



# Indigenous Issues

[The occasional briefing papers of the Asian Indigenous and Tribal Peoples Network (AITPN)]  
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## **THE ORISSA REHABILITATION & RESETTLEMENT POLICY, 2006: AN INSTRUMENT OF FURTHER DISPLACEMENT**

Following the adoption of the Orissa Rehabilitation and Resettlement Policy 2006 (ORRP) in May 2006, according to The Statesman of 4 September 2006, the Tata Steel reportedly provided jobs to 29 displaced from Kalinga Nagar. The beneficiaries were reportedly trained in welding technology by the steel company. In May 2006, the State government of Orissa promulgated the Orissa Rehabilitation and Resettlement Policy (ORRP) following the Kalinganagar Massacre in which 14 tribals were shot dead.

There has been little comment on the ORRP, possibly because battelines remained drawn in Kalinganagar where the Adivasis continue to maintain the barricade. Yet, the ORRP will be utilized by the State government of Orissa for rehabilitation of the displaced.

AITPN analyses the ORRP which fails to meet the basic standards.

The ORRP 2006 identified displacement by six types of projects: Industrial Projects; Mining Projects; Irrigation Projects, National Parks and Sanctuaries; Urban and Linear Projects; and any other projects. The ORRP provides for employment to an eligible member from each displaced family in cases of displacement by Industrial and Mining projects. For Industrial Projects and Mining Projects, it provides one time cash assistance upto maximum of Rs 5 lakhs for displaced families who have lost all land including homestead land. Provision for granting of free homestead land of 1/10th acre in the resettlement habitat to each displaced family “subject to availability” of land has been envisaged. If land is not available, it provides for compensation of Rs 50,000. The ORPP also provides for house building assistance of Rs 1.5 lakh for each displaced family and a monthly maintenance allowance of Rs 2,000 to each displaced family for a period of one year.

The Orissa Rehabilitation and Resettlement Policy 2006 cannot address the root causes of the dispossession of the Adivasis in the state.

First, the Orissa Rehabilitation and Resettlement Policy 2006 failed to address the fact that State government has been acting as broker and profiting from the lands of the peoples by exercising its sovereign power. In 2004, the state government had sold

2,000 acres of land to the Tatas for Rs 3.35 lakh per acre. The state government paid only Rs 76,000 an acre to the original landowners given the fact that even the current market rate for an acre was Rs 5 lakh. Besides, the Rs 76,000 was meant only for titleholders, who account for 20 per cent of the tribals in the area. The promise of a job for each displaced family, a home allowance of Rs 50,000 and Rs 5,000 as aid for a temporary shelter were never adequately fulfilled.<sup>1</sup>

Second, the Orissa Rehabilitation and Resettlement Policy 2006 contained serious shortcomings which only legalised past illegal practices – the arbitrary exercise of the sovereign power of the State for the benefit of the private companies:

The Orissa Rehabilitation and Resettlement Policy (ORRP) 2006 is meant only for prospective displaced families. Clause 5(a) to (c) of the policy only refers to undertaking socio-economic survey for identification of displaced families and preparing their socio-economic base line, approving of the said list of displaced families by the respective Rehabilitation and Periphery Development Advisory Committee (RPDAC) and displaying of the approved list at public places like Collectorate/Block/Tehsil/ Panchayat for wider information;

The ORRP 2006 is meant only for families who would be displaced in future and states nothing about the 1.4 million already displaced people, mostly indigenous peoples. Clause 5(a) of the Policy categorically states, “Ordinarily within two months of publication of notice for acquisition of land for the development project, a socio-economic survey would be undertaken in the manner to be decided by the Government for identification of displaced families and for preparing their socio-economic baseline”.

The ORRP 2006 does not provide for free, prior and informed consent of the affected families before acquisition of the land. Clause 7 of the Policy only refers to “Procedure prescribed by the government” in acquisition of land and other properties without specifying the so-called “procedure prescribed by the government”;

There is no mandatory provision for land as rehabilitation benefit. Only in case of displacement by Irrigation Projects, National Parks and Sanctuaries (Type C), assistance for agricultural land has been provided for. Since the majority of the displaced comprised of indigenous and tribal peoples whose primary occupations are agriculture and forest related activities, their livelihood would be adversely affected in the absence of mandatory provision for land as a rehabilitation benefit. This violates provisions of the 5th Schedule of the Constitution of India which guarantees the rights

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<sup>1</sup> . Displaced on road with dead, The Telegraph, Kolkata, 4 January 2006

of the tribals over their land and prohibits transfer of tribal lands to non-tribals. In historic Samata Judgment of July 1997, the Supreme Court of India held that all the lands leased to private companies by the government of Andhra Pradesh are unconstitutional, and hence null and void.

In case of displacement by Urban and Linear Projects as provided in Clause 9 (iv) (c), “.....the project authority shall provide employment to one of the members of such displaced family in the project.” Urban and Linear projects are usually periodic and one-time in nature contrary to industries. Therefore, employment in such projects is expected to be temporary.

In Clause 10 (a) & (b), the Policy provides for ex-gratia compensation up to a maximum of one standard acre “if the encroachment is unobjectionable”. But nowhere in the policy has the word “unobjectionable” been defined. There is every likelihood that the government will misuse this clause to effectively deprive any compensation whatsoever.

The ORRP still uses derogatory terms such as “primitive tribal groups” in Clause 13.

In Clause 17, the Policy does not make it mandatory to include representatives of the displaced families and NGOs in the Rehabilitation and Periphery Development Advisory Committee (RPDAC). The wordings “...it (the government) may include....” suggest that the government may or may not include the displaced peoples’ representatives and NGOs;

In Clause 21, the Policy provides that “effective participation of the displaced communities will be ensured in the process.” But there is no clearly defined mechanism for ensuring such “effective participation” of the aggrieved people.

The Policy does not guarantee homestead land to all the displaced families in resettlement habitat. “Provision for homestead land” states - “Subject to availability, each displaced family will be given at least 1/10th of land free of cost in a resettlement habitat for homestead purpose”. As per the provision, a displaced family shall be given one time cash grant of Rs 50,000 in lieu of homestead land.

The ORRP does not address the rights of the displaced but will certainly be used as an instrument for further displacement.