Appendix

Appendix 1

MINISTRY OF RURAL DEVELOPMENT  
(Department of Land Resources)  
NATIONAL POLICY ON RESETTLEMENT AND REHABILITATION FOR PROJECT AFFECTED FAMILIES-2003  
(Published in the Gazette of India, Extraordinary Part-1, Section 1, No- 46, dated 17th February, 2004)

CHAPTER – I: POLICY

PREAMBLE:

1.1 Compulsory acquisition of land for public purpose including infrastructure projects displaces people, forcing them to give up their home, assets and means of livelihood. Apart from depriving them of their lands, livelihoods and resource-base, displacement has other traumatic psychological and socio-cultural consequences. The Government of India recognizes the need to minimize large scale displacement to the extent possible and, where displacement is inevitable, the need to handle with utmost care and forethought issues relating to Resettlement and Rehabilitation of Project Affected Families. Such an approach is especially necessary in respect of tribals, small & marginal farmers and women.

1.2 The system of extending cash compensation does not, by itself, in most cases, enable the affected families to obtain cultivable agricultural land, homestead and other resources which they have to surrender to the State. The difficulties are more acute for persons who are critically dependent on the acquired assets for their subsistence/ livelihoods, such as landless agricultural workers, forest dwellers, tenants and artisans, as their distress and destitution is more severe, and, yet they are not eligible for cash compensation.

1.3 Some States and Central Ministries/Departments have their own Policies and Guidelines for Resettlement and Rehabilitation. However, a National Policy on Resettlement and Rehabilitation of Project Affected Families (PAFs) has not so far been enunciated. This Document aims at laying down basic norms and packages in the shape of a Policy which would, henceforth be referred to as the National Policy on the Resettlement and Rehabilitation of Project Affected Families - 2003 (NPRR-2003).

1.4 The Policy essentially addresses the need to provide succour to the assetless rural poor, support the rehabilitation efforts of the resource poor sections, namely, small and marginal farmers, SCs/STs and women who have been displaced. Besides, it seeks to provide a broad canvas for an effective dialogue between the Project Affected Families and the Administration for Resettlement & Rehabilitation. Such a dialogue is expected to enable timely completion of projects with a sense of definiteness as regards costs and adequate attention to the needs of the displaced persons especially the resource poor sections. The intention is to impart greater flexibility for interaction and negotiation so that the resultant Package gains all-round acceptability in the shape of a workable instrument providing satisfaction to all stakeholders/ Requiring Bodies.

1.5 The National Policy on the Resettlement and Rehabilitation of Project Affected Families will be in the form of broad guidelines and executive instructions for guidance of all concerned and will be applicable to Projects displacing 500 families or more enmasse in plain areas and 250 families enmasse in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India. It is expected that the appropriate Government and Administrator for R&R shall implement this Policy in letter and spirit in order to ensure that the benefits envisaged under the Policy reaches the Project Affected Families, especially resource poor sections including SCs/STs.
1.6 The rehabilitation grants and other monetary benefits proposed in the Policy would be minimum and applicable to all project affected families whether belonging to BPL or non-BPL families. States where R&R packages are higher than proposed in the Policy are free to adopt their own packages.

CHAPTER - II

2. OBJECTIVES OF THE POLICY

2.1 The objectives of the Policy are as follows:-
(a) To minimize displacement and to identify non-displacing or least-displacing alternatives;
(b) To plan the resettlement and rehabilitation of Project Affected Families, (PAFs) including special needs of Tribals and vulnerable sections;
(c) To provide better standard of living to PAFs; and
(d) To facilitate harmonious relationship between the Requiring Body and PAFs through mutual cooperation.

CHAPTER - III

3. DEFINITIONS

3.1 The Definition of various terms used in this Policy Document are as follows
(a) “Administrator for Resettlement and Rehabilitation” means an officer not below the rank of District Collector of the State Government appointed by it for the purpose of resettlement and rehabilitation of the Project Affected Families of the Project concerned provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Govt.

(b) “affected zone”, in relation to a project, means declaration under para 5.1 of this Policy by the appropriate Government area of villages or locality under a project for which the land is being acquired under Land Acquisition Act, 1894 or any other Act in force or an area that comes under submergence due to impounding of water in the reservoir of the project;

(c) “agricultural family” means a family whose primary mode of livelihood is agriculture and includes family of owners as well as sub-tenants of agricultural land, agricultural labourers, occupiers of forest lands and of collectors of minor forest produce;

(d) “agricultural labourer” means a person normally resident in the affected zone for a period of not less than three years immediately before the declaration of the affected zone who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood.

(e) “agricultural land” includes lands used or capable of being used for the purpose of-
(i) agriculture or horticulture;
(ii) dairy farming, poultry farming, pisciculture, breeding or livestock and nursery growing medical herbs;
(iii) raising of crops, grass or garden produce; and
(iv) land used by an agriculturist for the grazing of cattle, but does not include land used for the cutting of wood only;

(f) “appropriate Government” means,-
(i) in relation to acquisition of land for the purposes of the Union, the Central Government;
(ii) in relation to a project which is executed by Central Government agency/Central Government undertaking or by any other agency on the orders/directions of Central Government, the Central Government, otherwise the State Government and
(iii) in relation to acquisition of land for other purposes, the State Government.

(g) ‘BPL Family’: The Below Poverty Line Families shall be those as defined by the Planning Commission of India from time to time.
(h) "Commissioner for Resettlement and Rehabilitation", in relation to a project, means the Commissioner for Resettlement and Rehabilitation appointed by the State Government not below the rank of Commissioner/Secretary of that Government.

(i) "Displaced family'' means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property;

(j) "family'' means Project Affected Family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him for their livelihood.

(k) "holding'' means the total land held by a person as an occupant or tenant or as both;

(l) "marginal farmer'' means a cultivator with an unirrigated land holding up to one hectare or irrigated land holding up to half hectare;

(m) "non-agricultural labourer'' means a person who is not an agricultural labourer but is normally residing in the affected zone for a period of not less than three years immediately before the declaration of the affected zone and who does not hold any land under the affected zone but who earns his livelihood principally by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood principally by manual labour or as such artisan in the affected zone;

(n) "notification'' means a notification published in the Official Gazette;

(o) "occupiers'' means members of Scheduled Tribe community in possession of forest land prior to 25th October, 1980;

(p) "project'' means a project displacing 500 families or more enmasse in plain areas and 250 families or more enmasse in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project.

(q) "project affected family'' means a family/person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the affected zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone, preceding the date of declaration of the affected zone.

(r) "Resettlement zone'', in relation to a project, means the declaration of any area under Para 5.12 of this Policy by the appropriate Government acquired or proposed to be acquired for resettlement and rehabilitation of Project Affected Families as a resettlement zone;

(s) "Requiring Body'' shall mean any company, a body corporate, an institution, or any other organization for whom land is to be acquired by the appropriate Government, and includes the appropriate Government if the acquisition of land is for such Government either for its own use or for subsequent allotment of such land in public interest to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be.

(t) "small farmer'' means a cultivator with an unirrigated land holding up to two hectares or with an irrigated land holding up to one hectare.

CHAPTER - IV

4. APPOINTMENT OF ADMINISTRATOR AND COMMISSIONER FOR RESETTLEMENT AND REHABILITATION AND THEIR POWERS & FUNCTIONS

4.1 Where the appropriate Government is satisfied that acquisition of land for any project involves displacement of 500 families or more enmasse in plain areas and 250 families or more enmasse in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project, it shall, by notification, appoint in respect of that project, an officer not below the rank of District Collector of the State Government to be the Administrator for R&R in respect of that project.

Provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Government.
4.2 The Administrator for Resettlement & Rehabilitation shall be assisted by such officers and employees as the appropriate Government may provide.

4.3 Subject to the superintendence, directions and control of the appropriate Government and Commissioner for R&R, the Administrator for Resettlement & Rehabilitation shall take all measures for the rehabilitation and resettlement of all project affected families (PAF) in respect of that project.

4.4 The overall control and superintendence of the formulation of resettlement and rehabilitation plan and execution of the same shall vest in the Administrator, Resettlement & Rehabilitation.

4.5 Subject to any general or special order of the appropriate Government, the Administrator for Resettlement & Rehabilitation shall perform the following functions/duties:

(i) minimize displacement of persons and identify non-displacing or least displacing alternatives in consultation with the requiring body;

(ii) hold consultation with the project affected families while preparing a resettlement and rehabilitation scheme/plan;

(iii) ensure that interest of the adversely project affected families of Scheduled Tribes and weaker sections are protected.

(iv) prepare a draft plan/scheme of resettlement and rehabilitation as required under Chapter V of this Policy;

(v) prepare a budget including estimated expenditure of various components of acquisition of land, resettlement and rehabilitation activities or programmes in consultation with the representatives of the project affected families and requiring body for whom the land is acquired;

(vi) acquire adequate land for the project and also for settling the project affected families;

(vii) allot land and sanction benefits to project affected families;

(viii) perform such other functions as the appropriate Government may, from time to time, by order in writing, assign.

4.6 Administrator for Resettlement & Rehabilitation may, by order in writing, delegate such of the administrative powers conferred and duties imposed on him by or under this Policy to any officer not below the rank of Tehsildar or equivalent.

4.7 All officers and staff appointed by the appropriate Government under this Policy shall be subordinate to the Administrator for Resettlement & Rehabilitation.

4.8 The State Government shall appoint an officer of the rank of Commissioner/Secretary of that Government for resettlement and rehabilitation in respect of such projects to which this Policy applies to be called the Commissioner for Resettlement and Rehabilitation.

4.9 For the purposes of this Policy, the Administrator for Resettlement & Rehabilitation and other officers and employees appointed for the purposes of resettlement and rehabilitation of PAF shall be subordinate to the Commissioner for Resettlement and Rehabilitation.

4.10 The Commissioner shall be responsible for supervising the formulation of resettlement and rehabilitation plans/schemes, proper implementation of such plans/schemes and redressal of grievances as mentioned in Chapter VII of this Policy.

CHAPTER – V

5. SCHEMES/PLANS FOR RESETTLEMENT AND REHABILITATION:

The procedure mentioned in this Chapter shall be followed for declaration of Affected Zone, carrying out survey & census of Project Affected Families, Assessment of Government land available and land to be acquired for the purpose of Resettlement and Rehabilitation, preparation of draft scheme/plan for R&R and its final publication.

5.1 The appropriate Government may, if it is of the opinion that acquisition of land for a project is likely to displace 500 families or more en masse in plain areas and 250 families or more in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India declare, by notification in the Official Gazette, area of villages or localities as an affected zone of the project and thereupon the contents of this Policy shall apply to the project involved.
Appendix

5.2 Every declaration made under Para 5.1 of the Policy shall be published in at least two daily newspapers one of them should be in the local vernacular having circulation in villages or areas which are likely to be affected and also by affixing a copy of the notification on the Notice Board of the concerned Gram Panchayats and other prominent place or places in the affected zone.

5.3 Once the declaration is made under para 5.1 of the Policy, the Administrator for Resettlement and Rehabilitation shall undertake a survey for identification of the persons and their families likely to be affected by the project.

5.4 Every survey shall contain the following village-wise information of the project affected families:

(i) members of families who are permanently residing, practicing any trade, occupation or vocation in the project affected area;
(ii) Project Affected Families who are likely to lose their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade occupation or vocation.
(iii) Agricultural labourers and non-agriculture labourers.
(iv) Project Affected Families who are having possession of forest lands prior to 25th October, 1980, that is prior to the commencement of the Forest (Conservation) Act, 1980.

5.5 Every survey undertaken under Para 5.4 shall be completed within a period of ninety days from the date of declaration made under para 5.1.

5.6 On the expiry of the period of ninety days as aforesaid, the Administrator for Resettlement and Rehabilitation shall, by notification, and also in such other manner so as to reach all persons likely to be affected, publish a draft of the details of the findings of the survey conducted by him for inviting objections and suggestions from all persons likely to be affected thereby.

5.7 On the expiry of thirty days from the date of publication of the draft of the details of survey and after considering the objections and suggestions received by him in this behalf, the Administrator for Resettlement and Rehabilitation shall submit the final details of survey with his recommendations to the State Government.

5.8 Within forty-five days from the date of receipt of the recommendations of the Administrator for Resettlement & Rehabilitation, the State Government shall publish the final details of survey in the Official Gazette.

5.9 The Administrator for Resettlement & Rehabilitation shall ensure that the Project Affected Families may be settled preferably in group or groups and such sites should form a part of existing gram panchayat as far as possible. However, it has to be ensured that the PAFs may be resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.

5.10 For the purposes of para 5.9 above, the Administrator for Resettlement & Rehabilitation shall draw up a list of lands which may be available in any existing Gram Panchayat for resettlement and rehabilitation of project affected families.

5.11 The lands drawn up under para 5.10 shall consist of:-

(a) Government waste lands and any other land vesting in the Government available for allotment to project affected families
(b) If sufficient Government land is not available there, then land to be acquired for the purposes of resettlement and rehabilitation scheme/plan. However, the Administrator for R&R should ensure that such acquisition of land should not lead to another list of affected families.

5.12 The appropriate Government shall, by notification, declare any area acquired or proposed to be acquired for resettlement and rehabilitation of project affected families, as a resettlement zone.

5.13 The Administrator for R&R, on behalf of the the appropriate government, may either compulsorily acquire keeping in view the contents of Para 5.11(b) above any land under the Land Acquisition Act, 1894 or purchase land from any person through consent award and may enter into an agreement for this purpose.

5.14 After completion of base line survey and census of Project Affected Families and assessment of requirement of land for resettlement as mentioned in Paras 5.3 & 5.11, the Administrator for R&R shall prepare a draft scheme/plan for the Resettlement & Rehabilitation of the Project Affected Families in consultation with representatives of Project Affected Families including women, Chairpersons of elected Panchayati Raj Institutions within which the Project area is situated.

5.15 While preparing a draft scheme/Plan, the Administrator for R&R shall ensure that the cost of R&R scheme/Plan should be an integral part of the cost of the Project for which the land is being acquired.
and the entire expenditure of R&R benefits and other expenditure for resettlement and rehabilitation of
PAFs are to be borne by the requiring body for which the area is being acquired.
5.16 It shall be the responsibility of the requiring body to provide sufficient funds to the Administrator for
R&R for proper implementation of resettlement & Rehabilitation scheme/plan of Project Affected Families.
5.17 The Administrator for R&R shall keep proper books of accounts and records of the funds placed at his
disposal and submit periodical returns to the Appropriate Government in this behalf.
5.18 Every draft scheme/Plan of resettlement and rehabilitation prepared shall contain the following
particulars, namely:-
(a) the extent of area to be acquired for the project and the name(s) of the corresponding village(s).
(b) a village-wise list of project affected families and likely number of displaced persons, family-wise and
the extent and nature of land and immovable property in their possession indicating the survey numbers
thereof held by such persons in the affected zone;
(c) a list of agricultural labourers in such area and the names of such persons whose livelihood depend on
agricultural activities;
(d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been
alienated wholly and substantially from their main sources of occupation or vocation consequent to the
acquisition of land for the project;
(e) a list of occupiers, if any,
(f) a list of public utilities and Government buildings which are likely to be affected;
(g) a comprehensive list of benefits and packages which are to be provided to project affected families;
(h) details of the extent of land available which may be acquired in settlement area for resettling and
allotting of land to the project affected families;
(i) details of the basic amenities and infrastructure facilities which are to be provided for resettlement;
(j) the time schedule for shifting and resettling the displaced families in resettlement zones;
(k) such other particulars as the Administrator for Resettlement & Rehabilitation may think fit to include
for the information of the displaced persons.
5.19 The Administrator for Resettlement & Rehabilitation shall, submits the draft scheme/plan for
R&R to the State Government for its approval. It will be the responsibility of the State Government to
obtain the consent of requiring body before approving the same. The draft scheme/plan may be published
in the Official Gazette to give wide publicity to the same in the affected zone.
5.20 Upon notification of a scheme/plan, the same shall come into force.

CHAPTER - VI
R&R BENEFITS FOR PROJECT AFFECTED FAMILIES

6.1 The resettlement and rehabilitation (R&R) benefits shall be extended to all the Project Affected
Families (PAF) whether belonging to below poverty line (BPL) or non-BPL.
6.2 Any Project Affected Family (PAF) owning house and whose house has been acquired may be
allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than
150 sq.m. of land in rural areas and 75 sq.meter. of land in urban areas.
6.3 Each PAF of BPL category shall get a one-time financial assistance of Rs. 25000/- for house
construction. Non-BPL families shall not be entitled to receive this assistance.
6.4 Each PAF owning agricultural land in the affected zone and whose entire land has been acquired may
be allotted agricultural land or cultivable waste land to the extent of actual land loss subject to a maximum
of one hectare of irrigated land or two hectares of un-irrigated land/cultivable waste land subject to
availability of Government land in the districts.
6.5 Stamp duty and other fees payable for registration shall be borne by the requiring body.
6.6 The Land allotted under para 6.4 shall be free from all encumbrances. The Land allotted may be in the
joint names of wife and husband of PAF.
6.7 In case of allotment of wasteland/degraded land in lieu of acquired land, each PAF shall get financial
assistance of Rs. 10000/- per hectare for land development. In case of allotment of agricultural land, a one-
time financial assistance of Rs. 5000/- per PAF for agricultural production shall be given.

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6.8 Each PAF having cattle shall get financial assistance of Rs. 3000/- for construction of cattle shed.

6.9 Each PAF shall get financial assistance of Rs. 5000/- as transportation cost for shifting of building materials, belongings and cattle etc. from the affected zone to the resettlement zone.

6.10 Each PAF comprising of rural artisan/small trader and self employed person shall get one-time financial assistance of Rs. 10,000/- for construction of working shed/shop.

6.11 Each PAF owning agricultural land in the affected zone and whose entire land has been acquired shall get one-time financial assistance equivalent to 750 days minimum agricultural wages for "loss of livelihood" where neither agricultural land nor regular employment to one member of the PAF has been provided.

6.12 Each PAF owning agricultural land in the affected zone and whose entire land has not been acquired and consequently he becomes a marginal farmer shall get one time financial assistance equivalent to 500 days minimum agricultural wages.

6.13 Each PAF owning agriculture land in the affected zone and who consequently becomes a small farmer shall get one time financial assistance equivalent to 375 days minimum agricultural wages.

6.14 Each PAF belonging to the category of 'agricultural labourer', or 'non-agricultural labourer' shall be provided a one time financial assistance equivalent to 625 days of the minimum agricultural wages.

6.15 Each displaced PAF shall get a monthly subsistence allowance equivalent to 20 days of minimum agricultural wages per month for a period of one year upto 250 days of MAW.

6.16 In the case of acquisition of land in emergent situation such as under Section 17 of the Land Acquisition Act 1894 or similar provision of other Act in force, each PAF shall be provided with transit accommodation, pending resettlement and rehabilitation scheme. Such families shall also get R&R benefits as mentioned in above paras under the Policy.

6.17 Acquisition of Long Stretches of Land: In case of projects relating to Railway Lines, Highways, Transmission Lines and laying pipelines wherein only a narrow stretch of land extending over several kilometers is being acquired, the Project Affected Families will be offered an ex-gratia amount of Rs. 10,000/- per family, and no other Resettlement & Rehabilitation benefits shall be available to them.

6.18 The Project Affected Families shall be provided necessary training facilities for development of entrepreneurship to take up self-employment projects at the resettlement zone as part of R&R benefits.

6.19 The Project Affected Families, who were in possession of forest lands prior to 25th October, 1980 shall get all the benefits of R & R as given in above paras under the Policy.

6.20 The PAFs of Scheduled Caste category enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.

6.21 R&R BENEFITS FOR PROJECT AFFECTED FAMILIES OF SCHEDULED TRIBES.

6.21.1 Each Project Affected Family of ST category shall be given preference in allotment of land.

6.21.2 Each tribal PAF shall be entitled to get R&R benefits mentioned in above Paras under the Policy.

6.21.3 Each Tribal PAF shall get additional financial assistance equivalent to 500 days minimum agriculture wages for loss of customary rights/usages of forest produce.

6.21.4 Tribal PAFs will be re-settled close to their natural habitat in a compact block so that they can retain their ethnic, linguistic and cultural identity.

6.21.5 Tribal PAFs shall get land free of cost for community & religious gathering.

6.21.6 Tribal PAFs resettled out of the district/taluka will get 25% higher R&R benefits in monetary terms.

6.21.7 The Tribal Land Alienated in violation of the laws and regulations in force on the subject would be treated as null and void and the R&R benefits would be available only to the original tribal land owner.

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6.21.8 The Tribals families residing in the Project Affected Areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area.

6.21.9 Tribal PAFs enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.

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CHAPTER - VII

7. DISPUTE REDRESSAL MECHANISM

7.1 R&R COMMITTEE AT PROJECT LEVEL

7.1.1 In respect of every project to which this Policy applies, the State Government shall constitute a Committee under the Chairmanship of the Administrator of that Project to be called the Resettlement and Rehabilitation Committee to monitor and review the progress of implementation of scheme/ plan of resettlement and rehabilitation of the Project Affected Families.

7.1.2 The Resettlement & Rehabilitation Committee constituted as above shall inter-alia include as one of its members:-

(i) a representative of women residing in the affected zone;
(ii) a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected zone;
(iii) a representative of a voluntary organization;
(iv) a representative of the lead bank;
(v) Chairman or his nominee of the PRIs located in the affected zone
(vi) MPs/MLAs of the area included in the affected zone

7.2.3 Procedure regulating the business of the Resettlement & Rehabilitation Committee, its meeting and other matters connected thereto shall be prescribed by the Appropriate Government.

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7.2 GRIEVANCE REDRESSAL CELL:
7.2.1 In respect of every project to which this Policy applies, the State Government shall constitute a Grievance Redressal Cell under the Chairmanship of the Commissioner for Resettlement and Rehabilitation for redressal of grievances of the PAFs.
7.2.2 The composition, powers, functions and other matters relating to the functioning of the Grievance Redressal Cell shall be such as may be prescribed by the Appropriate Government.
7.2.3 Any Project Affected Family, if aggrieved, for not being offered the admissible R&R benefits as provided under this Policy, may move an appropriate petition for redressal of his grievances to the Grievance Redressal Cell.

7.2.4 The form and manner in which and the time within which complaints may be made to the Grievance Redressal Cell and disposed of shall be such as may be prescribed by the appropriate Government.
7.2.5 The Grievance Redressal Cell shall have the power to consider and dispose of all complaints relating to resettlement and rehabilitation against the decision of the Administrator/R&R Committee at Project level for Resettlement & Rehabilitation and issue such directions to the Administrator for Resettlement & Rehabilitation as it may deem proper for the Redressal of such grievances.

7.3 INTER-STATE PROJECTS:
7.3.1 In case a project covers an area in more than one State or States or a Union territory where the project affected families are or had been residing, or proposed to be resettled, the Central Government in the Ministry of Rural Development (Department of Land Resources) shall in consultation with concerned States or Union territory, as the case may be, appoint the Administrator for Resettlement & Rehabilitation and the Commissioner for Resettlement and Rehabilitation for the purposes of this Policy.

7.3.2 The method of implementation of plans/ schemes for resettlement and rehabilitation shall be mutually discussed by the State Governments and the Union territory administration and the common plan/ scheme shall be notified by the Administrator for Resettlement & Rehabilitation in the State or Union territory administration, as agreed to, in accordance with the procedure laid down in this Policy.

7.3.3 If any difficulty arises in the implementation of the schemes/ plans, the matter shall be referred to the Central Government in the Ministry of Rural Development (Department of Land Resources) for its decision and the decision of the Central Government shall be binding on the concerned States and Union territory.

CHAPTER - VIII
MONITORING MECHANISM
8. NATIONAL MONITORING COMMITTEE
8.1 The Central Government, Ministry of Rural Development, Department of Land Resources shall constitute a National Monitoring Committee, to be chaired by the Secretary, Department of Land Resources for reviewing and monitoring the progress of implementation of resettlement and rehabilitation scheme/plan relating to all projects to which this Policy applies. The Committee will have the following or his nominee not below the rank of Joint Secretary as its members:
Secretary, Planning Commission
Secretary, M/o Social Justice and Empowerment
Secretary, M/o Water Resources
Secretary, M/o Tribal Affairs
Secretary, M/o Railways
Secretary, M/o Power
Secretary, M/o Coal
Besides, the Secretary of the administrative Ministry/Department of the project for which the land is to be acquired shall be invited as one of the Members. The functions and duties of this Committee shall be prescribed by this Ministry.

8.2 The National Monitoring Committee shall be serviced by the National Monitoring Cell to be constituted by the Department of Land Resources for reviewing and monitoring the progress of implementation of Resettlement and Rehabilitation scheme/plan relating to all projects to which this Policy applies.

8.3 National Monitoring Cell constituted under this Policy shall be headed by an officer not below the rank of Joint Secretary to the Government of India. The National Monitoring Cell as referred to above shall be assisted by the officers and staff as referred to in Annexure -I.

APPLICABILITY

8.4 The National Policy on the Resettlement and Rehabilitation of Project Affected Families (NPRR – 2003) shall come into effect from the date of its publication in the Gazette of India (Extra-ordinary).
Appendix 2

The Orissa Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY
NO. 651 CUTTACK, MONDAY, MAY 15 2006 / BAISAKHA 25, 1928
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 lat 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 Policy 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 framework 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 & 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, 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.
   (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 or raising of crops, grass or garden produce, horticulture, dairy farming, fish farming, breeding and keeping of live stock and used as pasture or for any other purpose where such use is ancillary to agriculture.
(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 1 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 ordinary 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.
(e) "District Compensation Advisory Committee (DCAC)" 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 livehoods.
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 orthopedically handicapped / mentally challenged person suffering from more than 40% 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 (LAO)" 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 (NGO)" 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 (PD-RR)" 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 (RPDAC)" 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.
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(q) "State Level Council on Resettlement & Rehabilitation (SLCRR)" 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;
   (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) Ordinary within two months of publication of notice for acquisition 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.
   (b) The list of displaced families shall be placed before and approved by the respective RPDAC.
   (c) The list of displaced families so approved will be displayed at Collectorate / Block / Tahsil / Panchayat and other conspicuous locations for wider dissemination.
   (d) RDC 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, resources 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 modified of his 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 properly and for payment of compensation / award. All compensation money due to the “displaced families” shall be paid through account payee cheques.
As regards "public properly" like School Building, Club House, Hospital, Panchayat Ghar, Electrical installation, place(s) of worship, value of such properly affected shall be deposited with the concerned District Collector. Either Project for 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 RPDAC for approval.

   While preparing the plan, the following aspects should be taken into consideration:
   (i) Site for resettlement habitat shall be selected by the RPDAC in consultation with the displaced families.
   (ii) No physical displacement shall be made before the completion of resettlement work as approved by the RPDAC. 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% 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 RPDAC 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 house allotted to the displaced persons should be handed over to them by 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 2/3 of agricultural land and homestead land;

(iii) Displaced families losing more than 1/3 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 up-gradation of the nominated member of each displaced / other family make him/her 'employment' 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 provide to the displaced / other families. Displaced / other families, who do not opt for employment / self-employment as mentioned in sub para (a) and (b) below, 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 clause (i) to (v) shall be provided with one time cash assistance in lieu of employment / self-employment in the scale indicated below:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Families under category as Amount of one time cash per sub-para (a) above assistance (Rs. In Lakhs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Displaced Families coming under Category (i) 5.00</td>
</tr>
<tr>
<td>(ii)</td>
<td>Displaced Families coming under Category (ii) 3.00</td>
</tr>
<tr>
<td>(iii)</td>
<td>Displaced Families coming under Category (iii) 2.00</td>
</tr>
<tr>
<td>(iv)</td>
<td>Displaced Families coming under Category (iv) &amp; (v) 1.00</td>
</tr>
</tbody>
</table>

(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 1/10 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. 150,000/- to each of the displaced families selling in the Resettlement habitat or opting for self relocation elsewhere.

(g) **Shops and Service Units:** Project authorities will also construct shops and service units as feasible locations at their own cost, which will be allotted in consultation with Collector to project
Appendix

displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of displaced SC & ST 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 2/3 of agricultural land and homestead land;
(iii) Families losing all agricultural land but not homestead land.
(iv) Displaced families losing more than 1/3 of agricultural land and homestead land;
(v) Displaced families losing only homestead land but not agricultural land.

The Project authority will make special efforts to facilitate skill up-gradation of the nominated member of each displaced / other family make him/her 'employment' 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 provide to the displaced / other families.

Displaced / other families, who do not opt for employment / self-employment as mentioned in sub para (a) and (b) below, shall be provided by the Project authority with one time cash assistance in lieu of employment at the scale indicated below.

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</thead>
<tbody>
<tr>
<td>(v)</td>
<td>Displaced Families coming under category (i) 5.00</td>
</tr>
<tr>
<td>(vi)</td>
<td>Displaced Families coming under category (ii) 3.00</td>
</tr>
<tr>
<td>(vii)</td>
<td>Displaced Families coming under category (iii) 2.00</td>
</tr>
<tr>
<td>(viii)</td>
<td>Displaced Families coming under category (iv),(v) &amp; (vi) 1.00</td>
</tr>
</tbody>
</table>

(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 own small enterprise and refines/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 1/10 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. 150,000/- to each of the displaced families selling in the Resettlement habitat or opting for self relocation elsewhere.

(g) Shops and Service Units: Project authorities will also construct shops and service units as feasible locations at their own cost, which will be allotted in consultation with Collector to project
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displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of displaced SC & ST families.

III. Type C: Water Resources / National Parks and Sanctuary:
Rehabilitation Package for Displaced family (DF)
(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 setting in a Resettlement Habitat or elsewhere.
(c) Assistance for Agricultural Land: Each Displaced Family belonging to category shall be provided two-and-a-half acres of irrigated agricultural land or live acres of non-irrigated agricultural land.
In case of non-availability of land, cash equivalent will be provided @ of 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 non-irrigated land or two and half acres of irrigated land in case of indigenous households or 4 acres of un-irrigated 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.

IV. Type D: Urban Projects and Linear Projects:
Each displaced Family will get:
(a) Homestead land @ 1/10 of an acre in rural area and @ 1/25 of an acre in urban area or cash equivalent of Rs. 50,000/- preferably near growth centers 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 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. Whenever RPDAC 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 & homestead-less 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 royalty land held by him/her is to be taken into taken account.
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(b) An encroacher family, who is homestead less 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 \( \frac{1}{10} \) of an acres in rural areas or \( \frac{1}{25} \) 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 vocation, an allowance of Rs. 2,000/- per month per displaced family shall be provided an vocation of land / house for a period of one year from the date of vocation 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 inhabittance, shall be provided to each displaced family by the Project Authority.

Provided that State Government in Revenue Department shall review and may revise 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 displaced.

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 percent higher R & R benefits in monetary terms.

13. Indexation of Rehabilitation Grant:
   Rehabilitation grant will be indexed to the Wholesale Price Index (WPI) with 01.04.2006 as the reference date and will be revised by the Government once in every two years thereafter the basis of WPI.

14. Periphery Development:
   The Project authority shall be responsible for periphery development as decided by the RPDAC 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 (DCAC) under the chairmanship of the Collector to determine negotiated price. Adequate representation will be given to women and indigenous communities (whenever applicable) in the committee.
   
   If any dispute arises on recommendation of the DCAC, the matter will be referred to the State level compensation Advisory Committee (SCAC) chaired by the Member-Board of
Revenue whose decision 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 (RPDAC):

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 Govt. may constitute a Rehabilitation-cum-Periphery development Advisory Committee (RPDAC) 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 (SLCRR):

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 official of the Government.

18. LA 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 (PC-RR), who shall be assisted by such other officers as Government any decide. The PD_RR shall be the Chief Coordinating 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 over all 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 LAO 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 1 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:
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(a) Any issues or doubts 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 provision 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 extra-ordinary issue of Orissa Gazette for the 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/CMD, IDC, IPICOL/A.G Orissa, Bhubaneswar / DAG (Works), Orissa, Puri for information.
Appendix 3

The Chittagong Hill Tracts Peace Accord of 1997

Under the framework of the Constitution of Bangladesh and keeping full and firm confidence in the sovereignty and integrity of Bangladesh, to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region and to expedite socio-economic development process and to preserve and respect the rights of all the citizens of Bangladesh and their development, the National Committee on Chittagong Hill Tracts, on behalf of the government of the People's Republic of Bangladesh, and Parbatya Chattagram Jana Sanghati Samity, on behalf of the inhabitants of Chittagong Hill Tracts, have reached the following agreement in four parts (A, B, C, D):

A) (Ka) GENERAL
1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.
2. Both the parties have decided to formulate, change, amend and incorporate concerned acts, rules and regulations as soon as possible according to the consensus and responsibility expressed in different sections of the agreement.
3. An Implementation Committee shall be formed to monitor the implementation process of the agreement with the following members:
   a) A member nominated by the Prime Minister: Convenor
   b) Chairman of the Task Force formed under the purview of the agreement: Member
   c) President of Parbatya Chattagram Jana Sanghati Samiti: Member
4. The agreement shall come into effect from the date of the signing and execution by both the sides. This agreement shall remain valid from the date of its effect until all the steps are executed as per the agreement.

B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL
Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachhari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below:
1. The word "tribal" used in different sections of the Council Acts shall stay.
2. The name "Hill District Local Government Council" shall be amended and the name of council shall be "Hill District Council."
3. "Non-tribal permanent residents" shall mean a person who is not a tribal but has legal land in the hill district and generally lives in the hill district at a specific address.
4. a) There shall be 3 (three) seats for women in each of the Hill District Councils. One third (1/3) of these seats shall be for non-tribals.
   b) Sub-sections 1, 2, 3 and 4 of section 4 shall remain in force as per the original act.
   c) The words "deputy commissioner" and "deputy commissioner's" in the second line of sub-section (5) of section 5 shall be replaced by "circle chief" and "circle chief's".
   d) Following sub-section shall be added in section 4:
      Whether a person is a non-tribal shall be determined, along with the identity of non-tribal community to which he belongs, by the concerned Circle Chief on the provision of submission of certificate from concerned Headman/Pourasabha chairman/Union Parishad chairman and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief in this regard.
5. It is narrated in section 7 that a person elected chairman or member shall make an oath or announcement before the Divisional Commissioner of Chittagong. By amendment of it there shall be incorporated that the members shall make oath or announcement before “ a Justice of High Court Division" instead of "Divisional Commissioner of Chittagong”.
6. The words “to Divisional Commissioner of Chittagong” will be replaced by “as per election rules” in the fourth line of section 8.
7. The words “three years” shall be replaced by “five years” in the second line of section 10.
8. There shall be a provision in section 14 that if the office of the Chairman falls vacant or in absence of the Chairman, a tribal member elected by other members of the Council shall preside and perform other responsibilities.

9. The existing section 17 shall be replaced with the sentences as mentioned below:
A person shall, under the law, be eligible to be enrolled in the electoral roll, if
(1) he is a citizen of Bangladesh;
(2) he age is not less than 18 years;
(3) he is not declared mentally unsound by any competent court;
(4) he is a permanent resident of Hill District.

10. The words “determination of electoral constituency” shall be added in the sub-section (2) of section 20.

11. There shall be a provision in sub-section (2) of section 25 stating that the chairman and in his absence a tribal member elected by other members shall preside over all the meetings of the council.

12. As the entire region of Khagrachhari district is not included in the Maung circle, the words “Khagrachhari Maung Chief” in section number 26 of Khagrachhari Hill District Council Act shall be replaced by the words “Maung Circle Chief and Chakma Circle Chief.” Similarly, there shall be scope for the presence of Bomang Chief in the meeting of Rangamati Hill District Council. In the same way, there shall be provision that the Bomang Circle Chief can attend the meetings of Bandarban Hill District Council meetings if he wishes or is invited to join.

13. In sub-section (1) and sub-section (2) of section 31 there shall be a provision that a chief executive officer equivalent to the status of a deputy secretary shall be the secretary in the Council and there shall be provision that the tribal officials would be given priority for this post.

14. a) There shall be a provision in sub-section (1) of section 32 that for the proper conduct of its affairs the Council may, with the approval of the government, create posts of various categories of officers and employees.

b) Sub-section (2) of section 32 shall, by amendment, be made as follows:
The Council can, in accordance with regulations, appoint class three and class four employees, and can transfer, suspend, dismiss, remove or can impose any other punitive action on them. But provided that the priority of the tribal inhabitants must be maintained in case of the said appointments.

c) There shall be provision in the sub-section (3) of section 32 stating that:
The government can, in consultation with the Council, appoint other officers as per regulation and can transfer, suspend, dismiss, remove or can impose any other punitive action on them.

15. In sub-section (3) of section 33 “as per regulation” shall be mentioned.

16. The words “or any other way determined by the government” placed in the third line sub-section (1) of section 36 shall be omitted.

17. a) The original law shall be in force in the fourth paragraph of sub-section (1) of section 37.

b) “As per rules” will be included in Sub-section (2), sub-sub-section (d), of section 37.

18. Sub-section (3) of section 38 shall be repealed and by amendment, the sub-section (4) shall be framed as follows:
At any time before the expiry of the financial year, if deemed necessary, budget may be formulated and sanctioned.

19. In section 42 the following sub-section shall be added:
The Council with the fund received from the government shall formulate, initiate and implement development projects on the subjects transferred and all the development works initiated at the national level shall be implemented by the concerned ministry/department through the Council.

20. The word “government” placed in the second line of sub-section (2) of section 45 shall the replaced with the word “Council”.

21. By repealing the sections 50, 51 and 52, the following section shall be made:
The government, if deemed necessary, may advice or order the Council, in order to ensure conformity with the purpose of this Act. If the government is satisfied with definite proof that anything done or intended to be done by the Council, or on behalf of the Council, is not in conformity with law, or contrary to public interest, the government may seek information and clarification and give advice or instruction to the Council on the concerned matters in writing.

22. In sub-section (3) of section 53, the words “if the period of super session is completed” shall be repealed and “within ninety days of super session” shall be incorporated before the words “this Act”.

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23. The words "of the government" in the third and fourth lines of section 61 shall be replaced with the words "of the ministry".

24. a) By amendment, sub-section (1) of section 62 shall be made as follows:
Notwithstanding anything contained in any Act for the time being in force, all members of the rank of Sub-Inspector and below of Hill District Police shall be appointed by the Council in manner laid down by regulations, and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations; provided that in the manner of such appointment tribals shall be given priority.

b) The words "subject to the provision of all other laws for the time being in force" placed in the second line of sub-section (3) of section 62 shall be repealed and substituted by the words "as per rules and regulation".

25. The words "providing assistance" will remain in third line in section 63.

26. Section 64 shall be amended as follows:
  a) Notwithstanding anything contained in any law for the time being in force, no land, including those land suitable for giving settlement, within the boundaries of Hill District shall be given in settlement including giving lease, purchased, sold and transferred without prior approval of the Council; provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydroelectricity Project, Bethbunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.
  b) Notwithstanding anything contained in any law for the being in force, no lands, hills and forests within the control and jurisdiction of the Hill District Council shall be acquired or transferred by the government without consultation and consent of the Hill District Council.
  c) The council can supervise and control functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land).
  d) Fringe land in Kaptai Lake shall be given settlement on priority basis to original owners.

27. Section 65 shall be amended as follows:
Notwithstanding anything contained in any other law of for the time being in force, responsibility of collecting land development tax shall be entrusted in the Council and the said tax collected in the District shall remain in the account of the Council.

28. By amendment of section 67 it shall be made as follows:
If deemed necessary for coordination of activities between the Council and government authorities, the government or the Council shall put specific proposal on certain matter(s) and functions may be coordinated by mutual correspondence between the Council and the government.

29. By amendment of sub-section (1) it shall be made as follows:
The government in consultation with the Council can, by notification in the official gazette, make rules for carrying out the purposes of this Act and even after the rules had been made, the Council shall have special right to file petition for reconsideration of the rules.

30. a) In the first and second paragraphs of sub-section (1) of Section 69, the words "prior approval of the government" shall be omitted and the following part shall be added after the words "can do" in the third Para:
"Provided that if the government differs with any part of the regulation made by the Hill District Council then the government can give advice or instruction for amendment of the said regulation".

b) The words "transfer of power of Chairman to any officer" mentioned in the (h) of sub-section (2) of section 69 shall be omitted.

31. Section 70 shall be omitted.

32. Section 79 shall be amended as follows:
If in the opinion of the Council any law applicable to Hill District, passed by the national parliament or any other authority, is found to be hurtful to the district or objectionable to the tribal people, the Council may file petition in writing, for the purpose of amendment or relaxation of its application, to the government stating the reasons for which the law is being hurtful or objectionable and the government shall in the light of the petition, adopt necessary remedial measures.

33. a) The word "supervision" shall be added after the word "order" in the No. 1 of the functions of the Council:
  Vocational training;
  Primary education in mother tongue;

b) The following subjects shall be added in the No. 3 of the functions of the Council:
Secondary education

Appendix

34. The following subjects shall be added in the functions and responsibilities of the Hill District Council:
   a) Land and land management
   b) Police (local)
   c) Tribal law and social justice
   d) Youth Welfare
   e) Environment preservation and development
   f) Local tourism
   g) Improvement trust and other local government institutions except Pourasabha and Union Councils
   h) Licensing for local trade and business
   i) Proper utilization of water resources of rivulets, canals, ponds and irrigation except Kaptai lake
   j) Preservation of death and birth and other statistics
   k) Money lending and trade
   l) Jhum Cultivation.

35. The following sectors and sources shall be included in the taxes, rates, tolls and fees to be imposed by the Council as stated in the second schedule:
   a) Registration fee from non-mechanical transports
   b) Tax on sale and purchase of goods
   c) Holding tax from land and buildings
   d) Tax on sale of domestic animals
   e) Fees from cases of social justice
   f) Holding tax on government and non-government industries
   g) Part of royalty from forest resources
   h) Supplementary tax from cinema, theatre and circus, etc.
   i) Part of royalty from license or lease given by the government for exploration and extraction of mineral resources
   j) Tax from business
   k) Tax from lottery
   l) Tax from fishing

C)(Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL
1. A Regional Council shall be formed in coordination with the 3 Hill District Local Government Councils provided that various sections of the Hill District Local Government Council Act 1989 (Act No. 19, 20 and 21 of 1989) shall be amended with an aim to make the three Hill District Local Government Councils more powerful and effective.
2. Chairman of this Council shall be elected indirectly by the elected members of the Hill District Councils, his status shall be equivalent to that of a State Minister and he must be a tribal.
3. The Council shall be formed with 22(twenty-two) members including the Chairman. Two-thirds of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning. Composition of the Council shall be as follows:
   Chairman 1
   Members Tribal 12
   Members Tribal (women) 2
   Members non-tribal 6
   Members non-tribal (women) 1

   Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khiyang tribes

   Among the non-tribal members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.

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4. Three seats shall be reserved for women in the Council, one-third of which will be non-tribal.
5. The members of the Council shall be elected indirectly by the elected members of the Hill District Councils. Chairman of three Hill District Councils shall be ex-officio members of the Council and they shall have voting rights. Eligibility and non-eligibility of the members of the Council shall be similar to that of the Hill District Councils.
6. The tenure of the council shall be five years. Budget preparation and its approval, dissolution of council, formulation of council’s regulation, appointment of and control over officers and employees and matters related to concerned subjects and procedures shall be similar to the subjects and procedures given in favour of and applicable for the Hill District Council.
7. A chief executive officer equivalent to the rank of a Joint Secretary of the government shall be appointed in the council and tribal candidates would be given priority in the appointment for the post.
8. a) If the office of the Chairman of the Councils falls vacant then a member from among the tribal members would be indirectly elected as Chairman by the members of Hill District Councils for an interim period.
   b) If any office of a member of the Council falls vacant for any reason then that shall be filled through by-election.
9. a) The Council, including coordination of all development activities conducted under the three Hill District Councils, shall supervise and coordinate the subjects vested upon the Hill District Councils. Besides these, if any lack of coordination and inconsistency is found among the Hill District Councils in discharging their responsibilities the decision of the Regional Council shall be taken as final.
   b) The Council shall supervise and coordinate local councils including the municipalities.
   c) Regional Council can coordinate and supervise in the matters of general administration, law and order and development of the three Hill Districts.
   d) The Council can conduct programmes related to disaster management and relief, and also coordinate the activities of the NGOs.
   e) Tribal laws and social justice shall be under the jurisdiction of the Council.
   f) The Council can issue license for heavy industry.
10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.
11. If the Regional Council finds any rule of the 1900 CHT Regulations and other related laws, rules and ordinances as contradictory to the 1989 Hill District Council Acts, then the government shall remove that inconsistency in law according to recommendation of and in consultation with the Regional Council.
12. Until Regional Council is constituted through direct and indirect election the government may, by constituting an interim Regional Council, entrust the responsibilities of the Council on it.
13. If the government wants to formulate any law regarding CHT, it shall so in consultation with and according to the recommendation of the Regional Council. If there arises the necessity to amend any law that may be harmful for development of the three Hill Districts or for the welfare of the tribals, or to make any new law, the Councils may file a petition or put recommendation before the government.
14. The fund of the Council shall be created from the following sources:
   a) Fund received from the Hill District Councils’ fund;
   b) Money or profits from all properties vested in and managed by the Regional Council;
   c) Grant and loan from the government or any other authority;
   d) Grant from any institution or individual;
   e) Profit accruing from investment by Regional Council;
   f) Any other moneys received by the Regional Council;
   g) Money received from such sources of incomes as the government may direct to be placed at the disposal of the Regional Council.

D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

Both sides have reached the following position and agreement to take programmes for restoring normal situation in Chittagong Hill Tracts area and to this end on the matters of rehabilitation, general amnesty and others related issues and activities:
1. An agreement has been signed between the government and the refugee leaders on March 9, 1997 with an aim to take back the tribal refugees from India's Tripura State based on the 20-point Facilities Package. In accordance with the said agreement repatriation of the refugees started since March 28, 1997. This process shall continue and with this in view, the Jana Sanghati Samiti shall provide all kinds of possible cooperation. The Task Force shall, after determination, rehabilitate the internally displaced tribal people of three districts.

2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.

3. The government, to ensure the land rights of the tribal families which are landless or possess less than 2 acres of land, shall provide two acres of land to each such family, provided that lands are available in the locality. If requisite lands are not available then grove land shall be provided.

4. A commission (Land Commission) headed by a retired justice shall be formed for settling land disputes. This commission, in addition to settling disputes of lands of the rehabilitated tribal refugees, shall have full power for cancellation of ownership of those lands and hills which have been so far illegally settled and occupied. No appeal can be made against the judgement of this commission and decision of this commission shall be final. This shall also be applicable in case of fringe land.

5. This commission shall be set up with the following members:
   - Retired justice;
   - Circle chief (concerned);
   - Chairman of Regional Council/representative;
   - Divisional Commissioner/Additional Commissioner
   - Hill District Council Chairman (concerned)

6. a) The term of the commission shall be three years. But its term can be extended in consultation with the Regional Council.
   b) The Commission shall settle disputes according to the existing rules, customs and practices of Chittagong Hill Tracts.

7. The tribal refugees who received loans from the government but could not utilize them properly due to conflicting situation shall be exempted from repayment of loans and interests.

8. Allotment of lands for rubber plantation and other purposes: Settlement of land, of those non-tribals and non-locals who were given settlement of lands for rubber plantation and other purposes but had not undertaken project within the past 10 years or had not utilized their lands properly, shall be cancelled.

9. The government shall allot additional funds on priority basis for implementation of increased number of projects in CHT. New projects formulated with an aim to make necessary infrastructures for facilitating development in the area shall be implemented on priority basis and the government shall provide funds for these purposes. The government shall, considering the state of environment in the region, encourage developing tourism for tourists from within the country and abroad.

10. Quota reservation and scholarships: Until development equals that of other regions of the country the government shall continue reservation of quota system in government services and educational institutions for the tribals. For this purpose, the government shall grant more scholarships for the tribal students in the educational institutions. The government shall provide necessary scholarships for research works and higher education abroad.

11. The government and the elected representatives shall be active to preserve the distinctiveness of the tribal culture and heritage. The government in order to develop the tribal cultural activities at the national level shall provide necessary patronization and assistance.

12. The Jana Samhati Samiti shall submit to the government the lists of all its members including the armed ones and the arms and ammunition under its possession and control within 45 days of signing this agreement.

13. The government and the Jana Samhati Samiti shall jointly determine the date and place for depositing arms within the 45 days of signing this agreement. After determination of date and place for depositing arms by the members included in the list of the Jana Samhati Samiti the government shall ensure security for return of JSS members and their family members to normal life.
14. The government shall declare amnesty for the members who shall deposit their arms and ammunition on the scheduled date. The government shall withdraw the cases against whom cases have been lodged.
15. If anyone fails to deposit arms on the scheduled date the government shall take lawful measures against him.
16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti.
   a) In order to provide rehabilitation to all returnee JSS members a lump sum of Taka 50,000/- shall be given to each family.
   b) All cases, warrants of arrest, held against any armed member or general member of the Jana Sanghati Samiti shall be withdrawn and punishment given after trial in absentia shall be exempted after surrender of arms and coming back to normal life as soon as possible. Any member of the Jana Sanghati Samiti in jail shall be released.
   c) Similarly, after surrendering arms and coming back to normal life, no case can be filed or no punishment can be given to any person for merely being a member of the Jana Sanghati Samiti.
   d) The loans obtained by the members of the Jana Sanghati Samity from different government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.
   e) Those members of the PCJSS who were employed in various government jobs shall be absorbed in their respective posts and the eligible members of their family shall be given jobs as per their qualifications. In such cases, the government principles regarding relaxation of age would be followed.
   f) Bank loans of soft terms shall be given to the members of the PCJSS for cottage industry and horticulture and other such self-employment generating activities.
   g) Educational facilities shall be provided for the children of the Jana Sanghati Samity members and the certificates obtained from foreign board and educational institutions shall be considered as valid.
17. a) After signing of the agreement between the government and the Jana Sanghati Samiti and immediately after the return of the JSS members to normal life, all the temporary camps of military, Ansar and Village Defence Party shall be taken back to permanent installations except the border security force (BDR) and permanent cantonments (three at the three District Headquarters and Alikadam, Ruma and Dighinala) by phases and with this in view, the time limit shall be determined. In case of deterioration of the law and order situation, natural calamity and such other works the army can be deployed under the civil administration like all other parts of the country as per relevant laws and rules. In this case, the Regional Council may, according to the necessity or time, request the proper authority for the purpose of getting assistance.
   b) The lands of camps and cantonments to be abandoned by military or para-military forces shall be either returned to the original owners or to the Hill District Councils.
18. The permanent residents of Chittagong Hill Tracts with priority to the tribals shall be given appointment to all categories of officers and employees of all government, semi-government, councils and autonomous bodies of Chittagong Hill Tracts. In case of non-availability of eligible persons from among the permanent residents of Chittagong Hill Tracts for a particular post, the government may give appointment on lien or for a definite period to such posts.
19. A ministry on Chittagong Hill Tracts Affairs shall be established by appointing a Minister from among the tribals. An Advisory Council shall be formed to assist this ministry with the persons stated below:
   a) Minister on CHT Affairs
   b) Chairman/representative, Regional Council;
   c) Chairman/representative, Rangamati Hill District Council;
   d) Chairman/representative, Bandarban Hill District Council;
   e) Chairman/representative, Khagrachari Hill District Council;
   f) Member of Parliament, Rangamati;
   g) Member of Parliament, Bandarban;
   h) Member of Parliament, Khagrachari;
   i) Chakma Raja;
   j) Bohmang Raja;
   k) Mong Raja;
   I) Three members from non-tribal permanent residents of hilly areas nominated by the government from three Hill Districts.
Appendix

This agreement is framed as above in Bengali language and is done and signed in Dhaka on the date of 02 December, 1997 A.D., 18 Agrahayan 1404 Bengali year.

On behalf of the inhabitants of Chittagong Hill Tracts
SD/-
(Jyotirindra Bodhipriya Larma)
President
Parbattya Chattagram Jana
Sanghati Samiti

On behalf of the government of the Peoples Republic of Bangladesh
SD/-
(Abul Hasanat Abdullah)
Convenor
National Committee on Chittagong Hill Tracts Affairs,
Government of Bangladesh

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Appendix 4

Lists of Interviewed Persons and Organizations

The following persons and the Organizations were consulted during my field survey of both Hirakud (India) and Kaptai Dams (Bangladesh). My field study to Hirakud Dam was from 5th November to 25th November 2005 and 1st June 2008 to 30th June 2008. My survey of Kaptai Dam in Bangladesh was from 4th May 2008 to 17th May 2008. During these periods I interacted with many persons and consulted many organizations in order to gather information about both the dams. The following are the lists of persons and organizations consulted during my field survey.

Hirakud Dam

1. Mr. Prafulla Samantara, President of Lokshakti Abhiyan, Orissa Unit
2. Professor Durga Nayak, Sambalpur
3. Er. Karunakar Supakar, Former Chief Executive Engineer, Orissa Hydropower Corporation Ltd, Burla
4. Mr. Bhakta Prasad Nanda, President of Hirakhand Nagarik Parishad, Sambalpur
5. Mr. Ashok Pradhan, President of Paschim Orissa Krushak Sangathan Sammanuya Samity
6. Er. Lingaraj, President of Orissa Krushak Sangathan Sammanuya Samity,
7. Er. Janki Mohapatra, Chief Executive Engineer, Department of Irrigation, Hirakud Dam Division Burla
8. Mr. Ranjan Panda, Director of Manav Adhikar Seva Samity, Sambalpur
9. Mr. R.N. Nanda, Hirakud Land Organization Officer, Collector Office, Sambalpur
10. Dr. Rajat Kujur, Lecturer of Political Science in Gangadhar Meher College, Sambalpur
11. Dr. Tripurai Narayan Pati Lecturer of Political Science in Gangadhar Meher College, Sambalpur,

Kaptai Dam

1. Meghna Guhathakurta, Executive Director of Research Initiatives Bangladesh, Dhaka
2. Mr. Philip Gain, Director of Society for Environment and Human Development, Dhaka
3. Mr. Mahfuz Ullah, Secretary General of Centre for Sustainable Development, Dhaka
4. Dr. Islam M. Faisal, Environment and Livelihood Advisor, Department for International Development, Dhaka
6. Prof. Monwar Hussain, Department of Water Resource Engineering, Bangladesh University of Engineering and Technology
7. Prof. Amena Mohsin, Department of International Relations, University of Dhaka
8. Prof. Sadeka Halim, Department of Sociology, University of Dhaka
9. Prof. Imtiaz Ahmad, Department of International Relations, University of Dhaka

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