

# Contextualising the Conflict between Conservation and Livelihood: Implementation of FRA 2006 in Odisha, India

**Dr. Tapas Kumar Sarangi**

Assistant Director

National Institute of Labour Economics Research & Development, Delhi  
(Under NITI Aayog, Government of India)

Email: [sarangi.tapas@gmail.com](mailto:sarangi.tapas@gmail.com)



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# Background

- Ecological Conservation is essential for Human Wellbeing.
- Recognized by both Global Development Target – MDGs/SDGs & Global Environmental Target- CBD & also by IUCN- WPC.
- Until very recently, the dominant conservation in India has been a 'fortress' approach (Brockington, 2002).
- Focused on the establishment of a network of wildlife reserve emphasizing law enforcement through 'fences & fines' (Gadgil & Guha 1993).
- Most of the Forest Policies- Conservation by Exclusion.
- PAs got legal standing after WLPA 1972- Amended in 2002 & 2006.

# Contextualizing the Problem

- In the absence of adequate resource endowment such as **land, human capital & access to service sector**, forest play a crucial role in the livelihood strategies of many rural household.
- The average size & quality of land available to the tribals in the **scheduled areas** is very low. (**< 1 acre**)
- The multifaceted deprivations faced by the tribal & other forest dwellers have led to loss of private land, forest land & forest products.
- Which restricted their access to forest-based livelihoods. As a result the level of living is at rock bottom.
- Large scale **displacement** of tribal on account of development projects including **mining activities** further eroded their livelihood options.

# Forest Policies & Rights Deprivation

- *Pre Independence*- Most of the forest policies emphasis on '**Revenue generation**'- Ignoring the tribal & forest rights- which effects the livelihood of the forest dwellers adversely.
- *Post Independence*- Follow the same- National Forest Policy- 1952, NCA 1976, NFP 1988 etc.
  - Conservation through Powerful legislation like WLPA 1972, FCA 1980- Further Restrict the Access.
  - NFP 1988- Paradigm shift- JFM Started which was a Decentralised & Participatory mode of Governance.
  - FRA 2006- Undoing '**Historical Injustice**'.

## What is FRA 2006?

- The Schedule Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006- (*Popularly FRA 2006*).
- Passed on 18<sup>th</sup> Dec 2006, Notified on 31<sup>st</sup> Dec 2007 & Implementation starts from 1<sup>st</sup> Jan 2008.
- Undoing the ‘**Historical Injustice**’ to the forest dwellers during pre & post independence.
- Recognized bundle of Rights to the forest dwellers (both Individual & Community).
- 4 Deptt. (Tribal, Revenue, Forest & *Panchayati Raj*). – Nodal Agency (Tribal Welfare)

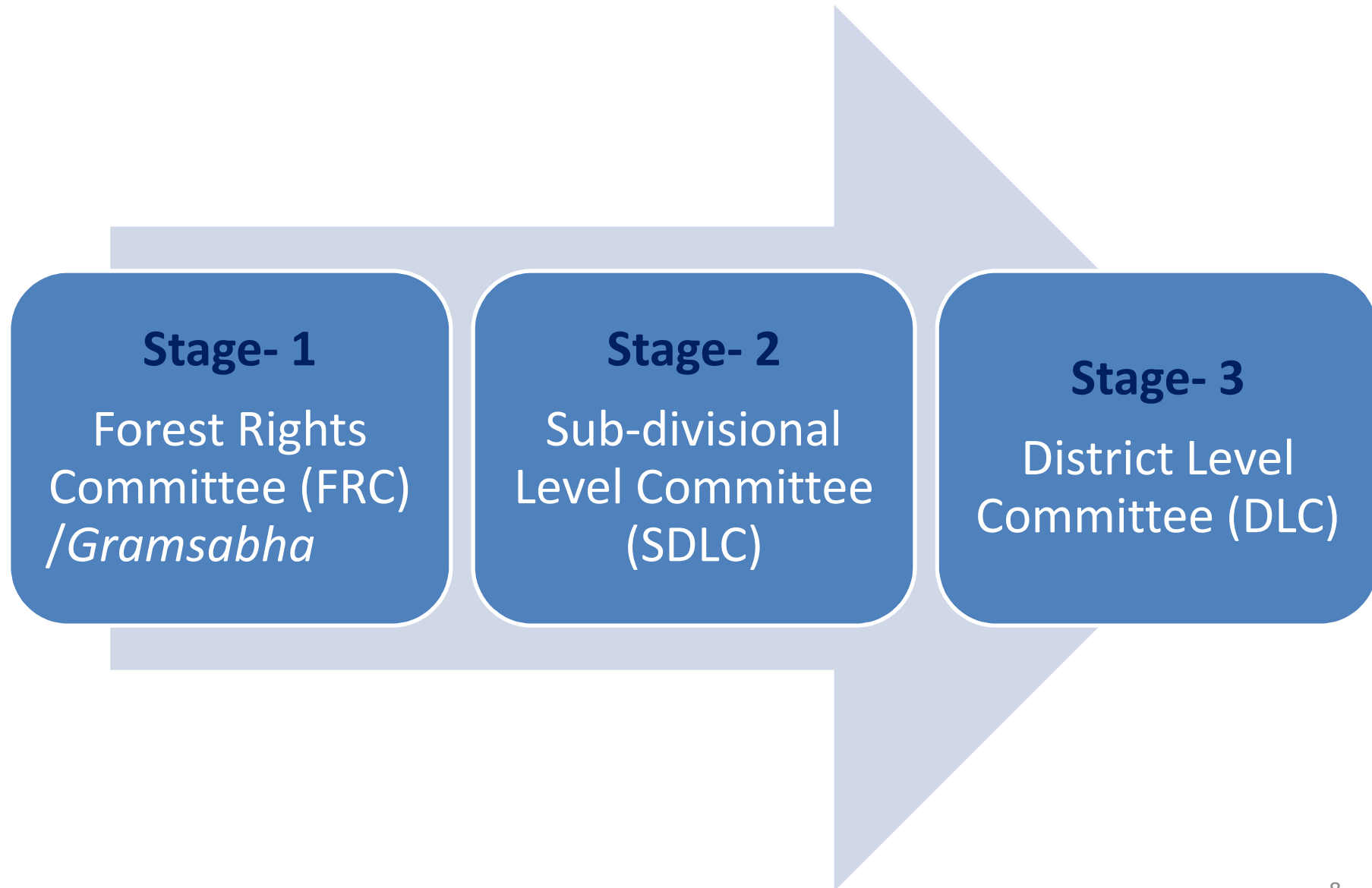
# Provision under FRA 2006

- **Land Rights (Individual & Community)**
  - Individual land to live & cultivate for livelihood
  - Cattle grazing
  - Collection & Disposal of MFPs
  - Rights to fishing & collection of other products from the water bodies.
- **Right to Protect & Conserve**
  - Protect, regenerate, conserve or manage any community forest resource.
- **Relief & Development**
  - Right to use forest land not exceeding 1 hect. to build schools, dispensaries, fair price shop etc.

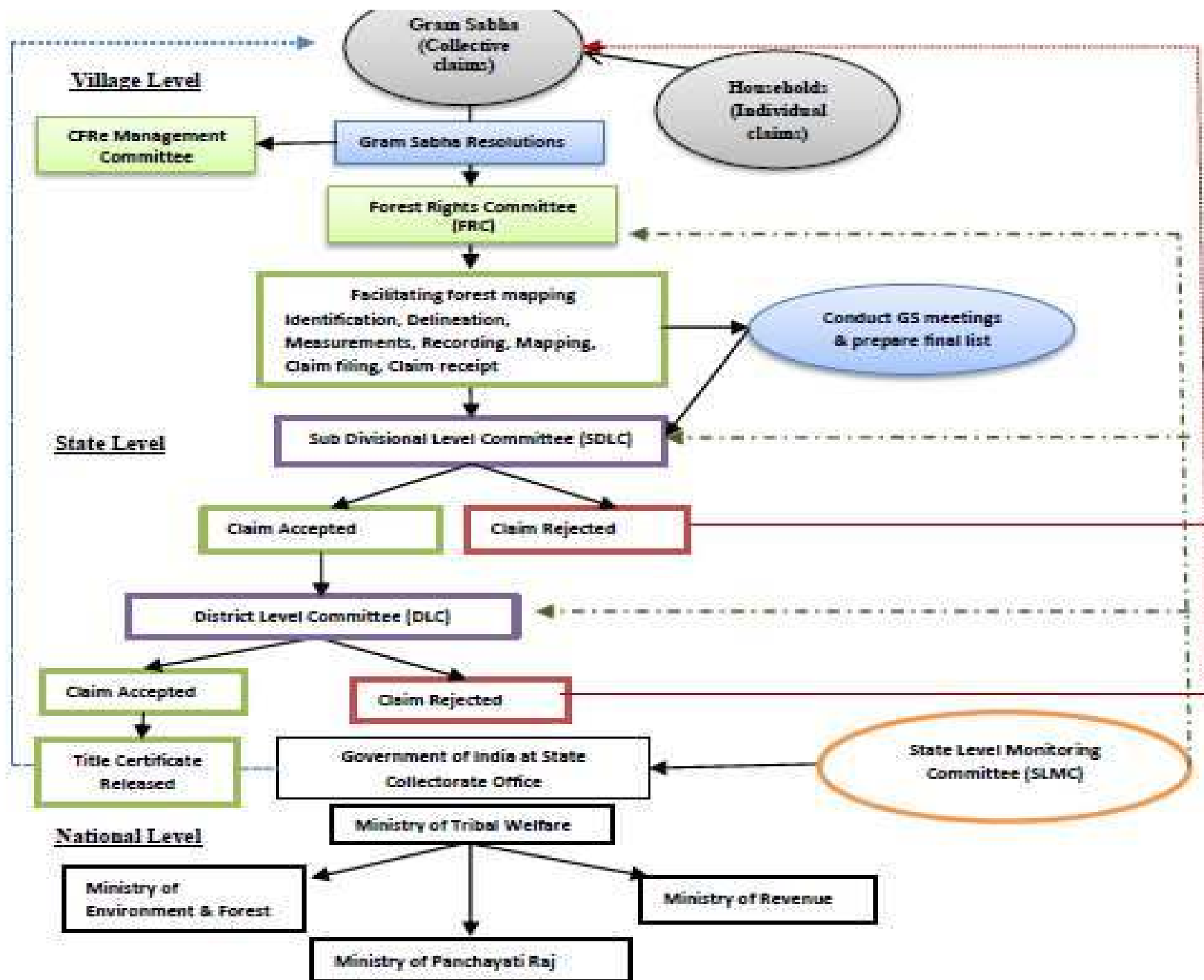
# Role of Different Institutions

Institution	Role
Ministry of Tribal Affairs (MoTA)	At the national level, the MoTA is the nodal agency.
SC & ST Department (in Odisha)	The nodal agency in the state& the state appoints the nodal officer.
State Level Monitoring Committee (SLMC)	SLMC assesses whether the FRA's implementation is taking place as it should be or properly.
District Level Committee (DLC)	DLC examines the claims it receives, & accepts or rejects them. The DLC is also required to ensure that necessary support is provided to the GS to carry out its functions.
Sub-divisional Level Committee (SDLC)	SDLC ( <i>taluka</i> level) examines the GS Resolutions & maps related to these claims to pass on to the next level. The SDLC provides necessary support to the GS and FRC in the process for determination of rights.
Gram Sabha (GS)/ Palli Sabha (PS) & Forest Rights Committee (FRC)	FRC at GS level is constituted & authorized by the GS to assist the GS in its functions to collate, verify and prove claims to rights.

# Process of Implementation







# Progress under FRA

State	No. of claims received	No. of titles distributed	No. of claims rejected	Extend of forest land for which titles distributed (in acres)
<b>Odisha</b>	6,30,452 (6,17,049 IFR & 13,403 CFR)	3,91,972 (3,86,588 IFR & 5,384 CFR) (62%)	1,52,939 (IFR+CFR) (24%)	9,22,663.35 (5,87,064.28 IFR & 3,35,599.07 CFR)
<b>All India level</b>	42,09,403 (40,97,352 IFR & 1,12,051)	16,98,310 (16,50,867 IFR & 47,443) (40%)	19,60,913 (IFR+CFR) (47%)	1,02,88,678.11 (55,35,898 IFR & 47,52,780 CFR)

**Odisha Rank 3<sup>rd</sup>** in terms of percentage of titles distributed over number of claims received.  
(IFR- Individual, CFR- Community)

Source: Govt. of India, Ministry of Tribal Affairs, (As on 31<sup>st</sup> August 2016).

# Need of the Study

- Less information on the status of FRA in PAs.
- FRA is neglected in most of PAs.
- Wrong idea on the FRA implementation in PAs.
- Focused on Individual Rights only.
- OTFD has been discourage to apply.

# Objectives

- To understand the conflicts between Conservation & Livelihood in PAs of Odisha & How FRA is helpful in reducing these conflicts?
- To understand the actual process of implementation of FRA in PAs of Odisha.
- To analyze the problems associated in implementation of FRA in WLS.

## **Database & Methodology**

- Based on Primary & Secondary information.
- Fieldwork in one WLS (Badrama in Odisha).
- Interviewed different Stakeholders/Key persons involves in the process.
- FGDs in Villages inside PAs.

## **Limitation of the Study**

- Data not available on the status of FRA implementation at various PAs wise.
- Lengthy procedure of getting permission from the Chief Wildlife Warden/PCCF for carry out HH survey in the villages inside PAs.

# Bio-diversity governance

Two Type Model:

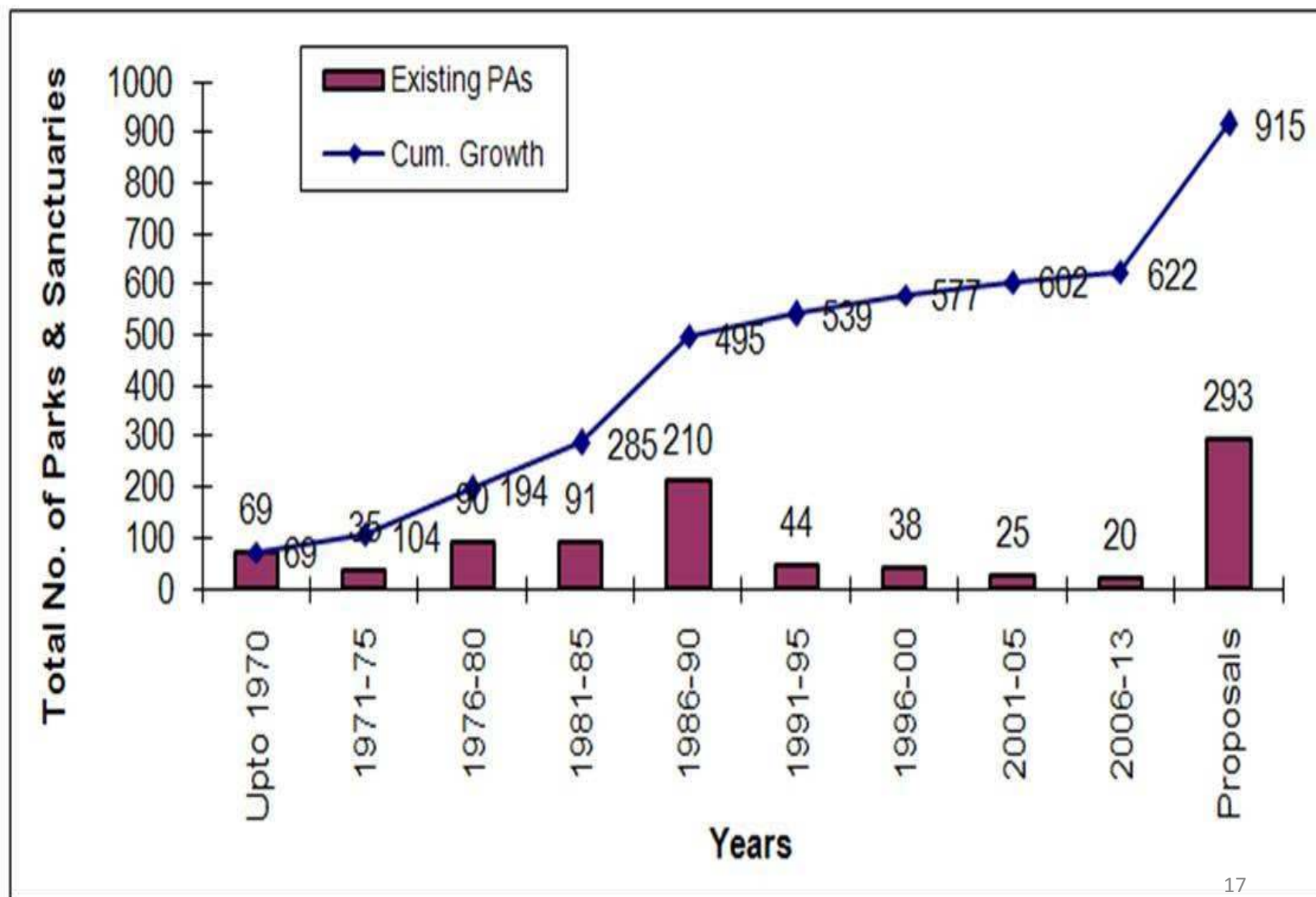
- **State-Driven Conservation**
  - Protected Areas (National Park & Sanctuaries)
  - Territorial forest (Reserve Forest)
- **Community-based Conservation**
  - Autonomous community efforts (i.e. CFM in case of Odisha)
  - Co-management (i.e. JFM/VSS)- in 1990s
  - Decentralised governance institution (PRIs, GS in Scheduled 5<sup>th</sup> areas)

# Category of Protected Areas

- In India as after WLPA 1972, Amendment 2002 & 2006 allow establishment of PAs of various categories such as:
  - National Park (Core Zone & Buffer Zone)
  - Wildlife Sanctuary (Notified, Declared & Proposed)
  - Conservation Reserve
  - Community Reserve
  - Tiger Reserve
  - Elephant Reserve
  - Biosphere Reserve



## GROWTH OF PROTECTED AREAS NETWORK IN INDIA



# Issues in PAs

- Coexistence- Debate
- Human- Animal Conflicts- Loss of Life & Property
- Relocation/Displacement
- CWLH & CTH- Inviolable area- Human use free area
- Poaching- Illegal Wildlife Trading (ex- Tiger Skins)
- Ecologically Sensitive Zone (ESZ)- Restriction on Industrial Development with in 10 km radius

# Human-Animal Conflicts

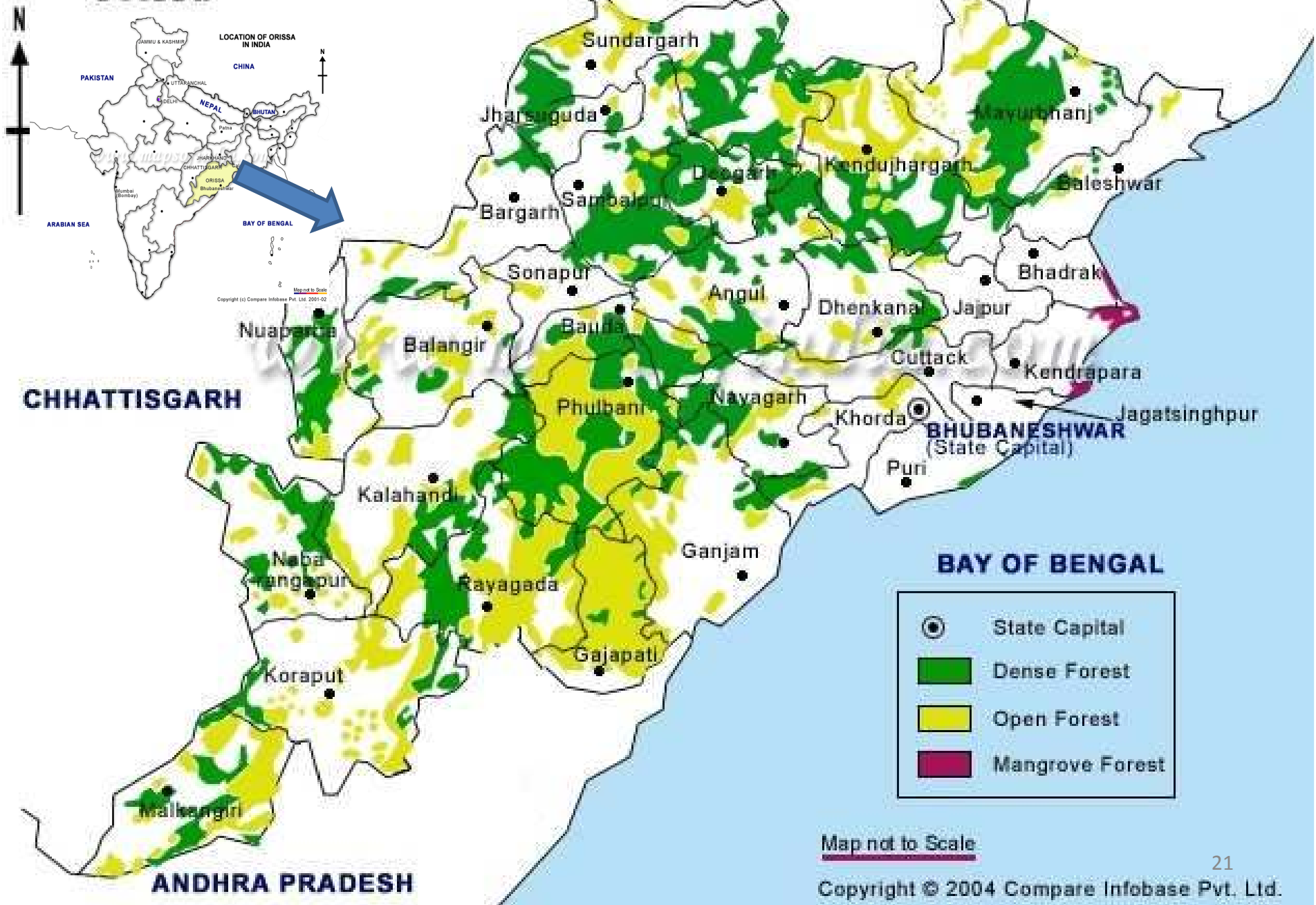
- Due to Elephant, Salt-water Crocodile, Sloth Bear, Wild Boar & Leopard.
- Non Reporting- Animal Attack, Crop Damage.
- Delay in Getting Compensation- Sometime years
- Lack of Evidence- Can't Claim for Compensation- Joint title
- Transaction cost is very high- has to make several trip to the office to get compensation also pay bribe (INR. 200 to RI to filling of the form)

# Depredation Trend Over the Years

Year	Human kill		Human Injure		Crop Damage in Acres	House Damage		Cattle Kill
	Elephant	Others	Elephant	Others		Partly	Fully	
2008-09	58	22	31	136	5286.18	450	224	11
2009-10	82	26	30	130	7017.87	898	691	16
2010-11	62	12	21	103	10108.40	432	205	14
2011-12	41	17	28	81	20762.62	498	303	7
2012-13	83	13	28	154	14034.03	32	313	34
2013-14	20	14	10	51	1423.62	103	29	16

Source: Wild Odisha, 2013

# Forest Map of Orissa



# Demographic & Socio-economic

State	Odisha
% age of ST to Total Population (2011 census)	22.13%
Rank in terms of ST population	3 <sup>rd</sup> largest after M.P & Maharashtra
% age of Scheduled Area to total Geographical area	44.7%
Total No. of Tribal Communities	62 tribes
PVTGs	13
BPL (ST)	75.6%
Concentration	12 districts (non-costal), Southern & Western Part of Odisha
Literacy Rate (ST)	Overall (37.37%), Female (23.37%)
Work force Participation (ST)	57.36% Main Workers, 42.64% Marginal, 33.35% cultivators

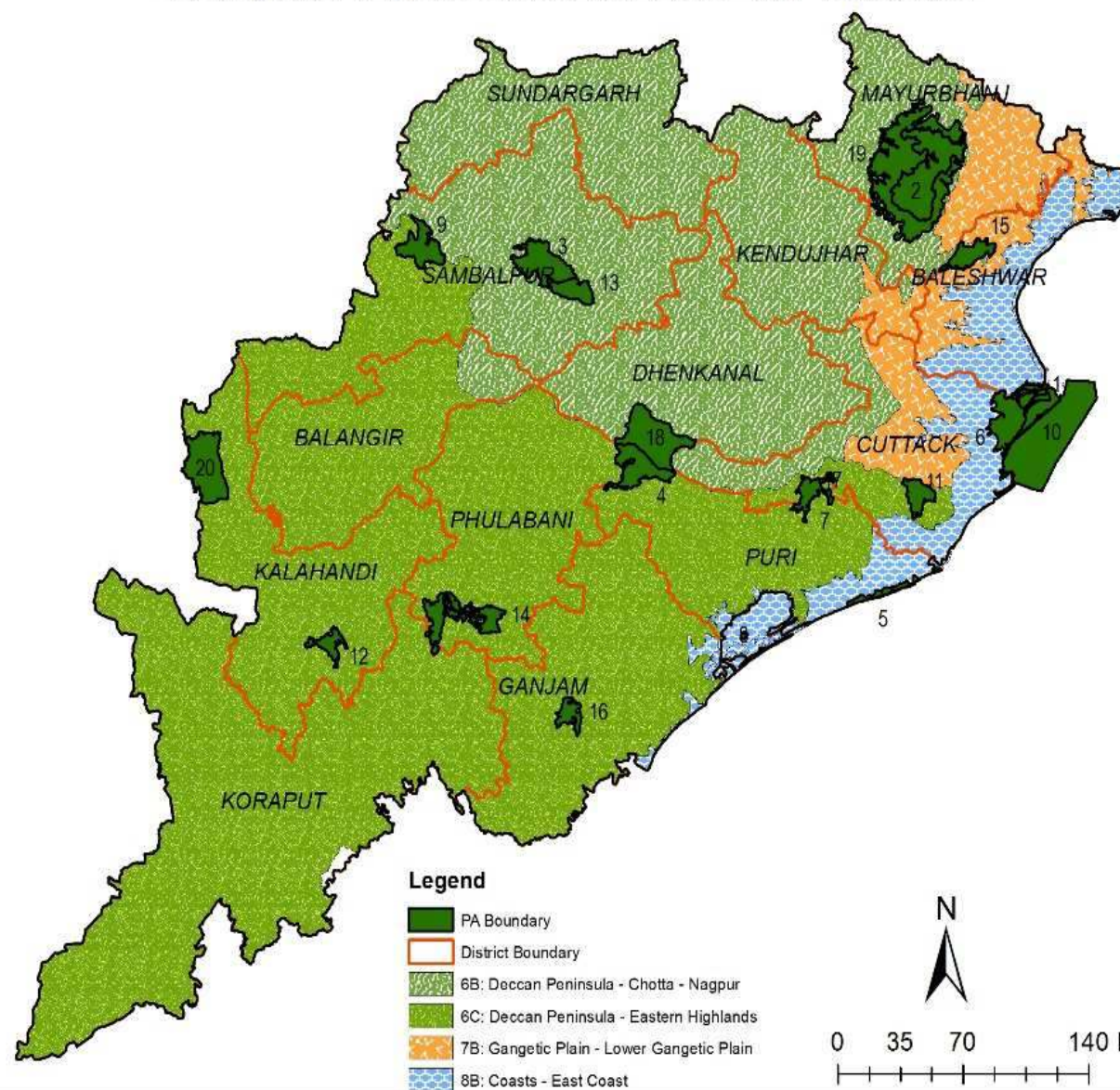
## Protected Area in Odisha

Sl. No	Type of PA	Number
1	National Park (Bhitarkanika)	1
2	Proposed National Park (Similipal)	1
3	Wildlife Sanctuary	19
4	Total Area under PAs	8333.61 Sq. Km
5	Percentage of PAs to Total Geographical Area	5.35%
6	Percentage of PAs to Total Forest Area	14.33%

Source: Wild Odisha, 2013



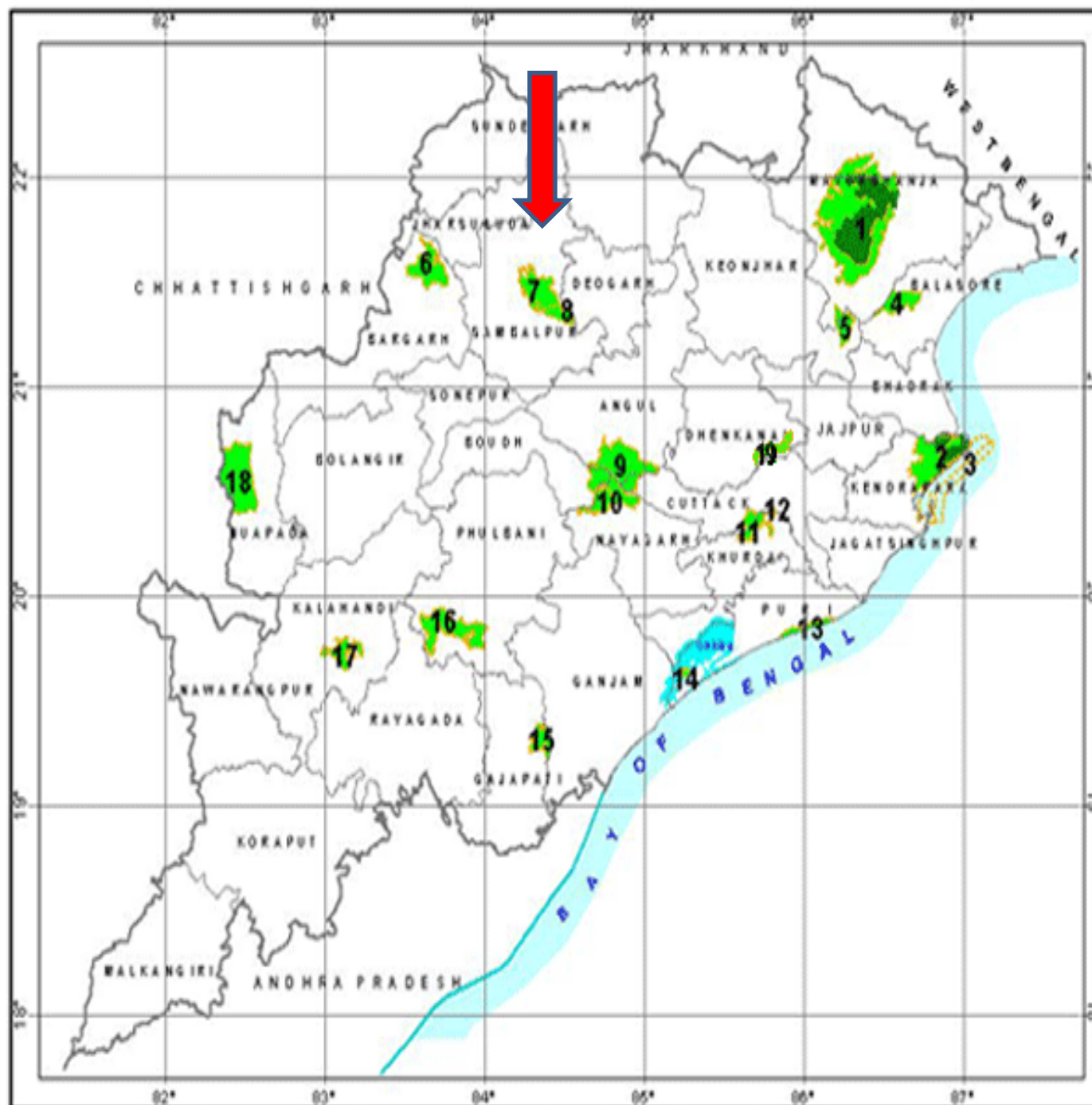
# Wildlife Protected Areas in Odisha



S.N.	PA Name	Area in km <sup>2</sup>
1	Bhitarkanika NP	145.00
2	Simlipal NP	845.70
3	Badrama WLS	304.03
4	Baisipalli WLS	168.35
5	Balukhand Konark WLS	71.72
6	Bhitarkanika WLS	525.00
7	Chandaka Dampara WLS	175.79
8	Chilika (Nalaban) WLS	15.53
9	Debrigarh WLS	346.91
10	Gahirmatha (Marine) WLS	1435.00
11	Hadgarh WLS	191.06
12	Karlapat WLS	147.66
13	Khalasuni WLS	116.00
14	Kotagarh WLS	399.50
15	Kuldiha WLS	272.75
16	Lakhari Valley WLS	185.87
17	Nandankanan WLS	14.16
18	Satkosia Gorge WLS	745.52
19	Simlipal WLS	1354.30
20	Sunabeda WLS	500.00

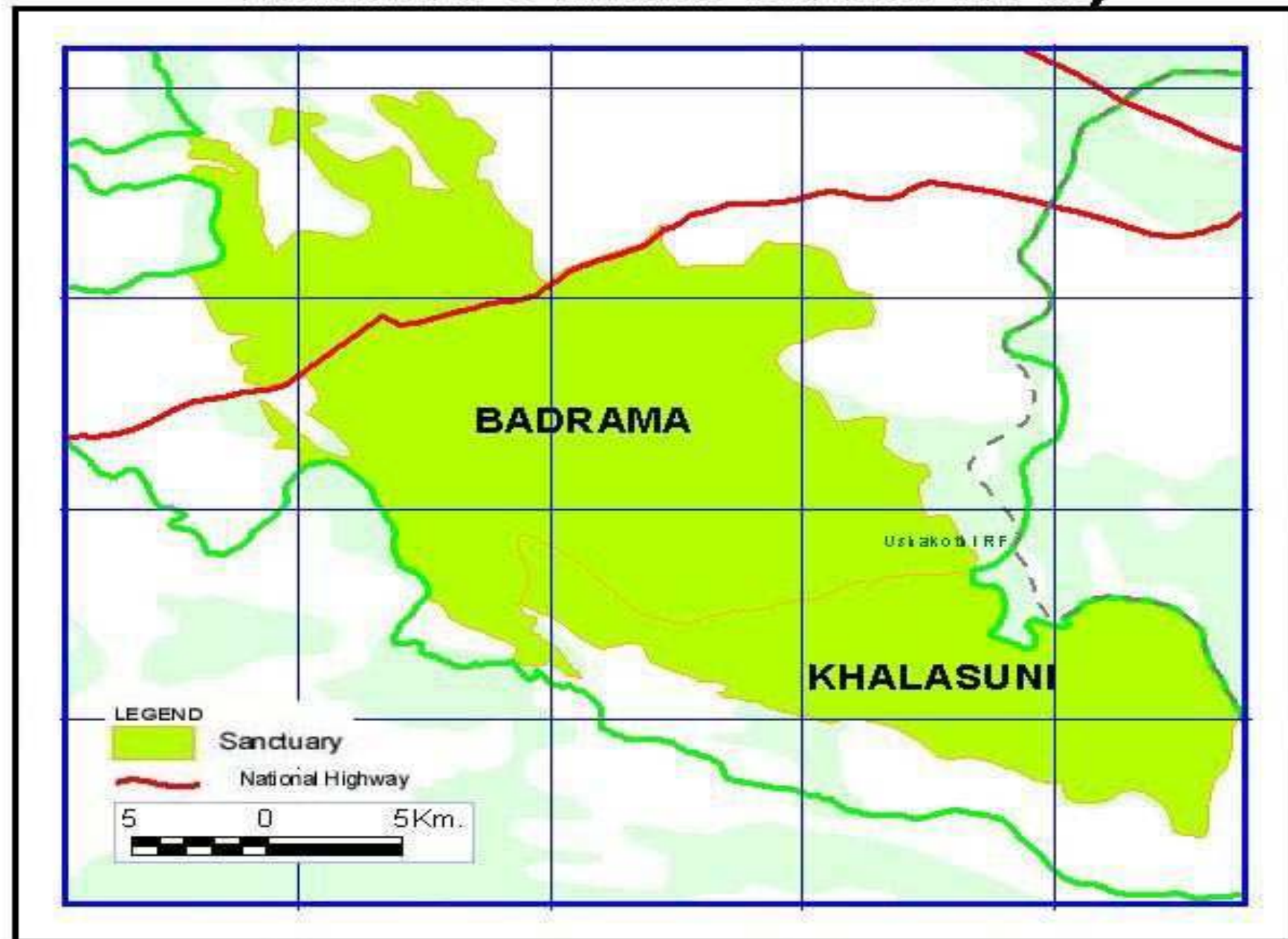


# Index map of Wildlife Sanctuaries & National Parks



1. Similipal Sanctuary & National Park
2. Bhitarkanika Sanctuary & National Park
3. Ghahirmatha Marine Sanctuary
4. Kuldhia Sanctuary
5. Hadgarh Sanctuary
6. Debrigarh Sanctuary
7. Badrama Sanctuary
8. Khalasuni Sanctuary
9. Satkosia Gorge
10. Baisipalli Sanctuary
11. Chandaka-Dampara Sanctuary
12. Nandankanan Sanctuary
13. Balukhand-Konark Sanctuary
14. Nalaban Sanctuary
15. Lakhari Valley Sanctuary
16. Kotgarh Sanctuary
17. Karlapat Sanctuary
18. Sunabeda Sanctuary
19. Kapilash Sanctuary

# Badrama & Khalasuni Sanctuary





# Profile of Badrama Wildlife Sanctuary



- Also known as “Ushakothi”.
- Located in Bamra Wildlife Division in Sambalpur District of Odisha on NH-6
- Notified in 17<sup>th</sup> December 1987 as WLS.



# Profile of Badrama WLS



- Area of 304.03 Sq.Kms
  - Core area of 31.28 Sq. Kms.
  - 27 villages inside
  - 24 Revenue & 3 Forest Villages
  - 97 villages at the periphery
  - ST population is very high
  - Major Tribes- *Oram, Munda, Khadia, Gond, Kandha, Kisan* etc.



# Forest Area

- Total- 304.03 Sq.kms
  - Ushakothi RF - 200.68 sq kms.
  - Badrama RF - 57.97 sq kms.
  - Binjhapalli RF - 16.73 sq kms.
  - Others - 28.65 sq kms







## Type of Forest

- Moist Sal bearing Forest & Moist Mixed
- Deciduous Forest. Teak, Sal, Piasal, Bamboo etc found.
- Tiger, Leopard, Hyena, Wildboar, Spotted Deer, Elephant etc.





## Livelihoods

- Subsistence Agriculture (One Season only- Mono-crop- Paddy).
- NTFPs Collection (Mahua, Char, Tendu leaf, Sal seeds etc.).
- Marginal Labour work (Near by area).
- Animal Husbandry (Goats & Sheeps).

## Admitted Rights & Concessions

- Earlier the entire area of the Sanctuary was under Bamra ex-State (*Princely State or Native state- legally under British*).
- No Rights on the 'A' type Reserve Forest.
- Some privileges granted on 'B' class Reserve forest to the *nistar* paying tenants in terms of collection of forest products only for domestic consumption.
- Not allowed to sale or barter the products. The privileges were allowed only in forest coupe areas.



**Rights and Concessions in Deogarh and Govindpur Divisions**  
*( Bamra ex-State )*

**Reserved species** .. (1) Sal, (2) Sisoo, (3) Piasal, (4) Bandhan, (5) Gambhar, (6) Sahaj, (7) Khair, (8) Kurum, (9) Rohini, (10) Karanj, (11) Suam, (12) Mahul, (13) Palas, (14) Kendu, (15) Harida, (16) Char, (17) Kusum, (18) Other edible fruit bearing trees.

125

**Nistar cess or other cesses**—Re. 0-1-0 per rupee of land revenue  
**Demand**—Rs. 20,000 (Whole State)

**In 'A' class R. Fs.—**

**Timber** .. Unreserved species at concessional rates with permission if not available in Khesra Forests and if required for bona fide agricultural purposes.  
**Firewood** .. Nil  
**Bamboo** .. The tenants at Re. 0-8-0 per hundred from Bamboo Coupes and professionals at Rs. 2-8-0 per hundred.  
**Minor Forest Produce** .. Free (Grasses, fibres, Medicinal plants )  
**Grazing** .. No free grazing

Tenants' rate

		Rs.	A.	P.	
1. Buffalo	..	0	4	0	per head
2. Bullock	..	0	2	0	"
3. Cow, Donkey	..	0	2	0	"
4. Horse and Pony	..	0	8	0	"

For foreigners double the rates.

**In 'B' class R. Fs. or—**Same as in 'A' class R. Fs.  
**D. P. Fs.**

**In Khesras or Unreserves—**  
**or U. D. P. Fs.**

**Timber** .. Unreserved species free. Reserves species at  $\frac{1}{4}$  schedule of rate.  
**Firewood** .. Unreserved species free  
**Bamboo** .. Free  
**M. F. P.** .. Grasses, thorns, fibres, creepers free  
**Grazing** .. Free

*( Pal-Lakara ex-State )*

## **Rights Deprivation in PAs**

- Restrictive Sanctuary law & Supreme Court Ban on Collection of NTFPs from the Sanctuary area.
- No Ownership on the agricultural & homestead land.
- Poor Educational Infrastructure- Only primary school in few villages.
- Poor health infrastructure- has to travel 30 km outside the PAs.
- Even the forest guard restrict the entry of Ambulance at the time of emergency.
- Lack of many public service provision.

## **Badrama Abhayaranya Vikas Parishad (BAVP)**

- An united forum of 27 villages in order to work for the Livelihood Security, Forest & Wildlife Protection.
- Formed on 25<sup>th</sup> June 2006.
- Initially sensitization has been done in all villages & Forest/Wildlife Protection Groups has been formed.
- By the end of 2006 it reached different stakeholders (Politicians, NGOs, Activists, Academia & Media).

# ‘Fight for Right’

## THE HINDU

Date: 13/03/2007

Orissa

**Villagers protest against curbs on access to forest resources**



**UP IN ARMS:** Villagers residing inside Badrama sanctuary limit taking out a rally demanding better access to forest resources on Monday.

**BHUBANESWAR:** A group of 500 villagers residing inside the Badrama Wildlife Sanctuary in Sambalpur district took to the streets on Monday demanding better access to natural resources. The inhabitants of remote villages submitted a memorandum to district magistrate L N Nayak describing the painful life they had been leading inside the forest area. "The residents critically depend on collection of various non-timber forest produces (NTFPs) for their sustenance. Restrictions of forest department on collection of NTFPs inside the sanctuary area have led to serious livelihood crisis for villagers," convenor of Badrama Sanctuary Bikash Parishad (BSBP) Dusmant Kumar Pradhan said. He alleged that the Government welfare programmes, including NREGP had not been extended to these villagers.

### Entry fee

"The problems get further complicated when the forest department charge entry fee on villagers. We are branded like a criminals on our own land," Mr. Pradhan said. The BSBP demanded immediate implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right Act 2006) that provided greater access to forest resources.

## Mobilisation for FRA

- Information has been disseminated by BAVP in all the villages.
- Two dates has been fixed for FRC formation (i.e. 16<sup>th</sup> & 23<sup>rd</sup> March 2008) at *Palli Sabha*.
- FRC has been formed only in the Revenue Villages as per the Govt. Instruction.
- Ambiguity about the roles & responsibilities of different institutions.
- Lack of technical person (i.e. *Patwaries*)
- Led to exclusion of many potential beneficiaries.

## Status of FRA in Badrama WLS (till date)

	Individual	Community
Claims Receive at FRCs	700	27
Claims approved by GS & sent to SDLC	524	27
Claims approved by SDLC and sent to DLC	348	03
Claims approved by DLC for title distribution	343	03
<b>Number of title (Patta) distributed</b>	<b>343 (49%)</b>	<b>00 (0%)</b>
Area (in acre)	432.47	--
Average area (in acre)	1.26	--

# Reason of Rejection

- Non-forest land- Lack of Awareness.
- OTFD (Non-ST)- Most claims have been rejected due to this reason. (could not prove the possession of 75 years)
- Disputed Land.
- Lack of Map showing area for claim.
- Less scope for reconsideration.

# **Livelihood Impact of FRA**

- As an owners of the land now their social status in the village has improved.
- Reduced several types of conflicts arising between people & the forest officials.
- Started Land development activities (levelling & bounding of land) including renovation of water bodies located in forest areas.
- Expected to get assistance under MGNREGS (INR. 50,000)
- Getting benefit under anti-poverty programme.
- 102 claimants got assistance under IAY.
- Forest Department has provided saplings to beneficiaries for fruits, fuelwood & plantation under EDC.



# Conclusion

- FRA has no doubt reduce some conflicts between the FD & the people.
- Reduce insecurity of tenure.
- CFR has not been implemented properly in any of the villages inside BWLS.
- Many potential beneficiaries has been excluded.
- Majority of them rejected on flimsy ground.
- More then 50% claims has been rejected at lower level- This has be reconsider.
- The process for conversion of 3 forest villages into Revenue village is yet to start (under sec. (3) of sub sec (1) of FRA).

# Way Forward

- If the FRA will be implemented in convergence with other programmes like MGNREGA, Watershed, IAY, Horticulture & others plantation programme- Led to Land, forest & irrigation development.
- The conservation of the PAs & the livelihood of the forest dwellers can be strengthen by granting community rights to them.
- By including them in the decision making about the activities, programmes & policies relating to forest & livelihood.

# Elinor Ostrom on FRA 2006

- “FRA is not the ‘**panacea**’ for all the problems related to people adversely affected by developmental projects. It is a good & powerful first step but **not the only solution**”.
- "It is naive to expect one **single solution** for all cases. But it is important to ensure that indigenous peoples are empowered & made stakeholders in developmental projects. They should be in a position to effectively bargain for themselves”.

*(Source: The Indian Express, 7<sup>th</sup> Jan 2011)*



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*Thank You All...!*

