



International Environmental
Law Research Centre

Orissa Resettlement and Rehabilitation Policy, 2006

This document is available at ielrc.org/content/e0652.pdf

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

No. 18040-R & REH.-1/2006-R

GOVERNMENT OF ORISSA

REVENUE DEPARTMENT

RESOLUTION

The 14th May 2006

ORISSA RESETTLEMENT AND REHABILITATION POLICY, 2006

In order to ensure sustained development through a participatory and transparent process, Government have framed a comprehensive Resettlement and Rehabilitation Policy. Basic objectives of the policy are :-

1. to avoid displacement wherever possible and minimize it exercising available options otherwise;
2. to recognize voices of displaced communities emphasizing the needs of the indigenous communities and vulnerable sections;
3. to ensure environmental sustainability through participatory and transparent process; and
4. to help guiding the process of developing institutional mechanism for implementation, monitoring, conflict resolution and grievance redressal.

With the above objectives in view, Government has been pleased to lay down the following policy guidelines.

Orissa Resettlement and Rehabilitation Policy, 2006

Preamble :

Government of Orissa has been pursuing various development initiatives to improve the quality of lives. Ensuring social justice being one of the major cornerstones of development, the Government always proactively tries to make sure people's participation in development process. In spite of Government's intention to bring development to the people, development interventions do at times create undesirable consequences. Displacement due to large development projects is one such phenomenon. Government of Orissa has been responding to this problem through various projects specific Resettlement & Rehabilitation Policies and Plans. The current intervention of Policy formulation has actually taken note of the lessons learnt through these past policies, which essentially reflects Government's genuine spirit of learning and retrospection. The present Policy draws its strength from experiences from the implementation of past policies, best practices in other states and Orissa Government's Industrial Policy Resolution, 2001. Consultation with various direct and indirect stakeholders including civil society of the state has been conducted and the views of the academicians, and specialists in the field of resettlement and rehabilitation have been considered as a part of democratic response of the Government in Policy formulation. Limitations of the past policies have been acknowledged and analyzed and a flexible frame work has been attempted, which nonetheless demonstrates the dynamism of the Government. Unlike many other policies, there is a strong focus on the modalities of implementation of this Policy that makes it a vibrant instrument to promote sustainable development in the state.

1. Short Title, Application and Commencement

- (i) This Policy may be called as "The Orissa Resettlement and Rehabilitation Policy, 2006" and shall come into effect from the date of its publication in the *Orissa Gazette*.
- (ii) It shall apply to all those projects ^{*1}[including ongoing Irrigation Projects] for which, acquisition of private land under Land Acquisition Act, 1894 or under any other law's for the time being in force or proclamation inviting objections in case of Government land is notified;

^{*2}["Provided that no rehabilitation assistance shall be provided to the ongoing Irrigation Projects as per this policy where any rehabilitation assistance has been provided to the displaced family or affected family in respect of ongoing project immediately before commencement of this policy."]

NOTE—For the purpose of this Para., the expression "ongoing projects shall not include the projects which are completed prior to commencement of this policy and 'commencement of this policy' means the 15th May, 2006."]

- (iii) This shall also be applicable to all projects for which land is acquired through negotiation under the provisions of this Policy.

2. Definitions—In this Policy unless the context requires otherwise:

- (a) "Agricultural Land" means land used or capable of being used for raising of crops, grass or garden produce, horticulture, dairy farming, fish farming, breeding and keeping of livestock and used as pasture or for any other purpose where such use is ancillary to agriculture.

^{*3}["(a-1) 'affected family' means a family whose land is affected by construction of the project but not displaced or required to be displaced."]

(Included vide R. & D. M. Department Resolution No. 21392/R. & D. M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007).

- (b) "Compensation" has the same meaning as assigned to it under the Land Acquisition Act, 1894.
- (c) "Cut-off date" for the purpose of compensation shall be the date on which the notification declaring the intention to acquire land under the relevant Act or under the provisions of this Policy is published.

NOTE :—For the purpose of declaring eligibility for R. & R. benefits, the list of displaced families, will be updated on the 1st of January of the year in which physical displacement is scheduled to take place provided that those families who move into the project area after determination of the "cut-off date", will not be eligible for any benefit.

- (d) "Displaced Family," means a family ordinarily residing in the project area prior to the date of publication of notification under the provisions of the relevant Act and on account of acquisition of his/her homestead land is displaced from such area or required to be displaced.

^{*1} Inserted vide Rev. & D.M. Department Resolution No. 21392/R. & D.M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007

^{*2} Inserted *Ibid*

^{*3} Inserted *Ibid*

- (e) "District Compensation Advisory Committee (D.C.A.C.)" means the Committee constituted by Government under relevant provisions of this Policy.
- (f) "Family" means the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him or her for his / her livelihoods.

NOTE :—Each of the following categories will be treated as a separate family for the purpose of extending rehabilitation benefits under this Policy :

- (i) A major son irrespective of his marital status
 - (ii) Unmarried daughter / sister more than 30 years of age
 - (iii) Physically and mentally challenged person irrespective of age and sex; (duly certified by the authorized Medical Board). For this purpose, the blind/ the deaf/the orthopaedically handicapped/mentally challenged person suffering from more than 40 per cent permanent disability will only be considered as separate family.
 - (iv) Minor orphan, who has lost both his/her parents
 - (v) A widow or a woman divorcee.
- (g) "Government" means the Government of Orissa in Revenue Department
 - (h) "Land Acquisition Officer (L.A.O.)" means an Officer appointed by the Government by an order to perform duties as such under Land Acquisition Act, 1894, for the project and shall include a Special Land Acquisition Officer.
 - (i) "Non-Government Organization (N.G.O.)" means any organization duly registered under the Society Registration Act, 1860 and functioning for public cause outside the Government.
 - (j) "Original Family" means the family, which at the time of Notification under provisions of relevant Act(s) is living together in a single household with a common kitchen.
 - (k) "Periphery" means the district(s) in which the project is geographically situated
 - (l) "Project" means the construction, extension or improvement of any work such as Reservoir, Dam, Canal, Highway, Industrial Plant, Factory, Mining, National Park, Sanctuary, etc. as notified by the Government from time to time and includes its offices and establishment within the State.
 - (m) "Project area" for the purpose of extending R. & R. benefits means the land, which is acquired / alienated / purchased for establishment of any project.
 - (n) "Project Director, Resettlement & Rehabilitation (P.D., R.R.)" means an Officer appointed by the Government by an order to perform such duties under R. & R. Policy of the State, for the project.
 - (o) "Rehabilitation & Periphery Development Advisory Committee (R.P.D.A.C.)" means the Committee constituted by the Government under relevant provisions of this Policy by Government to look after rehabilitation and periphery development matters.
 - (p) "State Level Compensation Advisory Committee" means a Committee constituted by Government under the relevant provisions of this Policy.

- (q) "State Level Council on Resettlement & Rehabilitation (S.L.C.R.R.)" means the Council headed by the Chief Minister constituted by a notification of Government to that effect.

3. Policy Objectives—Objective of the Policy of the Government in general shall be :

- (a) To avoid displacement where possible and minimize it, exercising available options otherwise.
- (b) To facilitate resettlement/ rehabilitation process :
 - (i) Recognizing voices of the displaced communities (emphasizing the needs of the indigenous communities and vulnerable sections); and
 - (ii) Ensuring environmental sustainability through participatory and transparent process; and
- (c) To help guiding the process of developing institutional mechanisms for implementation, monitoring, conflict resolution and grievance redressal.

4. Survey and Identification of Displaced Families—

- (a) Ordinarily within two months of publication of notice for acquisition of land for the development project, a socioeconomic survey would be undertaken in the manner to be decided by the Government for identification of displaced families; and for preparing their socioeconomic baseline.
- (b) The list of displaced families shall be placed before and approved by the respective R.P.D.A.C.
- (c) The list of displaced families so approved will be displayed at Collectorate/Block/ Tehsil / Panchayat and other conspicuous locations for wider dissemination.
- (d) R.D.C. shall realistically assess the requirement of land for acquisition before issue of notification under the relevant law(s) or under the provisions of this Policy.
- (e) A socio-cultural, resource mapping, and infrastructural survey shall be conducted by an independent agency to be identified by the Government to ensure proper benchmarking. It will be the responsibility of the concerned Project Authority to conduct the survey within two months of notifying the intention to acquire land under the provisions of the relevant law(s) or under the provisions of this Policy.
- (f) A comprehensive communication plan for awareness creation shall be formulated and executed in the affected area. The detailed modalities of this exercise that include involvement of civil society will be notified by the Government. The cost of implementation of this communication plan shall be borne by the project(s).
- (g) Gram Sabha or Panchayats at the appropriate level shall be consulted in scheduled areas before initiating Land Acquisition Proposal.
- (h) Normal development programmes implemented by different agencies should be dovetailed with resettlement and rehabilitation package in resettlement habitats and made available to the displaced community on a priority basis.
- (i) An identity card shall be issued to each displaced family in a manner prescribed by Government.

5. Project Types

For the purpose of R. & R. benefits under this Policy, Development Projects are classified into the following types:

- A. Industrial Projects,
- B. Mining Projects,
- C. Irrigation Projects, National Parks and Sanctuaries;
- D. Urban Projects and Linear Projects like roads and railways, power lines; and
- E. Any other Projects

6. Land Acquisition and Payment of Compensation/Award

Procedure prescribed by Government shall be followed in acquiring land and other property and for payment of compensation / award. All compensation money due to the "displaced families" shall be paid through account payee cheques.

As regards "public property" like School Building, Club House, Hospital, Panchayat Ghar, electrical installation, place(s) of worship, value of such property affected shall be deposited with the concerned District Collector. Either Project or District Administration shall take up construction at the place as would be determined in consultation with representatives of displaced persons.

The Project proponent may opt for direct purchase of land on the basis of negotiated price after issue of notification requiring acquisition of land under relevant Act (s). If acquisition of land through direct purchase fails, other provisions of the relevant Act may be invoked.

Land not utilized by the Project within the prescribed time limit and for the required purposes shall be resumed.

7. Resettlement and Rehabilitation Plan

Based on the list approved by Government and option of displaced families, Resettlement and Rehabilitation Plan shall be prepared by the Collector for resettlement and rehabilitation after due consultation with displaced communities in the manner determined by the Government. Such plan should address the specific needs of the women, vulnerable groups and indigenous communities. The same will be placed before the R.P.D.A.C. for approval.

While preparing the plan, the following aspects should be taken into consideration :

- (i) Site for the resettlement habitat shall be selected by the R.P.D.A.C. in consultation with the displaced families.
- (ii) No physical displacement shall be made before the completion of resettlement work as approved by the R.P.D.A.C. The certificate of completion of resettlement work will be issued by the Collector.
- (iii) Gram Sabha shall be consulted
- (iv) Where there is multiple displacement additional compensation amounting to 50 per cent of the normal compensation payable, shall be paid to each displaced family over and above the normal compensation in form of *ex gratia*.

- (v) Provisions relating to rehabilitation will be given effect from the date of actual vacation of the land.
- (vi) Project Authority shall abide by the provisions laid down in this Policy and the decisions taken by R.P.D.A.C. from time to time provided they are within the ambits of the approved Policy of the Government.
- (vii) District Administration and Project Authorities shall be jointly responsible for ensuring that the benefits of R. & R. reach the target beneficiaries in a time bound manner.
- (viii) Record of Rights of the land and houses allotted to the displaced persons should be handedover to them by the District Administration while resettling them in the resettlement habitat. The District Administration shall take steps for immediate declaration of the new resettlement habitat as a Revenue Village if it is not a part of an already existing Revenue Village.
- (ix) Steps will be taken by the Project Authorities for acclimatization of the resettled people in new habitat including development of cordial social relationship between the host and resettled communities and to ensure as far as practicable overall improvement of standard of living of the displaced families.
- (x) Subject to the details regarding provision of employment as enunciated elsewhere in the Policy the Project Authorities shall give preference in the matter of employment, both direct and indirect as well as through contractors employed by them, for execution, operation and maintenance of the project, to local persons as per the detailed guidelines issued by the State Government from time to time.

8. Rehabilitation Assistance

Rehabilitation Assistance will be specific to the 'type' of project as mentioned at Para. 5 above, because of difference in nature of projects, their source(s) of funding and magnitude of displacement / impact.

I. Type A : Industrial Projects

- (a) Employment :—Families shall be eligible for employment, by the project causing displacement or loss of all agricultural land. For the purpose of employment, each original family will nominate one member of such family. However, the families as mentioned at Para. 2 (f); (i), (ii), (iii), (iv), or (v) will not be considered separately for employment. Any one from among these categories may, subject to eligibility, be nominated by the family as defined in Para. 2 (f) for the purpose of employment. The project proponent will give preference to the nominated members of the displaced / other families in the matter of employment. The order of preference will be as follows :—
 - (i) Displaced families losing all land including homestead land,
 - (ii) Displaced families losing more than 2/3rd of agricultural land and homestead land,
 - (iii) Displaced families losing more than 1 /3rd of agricultural land and homestead land,
 - (iv) Displaced families losing only homestead land but not agricultural land,

- (v) Families losing all agricultural land but not homestead land.

The Project Authority will make special efforts to facilitate skill upgradation of the nominated member of each displaced/other family to make him/her 'employable' in their project.

1. In case of nominees of displaced/other families eligible for employment otherwise, the upper age limit shall be relaxed by five years.
2. Project Authorities should notify their employment capacity sufficiently in advance.
3. As far as practicable, the objective shall be to provide one member from each displaced/other family as mentioned above with employment in the project. However, where the same cannot be provided because of reason to be explained in writing, cash compensation as mentioned below shall be provided to the displaced/other families. Displaced/other families, who do not opt for employment/self-employment as mentioned in sub-para. (a) and (b), shall be provided by the Project Authority with one time cash assistance in lieu of employment at the scale indicated below :

Categories of families referred to in clauses (i) to (v) of Para. 2 (f) shall not be considered separately for employment in the project. However, they will be paid one time cash compensation in lieu of employment :

Provided that if any industry is willing to offer employment to more than one member of a family, it may do so in lieu of one time cash assistance.

Displaced/other families who are eligible to be considered for employment and families defined under clauses (i) to (v) shall be provided with one time cash assistance in lieu of employment/self-employment in the scale indicated below :

Sl. No.	Families under category as per sub-para. (a) above	Amount of one time cash assistance (Rs. in lakhs)
(i)	Displaced Families coming under category (i)	5.00
(ii)	Displaced Families coming under category (ii)	3.00
(iii)	Displaced Families coming under category (iii)	2.00
(iv)	Families coming under categories (iv) and (v)	1.00

- (b) Training for Self-employment :—Project Authority under the guidance of the Collector concerned will make adequate arrangement to provide vocational training to at least one member of each displaced/other family so as to equip him/her to start his/her own small enterprise and refine his/her skills to take advantage of new job opportunities. For those engaged in traditional occupations/ handicrafts/ handlooms, suitable training shall be organized at the cost of Project Authority to upgrade their existing skills.
- (c) Convertible Preference Share :—At the option of the displaced family and, subject to the provisions of relevant law(s) in force for the time being, the Project Authority may issue Convertible Preference Share(s) or Secured Bond (s) up to a maximum of 50% out of one time cash assistance as mentioned in sub-para. (a) above.

- (d) Provision for Homestead Land :—Subject to availability, each displaced family will be given at least 1/10th of an acre of land free of cost in a resettlement habitat for homestead purpose.
- (e) Assistance for Self-relocation :—Each of the displaced family who opts for self-relocation elsewhere other than the resettlement habitat shall be given a one time cash grant of Rs. 50,000 in lieu of homestead land.
- (f) House Building Assistance :—Besides, Project Authority shall construct house for each of the displaced families in the resettlement habitat or provide house building assistance of Rs. 1,50,000 to each of the displaced families settling in the resettlement habitat or opting for self-relocation elsewhere.
- (g) Shops and Service Units :—Project Authorities will also construct shops and service units at feasible locations at their own cost, which will be allotted in consultation with Collector to project displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of displaced S.C. & S.T. families.

II. Type B : Mining Projects

- (a) Employment :—Displaced and other affected families shall be eligible for employment, by the project causing displacement. For the purpose of employment, each family will nominate one member of the family. The project proponent will give preference to the nominated members of the displaced and other affected families in the matter of employment. The order of preference will be as follows :—
 - (i) Displaced families losing all land including homestead land,
 - (ii) Displaced families losing more than 2/3rd of agricultural land and homestead land,
 - (iii) Families losing all agricultural land but not homestead land,
 - (iv) Displaced families losing more than 1/3rd of agricultural land and homestead land,
 - (v) Displaced families losing only homestead land but not agricultural land,
 - (vi) Families losing agricultural land in part but not homestead land.

The Project Authority will make special efforts to facilitate skill upgradation of the nominated member of the displaced family to make him/ her 'employable' in their project.

1. In case of nominees of displaced families eligible for employment otherwise, the upper age limit shall be relaxed by five years.
2. Project authorities should notify their employment capacity sufficiently in advance
3. As far as practicable, the objective shall be to provide one member from each displaced/other family as mentioned above with employment in the project. However, where the same cannot be provided because of reason to be explained in writing, cash compensation as mentioned below shall be provided to such families. Families, who do not opt for employment/self-employment as mentioned in sub-para. (a) above

and (b) below, shall be provided by the Project authority with one time cash assistance in lieu of employment at the scale indicated below :

Sl. No.	Families under category as per sub-para. (a) above	Amount of one time cash assistance (Rs. in lakhs)
(i)	Displaced Families coming under category (i)	5.00
(ii)	Displaced Families coming under category (ii)	3.00
(iii)	Families coming under category (iii)	2.00
(iv)	Families coming under categories (iv) (v) and (vi)	1.00

- (b) Training for Self-employment :—Project authority under the guidance of the Collector concerned will make adequate arrangement to provide vocational training to at least one member of each displaced/other family so as to equip him/her to start his/her own small enterprise and refine his/her skills to take advantage of new job opportunities. For those engaged in traditional occupations/ handicrafts/ handlooms, suitable training shall be organized at the cost of Project authority to upgrade their existing skills.
- (c) Convertible Preference Share :—At the option of the displaced family, the Project Authority may issue convertible preference share up to a maximum of 50% out of the one time cash assistance as mentioned in sub para (a) above.
- (d) Provision for Homestead Land :—Subject to availability, each displaced family will be given at least 1/10th of an acre of land free of cost in a resettlement habitat for homestead purpose.
- (e) Assistance for Self-relocation :—Each of the displaced family who opts for self-relocation elsewhere other than the resettlement habitat shall be given a one time cash grant of Rs. 50,000 in lieu of homestead land.
- (f) House Building Assistance :—Besides, Project authority shall construct house for each displaced families in the resettlement habitat or provide house building assistance of Rs. 1,50,000 to each of the displaced family settling in the resettlement habitat or opting for self-relocation elsewhere.
- (g) Shops and Service Units :—Project authorities will also construct shops and service units at feasible locations at their own cost which will be allotted in consultation with Collector to project displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of displaced S.C. & S.T. families.

III. Type C : *1[Irrigation Projects] / National Parks and Sanctuary

Rehabilitation Package for Displaced Family (DF) *2[and Affected Family]

- (a) Homestead Land :—@ 0.10 acre in rehabilitation habitat or cash equivalent @ Rs. 50,000 to each displaced family opting for self-relocation elsewhere.
- (b) House Building Assistance :—Rs. 1,50,000 to each displaced family which includes cattle shed. This will be admissible to all displaced families whether settling in a resettlement habitat or elsewhere.

*1 Substituted, replacing the words "Water Resources" vide Rev. & D.M. Department Resolution No. 21392/R. & D.M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007.

*2 Inserted *Ibid*

- (c) Assistance for Agricultural Land :—Each displaced family belonging to S.T. category shall be provided two and a half acres of irrigated agricultural land, or five acres of non-irrigated agricultural land. Each displaced family belonging to all other categories shall be provided two acres of irrigated agricultural land, or four acres of non-irrigated agricultural land. In case of non-availability of land, cash equivalent will be provided @ Rs. 1,00,000 per acre of irrigated land and Rs. 50,000 per acre of non-irrigated land including the cost of reclamation or at the rate decided by the Government from time to time.
- (d) Registration Cost of land up to 5 acres of unirrigated land or two and half acres of irrigated land in case of indigenous households or 4 acres of unirrigated land or 2 acres of irrigated land for other displaced households who opt for cash based rehabilitation in lieu of land shall be paid by the Project authority within a period not exceeding five years from the date of displacement.
- *(e) Training for Self-employment :—Project authority under the guidance of the Collector concerned may make adequate arrangements to provide vocational training or skill development training to willing displaced or affected families so as to equip them to start their own small enterprise and refine their skills to take advantage of new job opportunities. For those engaged in traditional occupations, handicrafts or handlooms the Project authority shall arrange suitable training programme at his own cost to upgrade their skills.
- (f) An affected family who is losing more than seventy-five per centum of his total extent of land in the irrigation project area, he shall get the benefit as provided in items (a), (b), (c) and (d).
- (g) An affected family who is losing less than seventy-five per centum of his total extent of land in the irrigation project area, other than for the purpose of canal, he shall get land to equal extent of acquired land subject to maximum as provided in items (a) or (c), as the case may be, and also benefit of registration cost as provided in item (d).
- (h) An affected family who is losing homestead land, on account of acquisition for canal where he ordinarily resides shall get benefit as provided in items (a), (b) and (d).]

IV. Type D : Urban Projects and Linear Projects

Each displaced family will get—

- (a) Homestead Land :—@ 1/10th of an acre in rural area and @ 1/25th of an acre in urban area or cash equivalent of Rs. 50,000 preferably near growth centres like land by the side of roads and important junctions, land by the side of railway stations etc., subject to availability. If required, Project authority may acquire such suitable land under the relevant Act for the purpose.
- (b) House Building Assistance :—Rs. 1,50,000 to each displaced family will be admissible whether settling in a resettlement habitat or elsewhere.
- (c) If house/homestead land of any landholder is acquired for linear project or if there is total displacement due to acquisition for such project, the Project authority shall provide employment to one of the members of such displaced family in the project. Wherever

R.P.D.A.C. decides that provision of such employment is not possible, one-time cash assistance as decided by the Government will be paid by the Project Authority.

V. Type E : Any other Projects

Government may issue separate Policy guidelines for any other projects not covered above specifying R. & R. packages to be extended to displaced families.

9. Benefit to Landless & Homesteadless encroachers common to all categories

- (a) An encroacher family, who is landless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition, will get *ex gratia* equal to compensation admissible under the Land Acquisition Act, 1894 for a similar category of land to the extent of land under his/her physical possession up to a maximum of one standard acre, if the encroachment is unobjectionable. While determining the extent of land for such compensation, the rayati land held by him/her is to be taken into account.
- (b) An encroacher family, who is homesteadless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition, will get *ex gratia*, equal to compensation for the similar category of homestead land against the encroached homestead land up to a maximum of 1/10th of an acre in rural areas or 1/25th of an acre in urban areas, if the encroachment is unobjectionable. While determining the extent of land for such compensation, the homestead land held by him/her is to be taken into account. The *ex gratia* will be in addition to the actual cost of structures thereon. If the encroachment is found to be objectionable(s), he will be entitled to the cost of structure only.

10. Other Assistance common to all categories of Projects

- (a) Maintenance Allowance :—In order to ensure timely vacation, an allowance of Rs. 2,000 per month per displaced family shall be provided on vacation of land/house for a period of one year from the date of vacation as determined by the Collector concerned.
- (b) Assistance for Temporary Shed :—An assistance of Rs. 10,000 shall be provided to each displaced family.
- (c) Transportation Allowance :—Transportation allowance of Rs. 2,000 or free transportation to the resettlement habitat or their new place of inhabitation shall be provided to each displaced family by the Project Authority :

Provided that State Government in Revenue Department shall review and may revise the rate, if necessary, once every two years basing on the index point.

11. Additional provisions for Assistance

Notwithstanding anything contained elsewhere in the Policy, the Government or the Project Authority may extend any additional benefits and provisions to the displaced families keeping in view the specific nature of displacement *[and to the affected families in irrigation project area keeping in view the gravity of damage.]

* Inserted vide Rev. & D.M. Department Resolution No. 21392/R. & D.M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007

12. Special benefits to displaced Indigenous Families and Primitive Tribal groups

- (a) While developing the resettlement plans, the socio-cultural norms of indigenous and primitive tribal groups will be respected.
- (b) Each displaced family of indigenous category shall be given preferential allotment of land.
- (c) As far as practicable, indigenous communities should be resettled in a compact area close to their natural habitat.
- (d) Indigenous displaced families resettled outside the district shall be given 25 per cent higher R. & R. benefits in monetary terms.

13. Indexation of Rehabilitation Grant

Rehabilitation grant will be indexed to the Wholesale Price Index (W.P.I.) with 01-04-2006 as the reference date and will be revised by the Government once in every two years thereafter on the basis of W.P.I.

14. Periphery Development

The Project Authorities shall be responsible for periphery development as decided by the R.P.D.A.C. within the guidelines issued from time to time by the State Government.

15. Compensation Advisory Committee

Government in Revenue Department may constitute a District Compensation Advisory Committee (D.C.A.C.) under the chairmanship of the Collector to determine negotiated price. Adequate representation will be given to women and indigenous communities (wherever applicable) in the Committee.

If any dispute arises on recommendation of the D.C.A.C., the matter will be referred to the State Level Compensation Advisory Committee (S.C.A.C.) chaired by the Member, Board of Revenue whose decisions shall be final and binding on all concerned. The composition of this State Level Compensation Advisory Committee will be notified by the Government.

16. Rehabilitation and Periphery Development Advisory Committee (R.P.D.A.C.)

In order to encourage participation of displaced people and their elected representatives in implementation and monitoring of R. & R. package to oversee and monitor periphery development, the Government may constitute a Rehabilitation-*cum*-Periphery Development Advisory Committee (R.P.D.A.C.) for each or a group of projects falling in one district. The detailed composition of the Committee shall be notified by the Government and it may include people's representatives, one or two leading NGOs of the affected area and select Government officers and any other persons to be notified by the Government. Adequate representation will be given to women and indigenous communities (wherever applicable) in the Committee. Chairman of the Committee will be at liberty to co-opt members for efficient discharge of its functions.

17. State Level Council on Resettlement and Rehabilitation (S.L.C.R.R.)

At the State level, there will be a Council headed by the Chief Minister to advise, review and monitor implementation of Resettlement and Rehabilitation Policy. The Council may comprise of Ministers, select representatives of the people, leading social activists, academicians and experts of national and international repute and senior officials of the Government.

18. L.A. and R. & R. Structure

(a) State Level

A Directorate of R. & R. will be constituted to discharge and oversee the implementation of the R. & R. Policy. Detailed structure and functions of this Directorate will be notified by the Government.

(b) District/Project Level

- (i) Depending on magnitude of the R. & R. works at the project level, there may be a Project Director, Resettlement and Rehabilitation (P.D., R.R.), who shall be assisted by such other officers as Government may decide. The P.D., R.R. shall be the Chief Co-ordinating Officer between all the line departments in the matter of resettlement and rehabilitation. He will be responsible for implementation of the Policy and timely execution of R. & R. works under the overall supervision and guidance of the Collector and the Directorate of R. & R.
- (ii) Where R. & R. work is of lesser magnitude, the same can be undertaken by the L.A.O. of the Collectorate.

19. Budgetary Provision and Allotment

Wherever required, adequate budget provision will be kept towards land acquisition and R. & R. establishments to ensure effective implementation of R. & R. Policy. The Directorate of R. & R. should submit such budgetary estimate/ works by 1st January of every year. Government will ensure timely release of allotment to the concerned authorities.

20. Grievance Redressal Mechanism

An effective Grievance Redressal Mechanism will be set up at District and Directorate level to deal with grievance of the project displaced people relating to land acquisition, resettlement and rehabilitation. Besides, all the project authorities shall be asked to set up an effective Grievance Redressal Mechanism relating to their project.

Effective participation of the displaced communities will be ensured in the process.

21. Assessment of Policy Implementation

Government may from time to time undertake assessment of the implementation of this Policy through appropriate agencies.

22. Interpretation and Amendment

- (a) Any issue or doubt regarding this Policy shall be referred to Government in Revenue Department whose decision shall be final and binding on all concerned.
- (b) Government in Revenue Department may from time to time amend the provisions as contained in this Policy as considered necessary.
- (c) Government in Revenue Department shall have the powers to issue guidelines and instructions from time to time to operationalise this Policy.

ORDER— Ordered that the resolution be published in the extraordinary issue of *Orissa Gazette* for general information of the public and copies of the same be forwarded to Government of India, Ministry of Rural Development/Ministry of Tribal Affairs/Ministry of Social Justice and Empowerment/All Departments of Government/All Heads of Departments/All Revenue Divisional Commissioners/All Collectors/Secretary, Board of Revenue/C.M.D., IDCO/C.M.D., IPICOL/A.-G., Orissa, Bhubaneswar/D.A.-G. (Works), Orissa, Puri for information.

By order of the Governor

TARUN KANTI MISHRA

Principal Secretary to Government