

Indigenous Peoples Planning Document

Draft Indigenous Peoples Planning Framework
Document Stage: Draft for Consultation
Project Number:
March 2010

India: Infrastructure Development Investment Program for Tourism

The indigenous peoples 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.

I. INTRODUCTION

1. The Infrastructure Development Investment Program for Tourism Financing Facility (the Facility) will develop and improve basic urban infrastructure and services in the four participating states of Himachal Pradesh, Punjab, Uttarakhand and Tamil Nadu—to support the tourism sector as a key driver for economic growth. It will focus on: (i) strengthening connectivity to and among key tourist destinations; (ii) improving basic urban infrastructure and services, such as water supply, road and public transport, solid waste management and environmental improvement, at existing and emerging tourist destinations to ensure urban amenities and safety for the visitors, and protect nature and culture-based attractions. Physical infrastructure investments will be accompanied by: (iii) capacity building programs for concerned sector agencies and local communities for better management of the tourist destinations and for more active participation in the tourism-related economic activities, respectively.

2. The Facility is through a multi-tranche financing facility. The proposed categorization for Projects 1 (Himachal Pradesh) and 2 (Punjab) is category C for indigenous peoples (IP).¹ The proposed subprojects under Projects 1 and 2 do not affect indigenous peoples. There are no Scheduled Tribes in the project area. An Indigenous Peoples Planning Framework (the Framework) which is a policy and procedural framework, has been prepared for future projects which will be defined during the submission of Periodic Financing Requests. This Framework details screening/categorization, assessment, planning, institutional arrangements and processes to be followed. Implementation arrangements ensure that project management and implementation unit has adequate capacity to manage social impacts through consultants and capacity building.

II. OBJECTIVES AND POLICY FRAMEWORK

3. The Framework ensures that IPs do not experience adverse impacts and received appropriate benefits from subprojects. It requires the preparation and implementation of an Indigenous Peoples Plan (IPP) if any subproject directly or indirectly affects IPs. This is consistent with Asian Development Bank's (ADB) Safeguards Policy Statement (SPS), 2009. The bases of the preparation of IPPs if any subproject affects IPPs are government laws, policies, and regulations on IPs, and ADB's SPS 2009. Government policies and ADB's policies are summarized in Appendix 1. Government and ADB policies on identification of IPs and preparation of IPPs are in Table 1.

¹ Projects 1 and 2 have been developed around one sample cluster destination in Himachal Pradesh and Punjab. These sub-projects have been selected from the set of cluster destinations and from the long list of tourism infrastructure investment proposed by the States.

Table 1: Government and ADB Policies on IP Compared

	ADB	Government of India	Gap
Identification of IPs	(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.	Article 342 of the Constitution uses the following characteristics to define indigenous peoples (STs), (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 ST. Amongst the various ST groups, PTGs have been identified in the various states, and schemes promoted by the Gol towards mainstreaming of the marginalized STs in the development process.	-
Preparation and implementation of IP plans	The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The IP policy provides guidance for (i) screening of IP impacts at an early stage of the Project (ii) carrying out social assessments, consultations etc with the IP communities during the preparation of IP Plans. (iii) Mechanisms for involvement of the IP communities and (iv) monitoring of the effectiveness of the IPP implementation.	State Governments through budgetary supports Tribal development and welfare initiatives. In addition, Special Central Assistance is released for the economic development of the following:- <ul style="list-style-type: none"> • Integrated Tribal Development Project (ITDP) area contiguous large area in which ST population is 50% or more out of a total population. • Modified Area Development Approach (MADA) pockets identification of pockets containing 50% or more of ST population out of a total population of 10000 and above • Clusters-identified pockets containing 50% or more ST Population out of a total population of 5000. • Primitive Tribes-identified isolated communities among the STs characterized by the low rate of population, pre-agricultural level of technology and extremely low levels of literacy (so far 75 Primitive Tribal Groups (PTGs) have been identified. • Displaced tribal population outside (a),(b),(c) and (d) above. 	While generally consistent, there is scope for better implementation. This is addressed in the Framework.

ADB=Asian Development Bank, Gol=Government of India, IP=indigenous people, IPP=Indigenous Peoples Plan, ITDP=Integrated Tribal Development Project, MADA=Modified Area Development Approach, PTG=Primitive Tribal Groups, ST=Schedule Tribes.

Source: Consultant's Output, 2010

4. The sub-project selection criteria incorporates screening for IP impacts prior to selection, and includes the following: (i) interventions within notified areas (including areas covered under Integrated Tribal Development Project [ITDP], Modified Area Development Approach [MADA] pockets, Schedule Tribes [ST] clusters, Primitive Tribal Groups [PTG], and Scheduled areas) will be in accordance with the plans formulated for tribal development; (ii) interventions within protected areas (wildlife sanctuaries, national parks, community reserves, etc.) will not include

components that impact forest rights and occupation in forest land for forest dwelling STs and other traditional forest dwellers (who have been residing in such forests for generations but whose rights are not be recorded); and (iii) displacement/resettlement impacts of ST population within and outside the above notified areas will be avoided. If unavoidable, land for land provisions will be made in line with government policies.

III. IDENTIFICATION OF INDIGENOUS PEOPLES

5. The Facility will adopt Government and ADB criteria for identifying groups that are considered as IPs. As shown in Table 1, there is consistency between the identification criteria. In ADB's SPS, the term IP 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. ADB's policy is triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

6. In India, STs have characteristics covered by ADB's SPS definition. The Indian Constitution (Article 342) defines STs as those with special characteristics such as (i) primitive traits, (ii) distinctive culture, (iii) shyness with the public at large, (iv) geographical isolation, and (v) social and economic backwardness.²

7. With the exception of Punjab,³ which does not have notified STs, the other states have notified scheduled tribe population. There are eight tribes notified in the State of Himachal Pradesh. Based on the 2001 Census, 4% of the total population are STs. Majority (96.92%) of the STs live in rural areas. In terms of district distribution, Chamba (48%) and Kinnaur (23%) districts have the highest ST concentrations. There are 36 tribes notified in the State of Tamil Nadu. Of the total population, 1.04% are STs. Majority (84.62%) of the STs live in rural areas. There are five tribes notified in the State of Uttarakhand. STs constitute 3% of the total population. Majority (93.78%) of the STs live in rural areas (93.78%). Further information on STs is in Appendix 2.

8. The Facility improves infrastructure for tourism. Of the main benefits from increased tourism due to the improved infrastructure is the significant expected incremental employment

² Constitutional protection and programs for tribal development have brought significant changes which played a major role in bringing STs into mainstream society. Amongst the various ST groups, Primitive Tribal Groups (PTGs) have been identified in the various states, and schemes promoted by the Government towards mainstreaming of these marginalized STs in the development process. In the context of project locations where STs constitute the mainstream, the STs who have dependence on traditional mode of subsistence (for instance, shifting cultivation) and have no other alternative and modern means of subsistence, with distinctive culture and are characterized by socio-economic backwardness could be identified as IPs.

³ STs are in all States and Union Territories (UTs) except in the States/UTs of Haryana, Punjab, Delhi, Pondicherry and Chandigarh. No tribe has been notified as ST in Punjab, according to the Constitution (Scheduled Tribes) order, 1950 as amended by the Scheduled Tribes Orders (amendment) Act, 1976.

generation.⁴ Poverty analysis also shows potential benefits to poor households. Benefits will accrue to both STs and non-STs. Potential adverse impacts, specifically environmental and resettlement impacts have been identified and will be mitigated. Projects 1 and 2 will not have any involuntary resettlement (IR) impacts. If future projects have IR impacts, a resettlement framework (RF) has been developed to prepare a resettlement plan to address impacts. The RF's entitlement matrix classifies STs as vulnerable for which additional entitlements are accorded as vulnerable affected persons.

IV. SOCIAL IMPACT ASSESSMENT AND IPP FOR SUBPROJECTS

9. The Social Unit of the state-level Project Management Unit (PMU) will study all IP groups in and around proposed subproject areas. The PMU will arrange public meetings in communities and villages to provide information on the proposed subproject. During these meetings, views and concerns of participants will be obtained. The PMU will gather:

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

10. An IP assessment checklist will be completed (Appendix 3). If the results of preliminary screening (preparation and review to be assisted by project consultants) show that there are IP households in the proposed subproject area, a social impact assessment (SIA) will be conducted to capture IP issues and development opportunities that exist in the area.

11. The SIA will cover the following aspects (i) legal and institutional framework (ii) baseline information on the affected IPs, (iii) stakeholder consultations with the IPs (iv) potential adverse and positive impacts of the subproject (v) assessment of the IP perceptions on subproject and (vi) recommendation of measures to avoid adverse impacts and minimize/mitigate impacts and ensure that IPs receive culturally appropriate benefits under the subproject.

12. On the basis of the screening and the SIA, IP plans will be prepared for the following:

- (i) Subprojects with impacts on IPs by positively or negatively (i) affecting their customary rights of use and access to land and natural resource; (ii) changing their socio-economic status; (iii) affecting their cultural and communal integrity; (iv) affecting their health, education, livelihood and social security status; or (v) altering or undermining the recognition of indigenous knowledge; and
- (ii) Subprojects with impacts on IPs in (i) notified areas (as defined in the criteria for selection of sub-projects) and (ii) in locations where subprojects have involuntary resettlement impacts.

13. IP plan preparation will ensure:

- (i) IPs affected by any subproject will benefit from the subproject;
- (ii) IPs inclusion in the entire process of preparation, implementation, and monitoring of project activities;
- (iii) Benefits of subprojects are available to IPs more than or at least equal to other affected groups—this may require giving preference to IPs as vulnerable groups over others on certain benefits under the subproject; and

⁴ From the data available and from various WTO reports, it was also determined that about 3.5 foreign tourist arrivals generate one direct job in the tourism industry, and an additional 1.25 jobs in other related industries.

- (iv) providing a base for IPs in the subproject area to receive adequate development attention.

14. IP plans will be consistent with policy principles of ADB's SPS (Safeguards Requirements 3). The IP plan will be commensurate with the assessed impacts. It will consist of a number of activities and will include mitigation measures of potentially negative impacts, modification of project design, and development assistance. Where there is land acquisition affecting IPs, the Executing Agency (EA) will ensure IP rights will not be violated and that they will be compensated for the use of any part of their land in a manner that is culturally acceptable to the affected IPs.⁵

15. The IP plan will be consistent with the outline recommended in the SPS (Annex to Appendix 3), and will contain:

- (i) Executive summary of the IP plan;
- (ii) Description of the subproject;
- (iii) Social impact assessment;
- (iv) Information disclosure, consultation, and participation;
- (v) Beneficial measures and mitigative measures;
- (vi) Capacity building;
- (vii) Grievance redress mechanism;
- (viii) Monitoring, reporting, and evaluation;
- (ix) Institutional arrangements; and
- (x) Budget and financing.

16. If IPs are affected by land acquisition, traditional land rights will be honored and the absence of land titles will not be a bar for receiving compensation and alternate land. Entitlements are in the RF and additional entitlements as IPs are provided. This includes: (i) land for land compensation, (ii) additional allowances for loss of land or structures, and (iii) prioritization in subproject employment.

17. If IPs are identified as primitive tribal groups (Appendix 2), the IP plan will reflect conservation-cum-development plans prepared by state governments.

V. CONSULTATION AND PARTICIPATION

18. Subprojects will not (i) commercially develop cultural resources and knowledge of IPs, (ii) displace IPs from traditional or customary land, or (iii) commercially develop natural resources within customary lands under use that would impact livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs.

19. Consultation and information disclosure will be undertaken to ensure that needs, priorities and preferences of IPs are adequately dealt with. The IP plan will promote participation of IPs in and around the subproject area, and identify IP needs, priorities and preferences through participatory approaches. Consultations with and participation of IP groups, their leaders, line agencies, and PMU representatives will be an integral part of the overall IP plan.

20. Affected IPs will be informed and consulted in preparing the IP plan. Their participation in planning will enable them to benefit from the subproject and protect them from any potential adverse impacts. The IP plan prepared in consultation with affected IPs will be translated into

⁵ Compensation will be consistent with the Resettlement Framework for the Facility.

local language⁶ and made available before subproject implementation with the assistance of nongovernmental organizations (NGOs) appointed for conducting community development and participation activities for the Facility. The EA/PMU will ensure that adequate funds will be made available for consultation and facilitation.

21. Involvement of IP groups in problem identification and design of solutions has to be ensured through the entire cycle of project interventions. Table 2 presents the activities to be undertaken by the PMU to ensure inclusion of indigenous issues in subprojects.

Table 2: Activities and Indicators for Inclusion of IP Issues

Project Stages	Procedures	Process and Outcome Indicators
Design stage	<p>Identify locations of dominant indigenous population, including PTGs in the subproject sites.</p> <p>Identification of indigenous community stakeholders at site</p> <p>Sensitization and consultation through focus group discussions with indigenous communities</p> <p>Identification of environmental and social issues of the indigenous population and possible impacts as a result of the subproject</p> <p>Consultations to establish existing concerns related to:</p> <ol style="list-style-type: none"> 1. Land availability and tenure 2. Current livelihood options 3. Access to infrastructure facilities 3. Participation in tourism related activities 4. Representation in CBOs 5. Existing Government schemes 6. Dependency of minor forest produce (MFP) and common property resources <p>Discussions on possible intervention measures, through the subproject their likely impacts and safeguard measures (mitigation and monitoring) to be incorporated into subproject activities.</p> <ol style="list-style-type: none"> 1. Loss of agricultural and homestead land 2. Loss of structure and immovable assets 3. Loss of livelihood 4. Loss of common property resources <p>Consultations with indigenous groups for further suggestions</p> <p>Participatory approach to be taken up to involve IPs in finalizing projects, RP/IPP etc.</p>	<p>IP screening checklist</p> <p>List of all indigenous communities / PTGs in the subproject areas</p> <p>Documentation on number of discussions and minutes of the meetings</p> <p>Documentation of issues</p> <p>Justification for preparing IPP</p> <p>List of spatial and non-spatial issues</p> <p>List of safeguard measures</p> <p>List of subproject impacts</p> <p>List of safeguards measures into the Draft IPP</p> <p>Measures to be taken in complying with the frameworks prepared for resettlement and IP</p>
Design Stage	Disbursement of entitlements as per the RP/IPP/Frameworks	Measures undertaken as suggested in RP/IPP/Framework
Implementation Stage	Implementation of safeguards measures as per RP/IPP/ Framework	Measures undertaken as suggested in RP/IPP/Framework

⁶ Hindi, in case of Himachal Pradesh and Uttarakhand, Punjabi in case of Punjab and Tamil in case of Tamil Nadu.

Project Stages	Procedures	Process and Outcome Indicators
Post Implementation Stage	Evaluation of the success of programs and safeguard measures undertaken	Indicators developed for evaluation of project impacts
	Follow up activities based on lessons learned	Listing of modified tasks to be implemented for uplifting affected indigenous communities

CBO=community based organization, IP=indigenous people, IPP=Indigenous Peoples Plan, MFP=minor forest produce, PMU=Project Management Unit, PTG=Primitive Tribal Group, RP=resettlement plan
Source: Consultant's Output, 2010

VI. DISCLOSURE

22. The PMU will submit the following documents for disclosure on ADB's website: (i) a draft IPPF endorsed by all States before appraisal of the Facility; (ii) IP plans prepared during Facility implementation; and (iii) IPPF/IP plan monitoring reports.

23. Electronic versions of the IPPF/IP plans will be placed in the website of the PMU/State Tourism Department after approval of these documents by the Government and ADB. In addition to website disclosure information will be disseminated at various stages. For the benefit of the community in general and IPs in particular, the IP plan will be translated into local language and made available at: (i) offices of the urban local body (ULB) or village panchayat closest to the natural/cultural destination; (ii) District Magistrate Office; (iii) PIU; and (iv) PMU. Hard copies of the IP plan will be kept in city libraries, accessible to the public as a means to disclose the document and at the same time creating wider public awareness. The PIU offices will provide information on IP principles and features of the IP plan. Basic information in the IP plan will be presented in the form of a brochure that will be circulated among affected IPs/IP groups. Posters designed to present the basic tenets of the IP plans will be displayed at suitable locations for generating mass awareness.

VII. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

A. Institutional Arrangements for Preparing and Implementing IP Plans

24. The State Tourism Departments are the EAs who will execute Projects under the Facility. The PMU will be responsible for overall project implementation, monitoring, and supervision. The Social Safeguards Unit of the PMU, staffed by a full time Safeguards Officer (SO) with the assistance of the implementing NGOs will be responsible for implementing the IP plans. The Unit will be taking care of redressing grievances and mitigating negative impacts caused by subprojects on affected people including IPs. The Unit will have staff who are fully aware of IP plan provisions, and have adequate understanding of norms and customs of and respect to the local people, especially IPs.

25. The SO will be entrusted with responsibilities to effectively implement the RPs, and IP Plans of subprojects in compliance with the Facility's safeguards provisions, and the SO will implement the Gender Action Plan (GAP). An external impact evaluation agency appointed will carry out monitoring and evaluation of the effectiveness of RP and IP plan implementation of subprojects. The Facility will have a Grievance Redressing Committee (GRC) for redressing the grievances of the APs, with emphasis on vulnerable communities including IPs. Table 3 gives the institutional roles and responsibilities for the preparation and implementation of IP plans.

The SO will be assisted by a Social Development Specialist from the project management consultants (PMC) on the implementation of the IPPF provisions in all stages of the subproject design, implementation and monitoring.

Table 3: Institutional Roles and Responsibilities

	Activities	Line Agency	PMU	Design and Supervision consultants	NGOs	ADB	IP Community Involvement
1	Finalization of sites/alignments for subproject	Identify and finalize sites/alignments for subproject components	PMU with support from PMC will confirm sites/alignments	DSC will provide technical help in finalizing sites/alignments			
2	Preliminary Screening						
a	Collecting and analyzing required information and preparation of PS report		PMU with support from PMC shall carry out the preliminary screening				Co-operation and active participation of IPs is anticipated in IPP activities
c	SIA recommendation		Based on PS report, and in compliance with ADB policy, PMU will recommend SIA				
3	Social Impact Assessment						
a	Collecting and analyzing required information	Designated staff will monitor SIA activities		PMU will conduct SIA assisted by DSC			IPs will be responsible for giving information to and participate with concerned officials
B	Preparation of SIA report			DSC will submit to PIU and PMU			
C	Recommendation for IPP preparation		Based on SIA report, and in compliance with the ADB policy, PMU will recommend IPP preparation				
4	Preparation of IPP						
a	Formulation of mitigation measures and development of action plan	Designated staff will monitor IPP preparation activities and will provide required help to PC	PMU with DSC will prepare IPP in consultation with affected IPs/community leaders				Affected IPs, IP leaders, CBOs will participate in formulation of mitigation measures and development of action plan
b	Disclosure of IPP	Designated staff will participate in information disclosure meetings to finalize IPP at community level	PMU staff will participate in information disclosure meetings to finalize IPP at community level	DSC, will support PIU to conduct meetings for information disclosure and will provide required information during meetings	Local NGOs can be invited to bring transparency in information disclosure		Affected IPs, IP leaders will participate and approve IPP
c	Preparation of budget and	Designated staff will provide necessary help		DSC will support PIU to prepare IPP budget and			

	Activities	Line Agency	PMU	Design and Supervision consultants	NGOs	ADB	IP Community Involvement
	financing plan	to PC		financing plan			
E	IPP approval from ADB		PMU after scrutinizing IPP for compliance with ADB policy will submit it to ADB	As per ADBs comments, DSC will revise IPP with support from PMU		ADB staff to review and approve	
5	IPP implementation	PMU will appoint NGO for IPP implementation	PMU will monitor IPP implementation periodically along with an independent agency				

ADB = Asian Development Bank, CBO = community based organization, DSC = design and supervision consultants, NGO = non government organization, IP = indigenous people, IPP = Indigenous Peoples Plan, PIU = Project Implementation Unit, PMU = Project Management Unit, SIA = social impact assessment
Source: Consultant's Output, 2010

VIII. PROGRAM FOR MONITORING AND EVALUATION

26. Implementation of the IP plans will be monitored regularly. The PMU will establish a quarterly monitoring system involving the staff of the Social Safeguards Unit, representative of affected IP groups, NGOs, and community based organizations (CBOs) to ensure participatory monitoring arrangements are followed. A set of monitoring indicators will be determined during IP plan implementation. The PMU will prepare appropriate monitoring formats for effective monitoring and reporting requirements. Qualified and experienced external experts or NGOs will verify monitoring information and advise on compliance issues for subprojects with significant IP impacts. Monitoring reports will be prepared twice a year during project implementation. These reports will be submitted to the EA and ADB for review, approval, and disclosure. The PMU will be responsible for determining if any follow-up actions are necessary and ensuring any necessary actions are taken regarding the implementation of IP plans.

27. The Social Safeguards Unit will carry out monitoring and evaluation activities. The Unit staff will be trained in undertaking these activities by the Social Development Specialist of the PMC. The mid-term and end-term impact evaluation will be outsourced to an agency, NGO, or academic institution. IP plan implementation will be closely monitored to provide the PMU with an effective basis for assessing IP plan progress and identifying potential difficulties and problem areas. Results of monitoring will be reported to the EA on a quarterly basis. Monitoring will involve the following tasks:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- (ii) Socio-economic monitoring during and after IP plan implementation utilizing the baseline information established by the socio-economic survey of IPs undertaken during subproject preparation to ensure that impacts on IPs are mitigated and benefits reach IPs.
- (iii) Overall monitoring.

28. Data from the baseline socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the monitoring process to assess the progress and success of the IP plan. The monitoring process will also include the following:

- (i) Communication to and noting reactions of IPs.
- (ii) Information from IPs on impacts and benefits received.
- (iv) Usage of grievance redress mechanism.
- (v) Disbursement of compensation amounts and delivery of assistance.

29. **Monitoring Indicators:** the Social Safeguards Unit will carry out monitoring. The indicators for achievement of objectives under the IPP are of two kinds as stated below:

- Process Indicators – Indicating project inputs, expenditure, staff deployment, etc.
- Output Indicators – Indicating results in terms of numbers of affected IPs, assistance provided, benefits gained, etc.

30. **Reporting:** Reporting and monitoring formats will be prepared for effective monitoring. These reports will be submitted semi-annually to ADB for review and comments. Each IP plan will be submitted by EA to ADB for review and approval.

IX. BUDGET AND FINANCING

31. Each IP plan will have its own budget. The EA will provide sufficient resources to formulate an IP plan for each sub-project that will have impacts on IPs. A detailed budget will be prepared by the Social Safeguards Unit taking into account all activities associated with the formulation and implementation of the IPP. Such budgets will be an integral part of the subproject cost, and will be made available during subproject implementation.

GOVERNMENT AND ADB LAWS, POLICIES, AND REGULATIONS ON INDIGENOUS PEOPLES

A. Government of India

1. Preparation and Implementation of Tribal Development Plans

In exercise of the powers conferred by Clause (1) of Article 342 of the Constitution of India, the President, after Consultation with the State Governments concerned have promulgated orders specifying the Scheduled Tribes in relation to the state and union territories.

S. No.	Name Of Order	Date Of Notification	Name Of States/ Ut(S) For Which Applicable
1	The Constitution (Scheduled Tribes) Order 1950 (C.O.22)	6-9-1950	Andhra Pradesh, Arunanchal Pradesh, Assam, Bihar, Gujarat, Goa, Himachal Pradesh , Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Orissa, Rajasthan, Tamil Nadu , Tripura And West Bengal.
2	The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967 (C.O. 78)	24-6-1967	Uttar Pradesh
No community has been specified as Scheduled Tribe in relation to the State of Haryana and Punjab and Union Territories of Chandigarh, Delhi and Pondicherry.			

2. Gol Approach to Tribal Development

The Constitution of India incorporates several special provisions for the promotion of educational and economic interest of Scheduled Tribes and their protection from social injustice and all forms of exploitation. These objectives are sought to be achieved through a strategy known as the Tribal Sub-Plan strategy. The strategy seeks to ensure adequate flow of funds for tribal development from the State Plan allocations, schemes/programmes of Central Ministries/Departments, financial and Developmental Institutions. The cornerstone of this strategy has been to ensure earmarking of funds for TSP by States/UTs in proportion to the ST population in those State/UTs. Besides the efforts of the States/UTs and the Central Ministries/Departments to formulate and implement Tribal Sub-Plan for achieving socio-economic development of STs, the Ministry of Tribal Affairs is implementing several schemes and programmes for the benefits of STs.

Special Central Assistance is given to States/UTs to supplement their efforts in tribal development through Tribal Sub-Plan. This assistance is basically meant for family-oriented income-generating schemes in the sectors of agriculture, horticulture, minor irrigation, soil conservation, animal husbandry, forests, education, cooperatives, fisheries, village and small scale industries and for minimum needs programme. Grants are also given to States/UTs, under the first proviso to article 275(1) of the Constitution to meet the costs of projects for tribal development and for raising the level of administration of Scheduled Area therein on par with the rest of the State/UT. Part of the funds are utilised for setting up of Residential Schools for providing quality education to tribal students.

The objective of the strategy is two fold- (i) Socio-economic development of STs, and (ii) Protection of tribals against exploitation. SCA primarily funds schemes/projects for economic development of STs. SCA is released for the economic development of the following:-

- Integrated Tribal Development Project (ITDP) area contiguous large area in which ST population is 50% or more out of a total population.
- Modified Area Development Approach (MADA) pockets identification of pockets containing 50% or more of ST population out of a total population of 10000 and above
- Clusters-identified pockets containing 50% or more ST Population out of a total population of 5000.
- Primitive Tribes-identified isolated communities among the STs characterized by the low rate of population, pre-agricultural level of technology and extremely low levels of literacy (so far 75 Primitive Tribal Groups (PTGs) have been identified.
- Displaced tribal population outside (a),(b),(c) and (d) above.

There are now 194 Integrated Tribal Development Projects (ITDPs) in the country, where the ST population is more than 50% of the total population of the blocks or groups of block. During the Sixth Plan, pockets outside ITDP areas, having a total population of 10,000 with at least 5,000 scheduled tribes were covered under the Tribal Sub-Plan under Modified Area Development Approach (MADA). So far 252 MADA pockets have been identified in the country. In addition, 79 clusters with a total population of 5,000 of which 50 per cent are schedule tribes have been identified.

S.No	States/U. T.s	No. of ITDPs/IIDAs	MADA	Pockets Clusters	Primitive Tribal Groups
1	Himachal Pradesh	5	2	-	-
2	Tamil Nadu	9	-	-	6
3	Uttar Pradesh	1	1	-	2
4	Punjab	0	0	0	0

3. Declaration of Scheduled Areas

The criteria followed for declaring an area as Scheduled Area are preponderance of tribal population; compactness and reasonable size of the area; under-developed nature of the area; and marked disparity in economic standard of the people. They embody principles followed in declaring 'Excluded' and 'Partially-Excluded Areas' under the Government of India Act 1935, Schedule 'B' of recommendations of the Excluded and Partially Excluded Areas Sub Committee of Constituent Assembly and the Scheduled Areas and Scheduled Tribes Commission 1961. Amongst the project states, Himachal is the only state to have declared⁷ Scheduled Areas. The following areas have been specified by the Scheduled Areas (Himachal Pradesh) Order, 1975 (Constitution Order 102) dated 21.11.1975: (i) Lahaul and Spiti district, (ii) Kinnaur district and (iii) Pangi tehsil and Bharmour sub-tehsil in Chamba district. The Scheduled Areas in HP are co-terminus⁸ with the boundaries of the ITDPs.

4. Declaration of Tribal Areas

Tribal areas generally mean areas having preponderance of tribal population. However, the Constitution of India refers tribal areas within the States of Assam, Meghalaya, Tripura & Mizoram, as those areas specified in Parts I, II, IIA & III of the table appended to paragraph 20 of the Sixth

⁷ The Scheduled Areas as per the Constitutional orders have been declared in eight States viz A.P., Bihar, Gujarat, H.P., Maharashtra, M.P., Orissa and Rajasthan, As per the provisions contained in the Fifth Schedule of the Constitution, various enactment in the forms of Acts and Regulations have been promulgated in the above states for the welfare of scheduled tribes and their protection from exploitation

⁸ Since TSP strategy also has twin objectives namely Socio-economic development of Schedule tribes and protection of tribal against exploitation, the Govt. of India in Aug., 1976 had decided to make the boundaries of Scheduled Areas co-terminus with TSP areas (ITDP/ITDA only) so that the protective measure available to Sch. Tribes in Sch. Areas could be uniformly applied to TSP areas for effective implementation of the development programmes in these areas. Accordingly, the TSP areas have been made co-terminus with Sch. Areas in the State of Bihar, Gujarat, H.P., Maharashtra, Madhya Pradesh, Orissa and Rajasthan.

Schedule. In other words, areas where provisions of Sixth Schedule are applicable are known as Tribal Areas. In relation to these areas Autonomous District Councils, each having not more than thirty members have been set up. These councils serve as an instrument of self-management and have powers of legislation and administration of justice apart from executive, developmental and financial responsibilities. There are no areas in the project states declared as Tribal Areas.

5. Development of Primitive Tribal Groups (PTGs)

There are certain tribal communities who are having low level of literacy, declining or stagnant population, and pre-agricultural level of technology and economically backward. 75 such groups in 15 States/UTs have been identified and have been categorized as Primitive Tribal Groups (PTGs). Each of these groups is small in number, differentially developed with respect to one another, of remote habitat with poor administrative and infrastructure back up. Therefore, they are in need of priority to be accorded for their protection and development.

B. Legal Framework

1. Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989

This Act prevents the commission of offences of atrocities against members of the Scheduled Tribes and Castes and provides for a special court for the trial of offences against SCs and STs. It also provides for the relief and rehabilitation of victims of such offences.

2. Provisions of the Panchayat (Extension to Scheduled Areas) Act (PESA), 1996

The Panchayat (Extension to Scheduled Areas) Act, 1996 is meant to enable tribal society to assume control and to preserve and conserve their traditional rights over natural resources. The provisions of the 73rd Amendment, with some modifications, were extended to the tribal areas under Schedule V of nine States, namely, Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan.

3. The Constitution (Eighty-Ninth Amendment) Act, 2003

Through this amendment a separate Commission for the Scheduled Tribes was constituted to address all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution of India, other laws in force, Government orders, and to evaluate the working of such safeguards.

4. The Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This Act recognises and vests the forest rights and occupation in Forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; and it provides for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

5. Draft National Tribal Policy, 2006

The Ministry of Tribal Affairs, Government of India has drafted a National Policy⁹ on STs to bring them into the mainstream society through a multi-pronged approach for their all-round

⁹ The Draft National Tribal Policy (2006), a comprehensive policy to deal with the scheduled tribes, was circulated for suggestions and recommendations and the final draft went for cabinet approval in 2007. The final Draft of the Policy has been referred to CoM under the Chairmanship of the Union Home Minister and the policy is under consideration.

development without disturbing their distinct culture. The Policy stipulates that displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When displacement becomes inevitable, each ST family having land in the earlier settlement shall be given land against land. To handle the problem of shifting cultivation, land tenure system is proposed giving tribals the right to land ownership. The Policy seeks to tackle tribal land alienation by stipulating that:

- Tribals have access to village land records.
- Land records be displayed at the Panchayat.
- Oral evidence be considered in the absence of records in the disposal of tribals' land disputes.
- States prohibit transfer of lands from tribal to non-tribal.
- Tribals and their representatives are associated with land surveys

B. ADB IP Policy Principles

1. Indigenous Peoples Safeguards

Objectives: 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.

Scope and Triggers: The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. 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. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

Policy Principles:

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.
 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 intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous
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Peoples.

3. Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

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 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.

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.

6. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

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.

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.

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.

PROFILE OF SCHEDULED TRIBES IN THE PROJECT STATES

A. Himachal Pradesh

Notified Tribes and Population

There are 8 tribes notified in the State of Himachal Pradesh. Scheduled Tribes (STs) constitute 4 per cent of the total State population. Majority of the tribal population (96.92%) live in rural areas. Distribution of tribal population in the State is shown in Table 4.

Table 1: Tribal Population in Himachal Pradesh

Tribe name	Population				Female population			
	Total	% within all ST	Urban	% within all ST	Total	% within all ST	Urban	% within all ST
All STs	244587	***	7527	***	122038	***	3366	***
Bhot	25228	10.3%	1964	26.1%	12600	10.3%	918	27.3%
Gaddi	92569	37.8%	1637	21.7%	46394	38.0%	724	21.5%
Gujjar	35538	14.5%	529	7.0%	17210	14.1%	239	7.1%
Jad	1474	0.6%	238	3.2%	697	0.6%	123	3.7%
Kanaura	61660	25.2%	1945	25.8%	31178	25.5%	819	24.3%
Lahaula	1733	0.7%	207	2.8%	857	0.7%	96	2.9%
Pangwala	16230	6.6%	395	5.2%	8069	6.6%	178	5.3%
Swangla	9026	3.7%	295	3.9%	4547	3.7%	142	4.2%
Generic Tribes	1129	0.5%	317	4.2%	486	0.4%	127	3.8%

Source: Census of India, 2001

STs in districts of Himachal Pradesh

Tribal population in the Chamba district of western circuit and Kinnaur district of eastern circuit are much higher than other districts of the State. In Hamirpur and Una districts of western project circuit the tribal population is very low. Distribution of total population and tribal population in 12 districts of the State is shown in Table 5.

Table 5: Tribal population in districts of Himachal Pradesh

	Himachal Pradesh State	Western circuit						Eastern circuit					
		Bilaspur	Chamba	Hamirpur	Kangra	Mandi	Una	Sirmaur	Solan	Kinnaur	Kullu	Lahul & Spiti	Shimla
% of total population	100.0	5.61	7.58	6.79	22.03	14.83	7.38	7.55	8.24	1.29	6.28	0.55	11.89
% of total ST population	100.0	3.75	48.07	0.06	0.65	4.32	0.02	2.44	1.45	23.01	4.64	9.91	1.68

Source: Census of India, 2001.

Gaddi and *Kanaura* tribes represent more than fifty percent of the tribal population of the State. Tribal population of the Kinnaur and Lahul & Spiti districts is more than seventy percent of the total

district population; in Chamba district it is 25.51%. In Kangra, Kullu and Lahul & Spiti districts Bhot tribes constitute majority of tribal population. Similarly, in Chamba district Gaddi, in Bilaspur, Mandi, Sirmaur and Solan Gujjar, in Kinnaur Kanaura tribes constitute more than fifty percent of the tribal population of the respective district. Tribe-wise distribution of percentage of total tribal population in various districts of the State is shown in Table 6.

Table 6: Tribe-wise tribal population in districts of Himachal Pradesh

	Himachal Pradesh State	Western circuit						Eastern circuit					
		Bilaspur	Chamba	Hamirpur	Kangra	Mandi	Una	Sirmaur	Solan	Kinnaur	Kullu	Lahul & Spiti	Shimla
All STs	4.02 [#]	2.69 [*]	25.51	0.04 [*]	0.12 [*]	1.17 [*]	0.01 [*]	1.30 [*]	0.71 [*]	71.83	2.97 [*]	72.95	0.57 [*]
Bhot	10.31	0.09	0.30	6.45	85.03	1.56	1.96	0.34	1.16	0.23	47.63	71.02	12.65
Gaddi	37.85	0.20	78.07	**	**	5.68	**	0.35	1.69	0.10	**	0.11	**
Gujjar	14.53	99.22	7.06	**	**	88.93	**	97.94	81.62	0.01	**	**	**
Jad	0.60	0.26	0.02	10.32	2.44	0.83	**	0.02	0.06	0.13	8.98	0.14	3.72
Kanaura	25.21	0.17	0.26	7.74	3.32	1.72	49.02	0.91	13.24	99.48	12.87	0.35	73.54
Lahaula	0.71	0.02	0.35	1.94	1.00	0.41	5.88	**	0.14	0.05	9.24	0.36	2.16
Pangwala	6.64	0.04	13.50	3.23	3.44	0.12	**	0.02	0.11	0.01	2.12	0.02	0.54
Swangla	3.69	**	0.07	**	0.31	0.21	**	0.10	0.08	**	18.55	27.96	0.54
Generic Tribes	0.46	**	0.36	70.32	4.45	0.53	43.14	0.34	1.89	**	0.60	0.02	6.86

represents percentage of total population of the State.

* represents percentage of total tribal population in the district.

** represents non-availability of such tribes in the district.

Source: Census of India, 2001.

Socio-economic profile of the ST population

Sex ratio

Sex-ratio of Himachal Pradesh was 968 (Urban – 795; Rural – 989); for the tribal population it was 996 (Urban – 809). Sex-ratio of tribal population in districts is given in Table 10.

Table 10: Sex Ratio of Tribes in districts of Himachal Pradesh

Circuit	Region	Total population		Tribal population	
		Total	Urban	Total	Urban
	Himachal Pradesh State	968	795	996	809
Western circuit	Bilaspur	990	864	937	1000
	Chamba	959	866	998	800
	Hamirpur	1099	861	685	734
	Kangra	1025	902	838	860
	Mandi	1013	894	991	647
	Una	997	895	275	74
	Sirmaur	901	859	869	824
	Solan	852	624	815	571
Eastern circuit	Kinnaur	857	**	1040	**
	Kullu	927	782	1004	968
	Lahul & Spiti	802	**	1028	**
	Shimla	896	748	779	755

Source: Census of India, 2001.

Literacy

Total Literacy Rate (TLR) of Himachal Pradesh was 76.48% (Urban – 88.95%). TLR of tribal population of the State was 65.50% (Urban – 81.15%). Female Literacy Rate (FLR) of Himachal Pradesh was 67.42% (Urban – 85.03%). FLR of tribal population of the State was 53.32% (Urban – 81.15%). Tribal literacy is lower than the state average and respective district averages in districts, except Kullu and Shimla districts. However, urban tribal literacy is comparable to the respective districts' urban literacy rate. Sirmaur district has least FLR (39.57%), while Shimla has highest FLR (80.58%) in the State (Table 11).

Table 11: Literacy Rate among Tribes in districts of Himachal Pradesh

Region	Total population				Tribal population			
	TLR		FLR		TLR		FLR	
	Total	Urban	Total	Urban	Total	Urban	Total	Urban
Himachal Pradesh	76.48	88.95	67.42	85.03	65.50	87.19	53.32	81.15
Bilaspur	77.76	89.08	69.55	85.39	65.85	85.96	54.74	81.25
Chamba	62.91	89.50	48.85	84.81	55.60	80.50	41.60	68.20
Hamirpur	82.46	89.34	75.70	86.09	59.69	60.00	46.00	46.81
Kangra	80.08	86.62	73.01	82.83	62.60	86.20	56.00	81.90
Mandi	75.24	90.51	64.82	86.79	66.52	88.25	56.37	86.81
Una	80.37	82.14	73.18	77.24	45.65	51.72	44.44	100.00
Sirmaur	70.39	87.80	60.37	83.23	51.74	87.74	39.57	81.16
Solan	76.57	87.97	66.89	83.17	68.52	93.47	56.49	88.98
Kinnaur	75.20	**	64.40	**	73.24	**	63.52	**
Kullu	72.90	87.99	60.88	83.06	78.01	85.21	69.65	79.98
Lahul & Spiti	73.10	**	60.70	**	72.05	**	60.56	**
Shimla	79.12	91.75	70.07	88.95	85.89	90.84	80.58	87.39

Source: Census of India, 2001

Population below 6 years of age

Sex-ratio of person below 6 years of age in Himachal Pradesh was 896 (Urban – 844). Among tribal population of the State it was 955 (Urban – 899).

Work participation rate

Workers participation rate (WPR) in Himachal Pradesh stood at 49.2% of total population; in urban area WPR was 37.0%, Rural WPR 50.6%. The WPR among tribes in Himachal Pradesh is higher than the state average; however, in urban areas it is lower. Tribal workers involved in agriculture are higher (77.1% of the total workers) compared with the state average (68.5%) (Table 13).

Table 13: Work Participation Rate, main workers, workers in agriculture

Region	WPR – Total workers (% to total population)		% of Main workers		% of Workers in Agriculture (incl. main workers & marginal workers)	
	Total	Urban	Total	Urban	Total	Urban
Himachal Pradesh State	49.2	37.0	65.6	93.1	68.5	4.3
State STs	54.6	32.6	67.7	93.6	77.1	3.3
Bilaspur	48.9	37.8	66.4	90.7	70.3	13.1
Chamba	50.0	33.5	55.7	92.0	73.4	2.5
Hamirpur	49.8	33.4	58.4	84.9	71.5	10.0
Kangra	44.0	32.8	57.2	89.4	63.6	6.3
Mandi	50.4	33.9	59.2	88.1	74.0	6.1
Una	45.0	33.6	59.0	86.0	62.7	14.3
Sirmour	49.3	30.4	77.9	95.1	74.1	2.7
Solan	52.6	45.9	65.4	96.2	56.9	1.2
Kinnaur	61.0	**	84.3	**	67.1	**
Kullu	59.7	39.4	77.0	93.2	78.6	1.8
Lahaul & Spiti	63.5	**	91.1	**	54.5	**
Shimla	51.2	38.5	82.6	96.9	66.8	2.2

Source: Census of India, 2001

B. TAMIL NADU

Notified Tribes and Population

There are 36 tribes notified in the State of Tamil Nadu. Scheduled Tribes (STs) constitute 1.04 per cent of the total State population. Majority of the tribal population (84.62%) live in rural areas; while only 15.38. Distribution of tribal population is shown in Table 4.

Table 2: Tribal Population in Tamil Nadu

Tribe name	Population				Female population			
	Total	% within all ST	Urban	% within all ST	Total	% within all ST	Urban	% within all ST
All STs	651321	100.00	100178	100.00	322404	100.00	50007	100.00
Adiyan	2230	0.34	744	0.74	1079	0.33	382	0.76
Aranadan	44	0.01	37	0.04	24	0.01	21	0.04
Eravallan	1554	0.24	538	0.54	815	0.25	287	0.57
Irular	155606	23.89	20194	20.16	77664	24.09	10099	20.20
Kadar	568	0.09	485	0.48	276	0.09	235	0.47
Kammara	593	0.09	383	0.38	291	0.09	190	0.38
Kanikaran etc.	3136	0.48	119	0.12	1595	0.49	74	0.15
Kaniyan etc.	1650	0.25	1117	1.12	848	0.26	585	1.17
Kattunayakan	45227	6.94	27879	27.83	22751	7.06	14093	28.18
Kochu Velan	133	0.02	8	0.01	69	0.02	5	0.01
Konda Kapus	516	0.08	294	0.29	255	0.08	149	0.30
Kondareddis	19653	3.02	5566	5.56	9745	3.02	2732	5.46
Koraga	159	0.02	82	0.08	78	0.02	36	0.07
Kota	925	0.14	809	0.81	481	0.15	419	0.84
Kudiya etc.	128	0.02	85	0.08	67	0.02	44	0.09
Kurichchan	3168	0.49	128	0.13	1529	0.47	62	0.12
Kurumbas	5498	0.84	2301	2.30	2791	0.87	1183	2.37
Kurumans	24963	3.83	5280	5.27	12181	3.78	2632	5.26
Maha Malasar	183	0.03	60	0.06	96	0.03	32	0.06
Malai Arayan	499	0.08	266	0.27	248	0.08	130	0.26
Malai Pandaram	3156	0.48	1538	1.54	1558	0.48	769	1.54
Malai Vedan	6411	0.98	2555	2.55	3144	0.98	1254	2.51
Malakkuravan	18296	2.81	9939	9.92	9145	2.84	4998	9.99
Malasar	6043	0.93	3061	3.06	2936	0.91	1485	2.97
Malayali	310042	47.60	5197	5.19	152326	47.25	2396	4.79
Malayekandi	464	0.07	54	0.05	236	0.07	25	0.05
Mannan	82	0.01	76	0.08	41	0.01	39	0.08
Mudugar etc.	1297	0.20	496	0.50	652	0.20	242	0.48
Muthuvan	339	0.05	261	0.26	161	0.05	126	0.25
Palleyan	339	0.05	135	0.13	179	0.06	82	0.16
Palliyan	1525	0.23	351	0.35	732	0.23	163	0.33
Palliyar	3052	0.47	783	0.78	1545	0.48	404	0.81
Paniyan	9121	1.40	2793	2.79	4589	1.42	1421	2.84
Sholaga	3853	0.59	396	0.40	1945	0.60	191	0.38
Toda	1560	0.24	731	0.73	803	0.25	381	0.76
Uraly	9116	1.40	703	0.70	4554	1.41	356	0.71
Generic Tribes etc.	10192	1.56	4734	4.73	4975	1.54	2285	4.57

Source: Census of India, 2001

STs in project districts of Tamil Nadu

Tribal population, among the southern circuit districts of the State, is higher in Tirunelveli district; while lower in Sivaganga and Ramanathapuram districts. In Madurai, Ramanathapuram, Sivaganga, Thirunelveli and Thoothukudi districts more than fifty percent of the tribal population lives in urban areas. In Kanyakumari district about thirty five percent of the tribal population lives in urban areas. Tribal population, among the eastern coastal circuit districts, is higher in Thiruvannamalai, Vellore and Villupuram; while lower in Pudukkottai, Thiruvarur, Nagapattinam and Thanjavur. Less than ten percent of the tribal population lives in urban areas of Villupuram, Tiruvannamalai and Vellore districts. Distribution of total tribal population in the 15 districts covered under the project in the State (total number of districts in the State is 31) is shown in Table 5.

Table 5: Tribal population in the districts of project circuits

	Tamil Nadu State	Southern circuit						Eastern Coastal circuit								
		Kanya kumari	Madurai	Ramanathapuram	Sivaganga	Tirunelveli	Thoothukudi	Cuddalore	Kanchipuram	Nagapattinam	Pudukkottai	Thanjavur	Thiruvarur	Tiruvannamalai	Vellore	Villupuram
% of total population	100	2.69	4.13	1.9	1.85	4.36	2.52	3.66	4.61	2.39	2.34	3.55	1.87	3.50	5.57	4.74
% of total ST population	100	0.84	0.92	0.17	0.17	1.28	0.54	1.81	4.07	0.53	0.12	0.56	0.41	11.17	9.68	9.81

Source: Census of India, 2001.

More than fifty percent of the tribal population in some of the districts in southern project circuit of the State is constituted by one specific tribe, such as Kanikaran in Kanyakumari, Kattunayakan in Ramanathapuram, Sivaganga, Thirunelveli and Thoothukudi. In Madurai Kattunayakan and Malai Vedan tribes constitute seventy five percent of the district tribal population. Kanikaran tribes are not noted in any district other than Kanyakumari in the southern project circuit. Kochu velan, Kota, Kuruman, Maha Malasar and Malayali tribes are not found in the southern circuit project districts. The population of Adiyar, Aranadan, Eravallan and Konda Kapus tribes is very low.

Thiruvannamalai district has highest tribal population among the districts in the eastern-coastal project circuit. More than fifty percent of the tribal population in some of the project districts is constituted by a specific tribe, such as Irular in Cuddalore and Kanchipuram, Kattunayakan in Thiruvarur, and Malayali in Thiruvannamalai, Vellore and Villupuram districts. Kanikaran and Kota tribes are not found in the project districts.

Female tribal population of the state was 1.04 percent of the total female population. 0.36% of the urban population belong to STs.

Socio-economic profile of the ST population

Sex ratio

Sex ratios among the tribal population in total and urban areas of the State and districts covered under the districts in the project circuits of the State are given in Table 10.

Table 10: Sex Ratio of Tribes in project districts

Circuit	Region	Total population		Tribal population	
		Total	Urban	Total	Urban
	Tamil Nadu State	987	981	980	997
Southern circuit	Kanyakumari	1014	1016	1032	1080
	Madurai	978	977	952	973
	Ramanathapuram	1036	1015	939	983
	Sivaganga	1038	1015	1021	1046
	Tirunelveli	1042	1028	1049	1057
	Thoothukudi	1050	1029	983	935
Eastern Coastal circuit	Cuddalore	986	990	989	989
	Kanchipuram	975	965	998	1010
	Nagapattinam	1014	1025	972	980
	Pudukkottai	1015	1007	990	957
	Thanjavur	1021	1022	1054	1081
	Thiruvarur	1014	1023	1040	1083
	Tiruvannamalai	995	1003	970	980
	Vellore	997	1003	979	997
Villupuram	984	985	979	950	

Source: Census of India, 2001.

Literacy

Total Literacy Rate (TLR) of Tamil Nadu is 73.45% (Urban – 82.53%). TLR of tribal population of the State was 63.2%. Tribal literacy rates in the districts of both the project circuits are below the State level literacy rates. Among the project districts, tribal literacy in Ramanathapuram district is far below the state averages. Both the TLR and FLR of Kanyakumari district are the highest among the project districts (Table 11).

Table 11: Literacy Rate among Tribes in project districts

Circuit	Region	Total population				Tribal population			
		TLR		FLR		TLR		FLR	
		Total	Urban	Total	Urban	Total	Urban	Total	Urban
	Tamil Nadu State	73.45	82.53	64.43	75.99	41.53	58.6	32.78	50.68
Southern circuit	Kanyakumari	87.55	88.29	84.79	85.51	71.53	81.36	71.81	77.79
	Madurai	77.82	85.74	69.35	79.93	61.47	64.88	53.54	56.75
	Ramanathapuram	72.96	84.43	63.36	78.12	16.14	9.12	8.68	8.41
	Sivaganga	72.18	85.26	61.74	78.82	48.21	38.93	39.79	32.59
	Tirunelveli	76.09	80.79	67.43	72.95	61.79	58.09	52.59	49.02
	Thoothukudi	81.52	86.65	75.13	81.70	51.98	55.19	43.14	46.99
Eastern Coastal circuit	Cuddalore	71.01	82.32	60.27	75.09	42.49	49.61	33.37	41.88
	Kancheepuram	76.85	85.12	68.79	79.04	35.13	50.81	28.83	44.15
	Nagapattinam	76.34	89.89	97.96	77.53	55.60	61.64	48.20	53.46

Pudukottai	71.12	85.72	59.97	79.01	54.83	65.72	46.77	60.65
Thanjavur	75.45	84.59	66.7	78.39	54.27	59.32	46.61	51.74
Thiruvarur	76.58	85.53	67.90	79.44	51.62	58.23	44.83	49.47
Thiruvanamalai	67.39	79.52	55.63	70.97	34.23	46.53	23.93	38.6
Vellore	72.36	80.46	62.79	73.22	37.80	57.28	28.58	49.24
Villupuram	63.80	80.28	52.38	72.25	27.86	56.86	21.20	49.02

Source: Census of India, 2001

Population below 6 years of age

Sex-ratio of person below 6 years of age in Tamil Nadu was 942 (Urban – 955); it was 945 (Urban – 951) among the tribal population of the State. Among the project districts, Kanyakumari and Thoothukudi districts of southern circuit and Thanjavur, Nagapattinam and Thiruvanamalai districts of eastern coastal circuit have lower sex-ratio for tribal population. In Ramanathapuram, Sivaganga and Thirunelveli districts of southern circuit and in Pudukottai and Thiruvarur districts of eastern coastal districts it is more.

Work participation rate

Workers' participation rate (WPR) in Tamil Nadu was 44.67% of total population; in urban area WPR was 37.54%, Rural WPR 50.28%. The WPR among tribes in Tamil Nadu is higher than the state average, while the percentage of main workers among urban tribes is lower. 74.09% of total tribal workers and 26.21% of urban tribal workers are engaged in agriculture, when compared with 49.33% and 14.02% of the state average. The Female WPR and sex-ratio of total workers among the tribes in Tamil Nadu is higher than the state average and district averages of the project districts. For the SES carried out along the southern circuit and eastern coastal circuit (300 samples) of Tamil Nadu, the proportion of population belonging to ST is 1.33 percent.

C. UTTARAKHAND

Notified Tribes and Population

There are 5 tribes notified in the State of Uttarakhand. Scheduled Tribes (STs) constitute 3 per cent of the total population of the State. Majority of the tribal population (93.78%) live in rural areas. Distribution of tribal population in the State is shown in Table 4.

Table 3: Tribal Population in Uttarakhand

Tribe name	Population				Female population			
	Total	% within all ST	Urban	% within all ST	Total	% within all ST	Urban	% within all ST
All STs	256129	***	15920	***	124795	***	7394	***
Bhotia	36438	14.2%	9400	59.0%	18654	14.9%	4772	64.5%
Buksa	46771	18.3%	380	2.4%	22507	18.0%	170	2.3%
Jannsari	83262	32.5%	3181	20.0%	39853	31.9%	1343	18.2%
Raji	517	0.2%	46	0.3%	235	0.2%	18	0.2%
Tharu	85665	33.4%	1592	10.0%	42028	33.7%	523	7.1%
Generic Tribes	3476	1.4%	1321	8.3%	1518	1.2%	568	7.7%

Source: Census of India, 2001

STs in districts of Uttarakhand

More than fifty percent of the tribes of Uttarakhand live in Dehradun and Pithoragarh districts of the State. Tribal population in the Dehradun district of western project circuit and Chamoli and Pithoragarh districts of eastern and southern project circuit are much higher than other districts of the State. The urban tribal population is higher in Tehri Garhwal of western project circuit and Pithoragarh, Almora, and Nainital districts of eastern and southern project circuit. Distribution of total population and tribal population in 13 districts of the State is shown in Table 5.

Table 5: Tribal population in districts of Uttarakhand

	Uttarakhand State	Western circuit					Eastern and Southern circuits						Udham Singh Nagar	Hardwar
		Uttarkashi	Dehradun	Tehri Garhwal	Chamoli	Rudraprayag	Garhwal	Pithoragarh	Bageshwar	Almora	Champawat	Nainital		
% of total population	100.0	3.5	15.1	7.1	4.4	2.7	8.2	5.4	2.9	7.4	2.6	9.0	14.6	17.0
% of total ST population	100.0	1.5	27.8	2.63	17.3	0.2	1.6	27.3	2.0	2.5	1.0	6.3	8.9	1.1
% of urban population	34.5	7.8	52.9	9.9	13.7	1.2	12.9	12.9	3.1	8.6	15.0	35.3	32.6	30.8
% of urban ST population	6.2	8.8	4.5	60.5	26.3	15.6	15.4	22.5	16.7	44.4	22.6	20.1	1.28	5.77

Source: Census of India, 2001.

In Uttarkashi, Pithoragarh, Bageshwar, Almora districts *Bhotia* tribes constitute majority of tribal population. Similarly, in Garhwal and Nainital districts *Buksa*, in Dehradun *Jannasari*, in Champawat *Tharu* tribes constitute more than fifty percent of the tribal population of the respective district. Tribe-wise distribution of percentage of total tribal population in various districts of the State is shown in Table 6. Female tribal population of the state was 3.00 percent of the total female population.

Table 6: Tribe-wise tribal population in districts of Uttarakhand

Tribe name	State	Western circuit					Eastern and Southern circuits						Udham Singh Nagar	Hardwar
		Uttarkashi	Dehradun	Tehri Garhwal	Chamoli	Rudraprayag	Garhwal	Pithoragarh	Bageshwar	Almora	Champawat	Nainital		
All STs	3.02 [#]	0.91*	7.75*	0.11*	2.83*	0.08*	0.23*	4.17*	0.78*	0.14*	0.33*	0.65*	8.92*	0.22*
Bhotia	14.23	66.44	0.73	18.52	97.21	54.30	13.43	96.72	98.46	90.89	27.70	24.33	0.42	2.04
Buksa	18.26	**	15.43	0.43	0.07	**	75.41	0.04	**	**	**	59.36	22.13	92.07

Jannsari	32.51	25.47	82.70	31.26	0.20	3.76	5.21	0.04	**	0.46	**	0.10	0.03	1.62
Raji	0.20	0.37	0.02	**	**	**	1.07	1.89	**	0.11	13.38	0.10	**	**
Tharu	33.45	0.11	0.10	39.65	0.09	**	0.44	0.20	0.57	0.68	57.70	5.00	76.69	0.38
Generic Tribes	1.36	7.60	1.02	10.13	2.43	41.94	4.45	1.12	0.98	7.86	1.22	11.11	0.73	3.89

represents percentage of total population of the State.

* represents percentage of total tribal population in the district.

** represents non-availability of such tribes in the district.

Source: Census of India, 2001.

0.73% of the urban population of Uttarakhand is tribal population. Female tribal population in urban areas of the state was 0.73 percent of the urban female population.

Socio-economic profile of the ST population

Literacy

Total Literacy Rate (TLR) of Uttarakhand was 71.6% (Urban – 81.4%). TLR of tribal population of the State was 63.2%. Female Literacy Rate (FLR) of Uttarakhand was 59.6% (Urban – 74.8%). FLR of tribal population of the State was 49.4%. Urban tribal literacy is higher than the state average. However, tribal literacy in Dehradun district and urban areas of Tehri Garhwal and Hardwar districts are much lower than the state average. Low literacy among female tribes in rural areas of the state is indicated by lower TLR and FLR; especially the FLR for Dehradun, Garhwal and Nainital district depicts very low literacy in rural areas (Table 11).

Table 11: Literacy Rate among Tribes in districts of Uttarakhand

Region	Total population				Tribal population			
	TLR		FLR		TLR		FLR	
	Total	Urban	Total	Urban	Total	Urban	Total	Urban
Uttarakhand State	71.6	81.4	59.6	74.8	63.2	85.9	49.4	79.5
Uttarkashi	65.7	86.6	46.7	77.5	75.8	81.5	62.9	71.9
Dehradun	79.0	86.2	71.2	80.7	54.9	81.8	41.1	74.8
Tehri Garhwal	66.7	86.1	49.4	79.0	67.2	60.5	73.3	78.9
Chamoli	75.4	87.6	61.6	80.9	77.8	85.3	66.1	77.5
Rudraprayag	73.6	82.4	59.6	81.0	72.8	74.1	60.6	75.0
Garhwal	77.5	87.8	65.7	82.2	64.6	94.9	48.8	92.0
Pithoragarh	75.9	90.2	62.6	83.9	75.5	85.8	64.9	79.9
Bageshwar	71.3	86.7	57.0	81.6	78.7	83.6	68.6	79.3
Almora	73.6	91.7	60.6	88.0	91.8	92.3	88.3	89.1
Champawat	70.4	80.1	54.2	72.5	62.1	73.8	55.2	62.5
Nainital	78.4	82.1	69.6	76.8	61.1	90.4	50.4	87.4
Udham Singh Nagar	64.9	71.0	53.4	62.0	61.9	80.6	47.4	66.9
Hardwar	63.7	77.4	52.1	70.0	75.2	41.2	94.4	62.9

Source: Census of India, 2001

Population below 6 years of age

Sex-ratio of person below 6 years of age in Uttarakhand was 908 (Urban – 872). Among tribal population of the State it was 955 (Urban – 806). Sex-ratio of tribal population below 6 years of age in Champawat district and urban areas of Tehri Garhwal and Bageshwar districts are higher.

Work participation rate

Workers participation rate (WPR) in Uttarakhand stood at 36.9% of total population; in urban area WPR was 29.1%, Rural WPR 39.6%. The WPR among tribes in Uttarakhand is higher than the state average, while the percentage of main workers among urban tribes is lower. Urban tribal workers involved in agriculture are much higher (12.0% of the total workers) when compared with the state average (4.6 %). The Female WPR and sex-ratio of total workers among the tribes in Uttarakhand is higher than the state average.

Primitive Tribal Groups

A list of the various PTGs in the project states, Tamil Nadu and Uttarakhand is provided in Table below. A scheme for development of these PTGs is in place by the Ministry of Tribal affairs, based on the Conservation cum Development (CCD) Plan for each of the PTGs.

S.No	State	Name of the PTG population	Presence within the districts of proposed circuits
1	Tamil Nadu	Irular	Kanchipuram
		Kattunayakan	Kanchipuram
		Kota	-
		Korumba	-
		Paniyan	Kanchipuram
		Toda	-
2	Uttarakhand	Buksa	-
		Raji	-

Source: F.No.22040/58/2007-NGO, Government of India, Ministry of Tribal Affairs

IP IMPACT SCREENING CHECKLIST OF SAMPLE SUB PROJECTS

IP Impact Screening Checklist for Himalayan Waters Sanctuary Destination Sub-project – Himachal Pradesh

Impact on the indigenous peoples (IPs)/Ethnic Minority (EM)	Yes	No	Remarks or identified problems, if any
Are there any IPs or EM groups present in the project locations?		No	The improvements in the HWSD destination sub-project, and do not envisage permanent land acquisition. There are no pockets / villages inhabited by ST households. The ST population in the project locations is less than 1% of the population. While designated as STs, they are mainstreamed and have no distinct characteristics compared with other residents at these locations.
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardships?		No	
Will the project restrict their economic and social activity and make them particularly vulnerable in the context of the project?		No	
Will the project change their socio economic and cultural integrity?		No	
Will the project disrupt their community life?		No	
Will the project positively affect their health, education, livelihood or social security status?		No	
Will the project alter or undermine the recognition of their knowledge, preclude customary behaviours or undermine customary institutions?		No	
In case no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?		No	

Establishing IP impacts of Tranche I sub-projects

In sub-project locations proposed as part of the first PFR in Himachal Pradesh, screening for impact on IPs show that there are no impacts on IPs other than the fact that the Law define STs are part of a distinct indigenous group. While there are several sub-project locations with no ST population, at other locations, the ST population is 1% or lesser of the population. Consultations at these locations indicate the social, cultural, economic, and political characteristics of STs are no different from non-ST groups. There are no pockets inhabited by Primitive Tribal Groups (PTGs) amongst the sample sub-projects proposed. An overview of the profile of the ST population in the sub-project locations in Himachal is presented in the following tables. IP checklist of the first PFR projects in Himachal is in Appendix 3.

Table 3: ST population in the Sub-project locations – Himachal Pradesh

Area	Total Population			ST Population			% of ST	Sex-ratio	ST Sex-ratio
	Total	Male	Female	Total	Male	Female			
Naina devi , Bilaspur district									
Naina devi town	1161	735	426	13	9	4	1.12%	580	444
Naina devi Tehsil total	41322	21557	19765	5262	2768	2494	12.73%	917	901
Chintpurni, Amb tehsil, Una district									
Amb Tehsil Urban	6535	3385	3150	0	0	0	NA	931	NA
Amb Tehsil total	143645	71235	72410	6	3	3	0.004%	1016	1000
Kangra, Kangra district									
Kangra town	9156	4584	4572	10	4	6	0.109%	997	1500
Kangra Tehsil total	146601	72374	74227	26	15	11	0.018%	1026	733
Nagrota suriyan, Kangra district									
Nagrota suriyan village	2765	1383	1382	2	2	0	0.072%	999	NA
Dhameta, Fatehpur tehsil, Kangra district									
Dhameta Khas village	910	441	469	0	0	0	NA	1063	NA
Fatehpur tehsil	53562	26699	26863	1	0	1	0.002%	1006	NA
Masroor, Dera Gopipur Tehsil, Kangra district									
Musrur village	416	201	215	0	0	0	NA	1070	NA
Dera Gopipur Tehsil Total	149091	72492	76599	3	2	1	0.002%	1057	500
Shimla town, Shimla district									
Shimla town	142555	81186	61369	1706	982	724	1.20%	756	737

Source: Census of India, 2001, Population Tables.