

Indigenous Peoples Planning Framework

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CURRENCY EQUIVALENTS

(as of 11 May 2018)

Currency unit - Indian rupee (₹)

₹1.00 = \$0.0149

\$1.00 = ₹67.090

ABBREVIATIONS

ADB	—	Asian Development Bank
CBO	—	community-based organization
CPMU	—	central program management unit
DLRC	—	district level resettlement committee
GRC	—	grievances redressal committee
IPP	—	Indigenous Peoples plan
IPPF	—	Indigenous Peoples planning framework
KIUWMIP	—	Karnataka Integrated Urban Water Management Investment Program
KUIDFC	—	Karnataka Urban Infrastructure Development and Finance Corporation
NGO	—	nongovernment organization
OHT	—	overhead tank
PIU	—	program implementation unit
PMDSC	—	Project Management Design and Construction Supervision Consultant
PMU	—	program management unit
RFCTLARRA	—	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act
RPMU	—	regional program management unit
ROW	—	right-of-way
SIA	—	social impact assessment
SPS	—	Safeguard Policy Statement
STP	—	sewage treatment plant
TMC	—	town municipal council
TPP	—	tribal people plan
ULB	—	urban local body
UWSS	—	urban water supply and sanitation
WTP	—	water treatment plant

NOTE

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 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 two tranches (projects). An Indigenous Peoples Planning Framework was prepared during loan processing for Project 1, to provide overall guidance for the preparation of future projects which may affect any indigenous people located in the areas of future projects under the Program. Project 1 was representative of subprojects to be financed under the Program, covering four towns of the Tungabhadra sub-basin: Byadagi, Davanagere, Harihara, and Ranebennur. Project 2 of the KIUWMIP supports improvements in urban infrastructure and services in the following 4 urban local bodies (ULBs): Kundapura, Mangalore, Udupi and Puttur, and institutional development, improved municipal management and project implementation capacity across the State.

2. The following outputs are envisaged under Project 2 of KIUWMIP: (i) Output 1: Urban water supply and sanitation infrastructure expanded and upgraded, including water supply system upgraded in four towns and sewerage system rehabilitated in Mangalore; (ii) Output 2: Water resources planning, monitoring and service delivery improved; and (iii) Output 3: Project management capacity of implementing agencies and urban local bodies strengthened. Appendix 1 provides details of proposed subprojects under Project 1 and Project 2 and an assessment of their potential involuntary resettlement/IP impacts.

3. Davanagere and Harihara towns are located in the district of Davanagere, and Ranebennur and Byadagi towns in the district of Haveri. Mangalore and Puttur are located in Dakshin Kannada while Kundapura and Udupi are located in Udupi district. 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 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.

4. In the course of initial social assessment, no indigenous/ tribal people were found to be affected by the proposed UWSS component. No Indigenous Peoples/tribal families were residing within or nearby the proposed locations. It is further noted that the districts of Davanagere and Haveri, are not within the purview of scheduled tribe areas as defined by the Constitution of India,¹ which are defined as exclusive tribal areas that require special

¹ The criteria followed for declaring an area as scheduled area are: a) preponderance of tribal population; b) compactness and reasonable size of the area; c) underdeveloped nature of the area; and d) marked disparity in

consideration for development of the indigenous/tribal people. 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

5. The selection of the Project 1 subproject towns was made for consideration under an MFF loan. The towns of Davanagere, Harihara, Ranebennur, and Byadagi were selected in concurrence with the stakeholders. The feasibility study dealt with all aspects of UWSS in the selected Project 1 towns, and the proposed design is indicative. Similarly, the selection of subproject components and their sites and locations under Project 2 was undertaken in consultation with stakeholders. 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 potential 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 Safeguard Policy Statement (SPS) requirement no. 3 on Indigenous Peoples. During the course of project identification and social impact assessment, if any Indigenous Peoples are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development.

6. It is also necessary to define the term Indigenous Peoples, which is not only co-terminus with the communities defined by the Constitution of India as scheduled tribe². 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. The scheduled tribe population of India was 84.3 million in 2001, about 8% of India's population and increased to 104.55 million in 2011, comprising 8.6% of the country's population.

7. 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 and scheduled tribes.

8. To ensure application of ADB's Indigenous People Policy within the context and Constitution of India this framework will use the tribal people that consist of scheduled tribes to refer the Indigenous Peoples that are targeted in ADB's Policy on Indigenous People.

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

9. The tribal population of Karnataka increased to 42.49 *lakh* (1 *lakh* = 100,000) in 2011 from 34.64 *lakh* in 2001 from 19.16 *lakh* in 1991. The decadal growth rate during this period is a

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.

² Scheduled tribes 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.

high of 80.8%, caused not by a spurt in fertility rates, but by the addition of several new tribes to the scheduled tribes category.² The proportion of scheduled tribes population recorded was 6.55% of the total state population in the 2001 census and 4.1% of India's total scheduled tribes population. In 2011, the scheduled tribes population in the state comprises 6.95% of its total population, and 4.06% of the total scheduled tribes population of India.

10. None of the Project 1 districts had a significant proportion of scheduled tribes population, as revealed by the 2001 census data. Davanagere district has an scheduled tribes population that is 11.7% of its district population; while Haveri's scheduled tribes population is 8.8% of its district population. Compared to the state scheduled tribes population in 2001, the percentage is much less, 6% in Davanagere and about 4% in Haveri (Table 2). Raichur (18.1%) has the highest percentage of scheduled tribes population, followed by Bellary (18%), while the scheduled tribes population of Chitradurga (17.5%) has gone down. However, the project districts of Davanagere and Haveri together comprise 9.72% of the state's total scheduled tribes population, less than 10%, and none of these were within the integrated tribal development project (ITDP) area of the state.³

Table 2: Concentration of Scheduled Tribes in Project Districts in Karnataka, 2011

No.	District	Total Population	Total Scheduled Tribes Population	Percentage of Scheduled Tribes Population in the District (%)	Percentage of Scheduled Tribes Population to the State Scheduled Tribes Population (%)
Project 1 districts					
1	Davanagere	1,945,497	233,112	11.98	5.49
2	Haveri	1,597,668	141,380	8.85	3.33
Project 2 districts					
3	Dakshin Kannada	2,089,649	82268	3.94	1.94
4	Udupi	1,177,361	52897	4.49	1.24
Karnataka State		61,095,297	4,248,987	6.95	100

Source: Census of India, 2011

11. There are 5 Integrated Tribal Development Project (ITDP) districts in Karnataka, comprising Chikmagalur, Kodagu, Mysore, and two project 2 districts, Dakshin Kannada and Udupi. A total of 7 talukas in Dakshin Kannada district and 6 talukas in Udupi district fall under the integrated tribal development areas (ITDA). None of the project sites and alignments under Project 2 are located in ITDP/ITDA.

12. 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.⁴ 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

² Karnataka Human Development Report, 2005.

³ The ITDPs are generally contiguous areas of the size of a block (group of villages) or *taluka* in which the scheduled tribes population is 50% or more of the total population.

⁴ 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.

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 Indigenous Plan.

13. In India, as per Census 2001, scheduled tribes are scattered over all the states except Haryana, Punjab, Chandigarh, Delhi, and Pondicherry. While the highest concentration of the scheduled tribes 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 scheduled tribes 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%). There is no significant change in the proportion of scheduled tribe population in the above-mentioned states in 2011.

D. Legal Policy and Framework

1. National Laws

14. The term indigenous peoples are understood to be synonymous with the communities defined by the Constitution of India as scheduled tribes, as follows: "Scheduled tribes (scheduled tribes) are those communities notified as such by the President of India under Article 342 of the Constitution. The 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." A scheduled tribe will have one of these factors by the respective markers.

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

16. Under the Constitution of India, a number of articles have been included for the protection of the STs in particular.⁵ 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 scheduled tribes and for raising the level of administration of the scheduled areas;

⁵ The Tenth Five-Year Plan, 2002-2007.

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

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

- (i) The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights (ROFR) Act, 2006 and the Rules, which came into force from 1 January, 2008 (including an Amendment in 2012). The Act recognizes and records the rights of forest dwellers who have been residing and depending on the forest for generations for their Bonafide livelihood needs, without any recorded rights;
- (ii) The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 empowers the Gram Sabha in a scheduled area to prevent alienation of land in the scheduled area and to take appropriate action to restore unlawfully alienated land of a scheduled tribe; and the power to control local plans (for development) and resources for such plans. The Gram Sabha has to approve any plan for social and economic development in a scheduled area before implementation, and is responsible for selection of beneficiaries under any poverty alleviation or other program; and
- (iii) the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 which protect SC/scheduled tribes from (a) wrongful occupation or cultivation of any land owned by them or allotted to them or lands notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe and transfer of land allotted to Scheduled Caste/scheduled tribes; (b) wrongful dispossession of a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interference with the enjoyment of his rights over any land, premises or water; and (c) from any forceful removal/causing of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence.⁶

18. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013 has special provisions for additional benefits to affected households who are members of scheduled castes/scheduled tribes under Section 41, Subsections 1-11, and Section 42, subsections 1-3. Notably, it provides for (a) free land for community and social gatherings; (b) in case of displacement, a Development Plan is to be prepared; and (c) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area. Annex 4 presents all relevant clauses of the RFCTLARRA 2013 for scheduled tribes. The Act meets ADB indigenous people's policy requirement of broad community consent and of ensuring that development interventions that affect indigenous peoples should ensure that they have opportunities to participate in and benefit equitably from the interventions.

⁶ 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.

19. 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, 1989.⁷ Certain features of the act are:

- (i) Under the KLR Act, 1964, scheduled caste and scheduled tribe 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.

20. The Department of Tribal Welfare was formed specifically to address the needs of scheduled tribes in Karnataka. Its budget is part of the budget of the Department of Social Welfare. The Tribal SubPlan (TSP) was introduced in 1975-1976 with the objectives of poverty alleviation, protection of tribal culture, education, health care, and providing basic minimum infrastructure. Some of the development programs for the scheduled tribes 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-scheduled caste/scheduled tribes landholders at a unit cost of ₹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.⁸

2. ADB Safeguard Policy Statement, 2009

21. The above policies and legal instruments available in India and Karnataka are supplemented by ADB 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 Indigenous Peoples will have opportunities to participate in and benefit equally from such project interventions.

22. ADB policy on safeguards requirement for indigenous peoples recognizes the right of Indigenous Peoples to direct the course of their own development. Indigenous Peoples 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:

⁷ 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.

⁸ Status of Scheduled Tribes in Karnataka, Chapter 10, *Karnataka Human Development Report*, 2005.

- (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.

23. According to ADB policy, Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. 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 Peoples 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 Peoples impact checklist to be used in the Indigenous Peoples screening exercise during project preparation is provided.

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

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

and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities;

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

25. It appears that the Constitution of India and several acts ensure protection of Indigenous Peoples or ST, as defined by the Constitution, and are aligned with ADB's indigenous peoples safeguards. Objectives of the IPPF and the approach to IPP preparation will accommodate both Indian Constitution Acts and ADB's safeguards policy on Indigenous Peoples.

II. OBJECTIVES

26. 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, has voted in favor of this nonbinding declaration. ADB also recognizes the right of Indigenous Peoples and realizes the fact that Indigenous Peoples 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 Indigenous Peoples in ADB-financed projects.

A. Identification of Indigenous Peoples/Tribal Peoples

27. ADB's Indigenous People Policy uses the following characteristics to define Indigenous Peoples: (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.

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

29. ADB Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property.

30. Although the sites for project infrastructure under KIUWMIP have been identified, final facility locations and alignments for pipelines and impacts will be confirmed after Project approval and after requisite permissions from entities like Archeological Survey of India, Karnataka Neeravari Nigam, Revenue Department, Government of Karnataka and other departments are received and proposed negotiated settlement concluded. Based on subprojects that have been reviewed so far, no impacts on scheduled tribes are identified. Impacts on scheduled tribes will be confirmed after completion of detailed measurement surveys and census surveys of affected persons for all subprojects. Any subproject with significant adverse impacts on indigenous peoples should be avoided for financing under the investment program. The KIUWMIP envisages benefits to scheduled tribes in terms of house connections to all and priority for local scheduled tribe people in project related construction and operation and maintenance work.

B. Approach to Tribal People Plan Preparation

31. The 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 tribal people. Besides framing the investment program's tribal people's policy, the TPPF also spells out screening and planning procedures.

32. Preparing a TPP is necessary when ADB-supported subprojects under KIUWMIP are screened as category A or B projects.⁹ Indigenous Peoples/tribal peoples category is determined by the project's impact on these people. The significance of a project's impact on tribal people is determined by the following assessment.

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

33. A TPP addresses the aspirations, needs, and preferred options of the affected indigenous people, and places before them development options, keeping their distinctive sociocultural 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 an TPP are:

- (i) development plans for tribal people 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 tribal peoples and their traditional skill and knowledge in natural resource management should be considered;
- (iv) Regular consultation will be held with the tribal peoples, 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 tribal people is unknown, a pilot scale operation will be carried out and evaluated prior to full-scale implementation;
- (vi) community organizations, nongovernment organizations (NGOs), and consultants experienced in executing tribal people development plans will be engaged to prepare TPP;
- (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.

⁹ 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.

III. STEPS FOR FORMULATING AN INDIGENOUS PEOPLES PLAN/TRIBAL PEOPLE PLAN

A. Preliminary Screening

34. During the preliminary screening stage, ULB officials will visit all Indigenous Peoples/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.

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

- (i) presence and names of tribal people community groups in the area;
- (ii) cultural and religious distinction of the tribal people groups vis-à-vis other communities, and mainstreaming of the tribal people with the dominant population;
- (iii) laws and legislations related to tribal people groups;
- (iv) total number of tribal people community groups and percentage of tribal people population to total population in the area;
- (v) number and percentage of tribal people households likely to be affected by the subproject component; and
- (vi) initial assessment to also include level of vulnerability of the tribal people, 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 tribal people 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 tribal people groups, assessment will be made if there is any possibility of future impact due to the project.

36. Based on the Indigenous Peoples/tribal people assessment checklist, the project would be categorized according to ADB policy.¹⁰ If the assessment confirms likely impacts on tribal peoples, ULB will engage qualified and experienced experts to carry out a full social impact assessment (SIA) of the affected tribal people families and community.

B. Social Impact Assessment

37. The SPS spells out that in the initial project preparatory phase, an initial social assessment will include specific potential impacts on tribal peoples potentially affected due to project implementation. If the tribal peoples are identified as an adversely affected group of

¹⁰ 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.

people or become vulnerable to being thus affected, a TPP must be prepared by the executive agency in a manner acceptable to ADB.

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

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

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

- c. After receiving community support/consent, the borrower/client will provide documentation detailing the process and outcomes of consultation with tribal people and tribal people organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and content of formal agreement with the tribal peoples/organizations. The borrower/client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project. Commercial development of cultural resources.
 - d. If the project involves commercial development of tribal peoples cultural resources and knowledge, the borrower/client will ensure that the affected tribal people communities are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on tribal peoples livelihood, environment, and use of such resources. The TPP will reflect the nature and content of the agreement and will include arrangements to ensure tribal peoples receive an equitable share from such commercial development.
- (iv) Physical displacement of tribal people:
- a. All possible alternate project designs will be explored to avoid physical displacement of tribal people 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:
- a. 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 tribal people communities. The borrower/client will include in the TPP arrangements to enable tribal peoples to receive an equitable share of the benefits to be derived from the project.

40. The main source of information for SIA will be direct interviews with potentially affected tribal people households, besides separate group meetings with the tribal people communities, including their leaders, youth, and men and women, especially those living within the project impact zone of the proposed subproject components. Group discussion will center on positive and negative impacts of the subproject components and tribal people groups' recommendations on design of the project components. The PMDCSC consultants engaged by the executive agency (regional program management unit or RPMU) will be responsible for analyzing the SIA data and information and developing an action plan in consultation with the tribal people community leaders. If the SIA indicates significantly adverse impacts, or that the tribal people community rejects the project proposal outright, other design options will be looked into to minimize adverse impacts. A TPP will be prepared only when the tribal people community accepts the design of the subproject component, and broad community support has been ascertained.

C. Mitigation Measures

41. 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 assistance¹¹ not only to restore their livelihood and improve their income level, but also to maintain their distinct cultural identity.

42. Where land acquisition is essential, tribal peoples are entitled to receive land-for-land compensation for the acquired land if government land is available. As tribal people, they have the traditional customary right over land use, which will be retained, and absence of land title will not restrict them from receiving compensation or alternative land. They will be entitled to all types of compensation and assistance as defined in the resettlement framework of the project. According to the resettlement framework, the tribal people, defined as scheduled tribes, will be treated as vulnerable persons/households. The resettlement framework is disclosed on ADB and Karnataka Urban Infrastructure Development and Finance Corporation (KUIDFC) websites.

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

D. Project Monitoring

44. 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 tribal peoples, 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 executive agency on compliance issues. If any significant tribal people issues are identified, the executive agency 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 executive agency 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

45. 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.

¹¹ 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:
 - a. reviews the legal and institutional framework applicable to tribal people in project context;
 - b. provides baseline information on the demographic, social, cultural, and political characteristics of the affected tribal people communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend;
 - c. identifies key project stakeholders and elaborates a culturally appropriate and gender-sensitive consultation process with tribal people at each stage of project preparation and implementation;
 - d. based on meaningful consultation with the affected tribal people communities, assesses the potential adverse and positive effects of the project. Assessment will include a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected tribal people communities with respect to their close ties to land and natural resources, as well as their lack of access to opportunities;
 - e. includes a gender-sensitive assessment of the affected TPs' perceptions about the project and its impact on their social, economic, and cultural status; and
 - f. based on meaningful consultation with the affected tribal people communities, identifies and recommends the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects, and to ensure that the tribal people receive culturally appropriate benefits under the project.
- (iv) Information Disclosure, Consultation, and Participation - this section:
 - a. describes the information disclosure, consultation, and participation process with the affected tribal people communities that was carried out during project preparation;
 - b. summarizes their comments on the results of the social impact assessment, and identifies concerns raised during consultation, and how these have been addressed in project design;
 - c. in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected tribal people communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
 - d. describes consultation and participation mechanisms to be used during implementation to ensure tribal people participation during implementation; and
 - e. confirms disclosure of the draft and final TPP to the affected tribal people communities.
- (v) Beneficial Measures - This section specifies the measures to ensure that the tribal people receive social and economic benefits that are culturally appropriate and gender responsive.
- (vi) Mitigation Measures - This section specifies the measures to avoid adverse impacts on TP, and where avoidance is impossible, specifies the measures to

- minimize, mitigate, and compensate for the unavoidable adverse impacts for each affected tribal people group.
- (vii) Capacity Building - This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions, to address tribal people issues in the project area; and (b) tribal people organizations in the project area, to enable them to represent the affected tribal people more effectively.
 - (viii) Grievance Redress Mechanism - This section describes the procedures to redress grievances of affected tribal people 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 tribal people in the preparation and validation of monitoring and evaluation reports.
 - (x) Institutional Arrangement - This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the 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 Tribal People

46. As per the orders of Joint Managing Director KUIDFC Official Memorandum dated 28 June 2017 has been issued to the concerned for formation of project specific grievance redress mechanism (GRM). It will be established to receive, evaluate and facilitate concerns of, complaints and grievances of the affected persons in relation to project's social and environmental performances. The main objective of the GRM will be to provide time bound action and transparent mechanisms to resolve social and environment concerns. Redressing grievances of the affected tribal peoples is vital, particularly if project impacts displace any tribal people 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 tribal people community or their representatives. The GRM will be particularly sensitive and responsive to any grievances received from Indigenous Peoples.

47. A project GRM will cover the project's towns for all kinds of grievances and will be regarded as an accessible and trusted platform for receiving and facilitating project related complaints and grievances. The multi-tier GRM for the program will have realistic time schedules to address grievances and specific responsible persons will be identified to address grievances and whom the displaced persons have access to interact easily.

48. Awareness on grievance redress procedures will be created through Public Awareness Campaign with the help of print and electronic media. The Social Development Officer of RPMU will ensure that vulnerable households are also made aware of the GRM and assured of their grievances to be redressed adequately and in a timely manner.

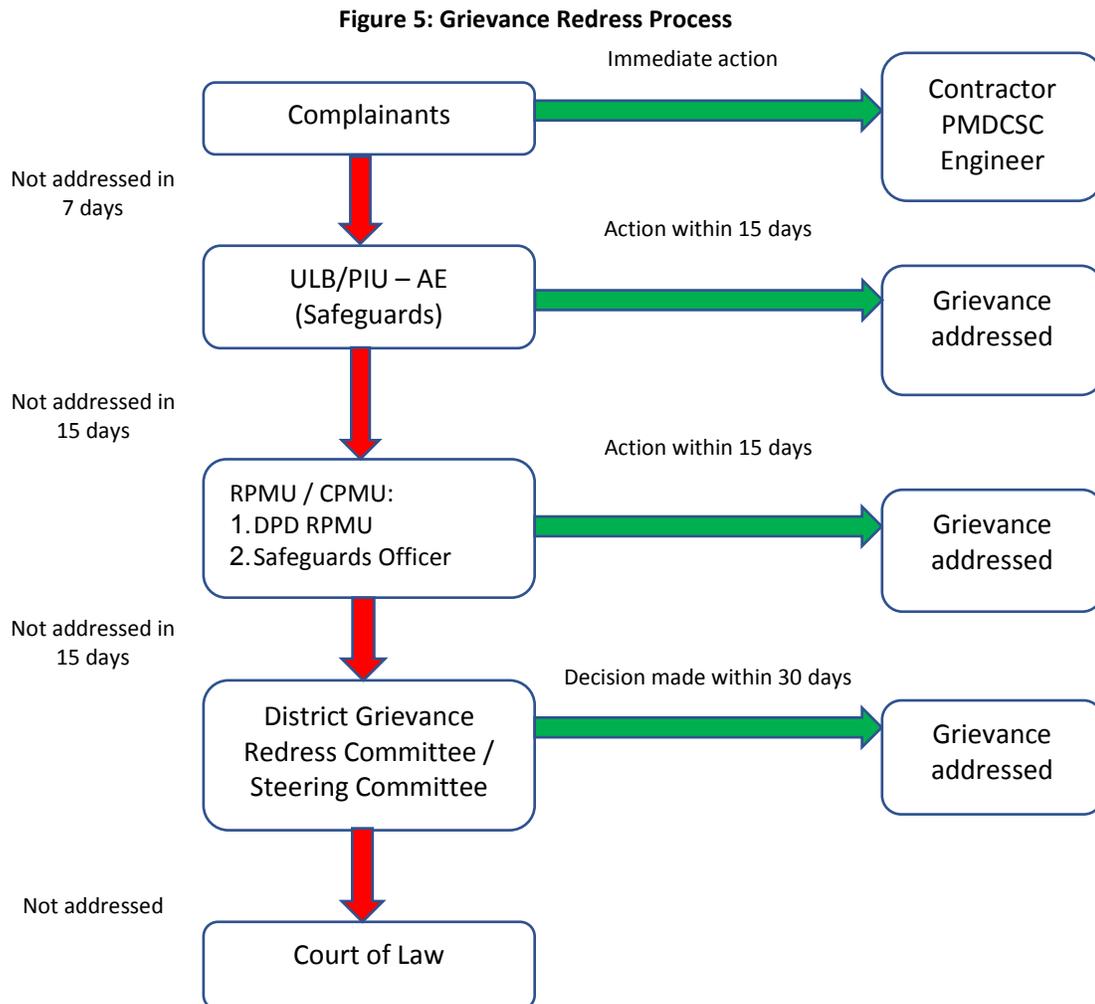
49. There will be multiple means of registering grievances and complaints by dropping grievance forms in complaint/ suggestion boxes at accessible locations, or through telephone

hotlines, email, post or writing in a complaint registrar book in ULB's project office. There will be complaint registrar book and complaint boxes at construction site office to enable quick response of grievances/ complaints for urgent matters. The name, address and contact details of the persons with details of the complaint / grievance, location of problem area, date of receipt of complaint will be documented. The RPMU's SDO will be responsible at the project level for timely resolution of the environmental and social safeguards issues and registration of grievances, and communication with the aggrieved persons.

50. **Grievance Redressal Process.** There will be several tiers for grievance redress process. Simple grievances for immediate redress will first be resolved at site by Contractor. If unaddressed for up to 7 days the complainants may go to PIU officer in ULB responsible for addressing resettlement/social issues. Resident engineer and the ULB will assist in resolving the issues. Name, designation and contact number of personnel responsible for grievance redress at ULB and RPMU, will be posted at Contractor's and PMDCSC's site office in full visibility of public. Grievances of immediate nature should be resolved at site/ within ULB/ PIU level within 15 days of registration of grievances.

51. All the grievances that cannot be resolved at ULB/ PIU within 15 days will be forwarded to the grievances redress committee (GRC) headed by Deputy Project Director, RPMU at Subdivision level who will review and resolve within 15 working days of grievance being registered with assistance of the concerned PIU/ ULB personnel if required. The grievances of critical nature and those cannot be resolved at GRC level should be referred to District Level Implementation Committee (DLIC) set up at district level headed by Deputy Commissioner who will review the grievances and to be settled within 30 days. One respected person representing the tribal people will be inducted into the DLIC. All documents related to grievances, follow up action taken to resolve along with explanatory note on nature, seriousness and time taken for grievance redress shall be prepared by RPMU Social Development Officer and circulated to DLIC members at least a week prior to scheduled meeting. The decision taken at the DLIC level will be communicated to the complainant by Social Development Officer, RPMU through ULB/PIU. The complainants/displaced persons can approach the Court of Law as per Government of Karnataka legal procedure at any time in the process.

52. **Grievance Redress Committee Composition and Selection of Members.** The GRC for the project will be headed by: (i) Special Land Acquisition Officer/ Assistant Commissioner of the concerned sub-Division as Chairman of the sub Division with members as follows: (ii) ULB Commissioners/ Chief Officer of the concerned ULB towns; (iii) Deputy Project Director as member Secretary and Convener; (iv) PMDCSC Engineer; (v) affected Indigenous Peoples community leader(s) /nongovernment organization(s)/community-based organization(s) working with IP groups in the area; and (vi) Social Development Officer RPMU KIUWMIP Mangaluru as member and will shoulder responsibility of keeping records of grievances/ complaints in details. In case of significant IP impacts and any major IP related grievances, the GRC will include the district level officer representing the Department of Tribal Welfare, as special member. The Resettlement Officer of RPMU will be responsible for coordinating with all GRC members and the displaced persons for grievance redressal. The grievances of critical nature and those cannot be resolved at Divisional level should be referred to DLIC set up at District level they will determine the merit of each grievance and attempt to resolve the same within a month from the date of lodging of complaints. The decision of DLIC is final and cannot be contested in any other forum except in the Courts of Law.

Figure 1: Grievance Redress Process

CPMU = Central Program Management Unit, PIU = Program Implementation Unit, PMDCSC = Project Management Design and Construction Supervision Consultant, RPMU = Regional Program Management Unit, ULB = urban local body.

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

54. **Information Dissemination Methods of the Grievance Redress Mechanism.** The PIU, assisted by PMDCSC/CAPRRRC will be responsible for information dissemination to affected persons and general public in the project area on grievance redress mechanism. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per agreed entitlement matrix including. whom to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redress of minor and

major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU, offices, ULB notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB.

55. **Periodic Review and Documentation of Lessons Learned.** The PMU will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

56. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the respective PIU. Cost estimates for grievance redress are included in resettlement cost estimates.

57. **Country Legal Procedure.** An aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

58. **ADB's Accountability Mechanism.** In the event that the established GRM is not in a position to resolve the issue, the affected person can also use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission. The complaint can be submitted in any of the official languages of ADB's developing member countries. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make a good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, the resident mission). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

59. Awareness on grievance redress procedures among tribal people will be created through a public awareness campaign, with the help of print and electronic media and radio. The CAPRR/implementing NGO will ensure that the tribal people are made aware of the GRM and their entitlements, and assured that their grievances will be redressed adequately and in a timely manner.

60. Where tribal peoples 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 tribal people community, who will help the tribal peoples express their concerns, consult about mitigating measures, and explain to them the project and its potential impact on the tribal people community.

61. Where tribal people 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 tribal people community, and who will assist RPMU's social development/resettlement officer for registration of grievances and communication with the aggrieved tribal people 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 tribal people communities and individuals. (Annex 6)

IV. STRATEGY FOR TRIBAL PEOPLE'S PARTICIPATION

62. 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.

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

64. 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 CAPRRC/implementing NGO. The executive agency/RPMU will ensure adequate flow of funds for consultation and facilitation of planned activities within TPP.

65. One project information disclosure (PID) brochure will be prepared, translated into a language understandable to the tribal peoples, and distributed among them. Annex 6 provides the template for the PID.

V. BENEFITS OF THE PROJECT AND MITIGATION OF ADVERSE IMPACTS

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

67. Based on the significance and nature of the project impact on the tribal people community, the affected tribal peoples 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, tribal peoples are entitled to receive land-for-land compensation for acquired land, if feasible. Their traditional customary right over land use will

be protected. Absence of legal title over land will not be a bar to receiving compensation for land or alternate land. They will be entitled to all types of compensation and assistance as defined in the RF of the project. All compensation and assistances will be paid prior to start of project civil work.

68. In addition, the affected tribal peoples are entitled to: (i) special assistance earmarked for the vulnerable group to restore their livelihood; (ii) improvements in their economic condition and better quality of life; and (iii) maintaining their cultural identity. The tribal people 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.

69. If the tribal people impacts are not significant, the RPMU could decide to prepare a “specific action” plan detailing required actions to address the tribal people 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 tribal people groups live with non-indigenous peoples in the same subproject location. Another way is to incorporate tribal people 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

70. **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 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.

71. **State level:** The Government of Karnataka’s Department of Social Welfare has managed all matters related to SC and scheduled tribes’ 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 scheduled caste and scheduled tribes since 1975.

72. 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 tribal people. 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 tribal people 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 tribal people 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 tribal people related project components and resolve issues concerning the tribal people.

B. Institutional Arrangements for Preparing and Implementing Tribal People Plans

73. No negative impacts on tribal peoples are envisaged in the Project 1 and 2 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 appointed for resettlement plan 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 tribal people 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.

9. Based on preliminary screening results, the RPMU will recommend social impact assessment (SIA). The project's design consultants (PMDSC) appointed for the project will undertake SIA to evaluate requirements for the TPP under the project. PMDCSC will use the services of local NGOs/CBOs to conduct census and socio-economic surveys and community consultations as required. Designated staff from the ULB will monitor the SIA survey, while the DTWO/DSWO will provide required help to the PMDCSC during SIA. The report will be submitted to RPMU. The safeguards officer at RPMU office will recommend if a TPP is required based on project impacts.

74. If a TPP is recommended, the design consultants appointed for the project, 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.

75. 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. In case impacts to tribal peoples are minor, the resettlement plan at RPMU will oversee implementation of TPP. In case tribal people impacts are moderate or there are sensitive issues involved, the RPMU will have a special officer on tribal affairs to assist the resettlement officer.¹²

¹² No subprojects involving significant impacts to IP will be taken up under KIUWMIP.

76. The PIUs will be directly responsible for implementation of TPP for each subproject component. If impacts to tribal people are minor, CAPRRC will assist with implementation. If impacts are major or sensitive in nature, an NGO will be appointed by the PMU, with funds from KUIDFC (PMU), will facilitate TPP action plan implementation. The Department of Tribal Welfare will. 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 5 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: Tribal People Plan Implementation Arrangements

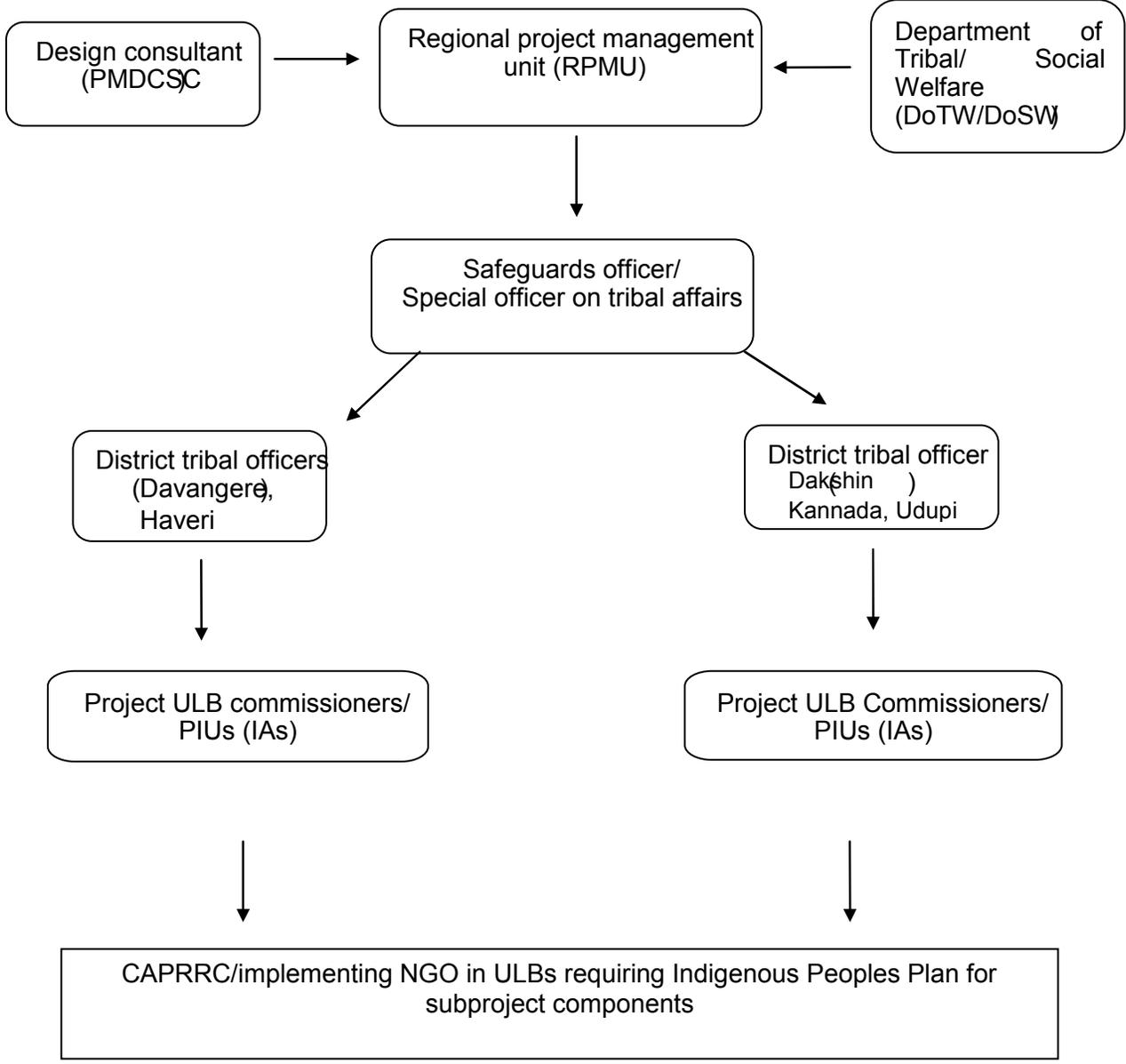
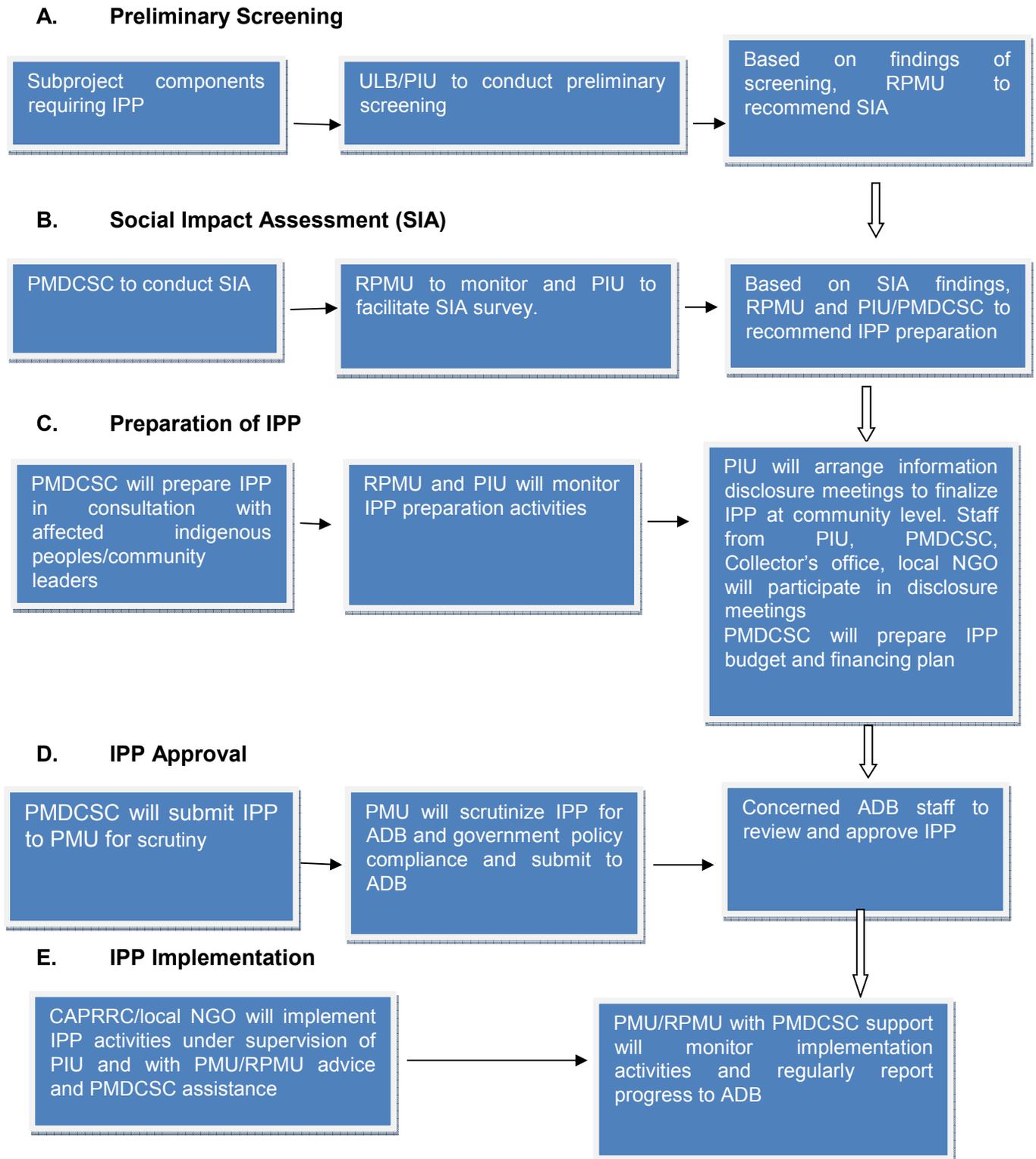


Figure 3: Indigenous Peoples Plan - Flow of Planned Activities



ADB = Asian Development Bank, IPP = Indigenous Peoples plan, NGO = nongovernment organization, PMDCSC = Project Management Design and Construction Supervision Consultant, PMU = Program Management Unit, RPMU = Regional Program Management Unit, SIA = social impact assessment, ULB = urban local body.

VII. BUDGET FOR FORMULATING AND IMPLEMENTING TRIBAL PEOPLE PLAN

77. The Central Program Management Unit (CPMU), the executive agency 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 (PMD CSC), 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

78. M&E are significant activities in developmental programs which deal with tribal people 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 tribal people 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

79. The resettlement officer at the RPMU, with the help of the CAPRRC/implementing NGO at the ULB level, will carry out regular monthly internal monitoring. The ULB/PIU will submit monthly progress reports to RPMU and to ADB through the CPMU. The CAPRRC/NGO will be thoroughly briefed and oriented on ADB's SPS 2009. For projects with significant adverse impacts on tribal people, the ULB will engage qualified and experienced external experts or NGOs with significant experience in working with Indigenous Peoples to verify monitoring information. The external monitor engaged by the borrower/client (executive agency) will advise on ADB compliance issues. If any significant tribal people 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.

80. TPP implementation will be monitored by an external agency. The TPP will include the following monitoring indicators, as 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 tribal people families at pre- and post-project levels;
- (v) degree and frequency of participation of tribal people 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 tribal people community; and
- (ix) Improvement in socioeconomic status of the affected indigenous families.

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

B. Reporting

82. 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 the socioeconomic conditions, morbidity and mortality, communal harmony, dates for consultations, employment opportunities, etc.; and
- (iii) impact evaluation monitoring: improved living standards; access to natural resources; better bargaining power in the society, etc.

83. 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 executive agency 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.

Appendix 1: Proposed Subprojects under KIUWMIP and their Involuntary Resettlement and Indigenous Peoples Impacts

Table A1.1: Subprojects under KIUWMIP and Their Involuntary Resettlement and Indigenous Peoples Impacts for Project 1

Town	Proposed Intervention	Land Requirement for facilities other than pipelines	Involuntary Resettlement Impact	Indigenous Peoples Impact
Byadgi Town Municipal Council (TMC)	Bulk water supply Raw water main. Providing new pipeline for the section from 20,020 m to 28,655m	Total land Required- Nil	Nil Pipelines proposed to be laid along the ROW of public roads.	Nil
Byadgi TMC	Water supply distribution network Total length of the distribution network is 101.5 km, construction of a new overhead tank of (one lakh liters capacity) OHT proposed at Nehrunagar, house Service Connections (HSC)- 7389 Nos	Total land Required- 0.06 Ha	Nil Vacant government land, not under any use is identified, hence no involuntary resettlement impact is anticipated.	Nil
Byadgi TMC	UGD component 82.2 km sewer network including 2.9 km trunk main, 2.07 km sub main and 77.23 km lateral, sewage treatment plant (STP) 5 MLD, Septic tank: 0.03 ML in Hamsabhavi, 3,202 manholes, 6,206 house service connections	Total of 3.47-ha required 3.42 Ha of private land purchased through negotiated settlement for construction of STP at Byadagi.	Nil 3.42 ha of private land is purchased through negotiated settlement (with third party supervision); there is no involuntary resettlement impact; the remaining land is vacant government land with no use identified; hence no involuntary resettlement impact is anticipated	Nil
Harihara City Municipal Council (CMC)	Bulk water supply 2 elevated level storage reservoirs, water treatment plant, raw water pumping mains 4300 meters, new pure water pumping main, rehabilitation and augmentation of existing Jack well	Total land Required- 0.04Ha	Land identified is vacant government land, not under any use; hence no involuntary resettlement impact is anticipated. 85 stationary vendors and hawkers identified	Nil

Town	Proposed Intervention	Land Requirement for facilities other than pipelines	Involuntary Resettlement Impact	Indigenous Peoples Impact
			on Harapanahalli-Shimogga Road. They will be temporarily affected by the construction.	
Harihara CMC	Water supply: distribution network 178.59 km water supply distribution network, 14,000 House service connections, 16 Bulk meters.	Total land Required - Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Harihara CMC	UGD component Sewerage and Drainage component 72 km sewers, 2,200 nos manholes, 4 nos pumping stations, 18 MLD STP in Harihara	Total land Required- 8.09 Ha	Nil Part (2,400 sq. meter out of 80,000 sq. meter) of the STP site is being purchased through negotiated settlement (with third party oversight) and the remaining land is vacant and unused government land; hence no involuntary resettlement impacts are anticipated.	Nil
Davanagere City Corporation	Bulk water supply New 120 MLD capacity jackwell, new Intake well of 120 MLD capacity, 13.40 Km of raw water pumping main, new 40MLD water treatment plant (WTP) at Bathi	Total land Required- 1.87 Ha	Nil Vacant government land, not under any use, hence no involuntary resettlement impact anticipated.	Nil
Davanagere City Corporation	Water supply: distribution network. Clear water transmission main of 59.7 km Construction of 19 OHTs, 1,163 kms of Distribution network, 97589 house service connections.	Total land required- 0.99 ha	Nil Vacant government land, not under any use is identified, hence no involuntary resettlement impact anticipated.	Nil
Davanagere	UGD component	Total land Required- 3.13 Ha	The private land (0.1	Nil

Town	Proposed Intervention	Land Requirement for facilities other than pipelines	Involuntary Resettlement Impact	Indigenous Peoples Impact
City Corporation	Expansion of Sewerage System for Davanagere	0.10 Hectares of private land purchased through negotiated settlement for approach road to STP at Davanagere	<p>Ha) is purchased through negotiated settlement (with third party oversight); Based on due diligence undertaken, the land sellers were identified as vulnerable, and RP prepared.</p> <p>The remaining land is vacant government land, not under any use, hence no involuntary resettlement impact anticipated for the same.</p>	

Table A1.2: Proposed Subprojects under KIUWMIP and their Involuntary Resettlement and Indigenous Peoples Impacts for Project 2

Town	Proposed Intervention	Land Requirements for facilities other than pipelines	Involuntary Resettlement Impact Potential issues	Indigenous Plan Impact
Water supply				
Mangalore				
Clear Water Feeder Mains	Laying of 59.45 km clear water feeder main from Master Balancing reservoirs to (overhead tanks) OHTs/ground level storage reservoirs (GLSRs)	Nil	Nil Pipe lines proposed to be laid along right-of-way (ROW) of public roads	Nil
Service Reservoirs	Construction of 14 OHTs and 2 GLSRs of total capacity of 17.25 ml	Total of 2.05 ha of land required 0.068 Ha is private land will be purchased by negotiated settlement.	Most of the land identified is vacant government land, not under any use and the remaining private land is being purchased through a negotiated settlement; hence no involuntary resettlement impact is anticipated due to proposed subproject components. However, involuntary resettlement impacts are anticipated as a result of associated facilities (intake). The updated resettlement plan (on completion of detailed design) will include a due diligence report on the associated facilities.	Nil
Distribution System	Laying of 789 kms of Distribution pipe lines	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Metered House Service Connections	Replacement of 78,969 existing house service connections along with water meter, and providing new metered HSC of 11,031 for uncovered households.	Nil	Nil	Nil
Udupi				
Clear Water	Clear Water feeder mains of DI and MS	Nil	Nil	Nil

Feeder Mains	pipes of dia ranging from 150mm to 355.60mm proposed for 7.47 kms to feed the clear water to newly proposed OHTs.		Pipelines proposed to be laid along the ROW of public roads	
Service Reservoirs	Construction of 7 overhead tanks of total capacity of 5.2 ml.	0.40 ha of ULB land	Nil Land identified is vacant government land, not under any use; hence no involuntary resettlement impact is anticipated	Nil
Distribution System	Construction of 358.17 km of distribution line	Nil	Pipelines proposed to be laid along the ROW of public roads Seven vendors are expected to face temporary loss of income. Resettlement Plan prepared.	Nil
Metered House Service Connections	Replacement of 16,870 existing meters and providing new metered HSC of 15,000 for uncovered households	Nil	Nil	Nil
Kundapura				
Intake Works	Intake works and jack Well at Jambu(Japthi Village) to supply the raw water of 9.37 MLD to WTP along with the up gradation of non-working electromechanical equipment's-diesel generator set proposed for the un-interrupted power supply to the Jack well.	Nil.	Nil	Nil
Water Treatment Plants	Renovation of the existing WTP capacity of 7.60 MLD at Japthi Village	Nil	Nil	Nil
Clear Water Transmission Mains	Laying of 4.8 km feeder main tapping from existing clear water main with 200 mm dia DI K-9 Class pipe to proposed OHT located at Kodi for newly added zone-4.	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Service Reservoirs	Construction of 2 OHTs with a total capacity of 0.9 ML in Kundapura	0.12 of ULB land	The land identified is vacant government land, not under any use; hence no involuntary resettlement impact is	Nil

			anticipated Three non-titleholders (vulnerable households) identified in the proposed OHT site of Kodi, Kundapura will lose coconut trees planted on government land. Resettlement Plan prepared.	
Distribution System	Distribution System: Extension of 31.64 km distribution pipe lines.	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Metered House Service Connections	Replacement of 4200 existing meters and providing new metered HSC of 2250 for un-covered households.	Nil	Nil	Nil
Puttur				
Intake Works	Intake works at Nekkilady Jack well - replacing the 2 old pumps to feed the raw water to 8.7 MLD WTP along with the up gradation of electromechanical equipment's.-A diesel generator set has been proposed for the un-interrupted power supply to the Jack well.	Nil.	Nil	Nil
Raw Water Main	Proposed 1.68 km raw water transmission main from Nekkilady jack well to WTP with 400 mm dia DI K-9 Class pipe.	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Water Treatment Plants	Renovation and upgradation of Nekkilady WTP from the current capacity of 2.7 MLD to 8.7 MLD	Nil.	Nil	Nil
Clear water pumping mains	Pumping of clear water from WTP (water treatment plant) to service reservoirs	Nil.	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Clear Water Feeder Mains	Pumping of clear water from MBR to Service Reservoirs (Total 5.06 km)	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Service Reservoirs	Construction of 6 OHTs and 2 GLSRs with a total capacity of 4.55 ML	1.79 of Government land	Nil Vacant government land, not under any use is identified,	Nil

			hence no involuntary resettlement impact anticipated.	
Distribution System	Laying of 142.66 km of Distribution network	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
Metered House Service Connections	Replacement of 8,441 existing meters and providing new metered HSC of 4,500 for un-covered households	Nil	Nil	Nil
Sewerage				
Mangalore				
Pumping main	1100 mm dia DI K9 Class Pipe from Wet well No-3, Kudroli to 43.5 MLD STP at Kavoor for a length of 7650 m	Nil	Pipelines proposed to be laid along the ROW of public roads 68 shopkeepers are anticipated to face temporary income loss during construction. Resettlement Plan prepared.	Nil
	DI K9 class pipe from Wet Well No-4, Kanadathpalli to Wet Well No-3, Kudroli for a length of 950 m	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
	450 mm dia DI K9 class pipe from Wet Well No-6, Mulihitlu to Ridge Manhole near Morgans gate for a length of 1700 m.	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil
	450 mm dia DI K9 class pipe from Wet Well No-7, Jeppu Bappal to Ridge Manhole inside premises of old STP at Ekkur for a length of 1100 m.	Nil	Nil Pipelines proposed to be laid along the ROW of public roads	Nil

ha = hectare, km = kilometer, GLSR = ground level storage reservoir, m = meter, MLD = million liters per day, mm = millimeter, MS = mild steel, OHT = overhead tank, ROW = right-of-way, STP = sewage treatment plant, WTP = water treatment plant.

Appendix 2: Tribal Population in Karnataka Per District, 2001 and 2011

No.	District	Total Population	Total Scheduled Tribes Population	Percentage of Scheduled Tribes Population in the District (%)	Percentage of Scheduled Tribes Population to the State Scheduled Tribes Population (%)	Total Population	Total Scheduled Tribes Population	Percentage of Scheduled Tribes Population in the District (%)	Percentage of Scheduled Tribe Population to the State Scheduled Tribes Population (%)	
		2001				2011				
1	Belgaum	4,214,505	243,451	5.78	7.03	4779661	297198	6.2	0.49	
2	Bagalkot	1,651,892	80,181	4.85	2.31	1889752	97203	5.1	0.16	
3	Bijapur	1,806,918	30,051	1.66	0.87	2177331	39314	1.8	0.06	
4	Bidar	1,502,373	182,219	12.13	5.26	1703300	235822	13.8	0.39	
5	Raichur	1,669,762	303,042	18.15	8.75	1928812	367071	19.0	0.60	
6	Koppal	1,196,089	138,588	11.59	4.00	1389920	164271	11.8	0.27	
7	Gadag	971,835	54,410	5.60	1.57	1064570	61654	5.8	0.10	
8	Dharwad	1,604,253	70,442	4.39	2.03	1847023	87548	4.7	0.14	
9	Uttara Kannada	1,353,644	23,781	1.76	0.69	1437169	34239	2.4	0.06	
10	Haveri	1,439,116	127,163	8.84	3.67	1597668	141380	8.8	0.23	
11	Bellary	2,027,140	364,638	17.99	10.53	2452595	451406	18.4	0.74	
12	Chitradurga					1659456	302554	18.2	0.50	
13	Davanagere	1,790,952	209,701	11.71	6.05	1945497	233112	12.0	0.38	
14	Shimoga	1,642,545	55,997	3.41	1.62	1752753	65412	3.7	0.11	
15	Udupi	1,112,243	41,613	3.74	1.20	1177361	52897	4.5	0.09	
16	Chikmagalur	1,140,905	41,019	3.60	1.18	1137961	44970	4.0	0.07	
17	Tumkur	2,584,711	193,819	7.50	5.60	2678980	209559	7.8	0.34	
18	Bangalore	6,537,124	86,018	1.32	2.48	9621551	190239	2.0	0.31	
19	Mandya	1,763,705	17,193	0.97	0.50	1805769	22402	1.2	0.04	
20	Hassan	1,721,669	26,451	1.54	0.76	1776421	32329	1.8	0.05	
21	Dakshina Kannada	1,897,730	62,936	3.32	1.82	2089649	82268	3.9	0.13	
22	Kodagu	548,561	46,115	8.41	1.33	554519	58054	10.5	0.10	
23	Mysore					3001127	334547	11.1	0.55	
24	Chamarajanagar	965,462	106,111	10.99	3.06	1020791	120219	11.8	0.20	
25	Gulbarga	3,130,922	154,195	4.92	4.45	2566326	65259	2.5	0.11	
26	Yadgir	Was part of Gulbarga district during Census 2001					1174271	146849	12.5	0.24
27	Kolar	2,536,069	205,711	8.11	5.94	1536401	78875	5.1	0.13	

No.	District	Total Population	Total Scheduled Tribes Population	Percentage of Scheduled Tribes Population in the District (%)	Percentage of Scheduled Tribes Population to the State Scheduled Tribes Population (%)	Total Population	Total Scheduled Tribes Population	Percentage of Scheduled Tribes Population in the District (%)	Percentage of Scheduled Tribe Population to the State Scheduled Tribes Population (%)
28	Chikkaballapura	Was part of Kolar district during Census 2001				1255104	156487	12.5	0.26
29	Bangalore Rural	1,881,514	61,555	3.27	1.78	990923	52903	5.3	0.09
30	Ramanagara	Was part of Bangalore Rural district during Census 2001				1082636	22946	2.1	0.04
31	Karnataka					61095297	4248987	6.95%	

Source: Census 2001 and 2011.

Appendix 3: List of Scheduled Tribes in Karnataka¹

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. Palliyani
40. Paniyan
41. Pardhi, Advichincher, Phase Pardhi
42. Patelia
43. Rathawa

¹ 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

Note: There are no Fifth Schedule Areas as defined by the Indian Constitution, in Karnataka.

Appendix 4: Special Provisions in the RFCTLARRA Pertaining to Scheduled Tribes

Special provisions for Scheduled Castes and Scheduled Tribes.

41. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.

(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.

(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:

Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.

(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.

(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.

(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent. rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

Reservation
and other
benefits.

(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.

(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.

Appendix 5: Roles and Responsibilities of Agencies/Government Departments for Tribal Peoples Plan Preparation and Implementation

No.	Activities	Urban Local Body	Central Program Management Unit (KUIDFC)	Design Consultants (PMDSC)	CAPRR/Implementing NGO/Local NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ Tribal Peoples Community
1	Finalization of sites/alignment for components: water supply and wastewater	To identify and finalize sites/alignment for subproject	Will appoint design consultants (Project Management Design and Construction Supervision Consultant or PMDCSC) for design and implementation of subprojects	Will provide technical help to urban local body (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 tribal peoples plan (TPP) activities, and will perform preliminary screening	-	-		DTWO/ DSWO will provide necessary help/guidance to designated staff of ULB	-	Tribal people 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	-	-	-	-	-	-
	Social Impact Assessment (SIA) recommendation	-	Based on screening report and in accordance with ADB policy, RPMU will recommend SIA	-	-	-	-	-

No.	Activities	Urban Local Body	Central Program Management Unit (KUIDFC)	Design Consultants (PMDSC)	CAPRRC/ Implementing NGO/Local NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ Tribal Peoples Community
3	SIA preparation	Designated staff of ULB will monitor SIA study/ analysis	-	Deputy Commissioner engaged by RPMU will conduct SIA		DTWO/DSWO will extend necessary guidance and help	-	Tribal Peoples will cooperate and provide adequate and correct information to the study team/ULB
	i) Collection and analysis of required socioeconomic data							
	ii) Preparation of SIA				Deputy Commissioner 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	Designated staff will monitor TPP preparation and provide necessary help and inputs	-	Deputy Commissioner will prepare TPP in consultation with affected TPs/ community leaders		DTWO/DSWO will actively participate in TPP preparation and will help Deputy Commissioner by interpreting, explaining, and elaborating on ideas suggested by TPs/community	-	Affected Tribal Peoples/ Tribal People community leaders, CBOs participate in
	Devising mitigation measures and action plan development							
	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	Deputy Commissioner 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

No	Activities	Urban Local Body	Central Program Management Unit (KUIDFC)	Design Consultants (PMDSC)	CAPRRC/Implementing NGO/Local NGOs	Department of Tribal Welfare (Government of Karnataka)	ADB	Others/ Tribal Peoples Community
	Preparation of budget and financing plan	Designated staff will provide required help to prepare financing plan and budget allocation	-	Deputy Commissioner will prepare TPP budget and financing plan	-	-	-	-
	TPP approval from Department of Tribal Welfare (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, Deputy Commissioner will revise and finalize the final TPP and budget	-	-	ADB will review the draft TPP and approve final TPP	-
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	-	CAPRRC/Implementing NGO will carry out TPP implementation activities under supervision of RO at district level.	-	-	An independent agency will be engaged for monitoring and supervising TPP activities and prepare biannual

Appendix 6: Draft Pamphlet on Project Information Disclosure for Indigenous Peoples Planning Framework

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/Project 2 towns under KIUWMIP 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.

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 tribal people 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 tribal people 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 tribal people was also noticed. Thus, the proposed projects will not have any adverse impact on tribal people or their property, cultural systems, ties, or use of natural resources.

Policy and Principle of IPPF implementation

While preparing the indigenous peoples plan (IPP) 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. Land Acquisition Act 2013 prepared by the Ministry of Rural Development, Government of India provide guidance in preparing the IPP, if necessary. RFCTLAR 2013 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 Indigenous Peoples 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 IPP. KUIDFC has an RPMU at regional level, which will have a special officer on tribal affairs in case of moderate TP/IP impacts and any sensitive issues, apart from the social development officer at CPMU and resettlement officer at RPMU, to guide ULBs and monitor IPP activities. PIUs at ULB level will designate a safeguards officer for RP/IPP implementation who will also help in preparing the IPP, implement IPP activities, and monitor the TPP internally. The CAPRRC/implementing NGO will assist the RO and implement all IPP activities, as well as carry out consultation with the affected TP/IP. The NGO will also designate one staff for regular monitoring of IPP activities. 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. The GRC for the project will be headed by: (i) Special Land Acquisition Officer/ Assistant Commissioner of the concerned sub-Division as Chairman of the sub Division with members as follows: (ii) ULB Commissioners/ Chief Officer of the concerned ULB towns; (iii) Deputy Project Director as member Secretary and Convener; (iv) PMDCSC Engineer; (v) affected IP community leader(s) / NGO(s)/CBO(s) working with IP groups in the area; and (vi) Social Development Officer RPMU KIUWMIP Mangaluru as member and will shoulder responsibility of keeping records of grievances/ complaints in details. In case of significant IP impacts and any major IP related grievances, the GRC will include the district level officer representing the Department of Tribal Welfare, as special member. The Resettlement Officer of RPMU will be responsible for coordinating with all GRC members and the displaced persons for grievance redressal. The grievances of critical nature and those cannot be resolved at Divisional level should be referred to DLIC set up at District level they will determine the merit of each grievance and attempt to resolve the same within a month from the date of lodging of complaints. The decision of DLIC is final and cannot be contested in any other forum except in the Courts of Law.

Appendix 7: Indigenous People Impacts Screening Checklist

A. Introduction

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

B. Information on project/subproject/component:

a. *District/administrative name:* _____

b. *Location (km):* _____

c. *Civil work dates (proposed):* _____

d. *Technical description:* _____

B. Screening Questions for Indigenous People Impact

Key Concerns (Please Provide Elaborations In The "Remarks" Column)	Yes	No	Not Known	Remarks
Indigenous Peoples Identification				
1. Are there sociocultural groups present in or using the project area who may be considered "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities"?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities," scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "indigenous peoples," "ethnic minorities," "scheduled tribes," or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target indigenous peoples?				

Key Concerns (Please Provide Elaborations In The "Remarks" Column)	Yes	No	Not Known	Remarks
10. Will the project directly or indirectly affect indigenous peoples' traditional sociocultural and belief practices (e.g. child-rearing, health, education, arts, and governance)?				
11. Will the project affect the livelihood systems of indigenous peoples (e.g., food production system, natural resource management, crafts and trade, employment status)?				
12. Will the project be in an area (land or territory) occupied, owned, or used by indigenous peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <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, executing agency/ safeguard team confirms that the proposed subsection/ section/subproject/component (tick as appropriate):

has indigenous people (indigenous peoples) impact, so an indigenous people plan (IPP) or specific indigenous peoples action plan is required.

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

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