

Indigenous Peoples Planning Framework

PUBLIC

Document Stage: Draft for Consultation
Project Number: 56287-001
May 2024

India: Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project

Prepared by the Kolkata Municipal Corporation of the Government of West Bengal for the Asian Development Bank (ADB).

CURRENCY EQUIVALENTS

(as of May 2024)

Currency unit	–	Indian rupee (₹)
₹ 1.00	=	\$ 0.01
\$ 1.00	=	₹ 83.27

ABBREVIATIONS

ADB	-	Asian Development Bank
BPL	-	Below Poverty Line
BSR	-	Basic Schedule of Rates
CoI	-	Corridor of Impact
CPR	-	Common Property Resources
DP	-	Displaced Person
DH	-	Displaced Household
DPR	-	Detailed Project Report
FGD	-	Focus Group Discussion
FHH	-	Female Headed Household
GOI	-	Government of India
GOWB	-	Government of West Bengal
GRC	-	Grievance Redress Cell
GRM	-	Grievance Redress Mechanism
KMC	-	Kolkata Municipal Corporation
KSHARP	-	Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project
KEIIP	-	Kolkata Environmental Improvement Project
LAR	-	Land Acquisition and Resettlement
OBC	-	Other Backward Classes
PMU	-	Project Management Unit
PMDSC	-	Project Management and Design Supervision Consultant
PWD	-	Public Works Department
RFCTLARR	-	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
SIA	-	Social Impact Assessment
SPS	-	Safeguard Policy Statement

NOTE

In this report, "\$" refers to United States dollar.

This indigenous peoples and planning framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or Staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of ADB's website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, ADB does not intend to make any judgments as to the legal or other status of any territory or area.

CONTENTS

	Page
I. INTRODUCTION	1
A. Background	1
B. Purpose of Indigenous People Planning Framework (IPPF)	6
II. OBJECTIVES AND POLICY FRAMEWORK	7
A. Objectives	7
B. Policy Framework	8
C. Comparison Between Government of India's Policy on Indigenous People and ADB SPS, 2009 (safeguards requirement 3)	12
III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES	32
IV. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF INDIGENOUS PEOPLE PLAN FOR SUBPROJECTS	32
A. Screening	33
B. Social Impact Assessment	34
C. Benefits Sharing and Mitigation Measures	35
D. Indigenous Peoples' Plan	35
V. CONSULTATION, PARTICIPATION AND DISCLOSURE	37
A. Consultation	37
B. Disclosure	38
VI. GRIEVANCE REDRESS MECHANISM	38
A. Common Grievance Redress Mechanism	38
B. Areas of Jurisdiction	41
C. Record keeping	41
D. Information Dissemination Methods of the GRM	42
VII. INSTITUTIONAL ARRANGEMENT	43
A. Institutional Arrangements	43
B. Social Safeguards Implementation Arrangements	44
C. Capacity Development	50
D. Communication	51
VII. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLES PLAN	52
VIII. PROGRAM FOR MONITORING AND EVALUATION	53
A. Internal Monitoring	53
B. Monitoring Indicators	54
C. Reporting Requirements	54

APPENDICES

Appendix 1: List of Detailed Project Reports and Contract Packages under KSHARP	55
Appendix 2: Lists of Scheduled Tribes recognized in West Bengal	57
Appendix 3: Ward wise details of Scheduled Tribe population in KMC area	58
Appendix 4: Focused Requirements for Social Impact Assessment for IPP as per ADB SPS	62
Appendix 5: Special Provisions in the RFCTLARR Act Pertaining to Scheduled Tribes	64
Appendix 6: Outline of Indigenous Peoples Plan	66
Appendix 7: Roles and Responsibilities of Agencies/Government Departments for IPP/RIPP preparation and implementation	69
Appendix 8: Indigenous Peoples Impact Screening Checklist	72
Appendix 9: Sample Subproject Information Template for Disclosure	74
Appendix 10: Entitlement Matrix	77
Appendix 11: Sample Grievance Redress Template	94
Appendix 12: Outline of Social Safeguard Monitoring Report	95

TABLES

Table 1: Details of Proposed Components	3
Table 2: Land Requirement for KSHARP	4
Table 3: Sample Project Package Wise Details of Components	5
Table 4: Municipal Ward wise Scheduled Tribe Population in Project Area	7
Table 5: Gap Analysis on National Policies (Government of India) on Indigenous People and ADB SPS 2009	14
Table 6: Institutional Roles and Responsibilities	45

FIGURES

Figure 1: Municipal Wards Covered under KSHARP	3
Figure 2: Grievance Redress Mechanism (KSHARP)	43
Figure 3: Implementation Arrangement for Safeguards	52

I. INTRODUCTION

A. Background

1. Kolkata is one of the eight megacities most vulnerable to disaster-related mortality.¹ Among the world's largest coastal cities, it is at risk of flooding, drought, cyclones, and subsidence due to sea level rise. Flat deltaic terrain, insufficient natural drainage, and tidal blockage of channels amplify flooding and water logging in the city. The city is growing, with built-up areas increasing at a rate of about 0.3% per year, mainly in the peripheral ring of the city.² It is estimated that one-third of Kolkata city's population lives in low-income and slum-like conditions.

2. KMC is mandated to provide water supply, sanitation, drainage, and solid waste management (SWM) services within its official boundaries. In central boroughs (I–X), water supply coverage is 100% while sewerage coverage is 73%. In the periphery (boroughs XI–XVI), water supply coverage is 56% and only 19% for sewerage.³ Drainage presents significant challenges in informal settlements and low-income areas, where floodwaters can linger for up to 2 days. Even common downpours are known to cause heavy traffic in Kolkata for 5 to 6 hours, or days in the low-lying or waterside slums. Women are particularly vulnerable to waterborne diseases brought about by poor sanitation. Unless addressed rapidly, these disparities will widen as the population grows in the periphery.

3. Since 1998, Asian Development Bank (ADB) has been supporting KMC to make Kolkata a more livable city through phased investments and integrated urban development. The Kolkata Environmental Improvement Project (KEIP) helped KMC to prepare sectoral strategies, road maps, policy frameworks, and urban sector investment plans to address gaps in operational efficiency, institutional effectiveness, policy, and sustainability.⁴ The project developed a comprehensive sewerage and drainage masterplan and carved out phased investment needs of the city for the next 30 years, laying the foundation for future investments.⁵ It also developed the urban infrastructure investment plan for the city covering all municipal services offered by the KMC.⁶ Following on from the KEIP, the Kolkata Environmental Improvement Investment Program (KEIIP), a multitranche financing facility of \$400 million, was approved in 2013 (footnote 3). Tranche 1 of KEIIP closed in 2019 and tranches 2 and 3 in August 2023. The program is supporting KMC to (i) enhance its operational capacity and climate change resilience of urban services, (ii) improve livability and inclusiveness of public places, and (iii) provide preparatory and transaction advisory services for a comprehensive sanitation improvement in Kolkata. Phased sequencing of investments under KEIIP helps to strengthen climate resilience through the systematic.

4. KSHARP, the project is aligned with the following impact: integrated urban renewal of

¹ Intergovernmental Panel on Climate Change. 2022. *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge and New York.

² European Space Agency (ESA), April 2017, based on models by Earth Observation for Sustainable Development, through ADB and ESA Partnership for Kolkata.

³ ADB. [India: Kolkata Environmental Improvement Investment Program](#); ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 1](#); ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 2](#); and ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 3](#). The sewer and drain systems are combined.

⁴ ADB. 2015. [Completion Report: Kolkata Environmental Improvement Project in India](#). Manila.

⁵ KMC. 2007. *Sewerage and Drainage Master Plan for Kolkata City*. Kolkata; and KMC 2023. *Master Plan of Sewerage and Drainage System for Project Area under Kolkata Urban Resilience Improvement Project*. Kolkata.

⁶ KMC. 2011. *Kolkata Urban Sector Investment Plan, 2012–2022*. Kolkata.

Kolkata city achieved (footnote 5). The project will have the following outcome: access to resilient, inclusive, and sustainable urban services increased.⁷

5. Output 1: Climate and disaster-resilient urban infrastructure and systems developed. The project will support the development of climate- and disaster-resilient sewerage and drainage infrastructure and systems, which will cover unserved areas of KMC. It includes the construction of 84.0 kilometers (km) of trunk and secondary sewerage and drainage networks and 176.0 km of lateral network up to customer connections, 50,000 household sewer connections, one sewage treatment plant with a capacity of 41 million liters per day, and five pumping stations. The infrastructure solution will be supplemented by ongoing waterbody rejuvenation efforts by KMC and flood early warning and forecasting systems to be enhanced under output 2 of this project. Strengthened urban infrastructure and systems will provide better services to all people, while women, children, the poor, and the disadvantaged will especially benefit from improved urban sanitation, health, and hygiene.

6. Output 2: Enabling environment for sustainable, inclusive, and resilient urban services improved. This output will build upon efforts delivered under KEIIP to enhance KMC's operational capacity and resilience of urban services. Specific initiatives include support in (i) development of a comprehensive asset management system will be developed and institutionalized in KMC. This includes formulation of an asset management policy, development of an information technology system, and establishment of an inventory of all classes of KMC assets, following physical survey, verification, and valuation. Additionally, capacity building support and training will be provided to establish processes, practices, and clear accountabilities for institutionalizing the asset management system in KMC; (ii) expansion of the flood forecasting and early warning system established under KEIIP to KSHARP areas;⁸ (iii) upgrade of comprehensive web-enabled GIS for infrastructure information in KMC.⁹ The proposed upgrade includes incorporating data on all utility networks that are laid under KEIIP and proposed under KSHARP. This will complement the proposed asset management system that would be established under KSHARP; (iv) training women self-help groups (SHGs) in O&M of public toilets in project boroughs; (v) community outreach for improved knowledge on hygiene and sanitation, and (vi) awareness generation amongst school students on flood hazards, preparedness, and emergency evacuation procedures.

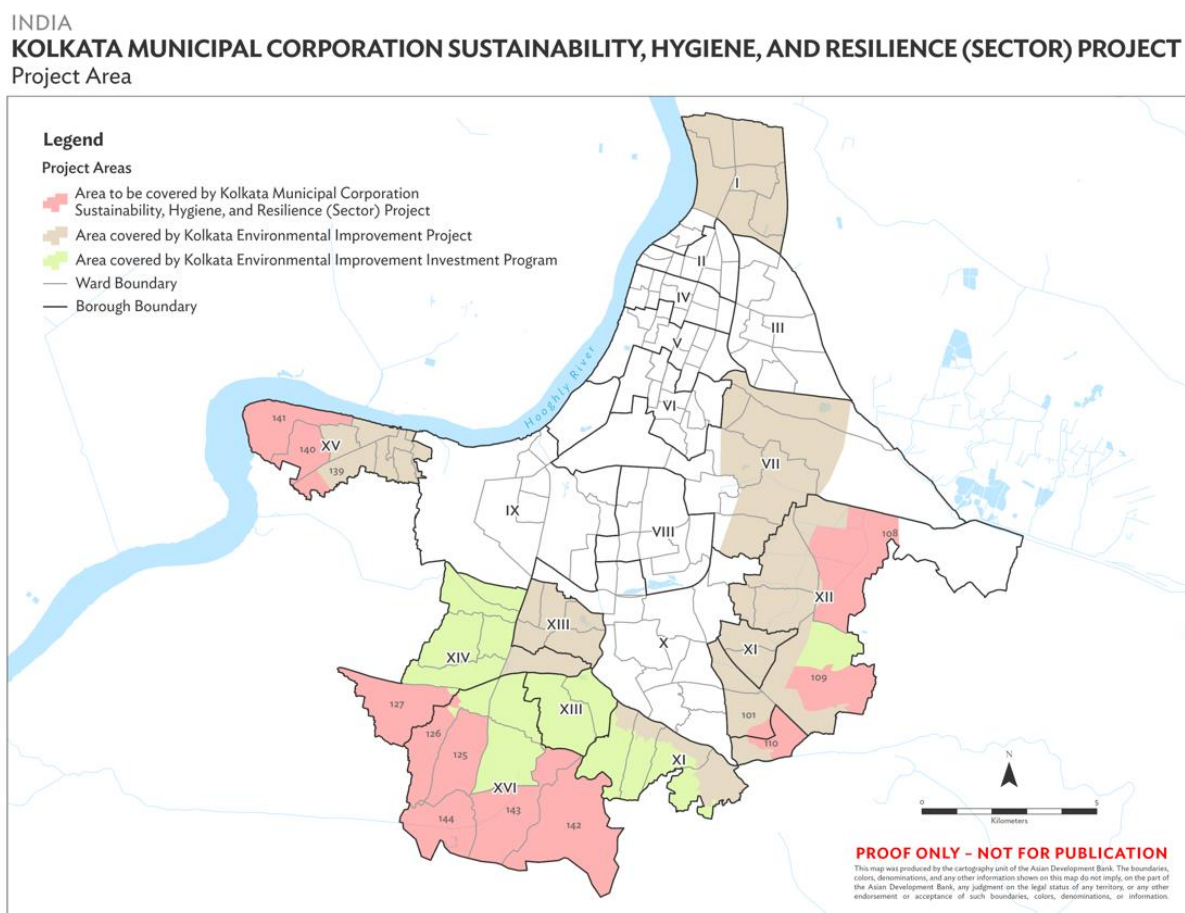
7. The areas proposed to be covered under KSHARP are KMC Borough No XI, Part of Ward 110, Borough No XII, Part of wards – 108 and 109, Borough No XIV, Ward -127 and Borough No XVI, Part of ward – 125, 126, 142, 143 and 144 (Figure 1).

⁷ The design and monitoring framework is in the Appendix.

⁸ The project will consider GESI-responsive early warning systems and take into consideration the most effective channels to communicate with women, persons with disability, elderly, and other vulnerable groups taking into account the levels of literacy.

⁹ KEIIP supported in establishing a web-enabled GIS by integrating information from remote sensing data and on-ground surveys to create a comprehensive infrastructure information system for Kolkata. The system covers all 144 wards of the city and provides detailed information on properties, as well as the water supply, sewerage, and drainage networks. All properties within the city have been geo-tagged, creating a digital map with precise location data for each property.

Figure 1: Municipal Wards Covered under KSHARP



Source: Detailed Project Report, KSHARP

Table 1: Details of Proposed Components

Component	Proposed Infrastructure
Sewerage and Drainage (S&D) Network	Sewer network will be laid covering part of ward no., 108, 109, , 126, 127,139,140,141, 142, 143 and 144.
Pumping Stations (PS)	Total five no. of pumping stations (PS) are proposed to be constructed
Sewage Treatment Plant (STP)	One new Sewage Treatment Plants (STP) is proposed to be constructed at Hossainpur (ward 108)
House Connection	Individual houses will be connected to the S&D network

Source: Detailed Project Report, KSHARP

8. For design need, priority has been given by the project to unused and vacant government plots in selecting potential lands to avoid involuntary resettlement impacts. Based on the available information (of three sample projects), details of the identified lands have been presented in Table 2.

Table 2: Land Requirement for KSHARP

Sl. No.	Project Component	Location	Ownership	Area of land available at the location (Acre)	Area required (Acre)	Name of Mouza/JL No. Plot No	Present Use of the land / Involuntary Resettlement Impact	Status of NOC
1	Construction of Pumping Station. SD 3	Anandapur, KMC Ward No. 108	KMDA	0.66	0.66	Anandapur	A pumping station is located at the land owned by KMDA.	Letter sent to UDMA for transfer of the land
2	Construction of STP. SD 4	Hossainpur	Land and revenue Department. Government of West Bengal	77.50	5.62	Madurdaha	Department to ensure timely confirmation of Hossainpur STP land availability and its transfer to KMC.	Letter sent to UDMA for transfer of the land. The letter sent back to KMC for re-sending the same to PWD
3	Construction of Pumping Station. SD 05	Hossainpur, KMC Ward No. 108	Land and revenue Department. Government of West Bengal		0.914	Madurdaha	Department to ensure timely confirmation of Hossainpur SPS land availability and its transfer to KMC.	

Source: Detailed Project Report, KSHARP

Table 3: Sample Project Package Wise Details of Components

Sl.	Package No.	Package Name	Scope of works
1	KSHARP/NCB/2023 - 2024/SD 03	Development of Drainage and Sewerage Network Including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)	- Laying of sewer lines including house connection, Total length = 5.1 km. - Diameter below 600 mm = 1.9 km - Diameter 600 mm and above = 3.2 km - Construction of 01 pumping station - Laying of Storm Weather Flow pumping Main of 1000 dia. MS pipe = 1.9 km - Laying of Dry Weather Flow pumping main = 0.8 km - Construction of catchpits / Gullypits and House Connections where sewers to be laid. - No of estimated House Connections- 580 - Construction of 6 outfall structures
2	KSHARP/NCB/2023 - 2024/SD 04	Construction of 41 Mld Sewage Treatment Plant at Hossainpur, in Ward 108 including Operation & Maintenance for 15 Years	- Site development for project area - Preparation of Process, Hydraulic, Civil, Mechanical, Piping, Electrical and Instrumentation Design and Drawings - Construction of 41 MLD STP including other allied works - Supply, Erection, Trial Run, Testing & Commissioning of Electro - mechanical & instrumentation works - Providing Standard Laboratory, staff quarter, boundary wall, internal road & drainage system and other allied works - Installation of online continuous effluent monitoring system (OCEMS) and its connectivity to CPCB /SPCB servers complete with local and field sensors - Laying of incoming DI pumping main of 1000 mm dia. up to the battery limit as shown in the drawing --- - Laying of treated effluent main of 1000 mm dia. MS up to the location as shown in the drawing

Sl.	Package No.	Package Name	Scope of works
			Operation & maintenance of the STP for 15 years
3	KSHARP/ OCB/ 2023-24/ SD 05	Development of S&D Network in Hossainpur and adjoining Area including construction of Hossainpur pumping station in Borough XII (Part of Ward 108 and ward 109)	- Laying of sewer network of 10.5 km including house connection, - construction of catch pits (1010 number), Gully pits (53 number) and Manholes (597 number) structures for collection of SWF - Laying of 2 numbers of dedicated SWF pumping main (1000 dia. MS pipe of 100 m and 1500 m length respectively) for discharge of storm water at two separate location into nearby TP canal - Laying of DWF pumping main (1000 dia DI pipe of 750 m length) to convey the entire DWF to Hossainpur STP, - Construction of 1 no. of combined pumping station, - house sewer connections (estimated number of 910) and - construction of 10 number outfall structures (3 numbers on C2-C3 Lead Channel, 2 numbers on Mundapara canal and rest 5 number on Tollygunje-Panchannagram canal (TP canal).

Source: Detailed Project Report, KSHARP

B. Purpose of Indigenous People Planning Framework (IPPF)

9. This Indigenous People Planning framework is prepared for Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project (KSHARP). The subprojects will be implemented within the city limits of Kolkata, under the jurisdiction of Kolkata Municipal Corporation. Scheduled tribe population in the city of Kolkata was 10,684 (0.24 %) out of total 4,496,694 population.¹⁰ Scheduled tribe population in each of the municipal wards considered under KSHARP is provided in Table 2. Within KMC city limits, the scheduled tribe population does not retain the characteristics of scheduled tribes or indigenous peoples' groups.¹¹ However, the subproject components proposed under KMC Ward 108, has a total population of 64,777, of which schedule tribe population is 928 (1.43%). The scheduled tribe population, in ward number 108 lives collectively in an area named 'Mundapara'. During transect walk and stakeholder consultation, it was reported that the scheduled tribe population in Mundapara has been living for several decades in that area. The population belongs to Oraon, Munda and Santhal communities.

¹⁰ Scheduled Tribes of West Bengal. <https://adibasikalyan.gov.in/scheduled-tribes-of-west-bengal>

¹¹ Scheduled tribes are those communities notified as such by the President of India under Article 342 of the Constitution. The first notification was issued in 1950. Criteria followed for specification of a community as a scheduled tribe are (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a scheduled tribe."

They had migrated from present Jharkhand (the then state of Bihar) and Orissa states in search of employment and follows an urban way of life. The tribal population of 'Mundapara' speak in Bangla, the local language of the state. They do not speak any distinct language or dialect.

Table 4: Municipal Ward wise Scheduled Tribe Population in Project Area¹²

Municipal Ward Number	Total Population	Scheduled Tribe Population	% of Scheduled Tribe Population
108	64,777	928	1.43
109	64,567	197	0.30
110	27,470	124	0.45
125	44,850	119	0.26
126	31,631	85	0.27
127	43,782	61	0.14
142	During 2011 census, there were 141 municipal wards, under Kolkata Municipal Corporation		
143			
144			

Source: District Census Handbook. Census 2011

10. There is presence of scheduled tribe households in the project areas (as indicated in Table 2). However, none of the subprojects are anticipated to involve activities that adversely affect the dignity, human rights, livelihood systems, or culture of indigenous peoples, or affect the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as ancestral domain or an asset. The proposed sewer pipelines, under package SD-05,¹³ will pass through 'Mundapara'. Only beneficial impact is anticipated to the scheduled tribe community.

11. The IPPF is prepared in line with ADB's SPS (2009) and applicable government laws to provide guidance to subproject/s to be prepared after Board approval, to ensure that the scheduled tribes are benefited and included and receive culturally appropriate benefits. An RIPP¹⁴ including a specific action plan has been prepared in line with this IPPF to ensure beneficial impacts and inclusion of the scheduled tribe population in project benefits, along with meaningful consultations with the scheduled tribe community.

II. OBJECTIVES AND POLICY FRAMEWORK

A. Objectives

12. In accordance with the ADB Safeguard Policy Statement (SPS), 2009, the preparation of an indigenous peoples planning framework (IPPF) in line with Government of India's (GOI) definition, is a requirement for sector investments with potential impacts on indigenous peoples (IP) to guide subproject selection, screening and categorization, assessment, and preparation and implementation of safeguard plans of subprojects and to facilitate compliance with the

¹² Directorate Of Census Operations, West Bengal. District Census Handbook of Kolkata. SERIES-20 PART XII-B. Census of India 2011.

https://censusindia.gov.in/nada/index.php/catalog/44369/download/48033/DH_2011_1916_PART_B_DCHB_KOLKATA.pdf

¹³ Subproject: SD 05 - Hossainpur and adjoining area S&D network and SPS.

¹⁴ The sample subproject RIPP prepared for Hossainpur and adjoining area sewerage and drainage network and SPS (SD-05) maybe referred for preparation of any RIPPs for future subprojects if required.

requirements specified in ADB SPS Safeguard Requirements 3 on indigenous peoples.

13. Each subproject in proposed KMC wards will be screened for indigenous people's impact. This IPPF recognizes the vulnerability of indigenous people, and specifically ensures that in any project intervention, the specific needs and concerns of the indigenous peoples are addressed by the Executing Agency and implementing agency. The document ensures that indigenous people communities (i) receive culturally appropriate social and economic benefits from the Project; (ii) do not suffer adverse impacts as a result of the Project; and (iii) can participate actively in the Project.

14. The Indigenous People Planning Framework (IPPF) outlines the objectives, policy principles and procedures for compensation and other assistance measures for tribal people who may be displaced/ affected due to project implementation. This document must be read along with the Resettlement Framework (RF) document, prepared for the project, as the details of the compensation and assistance for involuntary resettlement impacts is provided in the Entitlement Matrix (**Appendix 10**) table in the resettlement framework.

B. Policy Framework

1. India's Legal Framework Related to Scheduled Tribes

15. The Constitution of India defines scheduled tribes, as follows: "Scheduled tribes (scheduled tribes) are those communities notified as such by the President of India under Article 342 of the Constitution. The president may with respect to a state or union territory, and where it is a state, after consultation with governor of the state, may notify a community as scheduled tribe. The first notification was issued in 1950. Criteria followed for specification of a community as a scheduled tribe are (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a scheduled tribe."¹⁵

16. Under the Constitution of India, a number of articles have been included for the protection of its citizens and few that are specifically for scheduled tribes. These are:

- (i) Article 14 – confers equal rights and opportunities to all;
- (ii) Article 15 – prohibits discrimination against any citizen on grounds of sex, religion, race, caste, etc.
- (iii) Article 15(4) – enjoins upon the state to make special provisions for the advancement of any socially and educationally backward classes;
- (iv) Article 16(4) – empowers the state to make provisions for reservation in appointments or posts in favor of any backward class of citizens;
- (v) Article 46 – enjoins upon the state to promote with special care the educational and economic interests of the weaker sections of the people and, in particular, the scheduled tribes, and promises to protect them from social injustice and all forms of exploitation;
- (vi) Article 275(1) – promises grant-in-aid for promoting the welfare of scheduled tribes and for raising the level of administration of the scheduled areas⁶;
- (vii) Articles 330, 332, and 335 – stipulate reservation of seats for scheduled tribes in the Lok Sabha and in the State Legislative Assemblies and in services;

¹⁵ Source: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1514486> and https://ncst.nic.in/sites/default/files/2017/Office_Order/798.pdf

- (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 (scheduled tribes).

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

- (i) The **National Commission for Scheduled Tribes (NCST)** came into effect from 19th February 2004 through Constitution (89th Amendment) Act, 2003 which bifurcated the erstwhile National Commission for Scheduled Castes and Scheduled Tribes into two separate commissions for Scheduled Castes and Scheduled Tribes. The NCST functions under clause (5) of Art.338 A includes “*To investigate and Monitor matters relating to Safeguards provided for Scheduled Tribes under the Constitution or under other laws or under Government Order, to evaluate the working of such Safeguards.*” Further, it also has a duty to submit report to the President annually and at such other times as the Commission may deem fit, upon/ working of Safeguards.
- (ii) The **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights Act) or FRA, 2006** and the Rules, which came into force from 1 January 2008 (including an Amendment in 2012). The Act recognizes and records the rights of forest dwellers who have been residing and depending on the forest for generations for their bonafide livelihood needs, without any recorded rights;
- (iii) The **Provisions of the Panchayats (Extension to Scheduled Areas) Act or PESA, 1996** empowers the Gram Sabha in a scheduled area to prevent alienation of land in the scheduled area and to take appropriate action to restore unlawfully alienated land of a scheduled tribe; and the power to control local plans (for development) and resources for such plans. The Gram Sabha has to approve any plan for social and economic development in a scheduled area before implementation, and is responsible for selection of beneficiaries under any poverty alleviation or other program; and
- (iv) The **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**. The objective of the Act is to clearly emphasize the intention of the Indian state to deliver justice to Scheduled Castes/Scheduled Tribes communities through affirmative action in order to enable them to live in society with dignity and self-esteem and without fear, violence or suppression from the dominant castes. The provisions of Act are divided into three different categories, covering a variety of issues related to atrocities against Scheduled Castes/Scheduled Tribes people and their position in society: (i) Provisions of criminal law. It establishes criminal liability for a number of specifically defined atrocities and extends the scope of certain categories of penalizations given in the Indian Penal Code (IPC); (ii) Provisions for relief and compensation for victims of atrocities; and (iii) Provisions that establish special authorities for the implementation and monitoring of the Act.
- (v) **Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (Special Provisions for Scheduled Tribes)**. In addition to the resettlement and rehabilitation package, Scheduled Castes/Scheduled Tribes families are entitled to the following additional benefits: (i) land to be given to each family in every project even in case of irrigation projects; (ii) one-time financial assistance of Rs. 50,000 per family; (iii) families settled outside the district shall be entitled to an additional 25% resettlement and rehabilitation benefits; (iv) payment of one third of the compensation amount at very outset; (v) preference in relocation and

resettlement in area in same compact block; (vi) free land for community and social gatherings; (vii) in case of displacement, a development plan is to be prepared; and (viii) continuation of reservation and other Schedule V and Schedule VI area benefits from displaced area to resettlement area.

- (vi) **The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2022.** An amendment of West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (section 9) has been made by Government of West Bengal (GoWB) through West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2022. It describes the process of appealing to the concerned authority against any cancellation, impounding or revocation of the caste certificate under sub-section (1) of section 9 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. However, the Act (1994) had the provision (under Section 4) of issuing 'Schedule Tribe' certificate for identification of a member of the Schedule Tribe group as specified in Part XII of the Schedule to the Constitution (Scheduled Tribes) Order.

18. The Ministry of Tribal Affairs, Government of India has drafted a **National Policy on Scheduled Tribes** for a multi-pronged approach for the all-round development of the scheduled tribes without disturbing their distinct culture. The policy stipulates that displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement shall be given land against the land. To handle the problem of shifting cultivation, a 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 are displayed at the Panchayat;
- (iii) Oral evidence be considered in the absence of records in the disposal of tribals' land dispute;
- (iv) States prohibit the transfer of lands from tribal to non-tribal;
- (v) Tribals and their representatives are associated with land surveys.

19. Scheduled tribes in the state are protected by **West Bengal's Land Reforms Act, 1955**, which defines stringent procedures for transfer of land from scheduled tribe landowners to non-scheduled tribes landowners, as follows:

- (i) "A *Raiyat*"¹⁶ belonging to a Scheduled Tribe may however transfer his or her land to a person not belonging to a Scheduled Tribe with previous permission in writing to the Revenue Officer appointed for this purpose. The Revenue Officer must be satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price for the land. The Revenue Officer must also be satisfied that the proposed sale is intended to be made for the improvement of any other part of the holdings or for such other purposes as may be prescribed by the Government. A raiyat belonging to a Scheduled Tribe may transfer his or her plot of land or any part thereof in any one of the following ways:
 - a. by a complete usufruct mortgage entered into with a person belonging to a Scheduled Tribe for a period not exceeding seven years;

¹⁶ Raiyat means landowner.

- b. by sale or gift to the Government for a public or charitable purpose;
- c. by simple mortgage to the Government or to a registered co-operative society;
- d. by simple mortgage or mortgage by deposit of title deeds in favor of a Scheduled Bank, a co-operative land mortgage bank or corporation owned or controlled by Central or State Government in India for the development of land or for agricultural production;
- e. by gift or will to a person belonging to a Scheduled Tribe; and
- f. by sale or exchange in favor of any person belonging to a Scheduled Tribe.”¹⁷

2. ADB Safeguard Policy Statement 2009 on Indigenous Peoples

20. ADB SPS, 2009, Safeguard Requirement 3 on Indigenous Peoples outlines the requirements that the EA is required to meet in delivering indigenous people safeguards to projects supported by ADB. The objectives are to design and implement projects in a way that fosters full respect for indigenous peoples’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the indigenous peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

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

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

¹⁷ Land and Land Reforms and Refugee Relief and Rehabilitation Department, Government of West Bengal. Land under Tribal Ownership as per West Bengal’s Land Reforms Act, 1955.

- knowledge of indigenous people; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within 10 customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of indigenous people. For the purposes of policy application, the consent of affected indigenous people's 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;
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous 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 equitably shared;
 - (vi) Prepare an indigenous people 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 People receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures;
 - (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous people's communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous people communities and other stakeholders;
 - (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that indigenous people have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands; and
 - (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, considering the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

C. Comparison Between Government of India's Policy on Indigenous People and ADB SPS, 2009 (safeguards requirement 3)

22. The above policies and legal instruments available in India are supplemented by ADB SPS 2009 for the implementation of the project. 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 indigenous peoples culture and social and economic institutions. Both Government of India and ADB recognize the vulnerability of indigenous peoples. ADB policy has a provision related to

preparation of an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project; whereas The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 does not include provision for the customary rights to lands for Indigenous Peoples. The project is not anticipated to impact customary lands, hence this requirement is not triggered.

23. The Constitution of India and acts listed above 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. The objectives of the IPPF and the approach to IPP preparation will integrate both Indian Constitution Acts and ADB's safeguards policy on indigenous peoples. The policy gap analysis and gap-filling measures are given in Table 5.

Table 5: Gap Analysis on National Policies (Government of India) on Indigenous People and ADB SPS 2009

ADB's Safeguard Policy Statement (2009) on Indigenous Peoples	Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 and GOI's Acts and Policies on Scheduled Tribes	Measures Adopted for This Project
Policy Principle 1: Screen early on to determine (i) whether indigenous peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on indigenous peoples are likely.	Constitution of India ensures affirmative action for all (Article 14), prohibits discrimination against any citizen on grounds of sex, religion, race, caste, etc. (Article 15) and enjoins upon the state to promote with special care the educational and economic interests of the weaker sections of the people, in particular, the scheduled tribes, and promises to protect them from social injustice and all forms of exploitation (Article 46); No such early screening process is required under the Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006. Not in compliance to the ADB's Safeguard Policy Statement (2009)	The Constitution of India and the Acts and Policies related to scheduled tribe people/indigenous people does not specify on early screening of projects for indigenous people. The Project shall screen the subprojects early to determine the presence of indigenous people/scheduled tribe. Initial overall screening of the project selection has been carried out and potential positive (beneficial) impacts were foreseen.
Policy Principle 2: Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on indigenous peoples. Give full consideration to options the affected indigenous peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected indigenous peoples that are culturally appropriate and gender and inter generationally inclusive and develop	The said Act does not stipulate any social impact assessment or similar methods to assess potential project impact. Under the Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006, Tribal Welfare Department of the state has the power for conversion of <i>pattas</i> or leases or grants issued by any local authority or any state government on forest lands to titles. Such titles given to the Scheduled Tribes and Other Traditional Forest Dwellers under the said Act are inalienable rights. If the project activities affect the land with titles provided under the said Act, adequate measures will be taken to avoid the affected land.	Assessment would be carried out to understand positive and adverse impacts of the projects on the indigenous peoples. Based on the assessment, measures would be adopted to minimize the potential adverse impacts (if any) and implement specific action plans tasks, to enhance beneficial impacts. These actions will be carried out during project implementation.

ADB's Safeguard Policy Statement (2009) on Indigenous Peoples	Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 and GOI's Acts and Policies on Scheduled Tribes	Measures Adopted for This Project
Policy Principle 3: Undertake meaningful consultations with affected indigenous peoples communities and concerned organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected indigenous peoples communities in a culturally appropriate manner. To enhance indigenous peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of indigenous peoples' concerns.	The said Act does not lay down any provision to undertake consultations with affected indigenous peoples. The said Act does not specify any grievance mechanism for resolution of indigenous peoples' concerns.	The project will undertake meaningful consultation with the scheduled tribe people, in a culturally appropriate manner at a location suitable for the tribal community to attend the meetings. The meetings will be conducted in a language understandable to the tribal community. Future consultation strategies will be proposed in the IPP/RIPP which shall take place during the next phase of project activities and especially prior to and during project implementation. The grievance redress committee at the PMU level will have a representative from scheduled tribe community.
Policy Principle 4: Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy	Under the Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006, indigenous peoples have the right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use. Hence, any adverse impact of on community forest resource should take the consent of affected indigenous peoples or their recognized representatives. The said Act confer rights of indigenous peoples for conversion of <i>pattas</i> or leases or grants issued by any local authority or any state government on forest lands to titles. Therefore, physical	Consultation and future participatory assessment will be done with the scheduled tribe population along the proposed road in the future course of action (in case of adverse impacts). Project activities will not consider any component, that will cause physical displacement of tribal people from traditional or customary lands. 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

ADB's Safeguard Policy Statement (2009) on Indigenous Peoples	Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 and GOI's Acts and Policies on Scheduled Tribes	Measures Adopted for This Project
application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.	displacement from traditional or customary land right of Scheduled Tribes and Other Traditional Forest Dwellers cannot be permitted. The IPP should mention adequate plan to avoid the affected land of indigenous peoples with customary land rights.	identity and community of indigenous peoples will not be considered by the project. Broad community support is not required in the project as there is no commercial development of cultural or natural resources, or physical displacement, hence ADB's Safeguard Policy Statement (2009) requirement under this principle is not triggered.
Policy Principle 5: Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected indigenous peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.	The Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 have provision on right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. The IPP should mention mitigation measures to avoid, to the maximum extent possible, any restricted access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. In compliance with ADB's Safeguard Policy Statement (2009)	The issues of access restriction and physical displacement have been avoided by the project. The same will be ensured during project implementation. This ADB SPS principle is not triggered.
Policy Principle 6: Prepare an indigenous peoples plan that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected indigenous peoples.	Under the said Act, there is no provision on preparation of IPP. Not in compliance with ADB's Safeguard Policy Statement (2009)	A draft IPP or a combined resettlement and indigenous peoples plan (RIPP) will be prepared during the project processing which will further be updated during project implementation. The draft and updated IPP/RIPP will be disclosed. The IPP/RIPP will include a framework for continued consultation with the affected indigenous people communities during project implementation; specifies measures to ensure that indigenous peoples receive culturally

ADB's Safeguard Policy Statement (2009) on Indigenous Peoples	Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 and GOI's Acts and Policies on Scheduled Tribes	Measures Adopted for This Project
		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.
Policy Principle 7: Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected indigenous peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected indigenous peoples communities and other stakeholders.	Under the said Act, there is no provision on IPP disclosure. Not in compliance with the ADB's Safeguard Policy Statement (2009)	Project related documents especially the benefits and mitigation measures etc. will be disclosed during the project implementation among the indigenous peoples beneficiaries. The draft/updated/final IPP/RIPP will be disclosed once approved by executing agency and ADB.
Policy Principle 8: 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.	The Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006, recognize rights of indigenous peoples for conversion of pattas or leases or grants issued by any local authority or any state government on forest lands to titles. In compliance with ADB's Safeguard Policy Statement (2009).	The project will not involve acquisition of customary land and/or ancestral domains that will cause impacts on customary rights. Implementation of project will ensure that there will be no impact on the customary rights to lands and territories or ancestral domains.

ADB's Safeguard Policy Statement (2009) on Indigenous Peoples	Scheduled Tribes and Other Traditional Forest Dwellers (RoFR) Act, 2006 and GOI's Acts and Policies on Scheduled Tribes	Measures Adopted for This Project
Policy Principle 9: 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.	Under the said Act, there is no provision on preparation or monitoring of IPP implementation. Not in compliance with ADB's Safeguard Policy Statement (2009)	Monitoring of the IPP/RIPP will be done semi-annually by the executing agency and the reports will be submitted to ADB and the same will be disclosed.

III. IDENTIFICATION OF AFFECTED INDIGENOUS PEOPLES

24. As per ADB SPS, 2009, the term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics 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. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account.

25. Likewise, 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 before notifying them as a Scheduled Tribe. Essentially, indigenous people have a social and cultural identity distinct from the 'mainstream' society that makes them vulnerable to being overlooked or marginalized in the development processes. In the context of the project areas, Scheduled Tribes who have no modern means of subsistence, with distinctive culture and are characterized by socio-economic backwardness could be identified as indigenous peoples.

26. According to the Census of India 2011, 8.6 percent of the Indian population is classified as Scheduled Tribe. In West Bengal, Tribal population is 5,296,963 as per Census 2011, which is about 5.8% of the total population of the State. **Appendix 1** provides the list of tribal communities in the state of West Bengal as per Ministry of Tribal Affairs, Government of India.¹⁸ In Kolkata, 0.24 percent of the total population is classified as Scheduled Tribe. In Census of India 2011, the highest concentration of Scheduled Tribe population has been recorded in KMC Ward No. 108 i.e. 1.43% of the total population of the ward (Hossainpur), one of the sample subproject package areas. According to census 2011, municipal ward number 108 has 928 scheduled tribe population, out of a total population of 64,777.¹⁹ Ward wise scheduled tribe population data of Kolkata is presented in Appendix 2.

IV. SOCIAL IMPACT ASSESSMENT AND PREPARATION OF INDIGENOUS PEOPLE PLAN FOR SUBPROJECTS

27. The IPPF seeks to ensure that Indigenous peoples are informed, consulted, and actively engaged to participate in the projects during IPP preparation. Engaging indigenous peoples in the project can ensure they gain benefits and are safeguarded against any potential adverse impacts caused by the project.

28. During transect walk and stakeholder consultation it is reported that the scheduled tribe (indigenous population) of Mundapara (Ward 108) has been residing in the area over the last 100 years. The population belong to *Oraon*, *Munda* and *Santhal* community. They have migrated from Jharkhand and Orissa states. The original population of the area is well assimilated in mainstream society and does not retain the characteristics of scheduled tribes or indigenous people's groups.

¹⁸ <https://adibasikalyan.gov.in/scheduled-tribes-of-west-bengal>

¹⁹ West Bengal Tribal Development Department. [Scheduled Tribes Of West Bengal - Tribal \(adibasikalyan.gov.in\)](https://adibasikalyan.gov.in)

29. The largest population of the area is Munda, second largest community is Oraon and a few households belong to Santhals. By profession they are engaged in various economic activities, like service in Kolkata Municipal Corporation, daily / contractual labour of KMC, drivers, women work as domestic help etc. Average monthly income per households estimated to ₹ 25,000 to ₹ 40,000 per month. The community does not possess any particular traits of tribal communities, and even though, they live in a group, in one particular area of ward number 108, they have adapted with urban culture. There is no specific worship place / space regarded as “holy place” for the community which will be affected due to construction work. They observe ‘KARAM’ festival in the month of March-April, for 3-5 days, in the compound of local ‘Adibasi Kalyan Samity’, a grassroot organization, working for the welfare of the Mundapara tribal community. During discussion the community suggested that construction work schedule should avoid the festival period and roads should be restored to its pre-project condition.

30. During consultation with the local residents and community leaders of Mundapara, it was informed that there are about 103 scheduled tribe households, with a population just over 400 (approximately) living in the area. Waterlogging during rainy seasons is one of the biggest problems in the area, as it is a low laying area, devoid of any proper drainage system. The proposed project will have beneficial impact on the community including the tribal population. The IPPF was prepared in due consultation with the scheduled tribe population, found to be living in a cluster in Mundapara, under subproject SD - 05 coverage area. The provisions of the IPPF - including the provision for preparation of specific action plan, as well as provision for beneficial and mitigation measures were discussed with the scheduled tribes in the project area.

A. Screening

31. The ADB SPS, 2009 requires the borrower/ client to screen and categorize a subproject at the initial project preparatory phase. The objective of the exercise is to (i) determine the significance of the potential impacts and risks on indigenous people that a project might present; (ii) identify the level of assessment and institutional resources required to address indigenous people safeguard issues; and (iii) determine information disclosure and consultation requirements. The executing agency, through the project management unit (PMU), will screen and categorize subproject components. A project’s indigenous people’s category is determined by the category of its most sensitive component in terms of impacts on indigenous people. The significance of impacts of an ADB supported project on indigenous people is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected indigenous people’s community.

32. The PMU with the help of PMDSC will study all indigenous people/scheduled tribe communities within and in the vicinity of the proposed subproject area and will arrange public meetings at scheduled tribe communities to provide information regarding the proposed subproject. During these meetings, community leaders and other participants will be given an opportunity to present their views and concerns.

33. An 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 in the area compared with the total population; and

- (iv) Number and percentage of indigenous people households to be affected by the sub-project site.

34. The level of detail and comprehensiveness of the indigenous peoples plan (IPP) needs to be commensurate with the significance of potential impacts on indigenous people. A proposed project is assigned to one of the following categories depending on the significance of the potential impacts on indigenous people:

- (i) **Category A:** A proposed project is classified as category A if it is likely to have significant impacts on Indigenous People. An IPP, including assessment of social impacts, is required.
- (ii) **Category B:** A proposed project is classified as category B if it is likely to have limited impacts on Indigenous People. An IPP, including assessment of social impacts, is required.
- (iii) **Category C:** A proposed project is classified as category C if it is not expected to have impacts on Indigenous People. No further action is required.

35. An indigenous peoples' assessment checklist will be prepared. If the results of the preliminary screening show that there are indigenous peoples households in the proposed project area, a Social Impact Assessment (SIA) will be conducted to capture indigenous peoples issues and development opportunities that exist in the area. A checklist format for screening Indigenous peoples in the projects is in **Appendix 5**.

B. Social Impact Assessment

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

37. Based on screening, a primary SIA field level survey will be conducted, either as part of a detailed project study report or as a stand-alone activity. The SIA will be conducted in consultation with the indigenous peoples, with emphasis on a gender-sensitive approach, and will identify project-affected indigenous peoples, potential impact, and severity of impact with special reference to gender impact. The SIA will prepare a baseline socioeconomic profile of the indigenous peoples in the project area and project impact zone. It will assess their access to social infrastructures and economic opportunities. The study will also indicate and focus on short- and long-term benefits and potential positive and adverse impacts on the indigenous peoples' social, cultural and economic status due to the project, assess which indigenous peoples will require indigenous peoples' principles, and recommend the subsequent approaches, resource requirements, and planning mechanism to address the issues and concerns of the affected indigenous peoples. The level of detailed and comprehensive information required for the SIA will be commensurate with the complexity of the proposed project's impact on the indigenous peoples. ADB's safeguards policy statement for indigenous people have special requirements for assessment of project impact on an indigenous people community, which needs to be assessed during SIA before project implementation; it is summarized in **Appendix 3**.

38. Information will be gathered through separate consultation meetings within the indigenous

peoples' community – with indigenous peoples' representatives; indigenous peoples men and women, especially those who live in the zone of influence of the proposed project. Discussions will focus on the positive and negative impacts of the project as well as recommendations on the design of the project. The PMU, KSHARP through their social safeguard focal persons with the support of social safeguard expert of Project Management and Design Supervision Consultant (PMDSC) will prepare the SIA and the PMU will be responsible for analysing the SIA and preparation of an action plan with the support of indigenous people's community leaders. If the SIA indicates that the potential impact of the proposed sub-project will be significantly adverse—threatening the cultural practices and indigenous peoples' sources of livelihood, or that the indigenous people's community rejects the sub-project works—the executing agency will consider other design options to minimize such adverse impacts. If indigenous peoples communities support the project, an IPP will be formulated. The draft IPP will be forwarded to ADB for review and approval.

C. Benefit Sharing and Mitigation Measures

39. Where impacts on indigenous households are potentially positive, measures will be undertaken to ensure that benefits are equally shared. This will be through ensuring indigenous peoples as stakeholders take part during all stages of the investment program. 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.

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

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

D. Indigenous Peoples' Plan

42. The IPP is time-bound, with an adequate budget for its implementation. An acceptable IPP focuses on the (i) aspirations, needs, and preferred options of the affected indigenous peoples; (ii) local social organization, cultural beliefs, ancestral territory, and resource use patterns among the affected indigenous peoples; (iii) potential positive and negative impacts on indigenous peoples; (iv) measures to avoid, mitigate, or compensate for the adverse project effects; (v) measures to ensure project benefits will accrue to indigenous peoples; (vi) measures to strengthen social, legal, and technical capabilities of government institutions to address indigenous peoples issues; (vii) the possibility of involving local organizations and non-governmental organizations with expertise in indigenous peoples issues; (viii) budget allocation;

and (ix) monitoring. Where there is land acquisition in IP communities, the Project will ensure their indigenous rights will not be violated and that they are compensated for the use of any part of their land in a manner that is culturally acceptable to the affected Indigenous peoples.²⁰

43. The IPP will include:

- (i) **Baseline data:** Baseline data will be collected both from primary and secondary sources. In India, most of the tribal people are mainstreamed with the help of the Government's effort to bring them into the mainstream. The survey will be designed to collect the baseline data on their socio-economic and cultural aspect which will help in identifying the intensity of impact on indigenous people.
- (ii) **Land tenure information:** Landholding among the tribal people is much less compared to other sections of mainstreamed people. Tribal people use the public land and forest land for their various uses. Therefore, details on the land tenure and customary usage pattern will be collected to measure the dependency of tribal people on the land.
- (iii) **Local participation:** The plan will be developed in a participatory approach with due consultation with the local indigenous peoples communities. The views of the indigenous peoples will be recorded and will be incorporated into the plan.
- (iv) **Technical identification of development enhancement or mitigation activities:** The survey and the engineering design should clearly reflect the impact of projects on the Indigenous peoples. The project engineering plan, thus, be developed or modified based on these inputs so that negative impacts are mitigated, or better benefits are distributed to the Indigenous peoples.
- (v) **Institutional arrangement:** The detailed institutional arrangements will be prepared as per the defined task for each stakeholder.
- (vi) **Implementation schedule:** The implementation schedule has to be aligned with the overall project implementation schedule and all the compensation and mitigations will be done prior to the civil work.
- (vii) **Monitoring and evaluation:** The IPP will be monitored both internally and externally. Details are given in the following sections.
- (viii) **Cost Estimate and Financing Plan:** Based on the impacts, a budget will be prepared for the implementation of IPP, and the executing agency will be responsible for providing the budget.

44. Where warranted, the IPP will be developed by the executing agency with the support of PMDSC. The PMU will review and approve the IPP and provide the approved IPP to ADB for review and approval. The IPP policy and measures must comply with ADB's SPS, 2009. An outline of IPP is given in **Appendix 4**.

45. If the indigenous people impacts are not significant or generally positive, the PIU in consultation with PMDSC could decide to prepare a "specific action" plan in a due diligence report, or a combined resettlement and indigenous peoples plans (RIPP) detailing required actions to address the indigenous people issues without preparing a stand-alone IPP. This decision will depend on the severity of impacts. This "specific action" plan can be a community action plan where the indigenous people groups live with non-indigenous people in the same subproject location. Another way is to incorporate indigenous people issues and their benefits into the resettlement plan, if any. If the above is not feasible, it is possible to specifically include them in

²⁰ The compensation will follow the entitlement matrix as provided in the Resettlement Framework prepared for this project.

the subproject beneficiary group.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Consultation

46. Public consultation, participation, and disclosure activities from a continuous process during the study, implementation, and operation phases. The public information disclosure brochure will be prepared and disclosed during public consultation with different stakeholders by MPWD. The consultation activities will ensure that:

- (i) Consultation takes place early and happens continuously through the duration of the project in order to endure that affected persons are fully informed.
- (ii) Information is revealed and disclosed a timely manner. Such information should cover the (a) nature of the project. (b) the scope of the reason for land acquisition, (c) the resettlement objectives and entitlement matrix (detailed provisions to be negotiated), (d) the choices available regarding the future, (e) the right of the displaced persons to participate in resettlement planning/ indigenous people's planning and implementation of both resettlement plan and IPP, and (f) the grievance mechanism to be put in place.
- (iii) There should be no intimidation or coercion on affected persons
- (iv) Consultation should be gender-inclusive and tailored to the needs of the disadvantaged and vulnerable including indigenous people.
- (v) All relevant views should be considered in the decision-making process.

47. Each required IPP will be prepared in consultation with the affected indigenous people groups. The mitigation measures and strategies will be presented to them by the executing agency at various places which will be easily approachable to them. Inputs from the indigenous peoples will be collected by Safeguard and Safety Cell (SSC) staff through consultations, which will be considered in the subproject design and the final IPP. The executing agency through its Social Safeguard Officer, (focal person of Executive Engineer rank) at PMU level along with the support of Social Safeguard Specialist, PMDSC will be involved in implementing the IPP and resolution of any dispute arising out of the implementation process. Each draft IPP will be sent to ADB for review and approval.

48. Consultations and information disclosure will be undertaken to ensure that the needs, priorities, and preferences of indigenous peoples are adequately dealt with. The strategy of IPP therefore, would be to promote participation of the indigenous peoples, initiating and identifying people's needs, priorities and preferences through participatory approaches. Consultations with and participation of indigenous peoples communities, their leaders, and representatives of executing agency, hence, will be an integral part of the overall IPP.

49. The affected indigenous peoples will be informed and consulted during preparation of IPPs. Their participation in planning will enable them to benefit from the project and protect them from any potential adverse impacts due to the project implementation. The IPP prepared in consultation with affected indigenous peoples will be translated into the local language of indigenous peoples and made available to them before implementation with the assistance of PMDSC and SSC, PMU.

50. PMU, KSHARP will ensure that adequate funds are made available for consultation and facilitation. Indigenous peoples may be particularly vulnerable when project 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 project involving such project activities, the borrower/client will seek the consent of affected indigenous peoples' communities.

B. Disclosure

51. Information will be disseminated to affected persons, at various stages, including indigenous people. In the subproject initiation phase, the PMDSC, Social Safeguard Specialist supported by PMU Social Safeguard Officer (focal person) and SSC staff will be responsible to intimate the community and the affected persons about the subproject along with program information/details. The IPPF, resettlement framework and subproject RPPs, IPPs and resettlement plans will be made available in relevant government agencies, at ward level offices including KMC local Borough offices at local level, near affected area, and PMU. The resettlement framework, indigenous peoples' planning framework and sample subproject resettlement plans/ RIPP/ IPP (both draft and final versions) will be disclosed on ADB's website and the PMU websites.

52. Information dissemination, through subproject specific leaflets (in local language Bengali or any other language understandable to the schedule tribe population) and public announcements, and consultation will continue throughout program implementation. The project leaflets will be distributed by SSC staff to the affected communities for their information. The subproject cut-off-date will be established upon completion of final detail design, detail measurement survey (DMS) and census survey of affected person. The subproject cut-off- date will be informed to the affected persons directly, through dissemination of project leaflets, public announcements in the local media, as well as stated in the project sign boards. A sample project leaflet is attached in **Appendix 6**.

53. The social safeguards manager of the PMU will be entrusted the task of ensuring ongoing consultations and public awareness program during project implementation with the support of Gender and Safeguards Unit (GSU) staff and Social Safeguard Specialist, PMDSC. This task will be carried out in coordination with the PMDSC, and contractors to ensure the communities are made fully aware of project activities in all stages of construction. The community in general, indigenous people and the affected families, will be consulted and made aware of the civil works under project activities prior to construction and about ADB SPS policy on indigenous people.

VI. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

54. A project-specific grievance redress mechanism (GRM) was established under ongoing project (Loan number 3413 and 3689, Kolkata Environmental Improvement Investment Program (KEIIP). The GRM for KEIIP, will be applicable and will be further strengthened for the proposed KSHARP.²¹ The grievance redress mechanism (GRM) will receive, evaluate, and facilitate the resolution of social, environmental or any other project-related grievances for KSHARP (along with the existing project). The GRM aims to provide a time-bound and transparent mechanism to

²¹ The office order regarding GRC is placed in Appendix 1.

voice and resolve social and environmental concerns of the project stakeholders.²² The multichannel, project-specific GRM functional for KEIP and the positive features and learning from it will be adopted for the KSHARP.

55. A common grievance redress mechanism (GRM) will be in place to redress social, environmental or any other grievances related to project and/or respective subprojects. Implementation of the resettlement plan/resettlement and indigenous peoples plan (RIPP)/due diligence reports (DDRs)/ initial environment examination (IEEs) will follow the GRM described below. A public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU will ensure that their grievances are addressed.

56. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by PMU or through toll-free telephone number “Didi Ke Bolo”,²³ or talk to Mayor²⁴ or by e-mail, by post, or by writing in complaints register kept in PMU office or Kolkata Municipal Corporation (KMC) Borough offices or Contractor’s site offices. **Appendix 10** has the sample grievance registration format. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. PMU Safeguard Officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party. The complainants/aggrieved persons will also be encouraged to seek a complaint registration number from the PMU.

57. The GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons’ grievances related to the project. A three-tier GRM is conceived for the proposed project, the first tier is being at field/ward/Borough level, the second tier at PMU level and the grievance redress committee is being the apex level. For the project level GRM, a Grievance Redress Committee (GRC) will be established at PMU; the safeguards officers of the PMU, supported by the social safeguards specialist of PMDSC 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 Bengali or English, recording and registering grievances of non-literate affected persons and explaining the process of GRM. All expedient and minor grievances will be resolved at field/ward/Borough level; should any grievance fail to be

²² The project components under the KEIP are water supply, sewerage and drainage, construction of STP and Pumping Stations. Similar project components have also been proposed in KSHARP, except for water supply components, so it is expected that the nature of grievances which may arise during the implementation phase under KSHARP will be similar in the nature of grievances that were received in KEIP. During implementation of KEIP, the grievances were mostly related to disruption in water supply services due to damages caused to existing pipelines during excavation work, minor damages caused to the property line during construction phase, damages to boundary walls, concrete ramps, water logging, delays in road restoration work, etc. The GRC in KEIP has long standing experience for dealing and resolving the same kind of grievances within stipulated time. The GRM established in KEIP is functioning effectively, hence adopting the same GRM structure of KEIP is proposed in case of KSHARP. Under KEIP, the grievances are resolved on average between seven and fifteen days. The same grievance redress committee (GRC) will continue to function for KSHARP.

²³ This is an initiative started by GoWB from 2019, that provides a platform for the people of West Bengal to directly lodge concerns or complaints to the state authority (Hon’ble Chief Minister GoWB). Official website: <https://www.didikebolo.com/>

²⁴ KMC initiated this unique public communication system through which citizens of the city can call on a designated number to register complaints in 2019. Talk to Mayor dial in at 18003451213.

resolved within the stipulated time period at the field level, the PMU will be consulted within specified time. PMU 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). In the event that certain grievances cannot be resolved at project level, they will be referred to the grievance redress committee (GRC).²⁵

58. 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 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 PMU supported by PMDSC will try to successfully resolve them in consultation with the Executive Engineer of KMC Borough offices. Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the GRC. The GRC for the project has been constituted, as per office order PMU/ 404 A/2023-24, dated 29 December 2023, issued by Project Director, KEIP/KMC. The GRC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which may be referred by affected persons to appropriate courts of law. The multi-tier GRM for the project is outlined below (**Figure 2**), 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 shall issue notifications to concerned Borough offices to establish field level GRCs, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

59. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and PMDSC on-site personnel will provide the most easily accessible for quick resolution of grievances. Contact phone numbers and names of the concerned PMU safeguard officers and contractors will be posted at all construction sites at visible locations. The PMU safeguard officers will be responsible to see through the process of redressal of each grievance.

- (i) **1st Level Grievance.** The first point of contact for people filing complaints will be the staff from the contractor designated for receiving grievances and kept in safe custody under supervision of Gender and Safeguards Unit (GSU) field workers assigned to the ward (who will be available at an appointed time at the sites(s) and borough office) and the contractor's personnel. The phone number of the KMC Borough office should be made available at the construction site signboards. Registers for writing complaints will be available at borough offices. The contractors and GSU safeguard monitors can immediately resolve grievances on-site in consultation with each other and the area engineer and borough engineer, as required, and will be required to do so within 5 days of receipt of a complaint/grievance. Record of grievances received at field level will be conveyed once a week to the Environmental and Social Managers and Administrative Officer

²⁵ The GRC comprises the Administrative Officer, KSHARP, Deputy Chief Engineer (I), KSHARP /KMC, Social Safeguard Officer, KSHARP, Environmental Officer KSHARP, Social Safeguards Specialist, PMDSC, KSHARP, Environmental Safeguards Specialist, PMDSC, KSHARP. The Administrative officer, KSHARP is the Convenor of the GRC.

- at PMU, to enable tracking.²⁶
- (ii) **2nd Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the Grievance Redress Committee at PMU, headed by the Administrative Officer, assisted by the Safeguard Officers and concerned Deputy Chief Engineer, who will seek the advice of the Project Director, and Director General of PMU as necessary, and attempt to resolve the grievances within 10 days from the date of registration of complaint. The GRU of the PMU is already in place. If the PMU feels that the matter is beyond its jurisdiction, it will escalate the same to the Grievance Redress Committee (GRC).
 - (iii) **3rd Level Grievance.** All grievances that cannot be resolved at PMU level will be referred to the GRC with support from PMU and PMDSC. GRC will attempt to resolve grievances within 5 days, 10 days and 15 days from the date of receipt of complaint from 1st level, 2nd level and 3rd level respectively.

60. Besides the project's GRM, the Kolkata Municipal Corporation (KMC) also has a centralized public grievance redress monitoring system where the public can file grievances through a dedicated web portal.²⁷ The complainant or aggrieved persons can also lodge their complaints through this online portal.

61. **Court of Law.** Under the project specific GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In case of grievance related to land acquisition, resettlement and rehabilitation, the affected persons will have to approach a legal body/court specially proposed under the RFCTLARRA, 2013.²⁸

62. **ADB Accountability Mechanism.** The People who may /are in future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach ADB accountability mechanism.²⁹

B. Areas of Jurisdiction

63. The areas of jurisdiction of the GRC, headed by the Administrative Officer, KSHARP will be (i) all locations or sites within the KMC jurisdiction where subproject facilities are proposed, or (ii) their areas of influence within the KMC areas. The GRC will have jurisdictional authority across the KMC area (i.e., areas of influence of subproject facilities, if any).

C. Record keeping

64. Records of all grievances received, including contact details of complainant, date the

²⁶ In case of any impacts on indigenous people/scheduled tribe, in subproject areas, the grievance redress team must have representation of the affected indigenous people, the chief of the indigenous peoples group as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and/or an NGO working with indigenous peoples.

²⁷ <https://www.kmcgov.in/KMCPortal/jsp/ComplaintNew.jsp>

²⁸ The Authority admits grievances only with reference to the Land Acquisition and R&R issues under the RFCTLARRA, 2013.

²⁹ Accountability Mechanism. <http://www.adb.org/Accountability-Mechanism/default.asp>

complaint was received, nature of grievance, agreed corrective actions, the date these were affected and the final outcome will be kept by PMU (with the support of PMDSC). The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU office, the ward/borough office and on the web, as well as reported in the semi-annual environmental monitoring reports to be submitted to ADB.

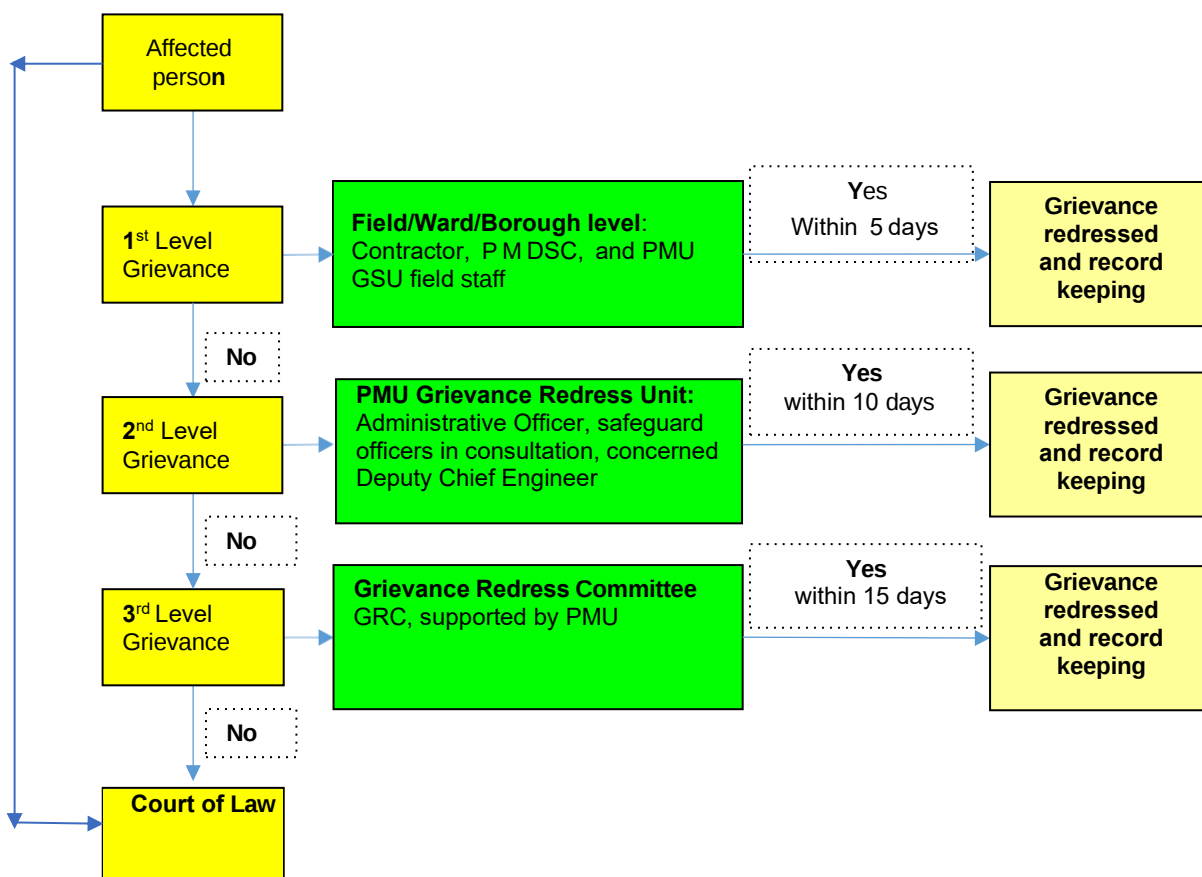
D. Information Dissemination Methods of the GRM

65. The PMU, assisted by PMDSC will be responsible for information dissemination to affected persons on grievance redressal procedure. Subproject area/affected area-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. A public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The environment and social safeguard officer will be assisted by PMDSC 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 agreed entitlement matrix 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 offices, Borough level notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in **Appendix 9**.

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

67. **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 resettlement cost estimates. The grievance redress process is shown in **Figure 2**.

Figure 2: Grievance Redress Mechanism (KSHARP)



PMDSC: Project Management and Design Supervision Consultant; PMU: Project Management Unit; GRC: Grievance Redressal Committee.

VII. INSTITUTIONAL ARRANGEMENT

A. Institutional Arrangements

68. The Kolkata Municipal Corporation (KMC) is the executing agency the project, KSHARP. The existing institutional arrangement of the Kolkata Municipal Corporation will be strengthened for implementation of KSHARP. The project will be headed by the Project Director. Project Management Unit (PMU) established under Kolkata Municipal Corporation (KMC), will implement the project.

69. **Project Management Unit (PMU).** The PMU is headed by a Project Director (PD) of KSHARP, KMC. The Project Director will be supported by the Deputy Chief Engineer, PMU, KMC (who will be responsible for safeguard implementation and monitoring) and the Director General Project, KSHARP, KMC (who will be responsible for procurement and contract management). The Deputy Chief Engineer will be responsible for overall environmental and social safeguard implementation. The Deputy Chief Engineer will be supported by an Manager (Environment) and a Manager (Social), focal persons of Deputy Chief Engineer rank, who will be responsible for environmental and social safeguard implementation and monitoring as per ADB SPS, 2009.³⁰ The

³⁰ The Manager (Social) will be a full-time person with social safeguards experience.

PMU will be supported by Gender and Safeguards Unit (GSU) which will function as a safeguards, safety and gender cell for KSHARP, in implementation and monitoring of resettlement plans. The PMU will be supported by Project Management and Design Supervision Consultant (PMDSC).

70. **Gender and Safeguards Unit (GSU), PMU.** The existing Social Safeguard Cell will function as the Gender and Safeguards Unit (GSU) for the project, covering environment, social, safety and gender aspects. The GSU will assist the PMU in implementing and monitoring the resettlement plans/RIPP (duly approved by KMC and reviewed/cleared by ADB prior to implementation). The GSU will in addition to social development, public awareness and social safeguard responsibilities, be responsible for monitoring environmental and social safeguard implementation, including monitoring of environment and community health and safety aspects. The GSU staff, currently implementing the ongoing KEIIP, are conversant with public awareness generation activities, consultations and field surveys and ADB safeguard policies. Any additional information/capacity building of the GSU staff will be facilitated by PMDSC.

71. **Project Management, Design and Supervision Consultant (PMDSC).** PMU will be supported by a Project Management and Design Supervision Consultant (PMDSC) to supervise, monitor and oversee project implementation, support on policy reform related issues and compliance of all the reporting requirements of KMC, other statutory regulatory bodies and Asian Development Bank in line with SPS (2009). PMU will be supported by the PMDSC on supervision monitoring and to oversee the implementation of the subprojects, including compliance of ADB's SPS 2009 and other environmental and social State and Government of India (GOI) rules. The PMDSC will have an Environmental Safeguards Specialist and a Social Safeguards Specialist.

72. **Contractors.** The package-wise resettlement plans/RIPP/DDR's will be included in the respective bidding and contract documents and verified by the PMU and PMDSC. All contractors will be required to designate an Environment Health and Safety (EHS) Supervisor to ensure implementation of environmental management plan (EMP) during civil works and operation and maintenance, and social safeguard compliance, as well as be responsible for communication with the public, and facilitation of grievance registration, under the guidance of PMU. Contractors are to carry out all compliances as mentioned in their contract as per ADB SPS 2009 and government rules.

B. Social Safeguards Implementation Arrangements

73. The **GSU** will be responsible for implementation and monitoring of the resettlement plans/RIPP. The Manager Social and Manager Environment with the support of social safeguard specialist, PMDSC, will supervise surveys undertaken by representatives of GSU and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PMU through the GSU will arrange for delivery of entitlements to affected persons, implementation and monitoring of safeguards compliance activities, public relations activities, gender mainstreaming activities and community participation activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, as required. It will also coordinate for obtaining right of way clearances with related state and national agencies (owners of the road). The PMDSC social safeguard specialist will be responsible for capacity development of field level staff of GSU in data collection for resettlement plan and due diligence report (DDR) preparation and updating, implementation and preparing progress reports on resettlement plan implementation; PMDSC social safeguard and environmental safeguard specialists will be responsible for capacity development of PMU, GSU and contractors.

74. The PMU will finalize entitlements in consultation with affected persons, based on the agreed entitlement matrix. The entitlement matrix will be reviewed by the Kolkata Municipal Corporation (KMC) and agreed with ADB. The PMU through the GSU will arrange for payment of entitlements to affected persons. Organizational procedures/institutional roles and responsibilities for resettlement plan implementation and steps and/or activities involved in delivery of entitlements are described in **Table 6**.

Table 6: Institutional Roles and Responsibilities

Activities	Agency Responsible
Sub-project Initiation Stage	
Finalization of sites/alignments for subprojects	PMU along with PMDSC
Disclosure of subproject details by issuing public notice Meetings at community/ household level with affected persons	PMU Manager (Social) and GSU
Resettlement Plan/RIPP Preparation Stage	
Conducting Census of all affected persons	PMU, PMDSC and GSU field staff
Conducting FGDs/ meetings / workshops during SIA surveys	PMU/PMDSC and GSU
Computation of replacement values of land or properties proposed for acquisition and for associated assets	CMU/PMU
Categorization of affected persons for finalizing entitlements	PMU/PMDSC
Formulating compensation and rehabilitation measures Conducting discussions/ meetings/ workshops with all affected persons and other stakeholders	Manager (Social) PMU/Social Expert PMDSC Manager (Social) PMU/ Social Expert PMDSC
Finalizing entitlements and rehabilitation packages	Manager (Social) PMU/ Social Specialist, PMDSC
Disclosure of final entitlements and rehabilitation packages	Manager (Social) PMU/ Social Specialist, PMDSC
Approval of Resettlement Plan/RIPP	ADB
Resettlement Plan/RIPP Implementation Stage	
Implementation of proposed rehabilitation measures	Manager (Social) PMU/ Social Specialist, PMDSC
Consultations with APs during rehabilitation activities	Manager (Social) PMU/ Social Specialist, PMDSC
Grievances Redressal	GSU /PMU/GRC/contractor
Internal Monitoring	Manager (Social) PMU/ Social Specialist, PMDSC

DMS = Detailed Measurement Surveys; FGD=focus group discussions; GRC = Grievance Redress Committee; PMU = program management unit; PMDSC = Project Management and Design Supervision Consultant; RIPP = resettlement and indigenous peoples' plan; GSU = Gender and Safeguards Unit; SSS=social safeguard specialist.

75. **Gender and Safeguards Unit, PMU:** The role of the GSU in resettlement plan/RIPP implementation and monitoring is that of a facilitator of the resettlement process as well as indigenous peoples' inclusion process. The GSU works as a link between the Project and the affected community. They educate the affected persons on the need to implement each project and subproject under the investment program, on aspects relating to resettlement measures and

ensure proper utilization of compensation paid to the affected persons under the entitlement package. After the approval of the micro plans, the GSU will issue identity cards to the affected persons. GSU field staff will report to the Environmental and Social Manager at PMU. The envisaged responsibilities of GSU field staff include:

- (i) environmental and social safeguard monitoring and gender action plan monitoring at field level;
- (ii) monitoring of environmental health and safety and community health and safety at field level;
- (iii) conduct surveys to update safeguard documents, collection of information for preparation of monitoring reports;
- (iv) rapport-building and information dissemination to the public; educating affected persons on their rights, entitlements, and obligations under the resettlement plan
- (v) database management: on safeguard monitoring, grievances.
- (vi) social safeguard issues are addressed;
- (vii) resettlement framework is followed in all resettlement issues;
- (viii) approved resettlement plans are implemented;
- (ix) implementation of resettlement plan is monitored;
- (x) periodic monitoring reports prepared in time and submitted to Project Director, Kolkata Environment Improvement Project for onward transmission to ADB upon approval;
- (xi) database on resettlement monitoring and due diligence is updated and maintained; and
- (xii) record keeping of grievance redress;
- (xiii) Coordinate with elected representatives, district administration, line departments, PMUs, Contractor, PMDSC, and community for project activities;
- (xiv) Provide necessary field level information to PMU and PMDSC for reports preparation and other documentation;
- (xv) Coordinate with contractor's representatives to promptly address community grievances and avoid undue escalations;
- (xvi) Coordinate with the Contractor for collecting and reporting sex disaggregated data of labor engaged in construction activity at the project sites;
- (xvii) Coordinate with experts in PMDSC and ADB TA consultants for effective implementation of GESI AP and community development and public participation activities.
- (xviii) Carry out site inspections related to health and safety issues at construction locations on a regular basis and prepare site-inspection checklists/reports and submit it to the manager (Environment). Record EHS / community health and safety related incidents and undertake remedial actions on advise of manager (Environment);

76. Tasks of Manager (Social) at PMU Level. The, Manager (Social) at PMU will:

- (i) ensure subprojects conform to the agreed subproject selection criteria for the project;
- (ii) review and finalize subproject involuntary resettlement and indigenous peoples' category in accordance with SPS,2009;
- (iii) oversee preparation and/or updating of resettlement framework and indigenous peoples' planning framework;
- (iv) oversee preparation of resettlement plans/RIPP/due diligence reports (DDR) including specific action plans as required; confirm existing resettlement

plans/RIPP/DDR are updated based on detailed designs, and that new subproject resettlement plans/RIPP/DDR are prepared in accordance with the resettlement framework and in compliance with ADB SPS 2009 and policies, regulations of GOWB for the project;

- (v) be part of consultation activities with affected persons, and other relevant stakeholders from time to time organized by PMU to ensure free, fair and meaningful consultation are conducted and meeting minutes with signatures of all attendees, photographs of the consultations are maintained;
- (vi) responsible for issuing the public notice(s) to acquire a particular land/property (if applicable) along with project information/details as well as to declare the project cut-off-date;
- (vii) ensure that resettlement plans/RIPP/DDR are included in bidding documents and civil works contracts;
- (viii) provide oversight on social safeguard management aspects of subprojects and ensure resettlement plans and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans /RIPP/ DDR/ are implemented by contractors;
- (ix) ensure and monitor any provisions in the contracts to include the vulnerable affected persons and groups during the project construction work as semi-skilled or unskilled workers;
- (x) facilitate and ensure compliance with all government rules and regulations as well as the agreed social safeguards frameworks regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc., sale or gift deeds etc. for each site, as relevant;
- (xi) supervise and guide the PMU to properly carry out the social safeguards implementation monitoring in accordance with the resettlement framework and indigenous peoples planning framework;
- (xii) review, monitor, and evaluate the effectiveness with which the resettlement plans /RIPP/provisions of DDRs are implemented, and recommend corrective actions to be taken as necessary;
- (xiii) consolidate monthly social safeguards monitoring reports for all packages and with the support of PMDSC submit quarterly progress reports (QPR) and semi-annual social safeguard monitoring reports (SSMR) to ADB;
- (xiv) ensure timely disclosure of final resettlement plans/RIPP/DDR/ in locations and form accessible to the public and affected persons and/or indigenous peoples, as applicable;
- (xv) address any grievances brought about through the GRM in a timely manner;
- (xvi) oversee training needs assessment of affected persons and vulnerable persons by PMU, coordinate training activities with the support of PMDSC;
- (xvii) ensure that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement plans/RIPP/DDR/ implementation, social safeguards monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during implementation;
- (xviii) identify training needs and coordinate training activities for the PMU GSU staff/ PMDSC/contractors for capacity building to implement the resettlement plans/RIPP/ DDR and GRM;
- (xix) implement specific action plan as outlined in RIPP guided by IPPF.
- (xx) coordinate database management for social safeguards implementation and monitoring;

- (xxi) coordinate public awareness campaigns by the PMU including resettlement provisions with the help of print and electronic media; and
- (xxii) Assist the Administrative Officer, PMU in grievance redress, grievances received to the PMU Complaints Cell/GRC, maintenance of records, information dissemination, and communication with the complainant.

77. Tasks of Social Safeguards Specialist of Project Management Design and Supervision Consultant (PMDSC). The PMU will be supported by Project Management Design and Supervision Consultant (PMDSC) to supervise, monitor and oversee project management and implementation. The Social Safeguard Specialist of PMDSC will assist PMU in implementing resettlement plans, ensure social safeguard compliance at all subproject locations, including review and updating of all resettlement plans, RIPP, DDRs. PMDSC Social Safeguard Specialist will oversee project implementation, support on policy reform related issues and compliance of all the reporting requirements of GOWB, other statutory regulatory bodies and ADB SPS, 2009. Ensure RPs/RIPP/DDR are prepared and updated promptly.

- (i) screen and categorize project components
- (ii) carry out (a) social baseline data collection, (b) assessment of social risks, and (c) meaningful consultations with affected persons;
- (iii) ensure the contractors comply with the agreed social safeguards frameworks, resettlement plans, IPP/RIPP and tasks related to specific action plans and due diligence reports on social safeguards for the project;
- (iv) prepare any additional draft resettlement plans /due diligence reports, update the existing resettlement plans/ IPP/RIPP/DDR (based on revalidation and DMS, before start of construction work), and prepare any new safeguard documents as and when required;
- (v) Assist the PMU in the implementation of final resettlement plans, IPP/RIPP including specific action plans;
- (vi) assisting with any capacity building activities for stakeholders including PMU, Safeguard and Safety Cell, PMU and contractors
- (vii) prepare periodic social safeguard monitoring reports as per the format acceptable to ADB;
- (viii) collect relevant data on implementation and design gender-sensitive communication strategy and IEC materials illustrating key social and behavioral messages related to hygiene, sanitation and health jointly with the gender specialist;
- (ix) Provide support to address grievances promptly brought in through the grievance redress mechanism;
- (x) Ensure monitoring of social safeguards plans and identify and address unanticipated impacts, if any
- (xi) Prepare semi-annual social safeguards monitoring reports and submit them to ADB through PMU;
- (xii) Conduct regular consultations with all the stakeholders, including the affected persons
- (xiii) Conduct regular orientation programs to train project staff, consultants and contractors, social safeguards requirements related to mitigation measures.
- (xiv) prepare a Community Awareness and Participation Plan (CAPP) and submit to ADB through PMU for approval.

78. Contractors. The resettlement plans/RIPP/DDR will be included in bidding and contract documents and verified by the PMU. The implementation of resettlement plan will be made

binding i.e., mandatory on contractor as part of the employer's requirement in the bid and contract documents. All contractors will be required to designate an Environment Health and Safety (EHS) Supervisor to ensure implementation of resettlement plan social safeguard provisions / EMP including community health and safety provisions during civil works and operation and maintenance, who will also have the responsibility for communication with the public under the guidance of PMU and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

79. The Contractor shall comply with: (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on COVID-19 safety protocols, sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites. The key responsibilities of EHS Supervisor on social compliance are as follows:

- (i) work in close coordination with the PMU, design engineers and social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view.
- (ii) ensure that all design-related measures (e.g., special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons) are integrated into project designs before approval.
- (iii) conduct joint walk-throughs with PMU, design engineers and social safeguards personnel from PMDSC at sites/sections ready for implementation; identify the need for DMS and conduct DMS to arrive at the final inventory of loss.
- (iv) ensure strict adherence to ADB and government policy on social safeguards and the agreed entitlement matrix during implementation.
- (v) review the resettlement plan/RIPP including the entitlement matrix, category and the EMP, and conduct site visits to understand the environmental and social sensitivity of the project sites.
- (vi) make sure that that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement and indigenous peoples safeguards.
- (vii) assist with grievance redress and ensure recording, reporting and follow-up for resolution of all grievances received.
- (viii) understand the regulatory compliance requirements related to labor welfare, environmental and social safeguards, and occupational health and safety.
- (ix) Support PMU in setting up GRM at field/site and ensure it is fully functional. Address any grievances brought about through the grievance redress mechanism in a timely manner
- (x) assist PMU in disclosing relevant information on construction timelines, GRM to beneficiaries and affected persons including the vulnerable groups.
- (xi) ensure COVID-19 safety protocols are regularly monitored and followed at each of the construction site.³¹
- (xii) Submit monthly progress reports to PMU;
- (xiii) Conduct meaningful public consultation and awareness;
- (xiv) Implement corrective actions wherever necessary, to ensure no adverse social impacts are caused due to project implementation;
- (xv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plans/DDR/RIPP during implementation;
- (xvi)

³¹ <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

80. The above arrangement will ensure that:

- (i) social safeguards issues are addressed;
- (ii) resettlement framework and indigenous peoples planning framework is followed in all resettlement and indigenous peoples issues;
- (iii) mitigation measures and safeguard policies as outlined in RF and RPs, IPPF and RIPP as well as in the DDRs are adhered by the contractors;
- (iv) approved resettlement plans and RIPP are implemented;
- (v) implementation of resettlement plan/RIPP is monitored;
- (vi) periodic monitoring reports are prepared in time and submitted to Project Director, KSHARP for onward transmission to ADB upon approval; and
- (vii) database on resettlement and indigenous peoples monitoring and due diligence is updated and maintained.

C. Capacity Development

81. Capacity to handle environmental/involuntary resettlement, indigenous peoples, and vulnerability issues, etc., needs to be built in the Project. Refresher training of GSU staff on aspects such as environmental planning/resettlement planning/implementation, social protection, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

82. For the capacity building of designated Manager (Environment) and Manager (Social) and engineers, PMU will organize training programs on safeguards, with the assistance of PMDSC. Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

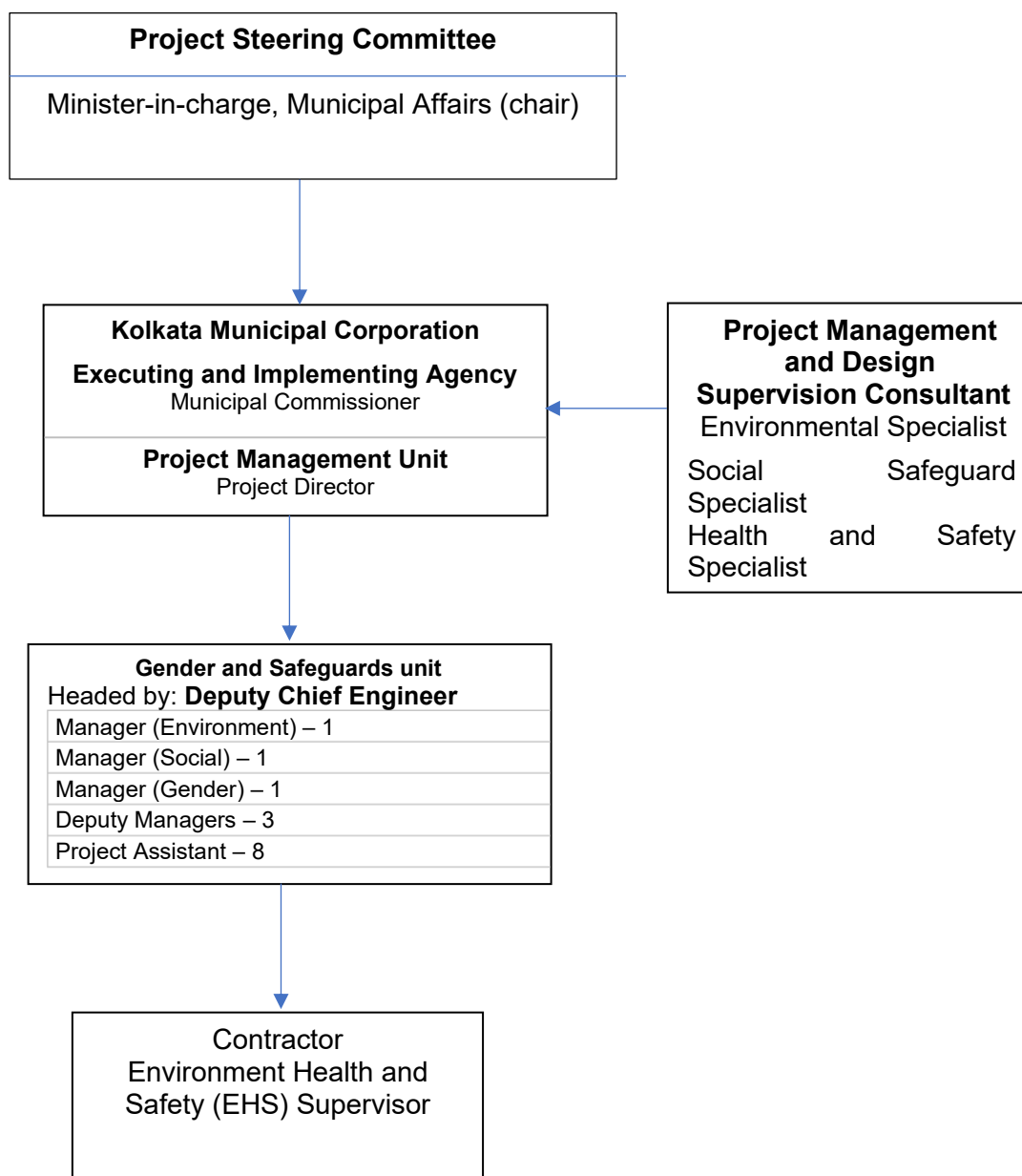
83. Owing to the spread of Projects across a large area there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these), legal (land tenure issues) and technical aspects in such Projects with an adequate budgetary provision. Training on provisions of environmental assessment and review framework and resettlement framework.

84. The specific capacity development program, which will include but will not be limited to:

- (i) sensitization on ADB's policies and guidelines on social (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism;
- (ii) introduction to the assessment of involuntary resettlement and mitigation measures, including best practices, in the design, construction, operation and maintenance of water supply, sewerage, roads, and drainage subprojects;
- (iii) preparation and review of resettlement plans/RIPP/DDR based on preliminary design, and updating of the documents based on the final design;
- (iv) Effective communication with stakeholders including elected representatives, media and general masses;
- (v) improved coordination within nodal departments;
- (vi) disbursement of compensation, consultation; and
- (vii) monitoring and reporting requirements.

D. Communication

85. The project has prepared a community awareness and participation plan (CAPP) along with guidelines. The primary purpose of CAPP is to (i) disseminate information and open lines of communication between the implementation agencies and all stakeholders to facilitate the implementation of the project, (ii) raise awareness on key issues related to the project's intended development impact, and (iii) early resolution of any conflict issues that may arise. The CAPP includes the following key activities which will take place throughout the course of project implementation: (i) stakeholder identification (this will be done in the initial phase of project implementation); (ii) generate community awareness on the project and its benefits; (iii) involve all stakeholders in the decision-making processes and develop community ownership of the schemes; (iv) provide stakeholders with advance knowledge on the social safeguard frameworks and associated documents and the applicable mitigation measures; (v) provide stakeholders with advance knowledge on the project's GRM; (vi) educate the contractors and workers on key project issues to ensure smooth interaction with stakeholders and onsite safety; The Social and Gender Expert of PMDSC with the support of gender and safeguard unit (GSU) will be responsible to implement the CAPP.

Figure 3: Implementation Arrangement for Safeguards

VII. BUDGET FOR FORMULATING AND IMPLEMENTING INDIGENOUS PEOPLES PLAN

86. The GoWB will ensure that PMU has sufficient resources to prepare and implement the IPP if the subproject component will have any impact on indigenous peoples communities or groups. The activities of the IPP will be implemented by the PMU, with assistance PMDSC. A detailed budget will be prepared by the PMU through the consultant (PMDSC), considering all the activities associated with formulation and implementation of IPPs. Such budgets will be an integral component of the project cost and will be made available during project implementation.

VIII. PROGRAM FOR MONITORING AND EVALUATION

87. Monitoring and evaluation (M&E) play a significant role in developmental projects especially those involving indigenous people communities. The PMU is likely to come across numerous implementation-related issues and problems related to implementation that require immediate solution undertaken in a sensitive manner. Monitoring will provide such solutions. Monitoring will be a periodic assessment of planned activities, providing inputs at the project's mid-term level, facilitating changes, and giving necessary feedback on IPP/RIPP implementation activities and directing all involved on the right path, if necessary. Evaluation will take place at the end of the project and assess whether the planned activities have actually achieved their objectives to improve the indigenous people community's standard of living and retain their tribal socio-cultural identity at the same time. The M&E mechanism will measure project performance and fulfillment of the project objectives.

A. Internal Monitoring

88. One of the main roles of Project Management Unit will be to see proper and timely implementation of all activities outlined in RIPP/indigenous people's plan (IPP), if any. Monitoring will be a regular activity undertaken by PMU and Focal Officer (Social) to ensure timely implementation of RIPP/IPP activities. Monitoring will be carried out by the PMU and PMDSC and will prepare monthly reports on the progress of IPP implementation. PMU will collect information from the project site and assimilate in the form of monthly report to assess the progress and results of IPP implementation and adjust work program where necessary, in case of delays or any implementation problems as identified. This monitoring will form parts of regular activity and reporting on this will be extremely important in order to undertake mid-way corrective steps. The monitoring by PMU will include:

- (i) **Administrative monitoring:** daily planning, implementation, feedback and troubleshooting, individual displaced person database maintenance, and progress reports;
- (ii) **Socio-economic monitoring:** case studies, using baseline information for comparing Displaced Person socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, community relationships, dates for consultations, and number of appeals placed; and
- (iii) **Impact monitoring:** Income standards restored/improved, and socioeconomic conditions of the displaced persons including indigenous people. Monitoring reports documenting progress on resettlement implementation and resettlement plan completion reports will be provided by the Project Implementation Unit to ADB-PMU for review and approval from ADB.

89. No adverse impact on indigenous people is anticipated under the project. Any subproject with significant adverse impacts on indigenous people will be avoided for financing under this Project. Monitoring will also cover the physical progress of the implementation of IPP. This will include land acquisition of the Affected Households and project affected community properties. Internal Monitoring Indicators are as follows:

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

90. Reporting and monitoring formats will be prepared for effective I monitoring. These reports

will be submitted to ADB for review and comments. Each RIPP/IPP will be submitted by executing agency to ADB for review and approval.

B. Monitoring Indicators

91. The RIPP/IPP will include the following monitoring indicators, if required: Community's perception on project benefits, adverse impact, and proposed mitigation measures;

- (i) information on plan preparation, implementation process, and time taken at each stage;
- (ii) visits to sites to observe physical progress of plans;
- (iii) socioeconomic status of the community through sample survey of the targeted indigenous peoples families at pre- and post-project levels;
- (iv) degree and frequency of participation of indigenous peoples communities, and effectiveness of such participation;
- (v) usefulness and utilization of training imparted;
- (vi) utilization of funds;
- (vii) interaction between project personnel and the indigenous peoples community; and Improvement in socioeconomic status of the affected indigenous families.

C. Reporting Requirements

92. PMU will be responsible for supervision and implementation of the indigenous peoples' plan will prepare monthly progress reports with the support of PMDSC on IPP activities and submit to PMU. PMU will submit semi-annual monitoring reports to ADB for review and disclosure on the ADB and project websites. The template of semi-annual social safeguard monitoring report is given in **Appendix 8**.

Appendix 1: List of Detailed Project Reports and Contract Packages under KSHARP

DPR /Package No.	Name of Sub-Project/Name of Package	Tentative Cost (Rs. in crores)	ADB Share (USD Million)
A. PRIORITY PACKAGES (03)			
Package No. - SD03	Development of S&D Network including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)		92.7
DPR 3	Detailed Project Report for Construction of 41 MLD STP at Hossainpur in Ward 108 including O&M for 15 years		
Package No. - SD04	Construction of 41 MLD STP at Hossainpur in Ward 108 including O&M for 15 years		103.5
DPR 4	Detailed Project Report for Development of S&D Network in Hossainpur and Adjoining Areas including Construction of Hossainpur Pumping Station in Borough XII (Part of Wards 108 &109)		
Package No. - SD05	Development of S&D Network in Hossainpur and Adjoining areas including Construction of Hossainpur Pumping Station in Borough XII (Part of Wards 108 &109)		167.5
DPR 5	Detailed Project Report for Development of S&D Network in Kabar Danga Catchment (Part of ward - 142 & 143) including Construction of Kabar Danga Pumping Station in Borough XVI		
B. NON PRIORITY PACKAGES (06)			
Package No. - SD01	Development of S&D Network in Nayabad and Adjoining Areas in Borough XII (Part of Ward 109)	61.0	7.3
DPR 1	Detailed Project Report for Development of S&D Network in Nayabad/Ajaynagar and Adjoining Areas in Borough XII (Part of Ward 109)		
Package No. - SD02	Development of S&D Network in Ajaynagar and Adjoining Areas in Borough XII (Part of ward 109)	47.0	5.7
DPR 2	Detailed Project Report for Development of S&D Network including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)		
Package No. - SD06	Development of S&D Network in Kabar Danga Catchment (Part of Ward - 142 & 143) including Construction of Kabar Danga Pumping Station in Borough XVI	151.0	18.2
Package No. - SD07	Development of S&D Network in Julpia Catchment (Part of - Ward 142) Area including Construction of Julpia Pumping Station in Borough XVI	178.0	21.4
DPR 6	Detailed Project Report for Development of S&D Network in Julpia Catchment (Part of - Ward 142) including Construction of Julpia Pumping Station in Borough XVI		
Package No. - SD08	Development of S&D Network in Adjoining Areas in Sonamukhi Main Road and Kasto Danga Road in Suti Basin (Ward Part of ward - 127) in Borough XIV	118.0	14.2

DPR /Package No.	Name of Sub-Project/Name of Package	Tentative Cost (Rs. in crores)	ADB Share (USD Million)
Package No. - SD09	Development of S&D Network in Adjoining Areas of Jadav Ghosh Road in Suti Basin including Construction of Pumping Station in Borough XIV & XVI (Part of Ward 126 & 127)	120.0	14.5
DPR 7	Detailed Project Report for Development of S&D Network in Suti Basin (Ward 127 & Part of Ward 126) including Construction of Pumping Station in Borough XIV & XVI		
Total		1038.7	125.2

Note: 1USD = Rs. 83 NB: Cost for SD 06, SD07, SD 08 and SD 09 will be confirmed on preparation of DPR.

Appendix 2: Lists of Scheduled Tribes recognized in West Bengal

1.	ASUR	21.	KORWA
2.	BAIGA	22.	LEPCHA
3.	BEDIA, BEDIYA	23.	LODHA, KHERIA, KHARIA
4.	BHUMIJ	24.	LOHARA, LOHRA
5.	BHUTIA, SHERPA, TOTO, DUKPA, KAGATAY, TIBETAN, YOLMO	25.	MAGH
6.	BIRHOR	26.	MAHALI
7.	BIRJIA	27.	MAHLI
8.	CHAKMA	28.	MAL PAHARIYA
9.	CHERO	29.	MECH
10.	CHIK BARAIK	30.	MRU
11.	GARO	31.	MUNDA
12.	GOND	32.	NAGESIA
13.	GORAIT	33.	ORAON
14.	HAJANG	34.	PAHARIYA
15.	HO	35.	RABHA
16.	KARMALI	36.	SANTAL
17.	KHARWAR	37.	SAURIA PAHARIA
18.	KHOND	38.	SAVAR
19.	KISAN	39.	LIMBU
20.	KORA	40.	TAMANG

Source: <https://adibasikalyan.gov.in/scheduled-tribes-of-west-bengal>

Appendix 3: Ward wise details of Scheduled Tribe population in KMC area

Ward	TOTAL POPULATION	POPULATION ST	PERCENTAGE	MALE ST	FEMALE ST
0001	53125	117	0.22%%	67	50
0002	48190	105	0.22%	53	52
0003	53855	171	0.32%	93	78
0004	34476	79	0.23%	42	37
0005	23707	60	0.25%	28	32
0006	42346	295	0.69%	156	139
0007	19180	10	0.05%	7	3
0008	18760	3	0.01%	3	0
0009	16420	1	0.006%	0	1
0010	27700	12	0.04%	9	3
0011	22152	32	0.14%	18	14
0012	21493	26	0.12%	13	13
0013	33066	34	0.10%	19	15
0014	53343	21	0.03%	13	8
0015	23922	27	0.11%	13	14
0016	20904	21	0.10%	14	7
0017	21023	11	0.05%	9	2
0018	22267	17	0.07%	6	11
0019	21158	1	0.004%	1	0
0020	21576	2	0.009%	1	1
0021	21187	36	0.17%	23	13
0022	15730	1	0.006%	1	0
0023	18256	4	0.02%	1	3
0024	19824	24	0.12%	19	5
0025	27484	13	0.05%	4	9
0026	25371	6	0.02%	1	5
0027	19350	27	0.14%	15	12
0028	38110	20	0.05%	11	9
0029	53782	63	0.12%	34	29
0030	30050	4	0.01%	2	2
0031	39025	69	0.18%	42	27
0032	45636	154	0.34%	81	73
0033	45919	62	0.13%	30	32
0034	29773	14	0.05%	4	10
0035	35024	69	0.19%	36	33
0036	27238	93	0.34%	59	34
0037	24020	35	0.14%	26	9
0038	28791	31	0.11%	17	14
0039	21296	1	0.004%	0	1
0040	20549	7	0.03%	4	3
0041	19946	52	0.26%	36	16

Ward	TOTAL POPULATION	POPULATION ST	PERCENTAGE	MALE ST	FEMALE ST
0042	21746	16	0.07%	12	4
0043	17677	1	0.005%	0	1
0044	29600	25	0.08%	13	12
0045	8394	30	0.36%	18	12
0046	12823	8	0.06%	4	4
0047	14684	106	0.72%	65	41
0048	20437	10	0.05%	6	4
0049	19416	3	0.01%	2	1
0050	17251	16	0.09%	7	9
0051	13556	48	0.35%	34	14
0052	16869	27	0.16%	15	12
0053	25598	37	0.14%	19	18
0054	36235	11	0.03%	8	3
0055	32254	52	0.16%	34	18
0056	43622	59	0.13%	33	26
0057	49856	37	0.07%	19	18
0058	88465	684	0.77%	358	326
0059	70261	155	0.22%	80	75
0060	35732	39	0.11%	21	18
0061	29704	13	0.04%	8	5
0062	34832	23	0.06%	11	12
0063	24387	42	0.17%	24	18
0064	31280	11	0.03%	3	8
0065	72427	29	0.04%	12	17
0066	98024	143	0.15%	69	74
0067	56284	252	0.45%	124	128
0068	20724	5	0.02%	4	1
0069	44111	76	0.17%	44	32
0070	18618	30	0.16%	19	11
0071	29922	43	0.14%	23	20
0072	19167	6	0.03%	2	4
0073	23512	292	1.24%	209	83
0074	42176	151	0.36%	83	68
0075	26925	37	0.14%	27	10
0076	21946	12	0.05%	6	6
0077	45984	19	0.04%	11	8
0078	54090	126	0.23%	62	64
0079	44303	270	0.61%	160	110
0080	31094	395	1.27%	231	164
0081	41501	21	0.05%	11	10
0082	38838	50	0.13%	30	20
0083	22163	0	0	0	0

Ward	TOTAL POPULATION	POPULATION ST	PERCENTAGE	MALE ST	FEMALE ST
0084	19230	10	0.05%	5	5
0085	29566	15	0.05%	10	5
0086	19195	78	0.40%	42	36
0087	12675	1	0.007%	1	0
0088	23672	12	0.05%	8	4
0089	22304	25	0.11%	14	11
0090	18857	185	0.98%	105	80
0091	38450	23	0.06%	8	15
0092	36450	45	0.12%	25	20
0093	44364	60	0.13%	32	28
0094	27469	47	0.17%	22	25
0095	26737	26	0.09%	12	14
0096	31033	69	0.22%	39	30
0097	37199	208	0.56%	103	105
0098	31708	19	0.06%	6	13
0099	26739	271	1.01%	136	135
0100	25507	72	0.28%	31	41
0101	40208	91	0.22%	48	43
0102	21503	16	0.07%	8	8
0103	25428	21	0.08%	13	8
0104	33185	21	0.06%	9	12
0105	21267	10	0.05%	3	7
0106	40618	59	0.14%	29	30
0107	54260	329	0.61%	210	119
0108	64777	928	1.43%	475	453
0109	64567	197	0.30%	110	87
0110	27470	124	0.45%	65	59
0111	38647	136	0.35%	72	64
0112	32404	170	0.52%	79	91
0113	33475	181	0.54%	78	103
0114	41913	60	0.14%	32	28
0115	31919	22	0.07%	12	10
0116	28338	28	0.09%	16	12
0117	21824	26	0.12%	16	10
0118	21810	41	0.19%	19	22
0119	16491	66	0.40%	28	38
0120	19710	43	0.22%	22	21
0121	29921	47	0.16%	21	26
0122	39198	85	0.22%	43	42
0123	35386	228	0.64%	106	122
0124	39179	85	0.22%	44	41
0125	44850	119	0.26%	57	62

Ward	TOTAL POPULATION	POPULATION ST	PERCENTAGE	MALE ST	FEMALE ST
0126	31631	85	0.27%	42	43
0127	43782	61	0.14%	28	33
0128	32179	439	1.36%	226	213
0129	39654	159	0.40%	75	84
0130	23227	20	0.08%	10	10
0131	30911	122	0.39%	67	55
0132	26274	79	0.30%	36	43
0133	25588	49	0.19%	26	23
0134	35780	18	0.05%	10	8
0135	33258	1	0.003%	0	1
0136	21482	25	0.12%	15	10
0137	19385	34	0.175%	22	12
0138	28858	0	0	0	0
0139	42014	0	0	0	0
0140	30504	37	0.12%	17	20
0141	41152	16	0.04%	9	7

Source: <https://adibasikalyan.gov.in/scheduled-tribes-of-west-bengal>

Appendix 4: Focused Requirements for Social Impact Assessment for IPP as per ADB SPS

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

- (i) Ancestral Domains and Lands and Related Natural Resources
 - a. As indigenous people communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others, special attention will be given to protect such ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system. The need to protect such ties, respecting cultural and spiritual values that indigenous people attach to these resources, and natural resource management for long-term sustainability should be considered while undertaking SIA. Rehabilitation of livelihood systems of indigenous people who are displaced should take priority. (Reference: paragraph 26 and subsequent bullet points, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank).
 - b. If the project requires acquisition of lands that are customarily owned, used, or occupied by indigenous people, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower/ client. This will need full recognition of the existing customary land tenure system of the indigenous people and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the IPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights. (Reference: paragraph 27 and subsequent bullet points, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank).
- (ii) Consent of affected tribal communities.
 - a. Indigenous people may become particularly vulnerable if the project includes commercial development of cultural resources and knowledge of indigenous people, physical displacement of indigenous people, and commercial development of natural resources within customary land use. The borrower/ client in such projects will seek the consent of the affected indigenous people communities to proceed with the project. For the purpose of policy application, consent of affected indigenous people through a collective expression, by individuals, or by their recognized representatives can be considered broad community support for the project activities. (Reference: paragraph 30 and 31, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank)
 - b. After receiving community support/consent, the borrower/ client will provide documentation detailing the process and outcomes of consultation with indigenous people and indigenous people organizations, including findings of SIA, consultation briefs, additional measures (including project design modification that may be required for mitigating adverse impacts), and

content of formal agreement with the indigenous people/ organizations. The borrower/ client will submit all these documentation for review to ADB for investigation of broad community support. If investigation does not confirm community support, ADB will not finance the project. (Reference: paragraph 32, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank)

- (iii) Commercial development of cultural resources
 - a. If the project involves commercial development of indigenous people' cultural resources and knowledge, the borrower/client will ensure that the affected indigenous people communities are informed of (i) their rights to such resources under statutory or customary law, (ii) the scope and nature of proposed development and those involved in the project development, and (iii) potential effects of such development on indigenous people' livelihood, environment, and use of such resources. The IPP will reflect the nature and content of the agreement and will include arrangements to ensure indigenous people receive an equitable share from such commercial development/ the project. (Reference: paragraph 34, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank)
- (iv) Physical displacement of tribal people
 - a. All possible alternate project deigns will be explored to avoid physical displacement of indigenous people that will result in adverse impacts on their identity, culture, and customary livelihoods. In case avoidance is not possible, an IPP will be prepared that could be combined with a resettlement plan. (Reference: paragraph 35, Appendix 3, Safeguard Requirements 3: Indigenous Peoples, ADB Policy Paper. June 2009. Safeguard Policy Statement. Asian Development Bank)

Appendix 5: Special Provisions in the RFCTLARR Act Pertaining to Scheduled Tribes

Special provisions for Scheduled Castes and Scheduled Tribes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reservation
and other
benefits.

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

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

Appendix 6: Outline of Indigenous Peoples Plan

1. This outline is part of the Safeguard Requirements 3. An Indigenous Peoples plan (IPP) is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The substantive aspects of this outline will guide the preparation of IPPs, although not necessarily in the order shown.

A. Executive Summary of the Indigenous Peoples Plan

2. This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

3. This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

C. Social Impact Assessment

4. This section:

- (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context.
- (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender- sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account.
- (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live.
- (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status.
- (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

5. This section:

- (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation;
- (ii) 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;
- (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities;
- (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and
- (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

A. Beneficial Measures

6. This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

B. Mitigative Measures

7. This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

C. Capacity Building

8. This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

D. Grievance Redress Mechanism

9. This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

E. Monitoring, Reporting and Evaluation

10. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the IPP. It also specifies arrangements for participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

J. Institutional Arrangement

11. 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.

F. Budget and Financing

12. This section provides an itemized budget for all activities described in the IPP.

Appendix 7: Roles and Responsibilities of Agencies/Government Departments for IPP/RIPP preparation and implementation

	Activities	Project Management Unit	Project Management and Design Supervision Consultant	ADB	Others/ Indigenous Peoples Community
1	Finalization of sites/alignment for subprojects	Will appoint PMDSC for design, implementation and (internal) monitoring of subprojects	PMDSC will provide technical help to PMU in finalizing sites/alignments		
2	Assessment of alternatives: sites/alignments and technological options, as applicable, to minimize indigenous peoples impacts		PMDSC engineering and social safeguard specialists to work together for assessment of alternatives		
	Preliminary screening Collection of required information, analysis of data				Active participation of indigenous peoples community and their leaders will be facilitated in preliminary screening exercise
3	Preparation of screening report		PMDSC to assist in preparation of screening report		
	SIA recommendation	Based on screening report and in accordance with ADB policy, PMU will recommend SIA	PMDSC to assist PMU in decision-making		
4	Recommendation whether broad community support is triggered		PMU, with the advice of PMDSC, will recommend whether broad community consent triggered		
5	SIA preparation i) Collection and analysis of required socioeconomic data on indigenous peoples and other vulnerable groups in project areas, if any		PMDSC will conduct SIA		Active participation of indigenous peoples community and their leaders will be solicited/facilitated
	ii) Preparation of SIA		PMDSC to prepare report and submit to PMU		

	Activities	Project Management Unit	Project Management and Design Supervision Consultant	ADB	Others/ Indigenous Peoples Community
	iii) Recommendation for IPP preparation		Based on SIA report and in agreement with ADB policy, PMU will recommend preparation of IPP		
6	Meaningful consultations with indigenous peoples population including subgroups within indigenous peoples, women and other vulnerable sections: recording issues and concerns		PMDSC to conduct of meaningful consultations with indigenous peoples community and documentation of the same		
7	Preparation of IPP: Devising mitigation measures and action plan development		PMDSC will prepare IPP in consultation with affected indigenous peoples/ community leaders		Affected indigenous peoples/ indigenous peoples community leaders, CBOs will be actively engaged in preparing IPP activities, mitigation measures of adverse impact, and development of action plan
8	Establishing broad community support, if required		PMDSC and PIU to document surveys and consultations undertaken to establish broad community support		Affected indigenous peoples/ indigenous peoples community members to be engaged in consultation meetings and proposed impact minimization measures, benefits and mitigation measures under the project to be clearly explained
9	Disclosure of IPP	PMU staff will participate in information	PMDSC will conduct IPP information and disclosure meetings and clarify any		Affected indigenous peoples/ indigenous peoples

	Activities	Project Management Unit	Project Management and Design Supervision Consultant	ADB	Others/ Indigenous Peoples Community
		disclosure meetings to finalize IPP	points/measures		leaders will be consulted in finalization and acceptance of IPP
10	Preparation of budget and financing plan		PMDSC will prepare IPP budget and financing plan		
11	IPP approval from PMU				
12	IPP approval from ADB	PMU will scrutinize the IPP for ADB compliance and submit it to ADB as draft IPP	As per ADB's comments/ observations, PMDSC will revise and finalize the final IPP and budget	ADB will review the draft IPP and approve final IPP	
13	IPP implementation	PMU will monitor IPP implementation periodically			

ADB = Asian Development Bank, CBO = community-based organization, IPP = indigenous peoples plan, PMDSC = project management and design supervision consultant, PMU = project management unit.

Appendix 8: Indigenous Peoples Impact Screening Checklist

Name of Project: Kolkata Municipal Corporation Sustainability, Hygiene and Resilience (Sector)
Project

District:

Location:

Description of the subproject:

KEY CONCERNS (Please provide elaborations on the Remarks column)	Yes	No	Not Know	Remarks
A. Indigenous Peoples Identification				
Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
Are there national or local laws or policies as well as anthropological research /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?				
Do such groups self-identify as being part of a distinct social and cultural group?				
Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
Do such groups speak a distinct language or dialect?				
Have such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?				
Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
Is land being acquisition traditionally owned or customarily used, occupied, or claimed by indigenous peoples?				
Will the project directly or indirectly benefit or target Indigenous Peoples?				
Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g., child-rearing, health, education, arts, and governance)				
Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				
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>				
Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
Physical displacement from traditional or customary lands?				
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, spiritual uses that define the identity and community of Indigenous Peoples?				

KEY CONCERNS (Please provide elaborations on the Remarks column)	Yes	No	Not Know	Remarks
Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous peoples?				

D. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect

Note: The project team may attach additional information on the project, as necessary.

Appendix 9: Sample Subproject Information Template for Disclosure

The following structure of Information Disclosure leaflet on indigenous peoples plan (IPP)/RIPP is recommended to be prepared in the local language by PMDSC:

A. Background

The Kolkata Environmental Improvement Project (KEIP) helped KMC to prepare sectoral strategies, road maps, policy frameworks, and urban sector investment plans to address gaps in operational efficiency, institutional effectiveness, policy, and sustainability.³² The project developed a comprehensive sewerage and drainage masterplan and carved out phased investment needs of the city for the next 30 years, laying the foundation for future investments.³³ It also developed the urban infrastructure investment plan for the city covering all municipal services offered by the KMC.³⁴ Following on from the KEIP, the Kolkata Environmental Improvement Investment Program (KEIIP), a multitranche financing facility of \$400 million, was approved in 2013. Tranche 1 of KEIIP closed in 2019 and tranches 2 and 3 in August 2023. The state government has requested the project, effectively a third phase following KEIP (2000–2012) and KEIIP (2014–2023). The proposed Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project (KSHARP) will provide comprehensive sewerage and drainage services in uncovered areas of Kolkata, as well as selected interventions on Solid Waste Management (SWM).

B. Policy and Principles: Indigenous Peoples Planning Framework (IPPF)

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

C. Subproject components

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

D. Indigenous People Impacts

Brief summary of indigenous people impacts assessed as a result of the subproject.

E. Indigenous people plan (IPP)

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

³² ADB. 2015. [Completion Report: Kolkata Environmental Improvement Project in India](#). Manila.

³³ KMC. 2007. *Sewerage and Drainage Master Plan for Kolkata City*. Kolkata; and KMC 2023. *Master Plan of Sewerage and Drainage System for Project Area under Kolkata Urban Resilience Improvement Project*. Kolkata.

³⁴ KMC. 2011. *Kolkata Urban Sector Investment Plan, 2012–2022*. Kolkata.

framework. The framework will address the developmental needs of indigenous people/ tribes as a distinct community through a process of sustainable development. This RIPP includes the following measures for indigenous people living in proposed subproject areas, to be accomplished by the project team (the PMU/PMDSC): (a) beneficial measures include house service connections to IP households, awareness generation among IP households to ensure their participation and inclusion in project benefits, etc. and (b) mitigative measures as appropriate (to be specified). Specific budgets for each of the above-mentioned activities are provided in the RIPP. The above-mentioned activities, their timelines and budgets in the RIPP, are part of the condition for project activities to proceed. These IPP activities are selected in consultation with the indigenous people communities in proposed subproject affected areas.

F. Entitlements and Compensation

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

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

G. Institutional arrangements

Kolkata Municipal Corporation (KMC) is the executing agency the project, KSHARP. The existing institutional arrangement of Kolkata Municipal Corporation will be strengthened for implementation of KSHARP. The project (KSHARP) will be headed by the Project Director. Project Management Unit (PMU) established under Kolkata Municipal Corporation (KMC), will implement the project.

H. Grievance Redress Mechanism

A common grievance redress mechanism (GRM) in place to redress social, environmental or any other grievances related to project and/or respective subprojects. Implementation of the resettlement plan/due diligence reports (DDRs)/ initial environment examination (IEEs) will follow the GRM described below. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU will ensure that their grievances are addressed.

The GRC will determine the merit of each grievance and resolve grievances. The PMDSC will assist the PMU 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 Deputy Chief Engineer of Gender and Safeguards unit will be the focal person for facilitating the grievance redress. The GRM will continue to function throughout the project duration.

Contact details.

Organization	Name	Position	Phone Number	Email Id
Contractor: Social Supervisor				
PMDSC Staff				
Focal Person of GSU PMU				
Social and Environmental Manager, GSU, PMU				
Phone No. of PMU				

Appendix 10: Entitlement Matrix

The entitlement matrix prepared for the resettlement framework for Kolkata Municipal Corporation Sustainability and Resilience (Sector) Project has specific provisions for scheduled tribe or vulnerable affected persons and will be followed in the indigenous peoples planning framework as well.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
1	Loss of private land	Agricultural land, homestead land or mixed-use land or vacant plot	Legal titleholders	If private land is procured through negotiated settlement: the price to start negotiations would not be below the current market value of land (equivalent to replacement value of land). If private land is acquired under RFCTLARRA 1. Compensation at replacement cost as specified in the RFCTLARRA or land-for-land where feasible; 2. Solatium to be paid at 100% of the replacement value for the acquired land parcel including other assets attached to the acquired land; 3. For partial land acquisition, the following two options are to be given to the affected person, subject to acceptance: • Option 1 - The affected	• If land-for-land is offered, (i) ownership will be in the name of original landowners, or (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Payment of all fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the registration/transfer will be limited to those for land purchased within a year of compensation payment and for land of equivalent size.	The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PMU will ensure provision of notice. The Gender and Safeguards Unit GSU in the Project Management Unit (PMU) will verify the affected households and determine the appropriate assistance and identify vulnerable households as per the matrix

³⁵ Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once. Statutory compensation rates will be adjusted by 6% per annum (based on the average inflation rate in India since 2014 (past 10 years). All entitlements in rupees (other than statutory compensations) will be adjusted for inflation from the year of loan approval till the year of compensation payment.

³⁶ For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks.

³⁷ For design, build and operate (DBO) contracts, the DBO contractor carries out design responsibilities.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				person remains on the plot, and the compensation and assistance are paid only for the required portion of land to be acquired. Option 2 - Compensation to be provided for the entire plot including residual part, if the remaining portion of the land is non-viable for use and 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 ₹5000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. 6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and		

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				rehabilitation process, are to be borne by the executing agency. 7. One-time Resettlement Allowance of ₹50,000. 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 9. Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition. 10. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance.		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants/Lease holders/ Share croppers (with or without written lease or tenancy agreement)	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 ₹50,000. 4. A monthly subsistence allowance equivalent to	- Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease - Harvesting prior to acquisition will be accommodated to the extent possible. Advance notice will be	PMDSC/GSU will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PMU. Vulnerable households will be identified during the census conducted by

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				₹5000.00 per month for a period of one year from the date of award will be provided. 5. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance for displaced families.	provided to harvest standing crop and if not possible, compensation will be provided for standing crops as per rates and assessment done by an agriculture department or schedule of rates. • Work schedule will avoid harvest season.	the GSU/PMDSC.
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Non-titleholders	1. Non-titleholders will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Monthly Subsistence allowance of ₹5,000 for one year (total ₹60,000) from the date of award. 4. One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years. 5. Right to salvage material from the demolished structure with no deductions from the compensation A lump sum transportation/shifting assistance of Rs10,000 will be provided 6. Additional assistance for vulnerable households (refer to #7 in this matrix).	Vulnerable households will be identified during the census survey as part of the RP. Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	PMU/GSU will ensure provision of advance notice. GSU will verify vulnerablehouseholds.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
2	Loss of Government land	Vacant plot, Agriculturalland, homesteadland	Leaseholder/ Legal User/ Sharecropper	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. One time resettlement allowance of ₹50, 000. 4. Choice of annuity or employment asreferred in #5 of the Matrix. 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 Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹5000 per month for a period of one year from the date of award. 5. One-time financial		Vulnerable households will be identified during the census conducted by the GSU, under supervision of PMDSC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				assistance of ₹50,000 as transportation cost/shifting allowance 6. Additional assistance for vulnerable households (refer to #7 in this matrix).		
2-a	Loss of Government land	Vacant plot, ROW of road	Non- title holders	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 demolished structure with no deductions from replacement value.. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix). 6. Monthly Subsistence allowance of ₹5,000 for one year (total ₹60,000) from the date of award. 7. One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.	Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix). Salvaging of material from demolished structure shall be undertaken at no cost to KMC	PMU/GSU will ensure provision of notice. GSU/PMDSC will identify and verify vulnerable households.
3	Loss of residential structure	Residential structure and other assets	Legal Titleholder	1. In urban areas, a constructed house shall be provided, which will be not less than 50 sq. m. in plinth area OR any such family in urban areas which opts not to take the house offered, shall get a	Vulnerable households will be identified during the census conducted by the GSU/PMDSC.	Valuation committee will determine replacement value. PMU/GSU will verify the extent of impacts identified by PMU/PMDSC, determine

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				one-time financial assistance for house construction, which shall not be less than ₹150,000 (as per RFCTLARRA, 2013). 2. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation; 3. 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. 4. One-time financial assistance of ₹50,000 as transportation/ shifting allowance; 5. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided 6. Right to salvage material from the demolished structure with no deductions from replacement value.; ; 7. Each affected family shall be given a one-time Resettlement Allowance of ₹50, 000 only. 8. If relocation required, rental assistance at ₹5000 per month for a period of twelve months; 9. All fees, taxes and other	Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				registration charges incurred for the replacement structure shall be borne by executing agency.		
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	1. Rental assistance at ₹5000 per month for 3 months. 2. One-time financial assistance of ₹50, 000 as transportation cost/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹5000.00 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 with no deductions from replacement value, erected by tenants. 7. Additional compensation for vulnerable households (item # 7)	Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	The GSU/PMDSC 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 will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement	Vulnerable households will be identified during the census conducted by the GSU/PMDSC.	The GSU/PMDSC will verify the extent of impacts through a 100% survey of AHS determine assistance, verify and identify vulnerable households

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure with no deductions from replacement value.. 4. A lump sum shifting assistance of ₹10,000 will be provided. 5. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 6. Additional compensation for vulnerable households (item # 7)	Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	
4	Loss of commercial/ other structure	Commercial structure and other assets	Legal titleholders	1. The replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable); 2. One-time Resettlement Allowance of ₹50,000 per affected family; 3. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 7. Right to salvage material from the demolished structure with no deductions from replacement value.. ; 4. One-time financial assistance of ₹50,000 as transportation allowance. 5. Rental assistance for 3	Vulnerable households will be identified during the census survey of affected households conducted by the GSU/PMDSC.	Replacement cost will be confirmed by the Valuation Committee. PMU/GSU will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				months, equivalent to the space/location lost at prevalent market rate. 6. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 7. Additional compensation for vulnerable households (item # 7)		
4-a	Loss of commercial/ other structure	Commercial structure and other assets	Tenants/Lease holders	1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of ₹50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹5000.00 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 with no deductions from replacement value,, erected by tenants	Structure owners will reimburse tenants and leaseholders rental depositor unexpired lease.	PMU/GSU will verify the extent of impacts through a 100% socioeconomic survey of affected households to determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				7. Additional compensation for vulnerable households (item 7)		
4-b	Loss of commercial/ other structure	Commercial structure and other assets	Non-titleholders	1. Non-titleholders will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value without depreciation. 3. Right to salvage material from the demolished structure with no deductions. 4. , One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher for reestablishment of business. 5. A lump sum shifting and transitional assistance of ₹10,000 will be provided. 6. Additional compensation for vulnerable non-titleholder households (item # 7).	Vulnerable households will be identified during the census survey of affected households conducted by the PMU/PMDSC.	PMU/GSU will verify the extent of impacts through a 100% surveys of affected households to determine assistance, verify vulnerable households.
5	Loss of livelihood	Permanent loss of livelihood	Permanent loss of livelihood to Business Owner (legal titleholder) /tenants/ baseholders / (with or without written tenancy or lease agreement)/ non-titleholders/ sharecropper	1. 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 peraffected family in the project or arrange fora job in such other project as may berequired; or (b) onetime payment of	Vulnerable households will be identified during the census survey of affected households conducted by the PMU/PMDSC.	PMU/GSU will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				₹5,00,000 per affected family; or (c) annuity policies that shall pay not less than ₹2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 3. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000³⁸ per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to ₹40,000.³⁹ 4. Additional compensation to vulnerable households (item #7)		
5-a	Loss of livelihood	Permanent loss of livelihood	Wage earning employees affected due to displacement of commercial structure, /agricultural laborers	1. One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000⁴⁰ per affected person. 2. Preference for employment opportunity for Affected		PMU/GSU will verify the extent of impacts determine assistance, and identify vulnerable households

³⁸ 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 or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor for 26 working days a month for three months.

³⁹ This is an estimate. The income generating asset will be skill related. However, the assets will be decided on a case to case basis.

⁴⁰ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is ₹36,000 for a year. In this case 50% of given amount is provided for non-titleholders.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				Persons in the project construction work, if so desired by them. 3. Additional compensation for vulnerable encroacher households (item # 7).		
6	Loss of Trees and crops	Standing Trees and crops	Legal titleholder, Leaseholder, tenants/ sharecropper/ non-titleholders	1. Affected person will be notified and given 60 days advance notice cut and clear the affected trees. For fruit bearing trees 6 months' notice will be given. 2. Notice to harvest standing/seasonal crops and compensation for crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. For seasonal crops notice should be given at least 6 months in advance. 3. If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value 4. Compensation for trees including fruit bearing trees at prevalent market rates,⁴¹ to be calculated as annual net product value multiplied by number of productive years remaining. 5. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 6. Compensation at market value of timber in case of timber-bearing trees.	• Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Replacement cost of trees has to be determined.	PMU/GSU 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 Department and in consultation with affected persons

⁴¹ Valued by an experienced person in the field of horticulture/forestry etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
7a	Impacts on vulnerable APs ⁴²	All permanent impacts	Vulnerable affected persons ⁴³	1. Additional one-time lump sum assistance of ₹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. 2. Vulnerable households will be given priority in employment in the project construction activities 3. Provision for skill training for displacedvulnerable persons including assistance for purchase of income generating assets and initial capital of ₹40,000/-	• Vulnerable households will be identified during the census survey / business survey conducted by the GSU/PMDSC. • The list of vulnerable persons will be given to Project Director and contractor by the GSU.	Vulnerable households will be identified during the census survey of affected households conducted by the /PDMSC and GSU; PMU will verify the extent of impacts determine assistance, verify vulnerable households.
7b	Impacts on vulnerable affected persons	Temporary Impacts	All vulnerable affected persons both titleholders and non-title holders	• Vulnerable affected persons will be given priority in employment in project construction work, in addition to compensation for income loss. • The affected vulnerable persons will be given one-time vulnerability assistance of ₹10,000.	Vulnerable households will be identified during the census survey / business survey conducted by the GSU/PMDSC. The list of vulnerable persons will be given to Project Director and contractor by the Social Safeguard Officer, PMU for employment opportunity in project construction work.	• PMU, with the support of PMDSC, will identify vulnerable affected persons and also verify the extent of impacts on vulnerable households. • The Contractor will maintain gender-disaggregated data on vulnerable persons employed in project construction work.
8	Temporary loss of land	Land temporarily required forproject activities	Legal title holders / non- titleholders	1. Compensation for loss of trees and crops at current replacement cost (if any affected). 2. Restoration of land to its	• PMU/PMDSC will identify and include details in the resettlement plan • Arrangement by the contractor on the	The rental value and duration of lost income will be determined through survey and consultation with Affected persons.

⁴² Vulnerability benefits are incremental, i.e., in addition to other entitlements and benefits.

⁴³ Vulnerable households comprise below poverty line households, female-headed households, households with out-of-school/working children, disabled person- headed household, elderly-headed household, landless household, household with no legal title / tenure security, and schedule castes and scheduled tribe households. As per the report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2011-2012 was ₹981 per capita per month for urban areas (Press Note on Poverty Estimates 2011-12, Government of India, Planning Commission, July 2013). On adjusting for inflation (at an average rate of 6%), the poverty line in 2023 is estimated as ₹1862 per capita per month in urban areas.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				previous or better quality. - Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. - Provision of rent for the period of occupation - Compensation for damaged assets at replacement value	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.	A photograph of the status prior to occupation to be made by the GSU. PMU/PMSC 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/PMDSC.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	- Advance notice of at least 4 weeks - Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. - Assistance to shift back once construction completed - Compensation for damaged assets at replacement value without depreciation. - Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities - Subsistence/relocation allowance at ₹5000 per month for 3 months, if temporarily displaced for more than 1 month.	PMU and contractor will identify alternative site and help in shifting to the alternative site and back to the original place. Replacement cost for damaged assets as determined by the PMU, with the assistance of PMDSC will be provided by the contractor.	PMU/GSU will verify assistance and monitoring.
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, leaseholders, non-titleholders, employees, hawkers or vendors	60 days advance notice regarding construction activities, including duration and type of disruption. - Cash assistance based on the net income from the affected business or	- A business/income survey prior to construction will serve as the cut-off date. - During construction, the PMU/PMDSC will identify alternative temporary sites to the extent possible, for vendors and	PMU/PMDSC in coordination with Contractors will identify alternative locations

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				minimum wage⁴⁴ for the loss of income/livelihood for the period of disruption, whichever is more. 3. For construction activities involving disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on the net income of the affected business or minimum wage rate for the affected households up to 3 month or the actual period of disruption whichever is more. 4. Additional assistance for vulnerable households incurring temporary loss (refer to #7b).	hawkers to continue economic activity. PMU/PMDSC will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors	
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies ⁴⁵	1. 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. 2. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value	PMU/PMDSC will ensure compensation and other entitlements are implemented in co- ordination with the contractors	PMU/PMDSC and Contractor.

⁴⁴ As per the notification of Government of West Bengal on July 2023, the minimum wage is INR 10763/- (per month) which is subsequently calculated to INR 414/- (per day) for semi – skilled workers employed in shops and establishments in West Bengal. Government of West Bengal Minimum Wages Notification 12th December 2023. Official website of Labour Commissionerate, Labour Department Government of West Bengal (https://wbcl.gov.in/sites/default/files/upload/min_wages/january-2024/6%20Circular%2031%20emp%202%20zones_9.pdf)

Sl. No. 30. “Revised Minimum Wages (VDA) of the workers engaged in the employment of “Shops and Establishments, Act, 1963.

⁴⁵ For example, schools, health centers and integrated child development scheme centers.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ³⁵	Implementation Issues ³⁶	Responsible Agency ³⁷
				multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. Enhancement of community resources.⁴⁶		
11	Any other loss not identified	-	-	1. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the resettlement framework in alignment with ADB involuntary resettlement Policy.		The PMU/PMDSC will ascertain the nature and extent of such loss. The GSU will finalize the entitlements in line with the ADB Safeguard Policy Statement.

Note: All entitlements in rupees will be adjusted for inflation till the year of compensation payment.

⁴⁶ For example, provision of water connections, toilets and/or play areas with appropriate facilities.

Appendix 11: Sample Grievance Redress Template

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				
Place				
Phone No.				
Email				
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 officials reviewing grievance)	
Action taken:	
Whether action taken disclosed:	Yes No
Means of disclosure:	

Appendix 12: Outline of Social Safeguard Monitoring Report

Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous Peoples, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (involuntary resettlement and indigenous peoples) and with the current status of project implementation phase.

This outline can be used for periodic monitoring report (semiannual) and IPP/RIPP completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

A. Executive Summary

This section provides a concise statement of project scope and impacts, key findings and recommended actions.

B. Background of the Report and Project Description

This section provides a general description of the project, including:

- Background/context of the monitoring report which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts.
- Information on the implementation progress of the project activities, scope of monitoring report and requirements, reporting period, including frequency of submission and changes in project scope and adjusted safeguard measures, if applicable
- Summary table of identified impacts and the mitigation actions.

C. Scope of Impacts

- This section outlines the detail of scale and scopes of the project's safeguards impacts,
- Vulnerability status of the affected people/communities,
- Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final IPP/RIPP

D. Compensation and Rehabilitation⁴⁷

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

⁴⁷ Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

E. Status of Specific Action Plan Implementation

This section describes the implementation status of the specific action plans detailed in the IPP/RIPP and to determine whether the specific activities have been achieved. The means of verification for each specific activity will also be reported.

F. Public participation and consultation

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected persons during IPP/RIPP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, project supervision consultants, contractors, etc.

G. Grievance Redress Mechanism (GRM)

This section describes the implementation of project GRM as design in the approved IPP/RIPP. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or from the scheduled tribe communities.

H. Institutional Arrangement

This section describes the actual implementation, or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the executing agency/implementing agency; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.

I. Monitoring Results - Findings

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of compensation rates and timeliness of payments, adequacy and timeliness of rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, Resettlement Plan/IPP/RIPP, or specific action plan, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous peoples' identity, human right, livelihood systems and cultural uniqueness fully respected; indigenous peoples do not suffer adverse impacts, environmental impacts avoided or

minimized, etc.).⁴⁸ If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

⁴⁸ Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

J. Compliance Status

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on Safeguards Requirements 2 and 3 and the approved final IPP/RIPP.

K. Follow up Actions, Recommendation and Disclosure

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included.

Appendix 1

- (i) List of Affected Persons and Entitlements
- (ii) Summary of IPP/RIPP with entitlement matrix

Appendix 2

- (i) Copies of affected persons' certification of payment (signed by the affected persons)
- (ii) Summary of minutes of meetings during public consultations
- (iii) Summary of complaints received and solution status