will inform project design, and the TPs should be convinced of their benefits from the project. The TPP prepared will be translated into the local language of the TPs and made available to them before implementation by the ULB, with assistance from NGO. The NGO appointed for community development and participation activities will implement the TPP.

49. Local CBOs/tribal community representatives will be involved in TPP implementation and resolving all issues related to the TPP through consultation and facilitation by the implementing NGO. The EA/RPMU will ensure adequate flow of funds for consultation and facilitation of planned activities within TPP.

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

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

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

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

53. In addition, the affected TPs 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 TP community living in the project impact zone will prepare the mitigation action plan to address the adverse issues, with support from District Tribal Welfare Office (DTWO)/District Social Welfare Office (DSWO) officials, ULB officials, and design and supervision consultants (PMDSC) to give shape to their

plan of action.

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

## **VI. INSTITUTIONAL ARRANGEMENTS**

### **A. Existing Institutional Structure**

55. **National level:** The Ministry of Tribal Affairs was constituted in October 1999 by bifurcating the Ministry of Social Justice and Empowerment with the objective of more focused attention on integrated socioeconomic development of scheduled tribes (STs) in a coordinated and planned manner. The Ministry of Tribal Affairs is the nodal ministry for overall policy, planning, and coordination of development programs for scheduled tribes. Apart from this, the National Commission for Scheduled Castes and Scheduled Tribes issues directions on the drawing up and execution of schemes essential for the welfare of scheduled tribes.

56. **State level:** The Government of Karnataka’s Department of Social Welfare has managed all matters related to SC and ST development in the state since 1956. IN 1998, the Department of Tribal Welfare was created and separated from the Directorate of Scheduled Castes and Scheduled Tribes at state level, and each headed by separate Directors. The Department of Tribal Welfare provides social justice and economic upliftment to the tribes. Apart from this, the Karnataka Scheduled Castes and Scheduled Tribes Development Corporation Limited has worked exclusively for the economic development of SCs and STs since 1975.

57. Apart from these national and state-level institutions that cater to the fulfillment of needs of the indigenous people, the RPMU in charge of executing various external aided projects does not have any officer or personnel specially trained in handling issues related to TP. It is advisable to provide a special course to train them in understanding tribal issues, customary rights, and laws protecting their rights and cultural heritage, particularly natural resource management. There should be dedicated persons at the RPMU and ULB levels who will be responsible for handling project-related TP issues, and they will be given special capacity development training for the benefit of the project. The implementing NGO should preferably appoint one local person having knowledge of the TP community, their socioeconomic and cultural background, and their customary rights over land, forest, water, wildlife, and other natural resources. However, if such person is not available for inclusion in the team, one dedicated person should be trained in these matters to implement TP-related project components and resolve issues concerning the TP.

### **B. Institutional Arrangements for Preparing and Implementing TPPs**

58. No negative impacts on TPs are envisaged in the Project 1 subprojects under KIUWMIP. The ULBs will be the responsible body for implementing the TPP, if required, and they will recruit a full-time qualified resource person experienced in similar work. The resettlement officer (RO) appointed for RP implementation activities will also be involved in TPP preparation and implementation activities. The designated staff of the ULB will coordinate with the district social

welfare officer (DSWO)/district tribal welfare officer (DTWO) under the Department of Tribal Welfare during implementation of all TPP activities. District revenue officials will provide necessary help and guidance in conducting preliminary TP screening, which will be the primary task of designated staff of ULBs. Based on this screening, ULBs will finalize design of the subproject component sites and alignment, wherever necessary.

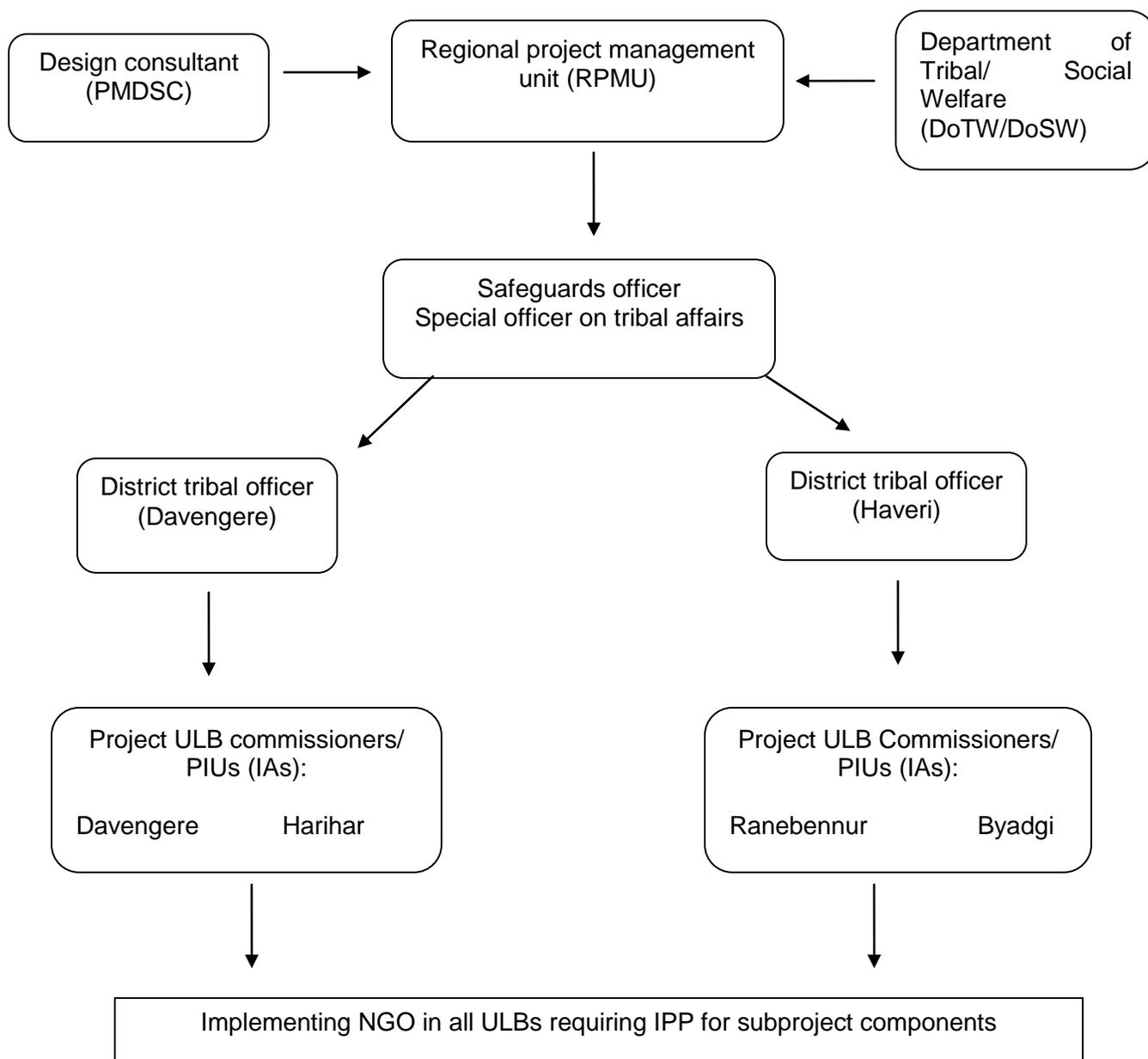
59. Based on preliminary screening results, the RPMU will recommend social impact assessment (SIA). The project's design consultants (PMDSC) appointed by RPMU will undertake SIA to evaluate requirements for the TPP under the project. Designated staff from the ULB will monitor the SIA survey, while the DTWO/DSWO will provide required help to the PMDSC during SIA. The report will be submitted to RPMU. The safeguards officer at RPMU office will recommend if an TPP is required based on project impacts.

60. If an TPP is recommended, the DC, appointed by the RPMU, will prepare the TPP in consultation with the designated ULB staff and the DSWO/DTWO. In all these activities, the state's existing administrative set-up for tribal affairs, namely the Department of Tribal Welfare and Department of Social Welfare, will be consulted, and an orientation on a participatory approach will be provided by the responsible officers of these departments.

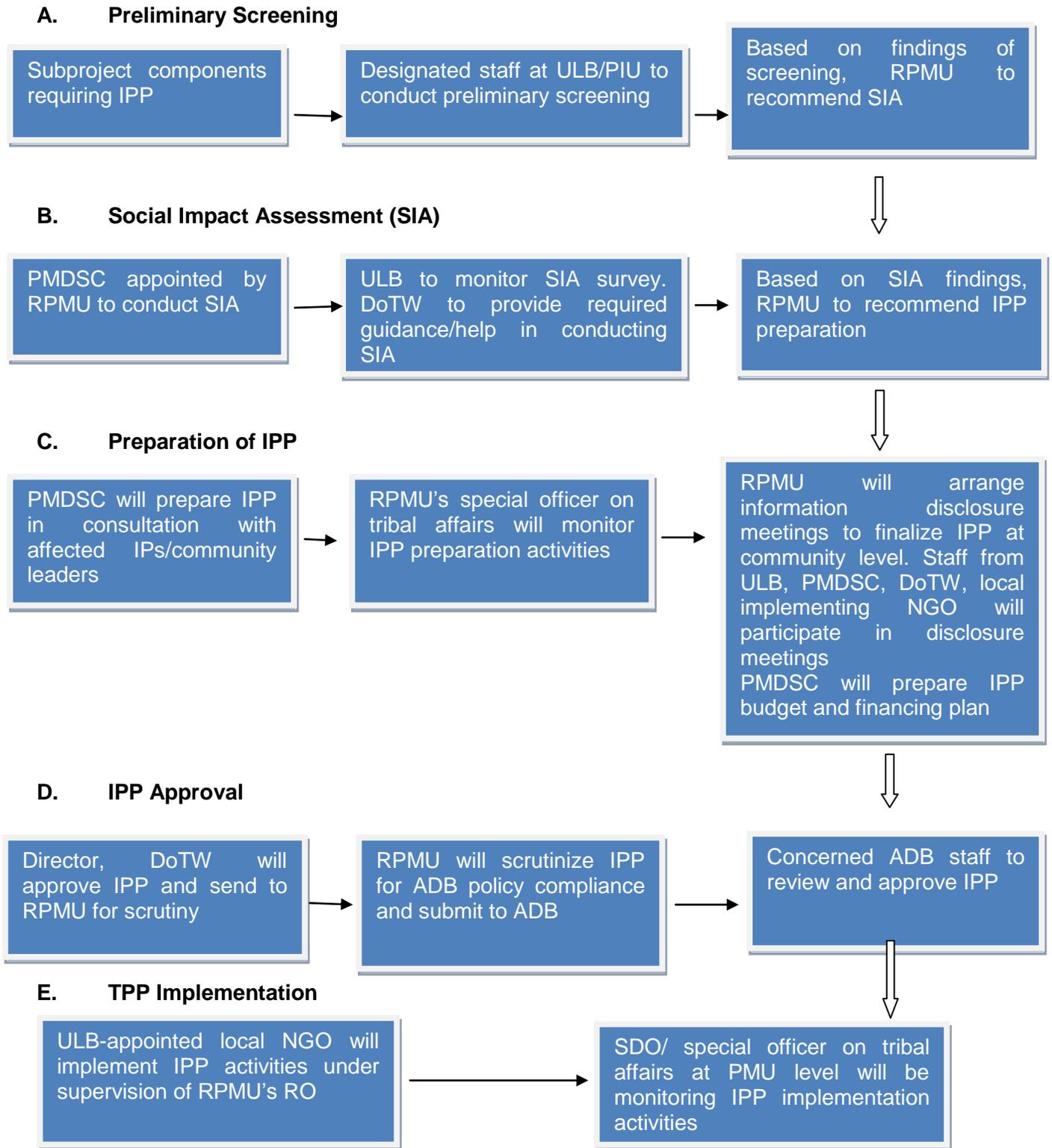
61. The draft TPP will be approved by the Department of Tribal Welfare, which will scrutinize whether all provisions have been made in accordance with the existing laws pertaining to protection of the interest and welfare of tribal communities. The RPMU will scrutinize the draft TPP for compliance with ADB guidelines and SPS policy, and send it to ADB for approval. ADB will review and approve the TPP after incorporation of observations, if any, by the ULBs for TPP implementation. After the final approval from ADB, RPMU will authorize the ULB to undertake TPP implementation.

62. The ULBs will be directly responsible for implementation of TPP for each subproject component. An NGO appointed by the RPMU, with funds from KUIDFC (CPMU), will facilitate TPP action plan implementation. For fund flow from CPMU to the concerned ULBs, the RPMU will be dependent on the Department of Tribal Welfare. The community development officer (CDO) at the RPMU will monitor TPP implementation periodically along with an independent agency (apex NGO) appointed by the RPMU. Annex 1 gives the institutional roles and responsibilities for preparation and implementation of the TPP. Diagrams in Figures 2 and 3 show the flow of activities for TPP implementation.

**Figure 2: TPP Implementation Arrangements**



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



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

63. The CPMU, the EA of KIUWMIP, will provide each ULB with sufficient resources to prepare and implement the TPP if the subproject component will have any impact on indigenous communities. The activities of the TPP will be implemented by the ULB, with assistance from local NGOs/CBOs, and will be monitored by the community development officer at district level or the resettlement officer at ULB level. A detailed budget will be prepared by the RPMU through the design consultant (PMDSC), considering all the activities associated with formulation and implementation of TPPs. Such budgets will be an integral component of the project cost, and will be made available during project implementation.

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

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

### **A. Internal and External Monitoring**

65. The CDO at the RPMU, with the help of the implementing NGO at the ULB level, will carry out regular monthly internal monitoring. The ULB will submit monthly progress reports to RPMU and to ADB through the CPMU. The NGO will be thoroughly briefed and oriented on ADB's SPS 2009. For projects with significant adverse impacts on TP, the ULB will engage qualified and experienced external experts or NGOs to verify monitoring information. The external monitor engaged by the borrower/client (EA) will advise on ADB compliance issues. If any significant TP issues are found, the borrower/client will prepare a corrective action plan or prepare an updated TPP under the guidance of the DoTW/DoSW. The ULB will implement the corrective actions and follow up on these to ensure their effectiveness. The ULB, with support from the implementing NGO, will prepare periodic monitoring reports to the RPMU safeguards specialist on the progress of TPP implementation, highlighting compliance issues and corrective actions, if any. The costs of monitoring requirements will be reflected in project budgets.

66. Projects with TP impact of category A will need external monitoring. The TPP will include the following monitoring indicators, if required:

- (i) community's perception on project benefits, adverse impact, and proposed mitigation measures;
- (ii) information on plan preparation, implementation process, and time taken at each stage;
- (iii) visits to sites to observe physical progress of plans;
- (iv) socioeconomic status of the community through sample survey of the targeted TP families at pre- and post-project levels;
- (v) degree and frequency of participation of TP communities, and effectiveness of such participation;

- (vi) usefulness and utilization of training imparted;
- (vii) utilization of funds;
- (viii) interaction between implementing NGO, the ULBs and the TP community; and
- (ix) improvement in socioeconomic status of the affected indigenous families.

The KIUWMIP does not envisage any significant impact on TP. Any subproject with significant adverse impacts on TP should be avoided for financing under the investment program.

## **B. Reporting**

67. The semiannual safeguards monitoring report prepared by the RPMU should include the implementation of the TPP or specific action plan of the identified TP. The external agency, as required, will submit biannual monitoring reports to the ADB. Broadly, monitoring and evaluation systems will involve:

- (i) administrative monitoring: daily planning, implementation, troubleshooting, feedback, individual village file maintenance, and progress reports;
- (ii) Socioeconomic monitoring: case studies, using baseline information for comparing te socioeconomic conditions, morbidity and mortality, communal harmony, dates for consultations, employment opportunities, etc.; and
- (iii) impact evaluation monitoring: improved living standards; access to natural resources; better bargaining power in the society; etc.

68. Reporting and monitoring formats will be prepared by the monitoring experts for effective internal and external monitoring. The reports will be submitted to ADB for review and comments. Each TPP monitoring report will be submitted by EA to ADB for review and disclosure on the ADB website. Particularly, if land acquisition issues and packages for payment of compensation are involved, the monitoring reports will consist of details of the payment, and whether these are in conjunction with the project's civil work implementation.

**ANNEX 1: TRIBAL POPULATION IN KARNATAKA PER DISTRICT (2001)**

Sl. No.	District	Total Population	Total ST Population	% of ST Population in the District	% of ST Population to the State ST Population
1	Raichur	1,669,762	303,042	18.15%	8.75%
2	Bellary	2,027,140	364,638	17.99%	10.53%
3	Bidar	1,502,373	182,219	12.13%	5.26%
4	Davengere	1,790,952	209,701	11.71%	6.05%
5	Koppal	1,196,089	138,588	11.59%	4.00%
6	Chamarajanagar	965,462	106,111	10.99%	3.06%
7	Haveri	1,439,116	127,163	8.84%	3.67%
8	Belgaum	4,214,505	243,451	5.78%	7.03%
9	Gadag	971,835	54,410	5.60%	1.57%
10	Gulbarga	3,130,922	154,195	4.92%	4.45%
11	Bagalkot	1,651,892	80,181	4.85%	2.31%
12	Dharwad	1,604,253	70,442	4.39%	2.03%
13	Bijapur	1,806,918	30,051	1.66%	0.87%
14	Chitradurga	1,517,896	266,235	17.54%	7.69%
15	Mysore	2,641,027	271,351	10.27%	7.83%
16	Kodagu	548,561	46,115	8.41%	1.33%
17	Kolar	2,536,069	205,711	8.11%	5.94%
18	Tumkur	2,584,711	193,819	7.50%	5.60%
19	Udupi	1,112,243	41,613	3.74%	1.20%
20	Chikmagalur	1,140,905	41,019	3.60%	1.18%
21	Shimoga	1,642,545	55,997	3.41%	1.62%
22	Dakshina Kannada	1,897,730	62,936	3.32%	1.82%
23	Bangalore Rural	1,881,514	61,555	3.27%	1.78%
24	Uttara Kannada	1,353,644	23,781	1.76%	0.69%
25	Hassan	1,721,669	26,451	1.54%	0.76%
26	Bangalore	6,537,124	86,018	1.32%	2.48%
27	Mandya	1,763,705	17,193	0.97%	0.50%
<b>Total for Karnataka</b>		<b>52,850,562</b>	<b>3,463,986</b>	<b>6.55%</b>	<b>100.00%</b>

**ANNEX 2: LIST OF SCHEDULED TRIBES IN KARNATAKA<sup>1</sup>**

1. Adiyani
2. Barda
3. Bavacha, Bamcha
4. Bhil, Bhil Garasia, Sholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvil Bhil, Bhagaliala, Bhilala, Pawra, Vasava, Vasave
5. Chenchu, Chenchwar
6. Chodhara
7. Dubla, Talavia, Halpati
8. Gamit, Gamta, Gavit, Mavchi, Padvi, Valvi
9. Goud, Naikpod, Rajgond
10. Gowdalu
11. Hakkipikki
12. Hasalaru
13. Irular
14. Iruliga
15. Jenu Kuruba
16. Kadu Kuruba
17. Kammara (in South Kanadda district and Kollegal Taluk of Mysore district)
18. Kanivan, Kanyan (in Kollegal Taluk of Mysore district)
19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
20. Kattunayakan
21. Kokna, Kokni, Kukna
22. Koli Dhor, Tokre Koli, Kolcha, Kolgha
23. Konda Kapus
24. Koraga
25. Kota
26. Koya, Bhine Koya, Rajkoya
27. Kudiyam Melekudi
28. Kuruba (in Coorg district)
29. Kurumans
30. Maha Malasar
31. Malaikudi
32. Malasar
33. Malayekandi
34. Maleru
35. Maratha (in Coorg district)
36. Marati (in South Kanadda district)
37. Meda
38. Naikda, Nayaka, Chollivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka, Naik Nayak, Beda, Bedar, Valmiki
39. Palliyan
40. Paniyan
41. Pardhi, Advichincher, Phase Pardhi
42. Patelia
43. Rathawa

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<sup>1</sup> Constitution of India, under Article 342, has the right to remove any tribe from the above list, and also has the right to add new tribes after detailed surveys conducted with the help of state tribal departments. It is recommended that PMU and concerned ULBs refer to the updated list of statewide scheduled tribes while implementing the IPP.

44. Sholaga
45. Soligaru
46. Toda
47. Varli
48. Vitolia, Kotwalia, Barodia
49. Yerava
50. Siddies

**ANNEX 3: ROLES AND RESPONSIBILITIES OF AGENCIES/ GOVERNMENT DEPARTMENTS FOR TPP PREPARATION AND IMPLEMENTATION**

Sl. No	Activities	Urban Local Body (ULB)	CPMU (KUIDFC)	Design Consultants	NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ TP Community
1	Finalization of sites/alignment for components: water supply and wastewater	To identify and finalize sites/alignment for subproject	Will appoint design consultants (PMDSC) for design and implementation of subprojects	Will provide technical help to ULB in finalizing sites/alignments	-	-	-	-
2	Preliminary screening Collection of required information, analysis of data	Will appoint a full-time resource person to supervise, participate in TPP activities, and will perform preliminary screening	-	-	-	DTWO/ DSWO will provide necessary help/guidance to designated staff of ULB	-	TP community and their leaders will cooperate and actively participate in preliminary screening exercise
	Preparation of screening report	Designated staff (appointed resource person) will prepare screening report for review by RPMU	-	-	-	-	-	-
	SIA recommendation	-	Based on screening report and in accordance with ADB policy, RPMU will recommend SIA	-	-	-	-	-

Sl. No	Activities	Urban Local Body (ULB)	CPMU (KUIDFC)	Design Consultants	NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ TP Community
3	SIA preparation i) Collection and analysis of required socioeconomic data	Designated staff of ULB will monitor SIA study/ analysis	-	DC engaged by RPMU will conduct SIA	-	DTWO/DSWO will extend necessary guidance and help	-	TPs will cooperate and provide adequate and correct information to the study team/ULB officials
	ii) Preparation of SIA	-	-	DC to prepare report and submit to RPMU	-	-	-	-
	iii) Recommendation for TPP preparation	-	Based on SIA report and in agreement with ADB policy, RPMU will recommend preparation of TPP	-	-	-	-	-
4	Preparation of TPP Devising mitigation measures and action plan development	Designated staff will monitor TPP preparation and provide necessary help and inputs	-	DC will prepare TPP in consultation with affected TPs/ community leaders	-	DTWO/DSWO will actively participate in TPP preparation and will help DC by interpreting, explaining, and elaborating on ideas suggested by TPs/community	-	Affected TPs/ TP community leaders, CBOs will actively participate in preparing TPP activities, mitigation measures of adverse impact, and development of action plan

Sl. No	Activities	Urban Local Body (ULB)	CPMU (KUIDFC)	Design Consultants	NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ TP Community
	Disclosure of TPP	Designated staff will participate in disclosure meetings to finalize TPP at community level	RPMU staff (SDO/ special officer) will participate in information disclosure meetings to finalize TPP	DC will conduct TPP information and disclosure meetings and clarify any points/measures	Local NGO will be invited to attend disclosure meeting	DTWO/DSWO will participate in disclosure meeting to finalize TPP at community level	-	Affected TPs/TP leaders will participate in approval of TPP
4	Preparation of budget and financing plan	Designated staff will provide required help to prepare financing plan and budget allocation	-	DC will prepare TPP budget and financing plan	-	-	-	-
	TPP approval from DoTW	-	-	-	-	Director, Department of Tribal Welfare will approve TPP and forward it to RPMU	-	-
	TPP approval from ADB	-	RPMU will scrutinize the TPP for ADB compliance and submit it to ADB as draft TPP	As per ADB's comments/ observations, DC will revise and finalize the final TPP and budget	-	-	ADB will review the draft TPP and approve final TPP	-

Sl. No	Activities	Urban Local Body (ULB)	CPMU (KUIDFC)	Design Consultants	NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ TP Community
5	TPP implementation	ULB will appoint local NGO for TPP implementation	SDO/special officer at RPMU level will monitor TPP implementation periodically, along with an Independent agency appointed by RPMU for external monitoring	-	NGO, appointed by ULB, will carry out TPP activities under supervision of RO at district level. Apex NGO appointed for RP implementation will also monitor TPP activities by local NGO	-	-	An independent agency will be engaged for monitoring and supervising TPP activities and prepare biannual report to CPMU/ADB

## ANNEX 4

### DRAFT PAMPHLET ON PROJECT INFORMATION DISCLOSURE (PID) FOR TPPF

#### Program Background

KIUWMIP is an ADB-financed program on the improvement of sustainable urban service of water supply and sanitation (UWSS) for selected towns/ULBs of Karnataka. The towns suffer from irregular and insufficient urban service in the state. The towns were selected based on the IWRM principle and manageability of program implementation through the PPP model. Selection of the towns was made in consultation with the project proponent, KUIDFC, and subject towns through a series of stakeholder consultations.

#### Project Description and Component

The urban local bodies (ULBs) of Project 1 towns are the statutory entities responsible for providing water and wastewater service to the people. However, the ULBs suffer from a resource crisis, without capacity or capability to operate and maintain these civic infrastructure systems. At present there is no wastewater treatment facility, the water supply system needs renovation, and the water treatment facility needs augmentation. The table below depicts WSS components to be undertaken.

#### Project Components

Sl. No.	Subproject	Component	Remarks
1	Byadgi TMC	Water supply: one service reservoir (SR), water supply distribution network of 6 km trunk main and 12 km distribution network	Proposed SR to be built on government/ULB land. Improvement of water supply pipelines along existing road's RoW.
	Byadgi TMC	Wastewater: sewage treatment plant (STP) and pumping station (PS); sewer network for 50 km	Land to be acquired: 5.79 has. PS to be located within STP premise. Sewers to be laid in the middle of roads/pathways.
	Byadgi TMC	Community toilet: approx. 225.4 m <sup>2</sup> of land will be needed for construction of community toilets in 8 slum areas for 950 HH	As per ULB's verbal statement, land is available; however, details of land not provided. Community toilets will have to be built on government/ULB land
2	Harihar	Water supply: SR in three locations; distribution network along 74 km	Replacement of pipelines proposed along existing RoW of road. Temporary impact envisaged. 2 SRs to be built on government/ULB land and one to be installed on land donated by one housing cooperative society.
	Harihar	Wastewater treatment: two locations for PS required, one to be built on APMC yard, government land, and to be transferred in ULB's name. For other location, land is yet to be identified.	One PS to be built on government/ULB land. Land for the other PS not yet identified, and LA needs to be initiated.
	Harihar	Community toilet: approx. 198.4 m <sup>2</sup> of land will be needed for construction of community toilet in 5 slum areas for 927 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet.
3	Ranebennur	Water supply: three SRs to be	All construction on government/

Sl. No.	Subproject	Component	Remarks
		constructed on existing locations/ULB land,10 km long trunk main and 110 km distribution network proposed	ULB land/park.
	Ranebennur	Wastewater: 50km sewer network will be laid	No new sewage treatment proposed
	Ranebennur	Community toilet: approx. 345 m <sup>2</sup> of land will be needed for construction of community toilet in 12 slum/non-poor areas for 1,500 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet.
4	Davengere	Water supply: Replacement/rehabilitation of distribution pipelines, SR proposed for 11 locations	All improvement of pipelines along RoW of roads. No land acquisition involved. Temporary impact likely in densely populated market locations
		Wastewater facility: one STP and PS for SD 3. About 300 km sewer network to be prepared	Land to be acquired for STP – 3.3 ha. No temporary impact for sewer network
	Davengere	Community toilet: approx. 202 m <sup>2</sup> of land will be needed for construction of community toilet in 9 slum /poor HH areas for 843 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet. Government of Karnataka's development fund will be used partly for construction of toilet for SC/ST.

### Indigenous Peoples' Impact

An initial social and involuntary resettlement impact study was undertaken to assess any impact of the proposed projects on indigenous people. The social and poverty assessment study undertaken by the social development consultant did not project any impact on TP, and no TP was found to be affected due to project implementation. If at all, there will be a positive impact of better health and hygiene due to project intervention, which proposes improved water supply and sanitation for the slum/poor households.

During a census and social survey conducted to identify potential involuntary resettlement impacts, no TP was found to be affected either permanently or temporarily enough to cause physical or economic displacement due to loss of land, property, or livelihood. No cultural heritage sites perceived to be of indigenous origin or protected, used, or occupied by the TP was also noticed. Thus, the proposed projects will not have any adverse impact on TP or their property, cultural systems, ties, or use of natural resources.

### Policy and Principle of TPPF implementation

While preparing the TPP and implementing planned activities, the Constitution of India's Acts, the Karnataka Land Reforms (KLR) Act, 1964, the Karnataka Scheduled Caste and Scheduled Tribe (Prohibition of Transfer of Certain Lands–PTCL) Act, 1978, the Prevention of Atrocities Act, 1989, and ADB's Safeguard Policy Statement (2009) will be followed. The National Resettlement and Rehabilitation Policy (dated 31 October 2007) prepared by the Ministry of Rural Development, Government of India, will also provide guidance in preparing the TP plan, if necessary. NRRP, 2007 provides guidelines for mitigating impacts due to involuntary resettlement of the scheduled tribes who would face displacement due to land acquisition for public purpose.

**Entitlement**

All TPs who stand to lose land, assets, structures, and livelihood will be compensated, whether they have individual ownership title or not. Compensation for land will be based on the option of land for equal productive land, to be identified by the PIU and within close proximity, if possible. If such land is not available, cash compensation at replacement value or open market value of land will be paid. Landowners or land users who occupy or use land as customary right will also be treated as titleholders. Crop compensation will be paid for the standing crops at the highest market rate for 2 years, in addition to subsistence allowance for a period of 3 months at a minimum daily wage rate as decided by the Government of Karnataka. Loss of perennial trees will be paid in accordance with their product value at market rate for the remaining productive years. Aside from this, cash assistance for the purchase of equipment/tools as income restoration measures will be given, or skill development training opportunities provided as per the choice of affected TPs. The hawkers/vendors suffering temporary loss of income during the construction period will be paid subsistence allowances at the rate of highest daily income for the number of lost days/weeks, and a lump sum shifting assistance.

**Institutional Arrangement**

The ULBs will be the PIU responsible for implementation of the RP and TPP. KUIDFC will act as the RPMU, and will have a special officer on tribal affairs, apart from the social safeguard/development officer, to guide ULBs and monitor TPP activities. ULBs will engage a resettlement officer for RP implementation who will also help in preparing the TPP, implement TPP activities, and monitor the TPP internally. One NGO will be employed at ULB level to assist the RO and implement all TPP activities, as well as carry on consultation with the affected TPs. The NGO will also designate one staff for regular monitoring of TPP activities. For the purpose of best management, one NGO will be employed for Davengere and Harihar and another for Byadgi and Ranebennur. For computation and disbursement of LA compensation and resettlement assistance, a district level resettlement committee (DLRC) will be set up.

**Grievance Redress Mechanism**

To resolve all project-related grievances and complaints, a common social and environmental grievance redress mechanism will be in place. All common and simple grievances will be addressed by the RO and NGO at ULB level at project site within 7 days. If this grievance is unaddressed, the district level GRC will address serious and major issues of the TP, if any, with the help of the special officer on tribal affairs posted at the RPMU. These issues will be resolved within a period of 1 month. The complaints and grievances which could not be addressed by the grievance redress committee (GRC) will be sent to the program level steering committee (SC) to be resolved. One respected person representing the TP will be inducted into the steering committee. If the TPs are not satisfied with the SC's decision, they can approach Court of Law of the state.

### ANNEX 5: ENTITLEMENT MATRIX<sup>a</sup>

Sl. No.	Type of Loss	Type of Impact	Type of Displaced Tribal People (TP)	Compensation Entitlement
1	Land (residential/ agricultural)	Permanent	Owners with legal title/customary rights/occupancy rights of land to be identified during detailed survey	<ol style="list-style-type: none"> <li>1. Compensation for entire or part of land by means of land for land of equal or more productive value. PIU should find alternate plot of equal productive value within close vicinity.</li> <li>2. Cash compensation at replacement value or open market value of land, if equal productive land for land lost is not available.</li> <li>3. Subsistence cash allowance based on minimum wage rate of Rs 157.34 per head per day: (a) for a period of 6 months if residual land is unviable; (b) for a period of 3 months if residual land is viable.</li> <li>4. Rehabilitation assistance for tenants categorized as vulnerable (female/disabled household heads, indigenous persons, BPL<sup>b</sup> HH) in form of cash assistance to purchase income generating equipment/acquire skill training of their choice, subject to a limit of Rs 40,000.<sup>c</sup></li> <li>5. All fees, taxes, and other charges (registration, etc.) incurred for replacement land will be borne by the project.</li> </ol>
1.a		Permanent	TP as tenants, leaseholders, and sharecroppers	<ol style="list-style-type: none"> <li>1. Cash assistance based on 3 months' income from land</li> <li>2. Reimbursement for unexpired lease in case of leaseholders, even if lease is in informal/verbal form</li> <li>3. Assistance to find new land/place for leaseholder</li> <li>4. Rehabilitation assistance for tenants categorized as vulnerable (female/disabled household heads, indigenous persons, and BPL<sup>d</sup> HH) in form of cash assistance to purchase income generating equipment/acquire skill training of their choice, subject to a limit of Rs 40,000.<sup>e</sup></li> </ol> <p>This provision includes the tenants of the negotiated land settlement.</p>
1.b		Permanent	TP as encroachers: titled or nontitled land users who have extended their activities illegally into government lands	<ol style="list-style-type: none"> <li>1. Cash assistance to purchase income generating tools/equipment or , skill development training of their choice, subject to a limit of Rs 40,000</li> <li>2. Priority to be employed during construction, if so desired</li> </ol>
1.c	Commercial/industrial, residential, agricultural land	Temporary	TP as landowner/occupant/ customary land users	<ol style="list-style-type: none"> <li>1. Rental value during period of temporary occupation/loss of access to land</li> <li>2. Compensation for lost income for number of days/weeks/ months during temporary occupation</li> </ol>
2	Structures (residential/ commercial, such as houses, shops, barns, garages, outhouse) and other fixed assets (pumps, wells, fences, etc.)	Permanent	IP as owners of structures to be affected by the project (with or without legal status to the land, including squatters/ encroachers)	<ol style="list-style-type: none"> <li>1. Replacement value of structure to be calculated at Basic Schedule of Rates plus cost of labor. Depreciation value should not be deducted.</li> <li>2. Where loss of structure is partial and the remaining portion is not viable for use anymore, compensation should be for whole structure; otherwise, compensation will be for affected structure only</li> <li>3. Free transport facility or shifting assistance of Rs 3,000 (one-time payment).</li> <li>4. Registration cost and taxes associated with new house, if any, will be borne by the project.</li> </ol>

Sl. No.	Type of Loss	Type of Impact	Type of Displaced Tribal People (TP)	Compensation Entitlement
				5. Right to salvage material from existing structure 6. Subsistence allowance in cash @ Rs 157.34 per day (for 3 months) based on minimum wage rates <sup>f</sup> for all TPs
2.a		Permanent	TP as leaseholders occupying/using affected structures	1. Reimbursement of unexpired lease 2. Free transport facility or shifting assistance of Rs 3,000 (one-time payment) 3. Subsistence allowance @ Rs 157.34 per day (for 3 months) based on minimum wage rates for all TPs 4. Replacement value of assets created/built by lessee at Basic Schedule of Rates and cost of labor 5. Right to salvage material from structure built by lessee 6. Rehabilitation assistance in cash to purchase income-generating equipment/tools or getting training of their choice, subject to a limit of Rs 40,000
3.a	Loss of access to the commercial structure within the subproject area	Permanent	TP as tenants/leaseholders occupying/using affected structures	1. For tenants, 3 months' rental assistance to be provided based on rental value which TP is currently paying, or at current market rate for rental, whichever is higher 2. For leaseholder, reimbursement of unexpired lease 3. Subsistence allowance for 3 months based on minimum wage rates of Rs 157.34 for vulnerable households 4. Cash assistance for purchase of income-generating equipment/skill training if they so desire, subject to a limit of Rs. 40,000 5. Free transport facility or shifting assistance of Rs 3,000 (one-time payment) 6. Right to salvage material from existing structure, if any part thereof was built/extended by the tenant/ lessee
3.b		Permanent	TP as squatters/encroachers occupying/using the affected structure	1. All TPs will be given advance notice of 60 days to shift with their belongings from the public land. 2. Free transport facility or shifting assistance of Rs 3,000 (one-time payment) 3. Subsistence allowance for 3 months based on minimum wage rate @ Rs 157.34 for all TPs 4. Cash assistance for purchase of income-generating equipment/skill training if they so desire, subject to a limit of Rs 40,000
4	Loss of standing crops/trees within subproject area	Permanent/temporary	TP as owner (titled/untitled) of trees/ crops; as encroachers cultivating on government land; as informal land users	Notice will be given to crop/tree owners to minimize the loss. Cash compensation for lost standing crops and loss of future harvest (max of 2 years) will be paid. Compensation for cash crop will be based on market rate of that harvesting season. Compensation for perennial crops to be calculated as annual net product value multiplied by number of productive years remaining. For timber-producing trees, it will be based on the market value of timber, and replacement cost in case of fruit-bearing trees. If the trees are yet to reach

Sl. No.	Type of Loss	Type of Impact	Type of Displaced Tribal People (TP)	Compensation Entitlement
				age of maturity for calculating economic value, cost of seedlings, saplings, and agricultural inputs will be added to the compensation valuation. Subsistence allowance @ Rs157.34 per day (for 3 months) based on minimum wage rates for one cropping cycle in case of seasonal crop
5.	Loss of livelihood/income	Permanent	TP as employees working in commercial establishments	Assistance to persons affected due to employer being displaced, based on minimum wage rate for 3 months' income Assistance to be linked to project-related employment opportunities, if so desired
5.a		Temporary	TP as employees working in commercial establishment	1. Cash compensation equal to duration of wages for number of days lost at minimum daily wage rate
5.b		Permanent/ Temporary	TP as Farm/ Agricultural worker	2. Assistance based on minimum wage rate for 3 months 3. Cash assistance for purchase of income-generating equipment subject to a maximum of Rs 40,000, or skill development training, if they so desire 4. Assistance to be linked to project-related employment opportunities, if so desired
6	Livelihood /income	Temporary	TP as hawkers/vendors, agricultural laborers temporarily affected during construction	Cash assistance equivalent to maximum daily income to be paid for the number of days/weeks of temporary disruption Free transport facility or one-time shifting assistance of Rs 3,000 will be provided
7	Loss of community/social facility (such as cultural/religious heritage objects, places of worship, etc.)	Permanent	TP community or local body owning the structure, assets, place, or object of worship/cultural heritage sites	Restoration, replacement, and improvement of community assets, such as water pumps, wells, school, temples, shrines, and cultural heritage sites Enhancement of community resources and replacement of resources likely to be depleted, such as forest, trees for livelihood
8	Any other loss not identified			Unidentified involuntary impacts shall be documented and mitigated based on principles provided in ADB's SPS.

<sup>a</sup> **Terms used in entitlement matrix:**

**Subsistence allowance** is a transitional allowance offered to all DPs whose livelihood will be affected due to the subproject, and which will be utilized/consumed by DPs. Subsistence allowance will be decided based on minimum wage rate as defined by Karnataka state (current rate being Rs 157.34). For vulnerable households, subsistence allowance will be supplemented by income-generating/skill development training.

**Shifting assistance** will be provided to the DPs to move from the place proposed for acquisition to a new place. The amount of the shifting assistance will be decided based upon volume of material/assets to be shifted and distance to new place. ULB may provide free transport facility for this.

<sup>b</sup> **BPL-** below poverty line. The poverty line is fixed by the Planning Commission of India as a daily per capita income of Rs. 32 in urban areas and Rs. 25 in rural areas. In a revised estimate, the Planning Commission has determined the poverty line in Karnataka, with reference year of 2004-2005, as per capita monthly income of Rs. 417.84 in rural areas and Rs. 588.06 in urban areas.

<sup>c</sup> NGO will assist in identification and purchase of income-generating equipment/asset.

<sup>d</sup> **BPL-** below poverty line. The poverty line is fixed by the Planning Commission of India as a daily per capita income of Rs 32 in urban areas and Rs 25 in rural areas. In a revised estimate, the Planning Commission has determined the poverty line in Karnataka, with reference year of 2004-20.05, as per capita monthly income of Rs 417.84 in rural areas and Rs 588.06 in urban areas.

<sup>e</sup> NGO will assist in identification and purchase of income-generating equipment/asset.

<sup>f</sup> Minimum wage rates are fixed by the Government of Karnataka each year, comprising basic pay and variable dearness allowance according to Gazette Notification no. KAE 96 LMW 2005 dated 31 July 2007. Minimum wage rate for agricultural work has been fixed at Rs 157.34 per day for the year 01 April 2012 to 31 March 2013.

## ANNEX 6: INDIGENOUS PEOPLE IMPACTS SCREENING CHECKLISTS

### A. Introduction

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

B. Information on project/subproject/component:

a. *District/administrative name:* \_\_\_\_\_

b. *Location (km):* \_\_\_\_\_

c. *Civil work dates (proposed):* \_\_\_\_\_

d. *Technical description:* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### B. Screening Questions for Indigenous People Impact

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

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

### C. Indigenous People Impact

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

has indigenous people (TP) impact, so an indigenous people plan (TPP) or specific TP

action plan is required.

has No TP impact, so no TPP/specific action plan is required.

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