

Indigenous Peoples Planning Framework

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IND: Bihar Urban Development Investment Program – Tranche 2

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CURRENCY EQUIVALENTS

(as of 03 April 2017)

Currency unit	—	Indian rupees (Re/Rs)
Re1.00	=	\$ 0.01541
\$1.00	=	Rs 64.65

ABBREVIATIONS

ADB	—	Asian Development Bank
BUIDCO	—	Bihar Urban Infrastructure Development Corporation
CBO	—	community-based organization
EARF	—	Environmental Assessment and Review Framework
EIA	—	Environmental Impact Assessment
EMP	—	Environmental Management Plan
ESMC	—	Environment and Social Management Coordinator
GRC	—	Grievance Redress Committee
GRM	—	Grievance Redress Mechanism
IEE	—	Initial Environmental Examination
IPP	—	Indigenous Peoples Plan
IPPF	—	Indigenous Peoples Planning Framework
NGO	—	nongovernmental organization
NRRP	—	National Rehabilitation and Resettlement Policy
OHSR	—	overhead storage reservoir
O&M	—	operation and maintenance
PESA	—	<i>Panchayats</i> (Extension to Scheduled Areas) Act
PIU	—	project implementation unit
PMC	—	project management consultants
PMU	—	project management unit
PTG	—	primitive tribal group
SIA	—	Social Impact Assessment
TDP	—	Tribal Development Plan
UDHD	—	Urban Development and Housing Department
ULB	—	urban local body
WTP	—	water treatment plant

NOTE

In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. On March 1 2010, the Asian Development Bank (ADB) approved a multitranche financing facility (MFF) to India for the Bihar Urban Development Investment Program (BUDIP) or the Investment Program) for an aggregate amount not exceeding \$200 million. The BUDIP supports the Government of India's strategy to provide sustainable urban infrastructure and services leading to better quality of life for people in two cities in Bihar. Bhagalpur and Gaya are the two major cities with the highest economic growth potential in Bihar, after the state capital, Patna. Despite being the economic centers of Bihar, the two cities have been unable to achieve the national urban service goals or match many of the national averages for urban service delivery performance in India. Their inability to sustain water supply and sewerage services is the result of inadequate size and condition of infrastructure, mainly attributed to inadequate new investment and operation and maintenance (O&M). The investment program will improve and expand the water and sewerage infrastructure in the two cities, and help urban local bodies (ULBs) of the two cities—the infrastructure owners—to ensure discipline and structures for operations that result in sustainable O&M.

2. The first loan under BUDIP, Tranche 1 or Loan 2861-IND, for \$65 million, was approved on 13 April 2012 and became effective on 6 June 2013. Project 1, supported by tranche 1 of BUDIP, included subproject for improvement of infrastructure, operations and sustainability in water supply in Bhagalpur. ¹The ongoing scheme for water supply improvement in Bhagalpur (BWSP1) includes overall distribution network rehabilitation and expansion, including rehabilitation of the existing water treatment facilities, construction of overhead tanks and distribution networks, bulk water metering and house connections.

3. The proposed Project 2, supported by the proposed tranche 2 of BUDIP, will include physical and non-physical investments in water supply improvement in Bhagalpur and Gaya. Bhagalpur and Gaya were selected for financing under Project 2 based on the implementation capacity, project readiness and sector priorities of the Government, in accordance with the agreed framework financing framework (FFA) for BUDIP. Project 2 is aligned with improved environment and well-being of residents in the program cities as defined by the Investment Program. It aims to improve access to sustainable water supply services in Gaya and Bhagalpur.2..

4. While subprojects for future tranches aim to improve environmental conditions and quality of life in urban areas, the proposed improvement of infrastructure may result in some adverse social impacts. This indigenous people's planning framework has been prepared and updated to ensure subprojects financed under the MFF comply with all relevant indigenous people's safeguards requirements of the Government of India, State Government of Bihar, and the Safeguards Policy Statement (SPS), 2009 of the Asian Development Bank (ADB). The indigenous people's planning framework also applies to changes in subprojects particularly during detailed design.

5. Screening of the Tranche 1 financed subprojects showed no impacts to scheduled tribes in Bhagalpur. None of the proposed subproject facilities are located on land belonging to scheduled tribes; moreover, scheduled tribes in Bhagalpur speak the same language as the majority of the population, do not have traditional rights and/or access to land resources and do not follow any distinct cultural practices. Hence, the Tranche 1 subproject was categorized

¹ Tranche 1 comprises the Bhagalpur Water Supply Subproject. Preliminary design has been developed for the Bhagalpur Water Supply Subproject, and on this basis, a social assessment undertaken.

as C (indigenous people impacts). Since indigenous peoples were not found in Bhagalpur, Indigenous Peoples Plans (IPP) were not prepared for Tranche 1.

6. In case of Tranche 2, no impacts on indigenous people's communities were identified in the project towns of Gaya and Bhagalpur.² None of the subproject sites are in scheduled areas of Indigenous peoples. As per Census 2011 data, Scheduled Tribe (ST) population comprises 0.27% and 0.12% of the total population in Bhagalpur and Gaya cities, respectively.³ Census surveys reveal that there are no Scheduled tribe members among affected persons. The beneficiaries' population of the project towns is completely urban. Members of Scheduled tribes living in the program cities, follow an urban way of life.⁴ Hence, tranche 2 subprojects are also classified as Category C for Indigenous People's impacts. While it is not expected that future tranches will have indigenous people impacts, if there are impacts on indigenous peoples or scheduled tribe population for subprojects in future tranches, IPPs will be prepared after preliminary design and finalized during detailed design.

II. OBJECTIVES AND POLICY FRAMEWORK

7. This Indigenous Peoples Planning Framework (IPPF) is a policy and procedural framework for the preparation and implementation of indigenous peoples plan (IPP) developed for subprojects financed in future tranches. IPPs will be developed if a subproject directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset consistent with the Safeguard Policy Statement (SPS), 2009 of the Asian Development Bank (ADB). The IPPF is updated prior to processing and implementation of tranche 2, to reflect changes in policy and practice related to land acquisition and resettlement in India and Bihar, following the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and resettlement (RFCTLARR) Act, 2013 and provisions related to scheduled tribes / indigenous peoples in the Act. The IPPF provides guidance in mitigating IP/ST impacts if any identified during implementation, as stipulated in ADB SPS, 2009, SR3.

A. Objectives

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

² Refer Annex 2 for the list of Scheduled Tribes in Bihar.

³ According to the Census 2011, 8.6% of India's population is classified as scheduled tribe. In comparison with the national figure, Bihar has only 1.3% of scheduled tribe population (1336573 of a population of 104,099,452 based on Census of India, 2001). In urban Bihar, only 0.56 percent of the total urban population of the State is classified as scheduled tribe. Census 2001 data reveals that scheduled tribe population in Project 1 and Project 2 towns comprises 0.27% and 0.12% of the total population in Bhagalpur and Gaya cities, respectively.. Since identification of tribes is a state subject, classification of a tribe would depend on the status of the tribe in a particular state.

⁴ Discussions with officials of the Scheduled Caste and Scheduled Tribe Welfare Department, state government of Bihar revealed that scheduled tribes have been assimilated into the society in Bihar as they all speak the mainstream language and/or dialect (Hindi/Bhojpuri), do not observe any distinct social/cultural practices and ancestral land over which they maintain traditional user rights are not present in Bihar.

necessity for an exclusive safeguards policy for the IPs in ADB-financed projects.

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

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

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

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

B. Policy Framework

1. National Level

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

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

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

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

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

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

settlement will be given land for land. To handle the problem of shifting cultivation, land tenure system is proposed giving tribals the right to land ownership so that they invest their energy and resources in checking soil erosion and fertility. The policy seeks to tackle tribal land alienation by stipulating that: (i) Tribals have access to village land records; (ii) Land records be displayed at the Panchayat; (iii) Oral evidence be considered in the absence of records in the disposal of tribal land disputes; (iv) States prohibit transfer of lands from tribals to non-tribals; and (v) Tribals and their representatives are associated with land surveys.⁵

2. ADB Safeguards Policy Statement, 2009

15. ADB's indigenous people safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use occupy, or claim as an ancestral domain or asset. Policy principles are in Annex 6.

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

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

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

18. As per ADB policy, Indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IP or affects the territories, natural, or cultural resources that they own, use, occupy, or claim as their ancestral property. In the present Project 2 activities, for the known sites/alignments, such a situation has not arisen, per initial social assessments. However, in view of such a possibility in the future, this IPPF will provide guidelines to mitigate the adverse impact, if any, through the preparation of an indigenous people plan (IPP). The need for an IPP will depend on the nature and scale of

⁵ The Chhotanagpur Tenancy Act, 1908 gives tribals in the Chhotanagpur Region (which covers Bihar, Jharkhand and Madhya Pradesh) the right to reclaim land from which they are alienated; however, all lands in undivided Bihar over which tribals had traditional user rights are now part of the State of Jharkhand.

the project's impacts and sensitivity of ethnic minority issues. Based on the initial poverty and social assessment prepared for the project, a requirement for preparing an IPP was not identified. An IPP would be required if the impact is "significant," which means (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An indigenous people impact checklist to be used in the Indigenous people's screening exercise during project preparation is provided in Annex 5

3. Comparison of Applicable Government and ADB Policies and Gap-filling Measures

19. Major indigenous people policies applicable to the investment program include: Panchayats (Extension to Scheduled Areas) Act (PESA), 2006; RFCTLARR Act 2013 and ADB SPS 2009. A comparison of these policies and identification of gaps is undertaken. A summary of the analysis is presented below.

20. PESA, 2006 does not deal with resettlement issues; it extends applicability of the PESA Act to scheduled areas in the country and bestows powers to *Gram Sabhas* and *panchayats* in such areas to have control, authority, decision-making and/or monitoring powers over all development projects in such areas, powers to prevent land alienation and restore unlawful alienated lands of scheduled tribes. It does not specify any requirement for early screening, social impact assessment (SIA), preparation of TDP/IPP, capacity development for meaningful participation, disclosure etc., and does not have any safeguards and/or provisions related to commercial development projects in such areas or sharing of benefits between affected persons.

21. The RFCTLARRA, 2013 has special provisions for scheduled caste and scheduled tribe families affected by land acquisition and / or resettlement impacts.

22. It is evident that national laws and policies aim at protecting tribals from land alienation, mainstreaming them in the development process and ensuring their inclusion in the country's development. There is no single document that comprehensively addresses all types of indigenous people impacts, large or small, positive or negative.

23. ADB SPS provides a comprehensive framework for identification of indigenous people impacts and ensuring that indigenous peoples benefit from the proposed project; it delineates the consultation and disclosure process to be followed in preparation of IPPs, with defined timelines and budgets, and their implementation and provides for monitoring of IPP implementation to ensure that IPP objectives and outcomes are achieved. It also provides for capacity building of government and indigenous peoples to enable effective action and/or participation, accessible, culturally appropriate and gender sensitive grievance redress mechanisms (GRM) and monitoring process. Apart from land acquisition and displacement, it focuses on safeguards against commercial exploitation of indigenous peoples' resources and/or knowledge-base and culture. It appears that the Constitution of India and several acts ensure protection of Indigenous peoples or scheduled tribes, as defined by the Constitution, which is consistent with ADB policy; hence there is no need to bridge the gap between protection measures guaranteed under Indian laws and ADB's safeguard requirements. Objectives of the IPPF and the approach to IPP preparation will accommodate both Indian Constitution provisions, Acts and policies and ADB's safeguards policy on IP. This IPPF combines the

features of government and ADB policy to provide a safeguards framework to ensure that any subproject which will have positive or negative indigenous people impacts, i.e., impacts on scheduled tribes as a distinct community (regardless of scale or number of persons affected) will be consistent with the needs and aspirations of affected indigenous peoples and compatible with affected indigenous peoples' culture, 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 executing/implementing agencies. Moreover, the executing/implementing agencies will ensure that affected indigenous peoples have opportunities to participate in and benefit equally from such project interventions.

24. The IPPF will address the developmental needs of scheduled tribes as a distinct community through a process of sustainable development. It sets out the policy, principles, and implementation mechanisms to address impacts if any, which is consistent with the policy of the government and ADB, to guide future subproject implementation. The IPPF is also expected to aid future site identification and/or selection for infrastructure development. If indigenous peoples are identified during project identification and surveys, the impacts (both positive and negative) of the subproject component on affected groups or community will be addressed as per the IPPF. In case significant impacts on indigenous peoples are identified, this IPPF will be applied during subproject preparation and an IPP will be prepared in accordance with requirements for future tranches and ADB's policy as defined in ADB SPS (2009).

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

A. Application of ADB Indigenous People Definition for Subprojects

25. Indigenous Peoples are defined according to ADB SPS (2009) refer to a distinct vulnerable, social and cultural group with the following character in varying degrees: (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.

26. The President of India under Article 342 of the Constitution uses the following characteristics to define indigenous peoples (scheduled tribes), (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness, for classifying them as a scheduled tribe.

27. Essentially, indigenous peoples have a social and cultural identity distinct from mainstream society that renders them vulnerable to being overlooked or marginalized in the development process. In the context of the subprojects, scheduled tribes who have no modern means of subsistence with distinctive culture and are characterized by social and economic backwardness could be identified as indigenous peoples.

28. In Bihar, there are 30 major tribes (refer to Annex 2 for list of tribes in Bihar) according to the notified Schedule under Article 342 of the Constitution of India. Among these 30 tribes, the Government of India identified (i) Asur; (ii) Birjia; (iii) Birhor; (iv) Korwa; (v) Parhaiya; (vi) Mal

Pahariya; (vii) Sauria Paharia; and (viii) Sawar tribes as primitive tribal groups (PTGs).⁶ PTG population constitutes approximately 23% (9,361) of the total scheduled tribe population in the Bihar. Concentrated tribal areas, termed as Integrated Tribal Development Project (ITDP)⁷ existed in undivided Bihar; however, these now fall in Jharkhand, following the division of the state. During project preparation, secondary data from Census of India 2001, and primary data from household surveys and transect walks were analyzed; no scheduled tribes or (PTGs) were identified in and around Tranche 1 and Tranche 2 financed subprojects. The subproject area is a highly urbanized area. The subproject activities in and around urban areas are unlikely to have impacts on scheduled tribes; this is likely to be typical for all four subproject areas to be financed by the MFF. While it is unlikely that there will be impacts on indigenous peoples, the IPPF is prepared as other subprojects are not yet at preliminary design stage and will pay attention to addressing scheduled tribes' and PTGs concerns if any.

B. Potential Positive and Adverse Effects on Indigenous Peoples

29. The subprojects will have environmental and public health benefits to the population, both scheduled tribes and non-scheduled tribes. Potential negative impacts on affected persons are either permanent, related to land acquisition, or temporary, related to construction impacts. Permanent negative impacts, if any, will be addressed through resettlement plans which include specific entitlements for vulnerable persons including indigenous peoples. Consistent with the Draft National Policy on Scheduled Tribes, displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. Where displacement is inevitable, the preferred compensation for each scheduled tribe family having land in the earlier settlement will be land for land. This is also consistent with ADB's SPS. This is reflected in the entitlement matrix of the resettlement framework. Subproject design also prioritizes rehabilitation over new construction of infrastructure, avoiding land acquisition and consequent resettlement, and subproject siting in built-up areas. If significant impacts to indigenous peoples not related to land acquisition are identified during design of future tranches, the IPPF will require the formulation of an IPP.

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

IV. SOCIAL IMPACT ASSESSMENT AND IPP FOR SUBPROJECTS

A. Preliminary Screening and Classification

31. The Environment and Social Management Coordinator (ESMC), project management unit (PMU), will study all indigenous peoples' communities and villages within the vicinity of subproject sites or areas being affected and influenced by the subproject. The PMUs/project

⁶ PTGs are tribal communities among the scheduled tribes who live in near isolation in inaccessible habitats. They are characterized by a low rate of population growth, pre-agricultural level of technology and extremely low levels of literacy (PESA Act, 1996)

⁷ The ITDPs are generally contiguous areas of the size of a Block (group of villages) or *Taluka* in which the scheduled tribe population is 50% or more of the total population. ITDP areas have a separate administrative structure headed by a project officer to implement various development programs.

implementation units (PIU)/ implementing nongovernment organization (NGO) will arrange public meetings at indigenous people communities to provide information on the subproject. During these meetings, community leaders and other participants will be given an opportunity to present their views, concerns and preferences. The ESMC (PMU) will undertake screening for indigenous people populations with the help of indigenous people community leaders and local leaders. The initial screening will check for the following:

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

32. Based on the above criteria, an indigenous people assessment checklist will be prepared. (A checklist format for screening of indigenous peoples in subprojects is provided in Annex 5). If the results of the preliminary screening (reviewed with the assistance of the project consultants) show that there are indigenous people households in the proposed subproject area, SIA will be conducted to capture indigenous people issues and development opportunities for indigenous peoples that exist in the area.

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

- (i) **Category 'A' Projects:** A proposed project is classified A if it is likely to have significant impacts on Indigenous Peoples.⁸ An Indigenous Peoples Plan (IPP), including assessment for social impacts, is required.
- (ii) **Category 'B' Projects:** A proposed project is classified as category B if it is likely to have limited impacts on Indigenous Peoples. An IPP, including assessment of social impacts, is required.
- (iii) **Category 'C' Projects:** A proposed project is classified C if it is not expected to have impacts on Indigenous Peoples. No further action is required.
- (iv) **Category 'FI' Projects:** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

B. Social Impact Assessment

34. Based on the results of screening, if likely impacts are found, a social impact assessment (SIA) is undertaken. SIA is to be undertaken by qualified and experienced experts with familiarity of working with indigenous peoples.

35. SIAs need to be undertaken in a gender-sensitive manner, in consultation with indigenous people communities. Potential impacts on indigenous people communities need to be identified through a field-based SIA, which will be conducted either as part of a feasibility study or as a stand-alone activity. Key elements of SIA include (i) a baseline socio-economic

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

profile of indigenous groups in the subproject area and influence zone of the subproject; (ii) assessment of the existing levels of access to opportunities, economic activities and services, and basic services; and (iii) identification of potential positive and negative, direct and indirect, short- and long-term impacts on indigenous people communities' social, cultural and economic status, in consultation with them and in a gender-sensitive manner. The level of detail in an SIA will depend on the complexity of the proposed subproject and the nature and/or scale of impacts on indigenous peoples.

36. Information will be gathered through separate group meetings within the indigenous peoples community, including indigenous people leaders; group of indigenous peoples (men and women), especially those who live in the zone of influence of the proposed work under the subproject. Discussions will focus on positive and negative impacts of the subproject as well as recommendations on the design of the subproject and the investment program. The ESMC at project management consultant (PMC) will oversee preparation of the SIA by the PMC. The PMU will be responsible for development of an action plan in consultation with indigenous people community leaders. If the SIA indicates that the potential impact of the proposed subproject will be significantly adverse—threatening the cultural practices and sources of livelihood of indigenous peoples, or that the indigenous people community rejects subproject works—the PMU will consider other design options to minimize such adverse impacts. If indigenous people communities support the subproject, an IPP will be prepared.

37. SIA assesses the potential positive, negative, direct and indirect impacts on indigenous peoples' social, economic, cultural status. It also delineates the approaches, compensation, mitigation measures to be adopted to address indigenous people issues and the costs and other resources involved. SIA ensures that indigenous peoples receive culturally appropriate social and economic benefits and where impacts on indigenous people are identified, they are avoided to the maximum extent possible.

C. Indigenous Peoples Plans

38. The main features of the IPP will be a preliminary screening process, an SIA to determine the degree and nature of impact of each subproject, and an action plan to be developed, if warranted. Meaningful consultations with and participation of indigenous peoples' communities, their leaders, and local government representatives will be an integral part of the overall IPP. An IPP is to be prepared in case of positive and/or negative impacts. The IPP will seek to ensure that affected indigenous peoples receive culturally appropriate social and economic benefits and any identified potential adverse impacts are avoided to the maximum extent possible; where this is not possible, the IPP, based on meaningful consultations with indigenous peoples, will outline measures to minimize, mitigate and compensate for adverse impacts. The level of detail and comprehensiveness of IPPs will vary depending on the specifics of a subproject and types of impacts envisaged; elements of the IPP need to be integrated into subproject design.

39. In case of subprojects involving only positive impacts, where indigenous peoples comprise the only beneficiaries or the majority of beneficiaries, elements of an IPP could be included in the overall subproject design and a separate IPP need not be prepared. In such cases, the subproject document will include a summary and/or explanation on how the subproject complies with indigenous peoples' safeguards policies of the government and ADB. It will explain how meaningful consultations were undertaken and how benefit sharing is integrated into subproject design.

40. IPPs need to be updated on completion of detailed measurement surveys and engineering designs. The updated IPP will follow the award of contract packages and implementation schedules of subprojects and/or components; it will not lower or minimize any of the outcomes specified in the draft IPP. The SIA and IPP need to be prepared by qualified and experienced experts. In case of highly complex and sensitive subprojects, independent or external panels of experts who are not affiliated with the project will be appointed for project preparation and implementation.

41. Key elements of IPP preparation and implementation include: (i) all development plans for indigenous peoples should be based on full consideration of the options and approaches that best meet the interests of individuals and communities affected by the subproject; (ii) scope and impact of adverse effects be assessed and appropriate mitigation measures are identified; (iii) subproject should take into account the social and cultural context of affected peoples, and their skills and knowledge relating to local resource management; (iv) during subproject preparation, formation and strengthening of indigenous peoples organization, communication to facilitate their participation in subproject identification, planning, execution, and evaluation should be promoted; (v) where previous experience and knowledge of working successfully with indigenous peoples is lacking, pilot scale operations should be carried out and evaluated prior to the execution of full-scale efforts; (vi) experienced experts (community-based organizations [CBOs], NGOs, researchers, and consultants) will be hired to prepare IPP; (vii) the responsible agency will formulate IPP implementation schedule, which will be periodically monitored by ULB officials as well and as required independent or external monitoring agency; and (viii) the responsible agency will also prepare a budget for IPP implementation and a financing plan to ensure smooth progress.

42. The IPP will comprise a number of activities and will include mitigation measures of potentially negative impacts, modification of subproject design (if required), and development assistance. Where there is land acquisition in indigenous people communities, the subproject will ensure that their rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to the affected indigenous peoples. The IPP will include:

- (i) a description of the subproject;
- (ii) baseline data and land tenure information;
- (iii) SIA;
- (iv) information disclosure, consultation and participation process, to ensure that indigenous peoples are aware of alternatives or options and their views recorded and incorporated in the IPP/subproject design;
- (v) identification of development enhancement (beneficial measures) or mitigation measures;
- (vi) institutional arrangements, including capacity building requirements;
- (vii) GRM;
- (viii) monitoring, reporting, and evaluation; and
- (ix) cost estimate and financing plan.

D. Benefits and Mitigation Measures

43. The IPP will offer development options addressing community-based needs of indigenous peoples while respecting their socio-cultural distinctiveness. The IPP aims at strengthening the existing capacity of the affected tribal community to participate and benefit from subproject interventions. Where impacts on the general population and indigenous peoples are potentially positive, measures will be undertaken to ensure that benefits are equally shared

among the general population and indigenous people households. This will be ensured through the participation of indigenous peoples as stakeholders during all stages of the subproject. Where impacts are potentially negative, all affected indigenous households will be provided with assistance, which would help them to improve their living standards without exposing their communities to disintegration. As vulnerable groups, they are entitled to receive special assistance not only to restore and improve their income and livelihood, but also to maintain their distinct cultural identity.

44. Indigenous peoples are likely to have traditional land rights; these will be honored and the absence of land titles will not be a bar for receiving compensation and alternate land. Compensation entitlements for indigenous peoples will be the same as those listed in the agreed Resettlement Framework. The resettlement framework defines indigenous peoples as vulnerable people and/or households (Annex 7 has the entitlement matrix).

45. Indigenous peoples may be particularly vulnerable when subproject activities include (i) commercial development of the cultural resources and knowledge of indigenous peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous peoples. The subproject selection criteria avoid impacts on indigenous peoples. However, if a subproject involves indigenous people impacts of the above nature, the PMU will seek the consent of affected indigenous peoples. Seeking broad community support is detailed in ADB's SPS.

46. If the impacts of the subprojects are not significant, the PMU could decide to prepare a specific action to address indigenous people issues without preparing an IPP. This decision will depend on the severity of impacts on indigenous peoples. A specific action could take the form of a common community action plan where the indigenous peoples groups live with non-indigenous peoples in the same subproject location.

V. CONSULTATION AND PARTICIPATION

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

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

A. Disclosure

49. The Draft IPP, entitlements, compensation, assistance, and mitigation measures and the final IPP will be disclosed to affected indigenous peoples in a timely manner (refer C&P Plan for the subproject) in a language understood by indigenous peoples and other stakeholders. In case of illiterate indigenous peoples, communication methods will be different and will involve more discussions, consultations and meetings for disclosure.

50. The following documents will be endorsed by Urban Development and Housing Department (UDHD) and submitted to ADB for disclosure on ADB's website:

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

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

52. At the planning stage, the draft IPP, at the implementation stage, the revised IPP and at the post-implementation stage monitoring reports will be made available to the affected indigenous peoples; translated into local language(s)/dialects of indigenous peoples and suitable communication media such as pictorial hoardings will be used for information disclosure to non-literate indigenous peoples, prior to implementation. The documents will also be posted on the website of the government and ADB. NGO will be engaged to implement the IPP (the NGOs appointed for conducting Community Development and Participation Activities will implement the IPP) and will ensure information disclosure as well as resolution of any dispute arising out of the implementation process. Annex 8 gives a list of NGOs actively involved in scheduled tribe or caste welfare in Municipal Corporations of Bihar.

B. Activities for Inclusion of Indigenous Peoples' Issues

53. A broad strategy for inclusion of indigenous peoples' issues has been formulated. Involvement of indigenous peoples in problem identification and design of solutions must be ensured through the entire cycle of subproject interventions. Table 1 presents activities to be undertaken by the implementing agency to ensure inclusion of indigenous people issues in subprojects.

Table 1: Activities and Indicators of Indigenous Peoples' Involvement

Project Stages	Procedures	Process and Outcome Indicators	Remarks
Planning Stage	Identify locations of dominant indigenous population in the subproject sites.	Indigenous People screening checklist	To be carried out by PMU with the assistance of implementing NGO/PMC.
	Identification of indigenous community stakeholders at site	List of all indigenous communities in the project areas	
	Sensitization and meaningful consultation through focus group discussions with indigenous communities	Documentation on number of discussions and minutes of the meetings	
	Identification of environmental and social issues of the indigenous population and possible impacts as a result of the subproject	Documentation of issues Preparation of IPP based on screening and SIA	
	Meaningful consultation to establish existing concerns related to: (i) land availability and tenure; (ii) access to urban infrastructure facilities; (iii) representation in Community Based Development; (iv) existing Government schemes; and (v) dependency on MFP and common property resources.	List of spatial and non-spatial issues	
Design Stage	Discussions on possible intervention measures through the subproject, their likely impacts and safeguard measures (mitigation and monitoring) to be incorporated into subproject activities: (i) loss of agricultural and homestead land; (ii) loss of structure and immovable assets; (iii) loss of livelihood; and (iv) loss of common property resources	List of safeguard measures List of subproject impacts	
	Meaningful consultation with indigenous groups for further suggestions	List safeguards measures in the draft safeguard plans	
	Participatory approach to be adopted to involve indigenous peoples in finalizing subprojects, and safeguard plans	Measures to be taken in complying with the safeguard frameworks prepared	

Project Stages	Procedures	Process and Outcome Indicators	Remarks
Implementation Stage	Provision of assistance/compensation based on safeguards frameworks	Assistance provided/compensation amounts	NGO engaged for implement safeguards will undertake this during project implementation
	Implementation of safeguards measures	Measures undertaken	
Post Implementation Stage	Evaluation of the success of safeguards plans undertaken	Indicators developed for evaluation of project impacts	Consultants engaged for impact evaluation study will undertake this after project completion

IPP = Indigenous Peoples Development Plans, MFP = minor forest produce, NGO = nongovernment organization, PMC = project management consultant, PMU = Program Management Unit, SIA = social impact assessment.

54. The PMU will ensure adequate budgetary provision for consultation with indigenous peoples and facilitation.

VI. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

55. A common Grievance Redress Mechanism (GRM) will be put in place to redress social, environmental or any other project and/or subproject related grievances. The GRM described below has been developed in consultation with stakeholders, including affected persons and NGOs.⁹ Customer Service Centres (CSC) proposed in each town, including a central CSC will serve as the focal points for registration of grievances. The APs will also be encouraged to lodge their complaints through phone or email or post and seek a complaint registration number either through the CSCs or directly, through the project grievance redress cell at PIU.

56. The Grievance Redress Mechanism provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A Grievance Redress Cell will be established at PIU; the social safeguards officer of PIU, supported by the social safeguards expert and social mobilisers of DSC will be responsible for conducting periodic community meetings with affected communities to understand their concerns and help them through the process of grievance redressal including translating the complaints into Hindi or English from the local language, recording and registering grievances of non-literate affected persons and explaining the process of grievance redress mechanism. All expedient and minor grievances will be resolved at project level; should the PIU fail to resolve any grievance within the stipulated time-period, the PMU will be consulted and suggested actions by PMU taken by PIU with DSC support, within specified time. PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions).

57. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances – major or minor, will be registered. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from the PIU supported by DSC will try to successfully resolve them. In case of larger issues, they will seek the advice and assistance

⁹ The draft Grievance Redress Process has been circulated and discussed with the following Bihar-based NGOs and research institutes working on environment, social and gender issues, for comments: Asian Development Research Institute, Participatory Research in Asia, Nav Manas Kalyan Samiti and Taru Mitra.

of the PMU. Grievances not redressed through this process within/at the project level within stipulated time-period will be referred to the City Level Committee/Grievance Redress Committee.¹⁰

58. City Level committees will be set up to monitor project implementation in each town. In its role as a Grievance Redress Committee (GRC), the CLC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which the grievance will be addressed by the state-level Project Steering Committee (PSC). The PSC will resolve escalated/unresolved grievances received. Grievances related to land acquisition, rehabilitation and resettlement remaining unresolved by PSC will be referred by affected persons to the State Land Acquisition, Rehabilitation and Resettlement Authority, if constituted during the project period in the state, or, to appropriate courts of law.¹¹ The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The PMU has issued a notification to tranche 1 and 2 project towns to establish the respective city level GRCs, with details of composition, process of grievance redress to be followed, time limit for grievance redress at each level, etc. A GRM notification has been issued in the local language by BUIDCO, which also specifies the time taken at each stage of the process.¹²

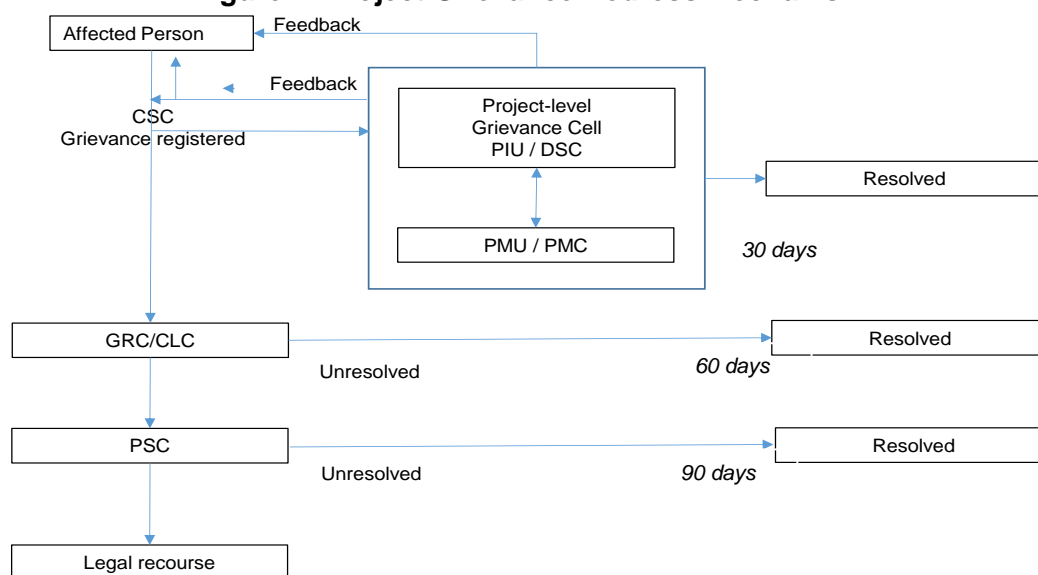
59. The maximum time period of 30 days of redressing grievances at the project level will include the following specific actions and timeframes based on the date of receipt of the complaint or grievance: (i) acknowledge the letter of complaint or grievance within 5 days; (ii) issue a notice of meeting to the GRM panel within 10 days; (iii) hold GRM panel meeting and agree on a decision within 15 days; (iv) issue the decision within 20 days; (v) meet with the complainant to deliver the decision within 27 days; and (vi) allow complainant to respond within 3 days from receipt of the decision.

60. If the established GRM is not able to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

¹⁰ Grievances related to award of compensation can be addressed by the district collector's office and court of law.

¹¹ The land acquisition, rehabilitation and resettlement authority is required to be set up in every state as per LARR Act, 2013. The authority is not in place in Bihar yet. Until such time that the authority is constituted in the state, aggrieved parties will be able to directly approach the courts of law at any stage.

¹² A maximum time period of 30 days is allocated for project level grievance redress, 60 days for the GRC/CLC and 90 days for the PSC.

Figure 1: Project Grievance Redress Mechanism

CLC=city level committee, CSC=customer service center, GRC=grievance redress committee; GRM=grievance redress mechanism , PIU= project implementation unit, PMU =project management unit, PSC=project steering committee.

B. Composition of GRC and PSC

61. The CLC, acting as GRC will have District Magistrate (Chairperson), Mayor, Municipal Commissioner, Head, PIU (Convener), and City Level Heads of relevant departments (such as BRJP, Road Construction Department, PHED, Electricity Board, State Pollution Control Board, Police, etc. and departments such as Forest Department, Railways etc.); Chairpersons of the concerned Municipal Corporation's Standing Committee; ULB officials including Municipal Engineer, Town Planning Officer, Medical and Health Officer; representatives from the affected village panchayat and / or community, if any, eminent citizens, CBOs and NGOs. The GRC/CLC must have a minimum of two women members. In case of any indigenous people impacts in future subprojects, the GRC/CLC must have representation of the affected indigenous people community, including at least one female indigenous person, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups.

62. The PSC will include the Minister for Urban Development (Chairperson), State Chief Secretary (Vice Chairperson), and Ministers, Directors and/or representatives of other relevant government ministries and departments, e.g., Finance, Planning, PHED, Roads, BRJP, etc., Mayors of respective municipal corporations and the project director (Member Secretary and Convener) as members.

C. Areas of Jurisdiction

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

D. Consultation Arrangements

64. This will include regular group meetings and discussions, at least twice during resettlement plan preparation, with affected persons by the social safeguards personnel of DSC and PIU. During the first year of RP implementation, such meetings will take place on a quarterly basis, while in subsequent years; these meetings will be held at least twice a year. The consultation arrangement thus envisaged is intended to address both general and/or specific individual grievances through a participatory approach. Besides, the consultative process is meant to be flexible to provide timely mitigation of grievances of the APs. The most complex cases will be dealt with through one-to-one consultation with particular affected persons, with the support of PMU and PMC as and when required. DSC will be responsible for ensuring that non-literate affected persons and/or vulnerable affected persons are assisted to understand the grievance redress process as well as for encouraging them to register complaints and follow-up with relevant authorities at different stages in the process.

E. Recordkeeping

65. 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 outcome will be kept by PIU (with the support of CSCs and DSC) and submitted to PMC.

F. Information dissemination methods of the GRM.

66. The PIU, assisted by DSC will be responsible for information dissemination to affected persons on grievance redressal procedure. ULB-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The PIU environment and social safeguard officers will be assisted by design and supervision consultant (DSC) safeguards specialists with information/collateral/awareness material etc. and in conducting project awareness campaigns. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project Resettlement Framework including. who to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redressal of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU and PIU offices, ULB/concerned local panchayat notice boards and on the web, as well as reported in the semi-annual environmental monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in Appendix 9.

67. **Periodic review and documentation of lessons learned.** The PMU safeguard officers 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.

68. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in safeguard cost estimates. The grievance redress process is shown in Figure 1.

VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

69. UDHD of the state government of Bihar is the executing agency for the investment program, which will receive strategic directions from a state-level steering committee. The implementing agency, Bihar Urban Infrastructure Development Corporation (BUIDCo), The PMU within BUIDCo has an ESMC. Bihar Urban Infrastructure Development Finance Corporation (BUIDCo), a company fully owned by state government of Bihar, which specializes in implementation of investment projects, has field offices at city-level (Bhagalpur and Gaya). ULBs and BUIDCo will enter into agreements, which authorize BUIDCo to manage the subprojects on behalf of the ULBs. Once the assets are created, BUIDCo will transfer them to the respective ULBs for operation and maintenance. PIU field offices will be set up in each project town to manage the implementation of subprojects. In addition, CLC will be set up in each project town to periodically review subproject progress, facilitate smooth implementation and finalize proposals for any legal, operational and financial changes required, in discussion with the PMU and UDHD.

70. The PMU, with support from PIU field offices and implementing NGOs, will ensure mitigation of negative social impacts due to the subproject, if any. The PMU will be assisted by PMC who will provide project management support, assure the technical quality of design and construction, prepare IPP reports and provide advice on policy reforms.

A. Program Management Unit

71. The ESMC within UDHD as PMU will deal with safeguards issues. The ESMC will be assisted by the PMC on environmental and social issues. The ESMC will oversee implementation of the PIU/implementing NGO. The PMU will endorse subproject IPPs prepared by PMC and will have financing and monitoring responsibilities. It will coordinate with national and state agencies to resolve inter-departmental issues, if any. It will also monitor physical and non-physical activities under the subproject and will monitor implementation of safeguards plans and guide PIU as and when necessary.

B. Project Management Consultants (PMC)

72. PMC will have a Resettlement/Social Development Specialist who will be responsible for the preparation of resettlement plan/IPP reports respectively. The Resettlement/Social Development Specialist of PMC will review and finalize all reports in consultation with the ESMC of PMU. The Resettlement/Social Development Specialist of PMC will submit periodic monitoring and implementation reports to PMU, who will take follow-up actions, if necessary.

73. The ESMC of PMU will endorse/submit periodic monitoring reports received from PMC to the Program Director, PMU who will then submit these to ADB. The monitoring report will focus on the progress of implementation of the IPP/IPPF, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with subproject selection criteria, and relevant loan covenants. The PMU will seek state government's clearance for submission and disclosure of the social monitoring report to ADB.

C. Program Implementation Unit

74. The PIU at state-level will have a Resettlement Officer who will be responsible for implementation of the IPP. Officer will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as

intended. The PIU through the implementing NGO will be responsible for delivery of entitlements to affected persons.

75. The PIU will be responsible for implementing and monitoring safeguards compliance activities, public relations and disclosure activities, gender mainstreaming activities and community participation activities. It will be responsible for obtaining statutory clearances and obtaining No Objection Certificates from government agencies and other entities and entering agreements with them for use of their land. It will also coordinate for obtaining right of way clearances with related state and national agencies.

76. PIU field offices in program towns will have a Safeguard Officer who will be responsible for data collection for IEE/EIA and resettlement plan/IPP preparation and implementation. PIU field offices will obtain right of way clearances and prepare progress reports with respect to IEE/EIA and resettlement plan/IPP implementation.

77. The PIU will recommend entitlements (finalized by PIU/NGO in consultation with affected persons), which will be examined and approved by the PMU, which will release payments for the same. The PIU through the implementing NGO will be responsible for delivery of entitlements to affected indigenous persons.¹³ Organizational procedures and institutional roles and responsibilities for IPP implementation and steps or activities involved in delivery of entitlements are described in Table 2.

¹³ In case the project screening indicates indigenous peoples' impacts, an implementing NGO will be engaged by the project to oversee and support with indigenous peoples' issues.

Table 2 Institutional Roles and Responsibilities with respect to IPP Preparation and Implementation

S. No	Activities	Municipal/Line Agency	PMU	Project Consultants	NGOs	ADB	Indigenous People Community Involvement
1	Finalization of sites/alignments for subproject components	Identify and finalize sites/alignments for subproject components	PMU will appoint project consultant	Project consultant appointed by PMU will provide technical help to ULB in finalizing sites/alignments			
2	Preliminary Screening						
A	Collecting and analyzing required information		PMU will appoint a full time ESMC; one of the responsibilities of the ESMC will be to oversee IPP activities	The project consultant will undertake preliminary screening			Cooperation and active participation of indigenous peoples is anticipated in IPP activities
B	Preparation of preliminary screening report			Designated staff will prepare preliminary screening report, which will be sent to PMU			
C	SIA recommendation		Based on preliminary screening report, and in compliance with ADB policy, PMU will recommend SIA				
3	SIA						
A	Collecting and analyzing required information		Designated staff (ESMC) of PMU will monitor SIA activities	Project consultant appointed by PMU will conduct SIA			indigenous peoples will be responsible for giving information to and participation with concerned officials

S. No	Activities	Municipal/Line Agency	PMU	Project Consultants	NGOs	ADB	Indigenous People Community Involvement
B	Preparation of SIA report			Project consultant will prepare report and submit it to the PMU			
C	Recommendation for IPP preparation		Based on SIA report, and in compliance with the ADB policy, PMU will recommend IPP preparation				
4	Preparation of IPP						
A	Formulation of mitigation measures and development of action plan		Designated staff will monitor IPP preparation activities and will provide required help	Project consultant will prepare IPP in consultation with affected indigenous peoples/community leaders			Affected indigenous peoples, indigenous people leaders, CBOs will participate in formulation of mitigation measures and development of action plan
B	Disclosure of IPP	Designated staff will participate in information disclosure meetings to finalize IPP at community level	PMU staff will participate in information disclosure meetings to finalize IPP at community level	Project consultant will conduct meetings for information disclosure and will provide required information during meetings	Local NGOs can be invited to bring transparency in information disclosure meetings		Affected indigenous peoples, indigenous people leaders will participate and approve IPP
C	Preparation of budget and financing plan		Designated staff will provide required necessary help to PMC	Project consultant will prepare IPP budget and financing plan			

S. No	Activities	Municipal/Line Agency	PMU	Project Consultants	NGOs	ADB	Indigenous People Community Involvement
E	IPP clearance from ADB		PMU after scrutinizing IPP for compliance with ADB policy will submit it to ADB	As per ADB's comments, project consultant will revise IPP and budget		Concerned staff at ADB will review and approve the IPP document	
5	IPP implementation		PMU appoint NGO for IPP implementation and monitor IPP implementation periodically along with an independent agency				

ADB = Asian Development Bank, CBO = community-based organization, ESMC = environment and social management coordinator, IPP = Indigenous Peoples Plan, NGO = nongovernment organization, PMC = project management consultant, PMU = project management unit, SIA = social impact assessment, PMU = project management unit, ULB = urban local body.

D. Implementing NGO

78. If indigenous people's issues are triggered, an implementing NGO will be engaged to assist the PIU in implementing and monitoring the IPP (duly approved by the PMU and reviewed and cleared by ADB prior to implementation). The implementing NGO should have prior experience in indigenous people issues, have staff fully conversant with provisions of IPP and adequate understanding of norms and customs of and respect for indigenous peoples. NGOs hired for IPP implementation will also be responsible for addressing HIV/AIDS, and core labor standards. The NGO to be procured should have experience in addressing such social issues.

79. The role of the NGO in IPP implementation will be that of a facilitator of the plan implementation process. The NGO will work as a link between the investment program and the affected community. They will educate the affected persons on the need to implement subprojects. The NGO will: (i) build a rapport with indigenous peoples and PMU/PIU; (ii) educate affected persons on their rights, entitlements, and obligations under the IPP; (iii) ensure that indigenous peoples including vulnerable households receive full entitlements; (iv) where options are available, provide advice to affected persons on the relative benefits of each option; assist affected persons on grievance redress through the established system; and (vi) collect data as required to help PMU monitor and assess progress.

80. The responsibilities of NGOs in IPP implementation will include the following: (i) work in close co-ordination with the ESMC (PMU) to implement the IPP; (ii) facilitate transparency in process¹¹¹⁴ and public participation; (iii) take lead in joint verification and identification indigenous peoples and/or vulnerable households, enlist indigenous peoples and/or vulnerable households, undertake counselling for livelihood restoration, dissemination of project policies, documents etc.; (iv) identify training needs of CBOs/indigenous peoples/vulnerable groups for income generation activities/literacy and numeracy and ensure that they are adequately supported; (v) put forth grievances of affected persons/indigenous peoples to the GRC, (vi) Generate awareness about livelihood restoration and/or livelihoods skills development activities and opportunities for employment in subproject related activities among indigenous peoples and/or vulnerable groups, and help them to make informed choices; (vii) assist the ESMC (PMU) in disbursement of checks (monetary compensation) to affected persons; (viii) participate in public meetings and consultations as and when required; and (ix) submit periodic IPP implementation reports to the ESMC (PMU).

81. The success of NGO inputs will largely depend on their liaison with affected persons and other concerned government agencies. Arrangements would have to be made during the first month of subproject implementation to set up the various committees and implementation mechanisms required.

E. Institutional Capacity

82. Since no externally-aided urban infrastructure projects requiring capacity for indigenous people planning, implementation and monitoring in accordance with internationally accepted guidelines and/or safeguards frameworks have been implemented in Bihar prior to Tranche 1 of BUDIP and presently, entities such as BUIDCo and ULBs do not have social safeguards personnel, the capacity to handle indigenous people impacts needs to be built. PMC will be

¹⁴ The NGO will ensure that due entitlements flow to the affected persons/IPs/vulnerable households in the most effective and transparent manner.

responsible for training of PMU and PIU staff on aspects such as social safeguards, including the specific recording, reporting and disclosure requirements.

83. Owing to the complexity of projects with indigenous people issues, there will be a special focus on capacity building of government agencies and PMU/PIU staff on social (distinct social, economic and cultural traits and traditions of indigenous peoples and the importance of preserving the same, including indigenous knowledge systems, etc.), legal (traditional rights over land and land tenure issues) and technical aspects pertaining to indigenous peoples in such subprojects, with an adequate budgetary provision.

84. PMC will also be responsible for training of the implementing NGO on provisions of IPPF. Further, capacity building of CBOs including indigenous people groups in the project area will be undertaken by the implementing NGO to ensure that they can represent the affected groups more effectively. PMC will undertake this task with external resources, e.g., anthropologists and development practitioners with relevant experience, as required. Additional measures to enhance institutional capacity include exposure visits of PMU, PIU and implementing NGO staff to other Indian states that have successfully implemented ADB funded projects with indigenous people impacts.

F. Coordination with other Agencies and Organizations

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

86. Terms of reference for ESMC (PMU) and resettlement officer of PMC is given in Annex 10. Responsibilities of NGOs in IPP implementation are outlined in Annex 11.

87. The external monitoring and impact evaluation agency appointed for resettlement plan implementation (to be engaged only in case of complex resettlement issues) will also undertake monitoring and evaluation of the effectiveness of IPP implementation with the use of appropriate indicators. A GRM will redress the grievances of affected persons, including indigenous people communities. Table 2 gives the institutional roles and responsibilities for preparation and implementation of IPP.

VIII. MONITORING AND REPORTING ARRANGEMENTS

88. Monitoring and evaluation helps minimize problems faced by project implementing agencies and develop solutions without delay. IPP includes a set of monitoring indicators, for periodic assessment of planned activities, which will be reviewed during IPP implementation. The NGO appointed by the PMU will periodically report assessment under these indicators and reports will be sent to PMU. The PMU after initial check, will send these reports to ADB for final evaluation.

89. Implementation of the IPP will be monitored regularly. The PMU will establish a

monitoring system involving the ESMC, PMC, representative of affected indigenous peoples'

groups, NGOs and CBOs to ensure that monitoring arrangements are participatory. A set of monitoring indicators will be determined during IPP implementation. The PMU will also prepare appropriate monitoring formats for effective monitoring and reporting requirements. Independent monitoring will be undertaken through NGO or CBOs engaged by the executing agency with ADB concurrence. Monitoring will be carried out twice a year during project implementation and reports prepared. These reports will be submitted to PMU and ADB for review. The ESMC (PMU) will be responsible for determining whether any follow-up actions are necessary and to ensure that necessary actions are taken regarding the implementation of IPPs.

90. **Monitoring Indicators.** The PMU ESMC will undertake monitoring. The indicators for achievement of objectives under the IPP programme are of two kinds, as stated below:

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

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

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

IX. BUDGET AND FINANCING

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

94. Administrative costs, staffing or human resource costs (PMU, PMC, implementing NGO) are shared for resettlement plan and IPP, as are monitoring costs (other than additional survey costs). No indigenous people impacts were found in the investment program Tranche 1 and 2 subproject towns of Bhagalpur and Gaya (as gauged from census data, household surveys and transect walks). Funding sources for IPPs will be like those for resettlement plans: funds to provide land-for-land compensation to indigenous peoples, related resettlement assistance and utility shifting costs will be borne by state government and/or ULB. All other IPP costs (NGO engagement, surveys, consultation and participation activities, training and monitoring) will be covered by the loan from ADB. The PIU will recommend or seek clearance for funds for IPP activities, including contingencies from the PMU, which will examine the recommendation and be responsible for approval and release of funds.

**ANNEX 1: SUMMARY OF PROPOSED SUBPROJECTS AND THEIR COMPONENTS
UNDER BUDIP I AND II**

WORKS TAKEN UP UNDER BUDIP TRANCHE 1

Subproject	Description of Proposed Works under Package
Water Supply	
BWSP I	Rehabilitation of existing Water Treatment Plants Mechanical, Electrical, and Instrumentation works Distribution System for the area within the municipal boundary Service Reservoirs (19 new OHSR and rehabilitation of 1 existing OHSR) Metered customer service connections (52000 new connections)

PROPOSED WORKS UNDER BUDIP TRANCHE 2

Subproject	Description of Proposed Works under Package
Water Supply	
GWSP I	The proposed subproject components for Gaya water supply (GWSP1) include: (i) refurbishment of existing tube wells (29 no.s); (ii) refurbishment of existing pump houses (16 no.s) and site stores (3 no.s), demolition of dilapidated pump houses (5 no.s) and construction of new ones (5 no.s), and construction of new pump houses (4 no.s); (iii) construction of new overhead tanks (6 no.) and new ground level service reservoirs (3 no.); (iv) laying of new transmission mains (16.55 km) and distribution mains (19.03 km), and integration of existing 8.45km rising mains; (v) laying of water supply distribution pipelines (447.8 km) and integration of existing distribution network (72 km), construction of valve chambers (1083 no.s); and (vi) provision of house service connections (75000); (vii) provision of 200 public standposts in poor areas; and (viii) customer service centres (CSC), minimum 1 CSC per 15000 connections, including one central CSC. In addition, procurement and installation of bulk flow meters generators and pumpsets are proposed.
GWSP II	Subproject components (civil works) proposed for GWSP II under BUDIP include construction of (i) 24 tube wells with control rooms and transformers spread across seven locations in the Phalgu river bed; (ii) a clear water reservoir of 4 ML capacity, with pump house, chlorine room, chlorine contact tank, electrical substation, compound wall and service road at ITI/Government Polytechnic Campus,; (iii) a ground level service reservoir at Shringsthan of 3.7 ML capacity; (iv) rising mains of 17051 m length; (vi) electro-chlorinators at 5 locations; (vi) a pump house at Budva Mahadev; and (vii) a Central Customer Service Centre cum Operating Office at Dandibagh
BWSP II	BWSP II, comprises the following proposed subproject components: (i) new intake works comprising a dredged approach channel, an intake well of capacity 140 MLD and dimensions 10m x 3 m on the banks of River Ganga and a jack well; (ii) new water treatment plant of 90 MLD for intermediate year demand (2032) with provision for augmentation to meet design year demand of year 2047; (iii) a 9.1 ML clear water reservoir (CWR) and pump house, (iv) control room with CWR; (v) electric substation with CWR; (vi) 19 pumps or raw and clear water; (vii) new transmission systems for raw water (2.55 Km)

and treated water (28.7 Km); (viii) a switch yard at intake location with 2 transformers 1250 kVA each and switch yard at Barari(WTP location) with 2 transformer of 2000kva; and (ix) SCADA system for monitoring of operation of assets created in both phases. The treated water is proposed to be conveyed to all the overhead service reservoirs existing and to be constructed in Phase 1.

ANNEX 2: LIST OF TRIBES IN BIHAR AND JHARKHAND

1. Asur
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Bhumij
7. Binjhia
8. Birhore
9. Birjia
10. Chiro
11. Chik Baraik
12. Gond
13. Gorait
14. Ho
15. Karmali
16. Kharia
17. Kheewar
18. Khonel
19. Kisan
20. Kora
21. Karwa
22. Lohara / Lohra
23. Mahli
24. Mal Paharia
25. Munda
26. Oraon
27. Paharia
28. Santhal
29. Sauria Paharia
30. Savar

Source: Social Welfare Department, Government of Bihar.

ANNEX 3: SPECIAL PROVISIONS FOR SCHEDULED TRIBES IN THE RFCTLARR ACT, 2013

Special provisions for Scheduled Castes and Scheduled Tribes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reservation
and other
benefits.

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

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

ANNEX 4: SUGGESTED STRUCTURE OF INFORMATION DISCLOSURE LEAFLET FOR IPP

The following structure of Information Disclosure leaflet on IPP is recommended to be prepared in the local language by PMC:

Background

The Asian Development Bank (ADB) approved a multitranches financing facility (MFF) to India for the Bihar Urban Development Investment Program (BUDIP, the Investment Program) in an amount of \$200 million on 29 March 2012. The Investment Program aimed to improve and expand the water and sewerage infrastructure in four towns in Bihar, namely Bhagalpur, Darbhanga, Gaya and Muzaffarpur, and assist the urban local bodies (ULB) of these four towns to ensure sustainable operations and maintenance (O&M) of the water and sanitation services. Project 1, supported by the first loan under BUDIP, included subproject for improvement of infrastructure, operations and sustainability in water supply in Bhagalpur. The ongoing scheme for water supply improvement in Bhagalpur (BWSP1) includes overall distribution network rehabilitation and expansion, including rehabilitation of the existing water treatment facilities, construction of overhead tanks and distribution networks, bulk water metering and house connections.

The proposed Project 2, supported by the proposed second loan of BUDIP, will include physical and non-physical investments in water supply improvement in Bhagalpur and Gaya. Project 2 is aligned with improved environment and well-being of residents in the program cities as defined by the Investment Program. It aims to improve access to sustainable water supply services in Gaya and Bhagalpur. This Indigenous Peoples Planning Framework (IPPF) is prepared for BUDIP.

Policy and Principles: Indigenous Peoples Planning Framework (IPPF)

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

Subproject components

Specific and brief description of subproject (that is assessed to have IP impacts)

Indigenous Peoples Impacts

Brief summary of IP impacts assessed as a result of the subproject.

Indigenous peoples plan (IPP)

An IPP is prepared to safeguard potential impacts of proposed subproject components to IP. During project identification and social impact assessment, if any IPs are identified, the impacts (both positive and negative) of the subproject component on affected groups/communities will be addressed according to the prepared framework. The framework will address the

developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development. This IPP includes the following measures for Indigenous people living in proposed subproject areas, to be accomplished by the project team (the PMU/PIU of BUDIP): (a) beneficial measures; and (b) mitigative measures. Specific budgets for each of the above-mentioned activities are provided in the IPP. The above-mentioned activities, their timelines and budgets in the IPP, are part of the condition for project activities to proceed. These IPP activities are selected in consultation with the IP communities in proposed subproject affected areas.

Entitlements and Compensation

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

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

Institutional arrangements

The Urban Development and Housing Department, Government of Bihar is the executing agency for the project. The Bihar Urban Infrastructure Development Corporation (BUIDCo) is the implementing agency. The Program Management Unit (PMU) at BUIDCo is staffed with an Environmental and Social Management Coordinator (ESMC), who has overall responsibility for safeguards compliance and implementation of RP. PIU field offices have been set up in each town to manage implementation of subprojects. Project Management Consultants and Design Supervision Consultants are engaged to facilitate the planning and implementation of the subproject, each having social safeguards personnel for all RP planning and implementation activities including internal monitoring and reporting.

Grievance Redress Mechanism (IPP)

Grievances of affected persons will first be brought to the attention of the PIU. Grievances not redressed by the PIU in consultation with PMU will be brought to the Grievance Redress Committee (GRC) set up to monitor project implementation. Complaints can be lodged at customer service centres, concerned municipal corporation main/ward office, or PIU office. The GRC is chaired by the district magistrate and has representatives from GMC, state government agencies and civil society. The GRC will determine the merit of each grievance, and resolve grievances. Grievance not redressed by the GRC will be referred to the Project Steering Committee. The DSC will assist PIU to keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The social safeguards PR and institutional development officer of PIU will be the focal person for facilitating the grievance redress. The GRC will continue to function throughout the project duration. (Note for person finalizing PID: Description of GRM process in Hindi –grievance redress form provided in the Annex 9 of this IPPF-to be appended to PID and circulated among APs).

H. Contact details

Organisation	Name	Position	Address and phone numbers
Contractor		Safeguard supervisor	

DSC		Social mobiliser	
DSC		Social Safeguard Expertt	
PIU		Social safeguard PR and institutional development officer	

ANNEX 5: 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

<p>KEY CONCERNS (Please provide elaborations in the "Remarks" column)</p>	<p>YES</p>	<p>NO</p>	<p>NOT KNOWN</p>	<p>Remarks</p>
<p>A. Indigenous Peoples Identification</p>				
<p>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"?</p>				
<p>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?</p>				
<p>3. Do such groups self-identify as being part of a distinct social and cultural group?</p>				
<p>4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?</p>				
<p>5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?</p>				
<p>6. Do such groups speak a distinct language or dialect?</p>				

KEY CONCERNS (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
7. Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "indigenous 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?				
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?				

KEY CONCERNS (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?				

C. Anticipated project impacts on Indigenous Peoples

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

D. INDIGENOUS PEOPLE IMPACT

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

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

Prepared by: Signature: Name: Position:	Verified by: Signature: Name: Position:
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Note: The above checklist would be prepared for each subproject in all the Project towns.

ANNEX 6: ASIAN DEVELOPMENT BANK'S INDIGENOUS PEOPLES SAFEGUARDS

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

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

3. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous people communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equally shared.

4. Prepare an Indigenous Peoples Plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous people communities. The IPP includes a framework for continued consultation with the affected indigenous people communities during project implementation; specifies measures to ensure that indigenous peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance

procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;

5. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous people communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous people communities and other stakeholders.

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

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

ANNEX 7: ENTITLEMENT MATRIX

The Entitlement Matrix (EM) prepared for the Resettlement Framework for BUDIP has specific provisions for scheduled tribes and vulnerable affected persons and will be followed in the IPPF as well.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Homestead or mixed use land or vacant plot	Titleholders	<ol style="list-style-type: none"> 1. Compensation at replacement value /market value¹⁵ as specified in the RFCTLARRA or land-for-land where feasible; 2. Solatium to be paid at 100% of the compensation amount; 3. If the residual plot(s) is (are) not viable, any of the following two options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to Rs3000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for affected plants and trees will be provided at market value.(refer to #6 of the Matrix)¹⁶ 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the PIU/DSC • The preferred compensation for displaced scheduled tribe families having land in the earlier settlement will be land for land. 	<p>The market value/replacement value will be confirmed by the District Magistrate</p> <p>The DSC will verify the AHs determine assistance, and identify vulnerable households.</p>

¹⁵ As per ADB SPS, the rate of compensation for acquired land and other assets will be at the full replacement cost, which will be calculated based on: (i) fair market value, (ii) transaction costs, (ii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable taxes/duties/fees and payments, if any. Fair market value will be determined based on consultations with the displaced persons, surrounding land/property owners, record of recent, similar transactions, land value by type, availability of land in the project area/region and any other related information.

¹⁶ To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency.</p> <p>7. One-time shifting assistance based on Resettlement Allowance of Rs.50,000.</p> <p>8. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>9. Additional assistance/ compensation for vulnerable households (refer to #7 in this matrix).</p>		
-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ol style="list-style-type: none"> 1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of Rs 50,000. 4. A monthly subsistence allowance equivalent to Rs. 3000.00 per month 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to acquisition will be accommodated to the 	PIU/DSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease,

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				for a period of one year from the date of award will be provided. 5. One-time financial assistance of Rs. 50,000 as transportation cost for shifting.	extent possible. • Work schedule will avoid harvest season.	and report to PMU. Vulnerable households will be identified during the census conducted by the PIU/DSC.
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Encroachers/	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. Additional assistance for vulnerable households (refer to #7 in this matrix).	• Vulnerable households will be identified during the census conducted as part of the RP.	PMU will ensure provision of notice. PIU/DSC will identify vulnerable households.
1-c			Squatters	1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from demolished structure at no cost. 4. A lump sum shifting assistance of Rs10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix).	•	
2	Loss of Government land	Vacant plot, Agricultural land,	Leaseholder	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land;	• Vulnerable households will be identified during the census conducted	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
		homestead land		<ol style="list-style-type: none"> 3. One time resettlement allowance of Rs. 50, 000. 4. Choice of annuity or employment as referred in #5 of the Matrix. 5. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition 6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to Rs.3000 per month for a period of one year from the date of award. 7. One-time financial assistance of Rs50,000 as transportation cost for shifting 8. Additional assistance for vulnerable households (refer to #7 in this matrix). 	by the PIU/DSC.	
2-a	Loss of Government land	Vacant plot, RoW of road	Encroachers	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation at replacement cost 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required (see 	PMU will ensure provision of notice. PIU/DSC will identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				for any investment made to the land;	entitlement # 7 of this matrix).	
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<ol style="list-style-type: none"> 1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. A lump sum shifting assistance of Rs 10, 000 will be provided. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	PMU will ensure provision of notice. PIU/DSC will identify vulnerable households.
3	Loss of residential structure	Residential structure and other assets	Legal Titleholder of affected structure/ those without homestead land ¹⁷	<ol style="list-style-type: none"> 1. If a house is lost in rural area a constructed house shall be provided as per the Indira Awas Yojana specifications OR equivalent cost of the house. 2. In urban areas, a constructed house shall be provided, which will be not less than 50 sq. mts in plinth area OR a one-time financial assistance for house construction, which shall not be less than Rs150, 000. 3. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation; 4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section. 5. One-time financial assistance of Rs50,000 as shifting allowance; 6. A monthly subsistence allowance equivalent to Rs.3000.00 per month for a period of one year from the date of award will be provided 7. Right to salvage material from the 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. 	The concerned District Magistrate will confirm the market value / replacement value. The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

¹⁷ Who have been residing in the area continuously for a period of not less than three years preceding the date of notification

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>demolished structure at no cost;</p> <p>8. If relocation required, rental assistance at Rs5000 per month till alternative house is ready;</p> <p>9. Each affected family shall be given a one-time Resettlement Allowance of Rs50, 000 only.</p> <p>10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.</p>		
3-a	Loss of residential structure		Tenants and leaseholders	<ol style="list-style-type: none"> 1. Rental assistance at Rs5000 per month for 3 months. 2. One-time financial assistance of Rs50, 000 as shifting allowance. 3. A monthly subsistence allowance equivalent to Rs.3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and 6. Right to salvage material from demolished structure, erected by tenants. 7. Compensation for rental deposit or unexpired lease. 8. Additional compensation for vulnerable households (item # 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The PIU/DSC will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	1. Encroachers/squatters will be notified and given 60 days advance notice to remove their assets.	<ul style="list-style-type: none"> • Vulnerable households will be identified during the 	The PIU/DSC will verify the extent of impacts through a 100% survey

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<ol style="list-style-type: none"> 2. Compensation for affected structures or part thereof at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation; Cash compensation for repair of partially affected structure. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting assistance of Rs10000 will be provided, each time affected household is required to relocate. 5. Cash assistance towards rental subsidy for a period of time until alternate means of access to housing available. 6. Additional compensation for vulnerable squatter households (item # 7) 	<p>census conducted by the PIU/DSC.</p> <ul style="list-style-type: none"> • . 	<p>of AHS determine assistance, verify and identify vulnerable households.</p>
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ol style="list-style-type: none"> 1. The replacement value of the structure without depreciation, subject to a minimum of Rs. 25000; 2. One-time Resettlement Allowance of Rs. 50, 000. A monthly subsistence allowance equivalent to Rs. 3000.00 per month for a period of one year from the date of award will be provided. 3. Right to salvage material from the demolished structure at no cost; 4. One-time financial assistance of Rs. 50,000 as transportation allowance. 5. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 6. All fees, taxes and other registration charges incurred for the replacement 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. 	<p>The market value/replacement value will be confirmed by the District Magistrate. The PIU/DSC will verify the extent of impacts through a 100% survey of AHS determine assistance, verify and identify vulnerable households.</p>

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				structure shall be borne by the executing agency. 7. Additional compensation for vulnerable households (item # 7)		
4-a	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ol style="list-style-type: none"> 1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of Rs. 50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to Rs. 3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Compensation for rental deposit or unexpired lease. 8. Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure		Encroachers and squatters	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation; cash compensation for 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. 	The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				repair of partially affected structure. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting and transitional assistance of Rs.10,000 will be provided 5. Cash assistance towards rental subsidy for a period of 3 months. 6. Additional compensation for vulnerable squatter households (item # 7).		
5	Loss of livelihood/income source	Permanent loss of livelihood	Owner/tenants and leaseholders /sharecroppers (whether having written tenancy/lease documents or not)	1. In case of loss of livelihood (total income loss from major source): Choice of annuity or employment – the following options are to be provided: (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of Rs.5,00,000 per affected family; or (c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers. 2. In case of total loss/partial loss of income: Preference for employment opportunity for Affected Persons in the project construction work, if so	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. 	The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>desired by them.</p> <p>Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at Rs 20,000¹⁸ per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to Rs.40, 000¹⁹.</p>		
5-a	Loss of livelihood		Persons facing loss of income from business/trade/craft/skill	<ol style="list-style-type: none"> 1. One time grant of a minimum of Rs. 25, 000²⁰ for self-employed persons, artisans, small traders etc. 2. Choice of annuity or employment – the following options are to be provided: <ol style="list-style-type: none"> (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of Rs. 500,000 per affected family; or (c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	

¹⁸ The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, Government of India. Additional cash assistance will be provided during the training period to make up for income loss of working members. The additional cash assistance will be calculated based on prevailing minimum wage rates for semi-skilled labor in urban Bihar for three months

¹⁹ This is an estimate. The income generating asset will be skill related. However the assets will be decided on a case to case basis.

²⁰ Based on the RFCTLARRA

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				indexation to the Consumer Price Index for Agricultural Labourers.		
5-b	Loss of livelihood		Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)	<ol style="list-style-type: none"> 1. One-time financial assistance for lost income based on 6 months subsistence allowance at Rs. 18,000²¹ per affected person. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	
6	Loss of trees and crops	Standing trees	Legal titleholder, Leaseholder	<ol style="list-style-type: none"> 1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For fruit trees 6 months' notice is to be given. 2. Compensation for trees at prevalent market rates,²² to be calculated as annual net product value multiplied by number of productive years remaining. 3. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 4. Compensation at market value of timber in case of timber-bearing trees. 5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.²³ 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees has to be determined. • Vulnerable households will be identified and provided assistance as required 	PMU through PIU will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/Forest/Agriculture Department and in consultation with APs
6-a	Loss of trees and crops	Standing crops and trees	Encroachers/squatters	<ol style="list-style-type: none"> 1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the 	DSC in consultation with Agriculture/Forest Department officials or

²¹ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36, 000 for a year. In this case 50% of given amount is provided for non-titleholders.

²² Valued by an experienced person in the field of horticulture/forestry etc.

²³ To be valued by persons experienced in the field of horticulture forestry etc. as necessary.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>notice to harvest seasonal crops and fruit trees.</p> <p>2. Compensation will be given for standing crops/ trees planted by non-titleholders.</p>	<p>extent possible</p> <ul style="list-style-type: none"> • Work schedules will avoid harvest season. • Market value of trees/crops has to be determined. • Vulnerable households will be identified and provided assistance as required 	with experts in the respective fields.
7	Impacts on vulnerable APs	All permanent impacts	Vulnerable APs ²⁴	<p>1. In case of total loss of private land and a total dependency on agriculture, land-for-land compensation, if signified by the affected persons.</p> <p>2. Additional one-time lump sum assistance of Rs 36,000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework.</p> <p>3. Vulnerable households will be given priority in employment in project construction activities.</p> <p>4. All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of</p>	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted/supervised by the DSC. • If land-for-land is offered, ownership in the name of original landowner(s). • 	The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

²⁴ The following vulnerability criteria are identified in the context of Bihar: (1) households belonging to most backward communities; (2) head of household is a woman; (3) head of household is illiterate; (4) head of household is a daily wage labourer, (5) below poverty line household; (6) household with disabled family members; and (6) household living in a kutch house. ADB's Facility Administration Manual for BUDIP MFF states that "more vulnerable" households are those that meet 5 or more of the above-mentioned vulnerability criteria. Implicit in the definition is that households meeting fewer criteria are also vulnerable, albeit to a lesser degree, and are require additional support/assistance. In addition to the above criteria, children, landless households, elderly-headed households, disabled-headed households, indigenous people and those without legal title will be identified as vulnerable. The chief wage earner in a household is considered as the household head.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				Rs 50,000 per the provisions of the RFCTLARRA. 5. Provision for project operation related training and employment, OR, skill training for displaced vulnerable persons, including assistance for purchase of income generating assets and initial capital of INR 40,000/ -		
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	<ol style="list-style-type: none"> 1. Compensation for loss of trees at current market value. 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. 4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement value 6. Restoration of land to its previous or better quality. 	<ul style="list-style-type: none"> • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site. 	The rental value and duration of lost income will be determined through survey and consultation with APs. A photograph of the pre occupation to be made by the PIU. ESMC PMU and PIU/DSC will ensure that the compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor after consent of PMU.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders/ building owners	<ol style="list-style-type: none"> 1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement value without depreciation 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 		ESMC of PMU will be responsible for assistance and monitoring, and will be supported by PMC.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				6. Subsistence/relocation allowance at Rs.3000 per month for 3 months, if temporarily displaced for more than 1 month.		
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, sharecroppers, employees, hawkers or vendors.	<ol style="list-style-type: none"> 30 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum wage for the loss of income/livelihood for the period of disruption For construction/other activities involving disruption for a period of a month or more, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, additional allowance based on minimum wage rate for vulnerable households for 1 month or the actual period of disruption whichever is more. 	<ul style="list-style-type: none"> During construction, the PIU will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. PIU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the DSC 	Alternative locations, if any will be identified for the said duration of disruption.
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies	<ol style="list-style-type: none"> The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. Compensation for trees as per the market rate. Time bound restoration of land to its previous or better quality. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). Replacement or restoration of the affected community facilities – 	-	PIU, DSC and Contractor.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>including public water stand posts, temples, shrines, bus shelters etc.</p> <p>6. Enhancement of community resources</p> <p>7. Affected households from indigenous people communities to be provided additional one-time financial assistance equivalent to 500 days' minimum agricultural wages for loss of customary rights or usage of forest produce; in case of temporary impacts/loss of access, minimum agricultural wages for the period of disruption.</p>		
11	Any other loss not identified	-	-	<p>1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this Resettlement Framework and the RFCTLARRA</p> <p>2. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy.</p>	- The PIU/DSC will ascertain the nature and extent of such loss. The PMU with PMC support, will finalize the entitlements in line with ADB IR policy.	The PIU/DSC will ascertain the nature and extent of such loss. The ESMC PMU will finalize the entitlements in line with ADB IR policy.

**ANNEX 8: LIST OF NONGOVERNMENT ORGANIZATIONS ACTIVELY INVOLVED IN
SCHEDULED CASTE/SCHEDULED TRIBE WELFARE IN MUNICIPAL
CORPORATIONS OF BIHAR**

S. No.	Name and address of Nongovernment Organization	Areas of Operation
1	Integrated Development Foundation, Shyamal Hospital, Moya Path, Khajpura, Patna	Scheduled caste / scheduled tribe welfare
2	Nirdesh, Majholia, PO Khabra, Muzaffarpur	Scheduled caste / scheduled tribe welfare
3	Center Direct, 2nd Floor, Sudama Bhavan, Boring Road, Patna	Scheduled caste / scheduled tribe welfare
4	Asian Development Research Institute, Opp AN College, Boring Road, Patna	Education, welfare
5	Aditi, Rukunpura, Patna	Scheduled caste / scheduled tribe welfare
6	Janoday Vikas Parishad, Lakhibaug West, Manpur, Gaya	Scheduled caste / scheduled tribe welfare, Health, Livelihoods
7	Uphaar Lok Seva Kendra, Babu Bazar, Gardanibaug, Post Anisabad, Patna	Livelihoods for scheduled tribes
8	Savitri Gyan Sansthan, Kumhrar, Patna	scheduled tribe welfare
9	Rang Mandali Sneha Plaza 2A, Bhagvatkunj, Uttari Sri Krishna puri, Boring Road, Patna	Scheduled caste /scheduled tribe/OBC – livelihoods training
10	Jan Kalyan Vikas Samiti, Begumpur Bahari, Patna	Education (residential school for scheduled tribes)
11	Jyoti Shishu Niketan, Dargah Road, Sultanganj, Patna	Education (residential school for scheduled tribes)
12	Pioneer Mahila Utthan Sansthan, Sheikhpura, Patna	Education (residential school for scheduled tribes)
13	Health Care India Trust, Kanhauli Vishnudutt, Muzaffarpur	Health sector – scheduled tribes
14	Jeevan Jyoti Sansthan, House No. 9, Mahavir Gali, East Buddha Colony, New Road, Dujara, Patna	Health sector – scheduled tribes
15	Grameen Vikas Sanstha, Gram + Post Lai Bihta, Patna	Livelihoods
16	The Guide Computer Licium, Vidya Plaza, Bari Path, Opp. Rajdhani Market, Patna	Livelihoods

Source: Scheduled caste and scheduled tribe Welfare Department, Government of Bihar.

ANNEX 9: SAMPLE GRIEVANCE REDRESSAL FORM
(To be available in Hindi, Urdu and Other Local Language,
if any)

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

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

Date		Place of registration		
Contact Information/Personal Details				
Name		Gender	Male Female	Age
Home Address				
Village / Town				
District				
Phone no.				
E-mail				
Complaint/Suggestion/Comment/Question Please provide the details (who, what, where and how) of your grievance below: If included as attachment/note/letter, please tick here:				
How do you want us to reach you for feedback or update on your comment/grievance?				

FOR OFFICIAL USE ONLY

Registered by: (Name of Official registering grievance)	
Mode of communication: Note/Letter E-mail Verbal/Telephonic	
Reviewed by: (Names/Positions of Official(s) reviewing grievance)	
Date resolved:	
Action Taken:	
Whether Action Taken Disclosed:	Yes No
Means of Disclosure:	

**ANNEX 10: TERMS OF REFERENCE FOR RESETTLEMENT SPECIALISTS IN
PROJECT MANAGEMENT UNIT AND PROJECT MANAGEMENT CONSULTANT**

**A. Environmental and Social Management Coordinator (ESMC) at
Project Management Unit (PMU)**

1. An ESMC will be designated within the PMU and entrusted with responsibilities to effectively implement the resettlement plan/gender action plan/indigenous peoples plan (IPP)/consultation and participation strategy/social protection plan complying with the safeguard provisions in the project. The roles and responsibilities of the ESMC would include but not be limited to the following:

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

B. Resettlement Specialist (PMC)

2. The Consultants will update existing resettlement plans in the detailed design stage, and will prepare resettlement plans and IPPs for new subprojects, where required to comply with national law and ADB procedure. Specific tasks include:

- (i) Update/prepare and implement resettlement plans and IPPs as required for identified subprojects during detailed design stage of respective tranches
- (ii) Ensure all new subprojects follow the criteria related to social dimensions in the environmental subproject selection guidelines and classify all new subprojects in accordance with ADB's classification system.
- (iii) For involuntary resettlement, if involuntary resettlement impacts are found to be significant, a full resettlement plan will be prepared for the subproject in consultation with affected persons. The executing agency (through the PMU ESMC) and ADB will approve its final version before the award of contracts; and if involuntary resettlement impacts are not significant, a short resettlement plan will be prepared for the subproject in consultation with affected persons. All resettlement plans will be reviewed and approved by ADB before the award of contracts. Resettlement plans will be consistent with the Government and ADB's Policy on Involuntary Resettlement and the resettlement framework for the investment program.
- (iv) For indigenous peoples: if subprojects have significant impacts on indigenous peoples and they positively or negatively (i) affect their customary rights of use and access to land and natural resource; (ii) change their socio-economic status; (iii) affect their cultural and communal integrity; (iv) affect their health, education, livelihood and social security status; or (v) alter or undermine the recognition of indigenous knowledge, an IPP will be prepared by the Consultants. If impacts are not significant, specific actions in favor of indigenous peoples can be incorporated within the resettlement plan formulated for the subproject. IPPs will be consistent with the government and ADB's Policy on Indigenous Peoples and the IPPF for the investment program.
- (v) The consultants will address comments based on the review of the PMU and ADB in finalizing the resettlement plan and IPP.
- (vi) Update and implement resettlement plans and IPPs during detailed design stage. For resettlement plan / IPP implementation, the consultants will be specifically responsible for implementation of proposed rehabilitation measures, consultations with affected persons/indigenous peoples during rehabilitation activities, and grievance redressal.
- (vii) The consultants will coordinate and provide assistance to nongovernmental organizations engaged to assist in implementing the resettlement plans/IPP.

ANNEX 11: RESPONSIBILITIES OF IMPLEMENTING NONGOVERNMENT ORGANIZATION

1. The major implementation responsibilities for indigenous peoples plans (IPPs) are those of the resettlement plan/IPP implementing nongovernment organizations. The responsibilities of these nongovernment organizations in IPP implementation will include the following:

- (i) Work in close coordination with the environment and social management coordinator (ESMC), project management unit (PMU) to implement the IPP;
- (ii) Facilitate transparency in process and public participation;
- (iii) Take lead in joint verification and identification of indigenous peoples, enlist indigenous peoples, undertake counselling for livelihood restoration, dissemination of project policies, documents, etc.;
- (iv) Identify training needs of indigenous peoples for income generation activities and ensure that they are adequately supported;
- (v) Put forth grievances of indigenous peoples to the grievance redress committee;
- (vi) Generate awareness about livelihood restoration/livelihoods skills development activities among indigenous peoples, and help indigenous peoples to make informed choices;
- (vii) Assist the ESMC in disbursement of cheques (monetary compensation) to affected persons.
- (viii) Participate in public meetings as and when required; and
- (ix) Submission of periodic IPP implementation reports to the ESMC (PMU).

ANNEX 12: OUTLINE OF INDIGENOUS PEOPLES PLAN (IPP)

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

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

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