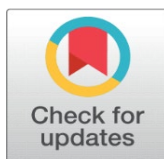


ECONOMIC PERSPECTIVES ON RESETTLEMENT AND REHABILITATION OF DISPLACED IN ODISHA

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ABSTRACT

This article documents the process of displacement, rehabilitation and post-rehabilitation phase of the Tribal families of Similipal forest. It articulates issues for rehabilitation and resettlement, such as the concept of 'good governance' versus 'governmentality' (the dominance of state over natural resources and lives of forest residents, especially tribals) for the betterment of the displaced families; the need to equip the stakeholders for change in the economy and income-generation activities through imparting skills, tools and know-how; the measures to minimise adverse changes in socio-cultural relations due to their spatial movements; and the way to reduce their vulnerability and marginalisation due to lack of political clout in the post-displacement phase. The article emphasises that the state has to adopt a participatory approach for the desired development of the stakeholders, that is, the residents of sanctuaries, especially when it has to deal with tribes whose subsistence economy is pastoralism. This paper describes the process of relocation and rehabilitation of villages populated primarily by tribals in Mayurbhanj district of Odisha. It examines the rehabilitation package offered, the process followed for relocation and resettlement and the impact that this shift has had on the livelihood of the affected people. While the rehabilitation package and the general attitude of the agency that carried out the relocation has been a significant improvement over previous such experiences, the shift has nevertheless had a negative impact on the livelihood of the people.

Keywords: Displacement, Resettlement and Rehabilitation, Development, Tribal, National Park, Odisha

1. INTRODUCTION

The debate on development-induced displacement and the need for just and proper rehabilitation and resettlement has addressed multiple facets of the process, and it has stressed on the role of government to minimise displacement to prevent sufferings of project-affected people due to impoverishment and dispossession and to prevent social disarticulation and erosion of cultural values, especially of the scheduled castes (Dalits), scheduled tribes (Adivasi) and women. The debate has also demanded rehabilitation as a fundamental right, an informed and rational choice of the affected people; and, in response to these demands, guidelines for rehabilitation and resettlement have been evolved by social activists and

academicians to strengthen the case of prospective project-affected persons. Different agents engaged in the process of displacement and rehabilitation and resettlement have stressed the need for region-specific and community-specific studies to describe the predicament of project affected persons in different parts of India.

This article describes the impact of displacement on the Similipal National Park of Odisha. Based on primary data, this article articulates issues for rehabilitation and resettlement of pastoral communities residing in forests, such as, the need to equip them for the change in economy-from pastoral activity to agriculture-and for income-generation activities through imparting training in skills and tools, minimising adverse changes in socio-cultural relations due to their spatial movements, and reducing their vulnerability and marginalisation due to lack of political clout in the post-displacement phase, as the number of displaced families was not very big. In this light, the article emphasises that the state must adopt a participatory approach for the desired development of the stakeholders, that is, the residents of sanctuaries.

2. RESULTS AND DISCUSSION

2.1. R&R POLICY FOR SIMILIPAL NATIONAL PARK IN ORISSA.

- 1) Homestead Land:** @0.10 acre in Recovery habitat or cash equivalent @ Rs. 50,000/- for each displaced family that prefers elsewhere to self-relocate.
- 2) House Building Assistance:** Rs. 1,50,000/- for all displaced families, including cattle sheds. Both displaced families, whether settling in a resettlement habitat or elsewhere, would be eligible for this.
- 3) Agricultural Land Assistance:** Each displaced family belonging to the ST group is granted two and a half acres of irrigated agricultural land or five acres of non-irrigated agricultural land.

Two acres of irrigated agricultural land or four acres of non-irrigated agricultural land shall be given to each displaced family belonging to all other groups.

Cash equal @ Rs. 1,00,000/-per acre of irrigated land and Rs.50,000/-per acre of non-irrigated land, including the expense of reclaiming or at the rate determined by the Government from time to time, will be given in the event of non-availability of land.

- 4) Registration Cost of Land:** Up to 5 hectares of un-irrigated land or 2 and a half hectares of irrigated land in the case of indigenous households or 4 hectares of un-irrigated land or 2 hectares of irrigated land in the case of other displaced households opting for rehabilitation on the basis of cash instead of land shall be compensated by the project authority within a span not exceeding five years from the date of displacement.

2.2. BROAD FEATURES

- 1) The date of publication of notification under Section 4 (i) of LAA is to be treated as the reference date for enumeration.
- 2) Irrespective of the marital status a son of 18 years or more shall be treated as a separate family unit for R&R benefit.

- 3) Physically and mentally retarded persons irrespective of sex and age were to be considered separate family units.
- 4) Minor orphans with no body to support shall be treated as separate family and shall be entitled to R&R benefit.
- 6) Divorcees with or without dependent child/children, and no source of livelihood were considered separate families.
- 7) Each displaced family was to be provided with 0.20 Ac. Of homestead land and in case of rehabilitation colony, provision shall be made for a pucca house with cement or asbestos roof.
- 8) Each displaced family including the landless was to be provided either with 2.5 acres of unirrigated land or 1.25 Acres of irrigated land for cultivation. The rehabilitation assistance in lieu of land was to be paid in cash amounting to Rs.8000/- and Rs.16, 000/- per acre for unirrigated and irrigated land respectively.
- 9) Each displaced family shall be provided a maintenance allowance@ Rs.500/- per month for a period of one year.
- 10) Fifty per cent of the unskilled and clerical jobs of the projects were to be filled up from among the outsees who had the requisite qualifications.
- 11) The role of the Non-Government Organization (NGO) was recognized for resettlement and rehabilitation work.
- 12) An amount of Rs. 17, 000/- was provided to each family as house building assistance to construct house in the resettlement site.

2.3. COVERAGE UNDER DISPLACED PEOPLE CATEGORY

- 1) A unit of family shall be treated as follows:
- 2) Such person or his/her spouse, minor sons, unmarried daughters' minor brothers and sisters, father & mother and other members residing with him and depending on him for livelihood.
- 3) A son who is 18 years or more irrespective of his marital status.
- 4) The unmarried daughter who is more than 30 years of age.
- 5) Physically or mentally retarded persons, irrespective of their age and sex.
- 6) Minor orphans who have lost parents and have nobody to fall back upon. Such orphans numbering more than one in a particular family will be clubbed together and counted as one family.
- 7) Divorcees and widows having no source of livelihood.
- 8) Share croppers if recorded as such in the record of rights.
- 9) Any person who had legally encroached land and in occupation within
- 10) the affected zone.

A reduction in the age limit of daughters would have minimised the gender gap in respect of rehabilitation assistance. It is unusual to see a legally recognized encroacher. Hence encroachers are virtually eliminated from such assistance.

2.4. PROVISION FOR ALLOTMENT OF LAND

- 1) Land for land should be the main objective for resettlement and rehabilitation. Land may be allotted in the benefit zone. Ceiling surplus land may be assessed for allotment to the affected persons.
- 2) Agricultural land @ 2.00 Acres (Irrigated) or 4.00 Acres (unirrigated) and homestead land @0.20 Ac. per displaced family should be allotted. Reclamation of the allotted land should be done at the project cost.
- 3) A person who loses land for the project but is not displaced and is entitled to get compensation for such acquisition will get an equal area of land as mentioned in point (ii) as rehabilitation benefit along with the reclamation cost.
- 4) If a person loses his/her only house due to the acquisition for the project,
- 5) but the village is not displaced and villagers are entitled to get compensation, he will also be provided with 0.20 Ac. of homestead area along with the house building assistance at par with the oustees.
- 6) A person, who loses a portion of his only holding and thereby is compelled to lead an uneconomic living, will get all the R&R benefits.
- 7) The displaced persons will exercise their option in writing about land to
- 8) be allotted/not allotted to them. The registration fee and stamp duty of oustees will be reimbursed if he purchases land within the limit of 2.00 Acres irrigated, or 4.00 Acres unirrigated and 0.20 Ac homestead land within three years from the date of receiving the rehabilitation assistance.

2.5. PROVISION FOR HOUSE BUILDING ASSISTANCE

House building assistance @ Rs.20, 000/- per displaced family may be given whether he/she settles in a colony or on self-arrangement. The base year being, 1994, there may be escalation, of the amount in every 4th year as per the official index or revision.

2.6. PROVISION FOR CIVIL AMENITIES

- 1) There should be provision for one two roomed primary school for every 100 families or less. There should be a well for drinking water in the school campus.
- 2) There should be one village pond for each colony and drinking water facility as per the minimum need programmer.
- 3) One community centre and one dispensary for every 500 families.
- 4) All colonies should be linked with all-weather roads.
- 5) Each and every colony should be electrified.

2.7. PROVISION FOR SUBSISTENCE ALLOWANCE

Subsistence allowance @ Rs.500/- per family, per month, for a period of one year, shall be provided from the actual date of shifting as a wage compensatory

measure. There may be provision for escalation of prices, every year, and revision of allowance every 4th year as per official index.

2.8. ALTERATIVE STRATEGIES

In the event of non-availability of adequate amount of land for compensation or if the PAP wanted to opt for self-employment schemes or other income generating activities, the following provisions have been made in the policy.

Dairy farming (b) Reservoir pisciculture (c) Cottage industry (d) Caste based traditional jobs like that of a barber, blacksmith etc. (e) Plantation or social forestry around the reservoir (f) Preference to eligible PAP in Class-III & IV posts in the project activities. Secondary employment opportunities may be exploited in all resettlement programmes.

2.9. SPECIAL PROVISIONS FOR TRIBAL'S

- 1) Care should be taken to resettle the tribal people in a group nearer to the area of displacement.
- 2) For resettlement of tribals, forest land may be reserved for land based resettlement as far as practicable.
- 3) Tribals may be enlisted to take to forestry and they may be allotted with waste land up to 4 acres for raising commercial forest plantation,
- 4) The Scheduled Caste and Scheduled Tribe people should be given priority over other categories of oustees, in case of employment opportunity and normal development and poverty alleviation programme should also be extended to these categories of displaced people.

2.10. REHABILITATION AND CASH GRANT

Land for land should be the guiding principle for the rehabilitation of the oustees. But oustees may like to resettle on their own and instead of moving to the project sponsored colonies. Such oustees, on giving their option in writing will be given rehabilitation cash grant in lieu of land. Detail accounts of all the oustees receiving cash grant should be kept and their mode of affective rehabilitation should be monitored so that the money received is not frittered away. Allotment of land in part and payment of rehabilitation cash grant for the remaining part may also be given.

- Cash grant provided @ Rs.20,000/- per acre of irrigated land and homestead land and Rs.10,000/- per acre of non-irrigated land.
- Cash grant will be sanctioned jointly in favour of such person entitled and his or her spouse, if any.

2.11. REHABILITATION ADVISORY COMMITTEE (RAC)

A RAC is constituted under the Chairmanship of the Revenue Divisional Commissioner (if the project affects more than one district as the case of HIP) or the Collector & District Magistrate of the district concerned. The official members are Superintending Engineer of the Project, Divisional Forest Officer, Soil Conservation Officer, Director, Resettlement and Rehabilitation, District Agriculture Officer, Director, Tribal Welfare, Director, Environment, Project Director, District Rural

Development Authority, Chief District Medical Officer, District Veterinary Officer, District Fisheries Officer, District Inspector of Schools. Representative of the Lead Bank of the district, Land Acquisition and R&R of the Project. Other non-official members are Member of Parliament, Member of Legislative Assembly, Chairman, Panchayat Samiti of the affected/benefited zone, not more than three Sarpanchs of Gram Panchayats and one voluntary organization working in the affected/benefited zone. The committee shall look after the socio-economic survey, land acquisition, payment of compensation, resettlement and rehabilitation programmes and its progresses, irrigation facility for resettlement areas, coordination of works relating to resettlement, and examine bottlenecks, if any, and suggest measures to remove them. Also, it will examine grievances of the displaced people and recommend measures to resolve them. Thus, the RAC guides and recommends modifications or improvements for the implementation of the policy.

2.12. CRITICAL EVALUATION OF THE POLICY

- 1) The present R&R policy is limited to the issue of displacement arising due to water resource projects only, although other category may be included, only on Government notification.
- 2) It is a policy only, and till date the Government of Orissa has not come forward for enacting a law to that effect.
- 3) It does not provide rehabilitation as the right of displaced persons.
- 4) The LAA 1894/1984 takes the market value as' the basis for compensation and does not recognize the replacement value of the land acquired. Thus, compensation amount may be inadequate to restore the lost land holding position.
- 5) It fails to recognize the rights of the encroachers of forest land, as it is difficult to legalise encroachment.
- 6) Subsistence/maintenance allowance is provided only for one year from the date of actual shifting. There is no change in the amount i.e. Rs. 500/- per month as in 1990 policy. But it is difficult to regain the lost economic activities within a year. Further, subsistence allowance provided is less than the minimum wage of a labour and provision made in the national policy.
- 7) No specific measure has been evolved to compensate for the loss of trees or forest area.
- 8) The (Rehabilitation Advisory Committee (RAC) has been provided a little room in mobilizing the participation of the displaced persons in R&R processes. RAC is not a decision making body and inherits more of bureaucratic character. It is doubtful that the full body of RAC can ever meet to discuss the issues relating to displacement.
- 9) There is provision of evaluation during the process of rehabilitation but the policy is silent about the follow-up action to be taken after rehabilitation is made. It also does not emphasise on the upliftment of oustees over and above their pre-displaced status. They are to face economic degradation due imperfect implementation of the policy.
- 10) One of the greatest loopholes of the policy is that no specific provision to acquire land in the command area has been made for the displaced people of the project concerned. Without this basic measure, the project benefit cannot 'be provided to the oustees.

- 11) Last but not the least is that the loss of common property resources (CPR) and other community support bases, socio-cultural aspects or psychological stress and strain, trauma etc. have not been taken into consideration.

The R&R policy, 1994 has emphasized economic rehabilitation just as a part of the total rehabilitation. The R&R measures should be such that the condition of the oustees improves considerably instead of just trying to place them at their pre-displaced' status. But this is unlikely to happen in reality due to numerous reasons, such as delay, Corruption, inefficiency, bureaucratic attitude towards oustees etc. The provision of land, in a forest or government land for the displaced people is nothing but a wasting of their time and energy in fighting against the infertility of the land. The inaccessible land for cultivation leads to further deterioration of their economic conditions.

2.13. SIMILIPAL NATIONAL PARK PROJECT AND R&R POLICY

The HIP is a medium irrigation project, approved by the Planning Commission in 1978 and Government of Orissa in 1980. The total number of displaced families of this project is 820. The people of one village viz. Gania which is fully submerged in the reservoir, moved to the Government Sponsored Rehabilitation Colony at Litipali during 1991-92, whereas the oustees of other four fully submerged villages started shifting (A few families are still in the same villages)' in 1998-99. The oustees of this project who shifted prior to 01.09.1994 are covered by the 1990 R&R policy, and those who shifted or likely to shift after the cut-off date line of 01.09.1994, are covered by the 1994 R&R policy. The displaced people of village Gania and a few displaced persons of other submerged villages have been treated with 1990 R&R policy and the rest with the 1994 policy. In this case the date line of receiving R&R assistance and shifting have determined the amount of R&R assistance either by 1990 or 1994 policy but not the HIP or submerged village as a unit of the irrigation project. This project has policy implications of both the 1990 and 1994 policies. The application of two sets of policy in this project is likely to have different effects on the displaced people although they belong to the same project. The policy provisions and its implementations are two separate aspects in dealing with the situation of involuntary displacement. The R&R Policy of 1994 is an extended and amended version of 1990 R&R policy and it is expected that the policy of 1994, will deal in a better way.

2.14. OBSERVATION OF THE GOVERNMENT POLICIES

The review of policy towards involuntary displacement shows that there was absence of a systematic resettlement and rehabilitation measures even after 30 years of planning of the country. The Land Acquisition Act 1894 was the sole law in determining the compensation amount for the acquired land. As a result, the displaced people were facing economic degradation at post-displaced time-period. The State of Maharashtra was the first state to come forward with a resettlement and rehabilitation policy in 1976. Of late, the national rehabilitation policy was framed in 1985. In the state of Orissa, adhoc measures were adopted to deal with the problem of displacement. In 1992, resettlement and rehabilitation measures

were announced for the oustees of Similipal National Park Project. It was followed by policies, amended subsequently. The present study of displacement is governed by the resettlement and rehabilitation policies of 1990 and 1994. Despite

certain short comings, these policies have provided some relief over the earlier policies.

CONFLICT OF INTERESTS

None.

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