

AIFF-RS Perspective on Mangrove Forests

Rights of fishers and other forest dwellers

Background:

“Sundarban, is pronounced, ‘*shundorbon*’ in Bengali, simply meant the dense forests of deltaic-coastal Bengal, characterized by the tiger, the crocodile, and the kamot (any of the few species of Sundarbans river sharks). Sundarban stand for the forest in India and Bangladesh, though physically undivided, politically and administratively they are separate entities and hence referred to as the Indian Sundarban and Bangladesh Sundarban, respectively. In the non-forest administrative circles of West Bengal, ‘Sundarban or Sundarbans affairs’ would usually mean the economic, social, or administrative issues connected with the non-forest areas of the 19 community development blocks (sub-districts) in the districts of North 24 Parganas and South 24 Parganas in southern West Bengal. The terms also stand for the region in general, either forested or settled, south of the Dampier-Hodges Line, which once marked the northern borders of the Sundarbans Forests. This Sundarbans, i.e. the 19 Community Development (CD) blocks plus the forest area, appears in United Nations Educational, Scientific and Cultural Organization (UNESCO) and Government of India documents as the Sundarban Biosphere Reserve (SBR) and a world heritage site. This SBR is also occasionally referred to as the Indian Sundarban Delta (ISD). The biosphere reserve is part of the Sundarban, the world’s largest mangrove forest straddling India and Bangladesh. It is home to an estimated 425 species of wildlife, including 300 species of birds and 42 species of mammals, including the royal Bengal tiger. However, Sundarban consists of roughly 4,200 square km of reserve forest and 5,400 square km of non-forested area.”

Agriculture and fishing predominate in the Indian Sundarban, in the Bay of Bengal, which is home to 4.5 million people. As many as 54 of the 104 islands support human settlements and one in five households now has at least one family member who has migrated out of the region for better employment opportunities.

The forest lies outside village boundaries and hence no gram Sabha can lay claim to CFR in the classic way outlined in the Act. Currently on 20% of the Community access the forest for fish and honey, being their traditional occupation since long. Through many a struggle and signature campaign as well, fishers have asserted their rights while protesting atrocities heaped on them by Forest officials who more often than not are mistaking the wood for the trees.

The unique intertidal system of the Sundarban where the farmlands are protected by dykes was brought under threat when Cyclone Aila destroyed these dykes inundating farm lands and destroying the life support system of half a million farmers who had built up this system over a century of colonisation. The response has been far from adequate. Prescription of cement dykes ignoring the contribution of mangroves and the damage caused by their destruction has left this precarious ecosystem even more vulnerable. That this area becomes a short cut for International fishing vessels make the situation even worse. The fact that the

entire Sundarban is declared a World Heritage site makes it possible to integrate the concerns of fishing and honey collecting communities with a section of the residents of Sundarban who have a stake in sustainable ecological development.

FRA in the Sundarban

The FRA 2006 empowers scheduled tribes and other traditional forest dwellers with a wide range of forest rights. These include:

- right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhuman) and traditional seasonal resource access of nomadic or pastoralist communities.¹

Subsequently, the Ministry of Tribal Affairs (MoTA), the nodal ministry for the FRA, issued a notification containing the following clarification:

1. This Ministry has received references from certain States seeking clarification about the implications of the phrase “primarily reside in and who depend on the forests or forest lands for bonafide livelihood needs” appearing in sections 2(c) and 2(o) of the Act as to whether this would cover the Scheduled Tribes and other traditional forest dwellers who are not necessarily living inside the forests but are depending on the forests or forest lands for their bonafide livelihood needs. This issue was also raised in the meetings of the Secretaries of Tribal Welfare / Development Departments of the States on the implementation of the Act held on 18th- 19th February 2008 and 16th May 2008 in New Delhi.

2. The matter has been examined in consultation with the Ministry of Law & Justice and it is clarified that the implication of using the word “primarily” is to include the STs and other traditional forest dwellers who have either habitation or patches of land for self-cultivation for livelihood and would, therefore, be primarily spending most of their time either in temporary makeshift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. *Therefore, such Scheduled Tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of “forest dwelling Scheduled Tribes” and “other traditional forest dwellers” as given in sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.*² [Emphasis added]

This places the rights of fisher folk community on a secure footing. Despite this, FRA 2006 has not been implemented in the Sundarban.

In the absence of implementation of the FRA, DMF has protested against the torture meted out to forest fisher folk communities by the forest department and the irregularities in the distribution of the existing Boat License Certificates (BLC). Impoverished small scale

¹Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Section 3, subsections c and d.

²Letter from the Ministry of Tribal Affairs, Government of India, dated 9 June 2008, to all State Secretaries in Charge of Tribal Welfare (all States and UTs except J&K).

fishers battling for their livelihood are persecuted by the forest department. This result in depletion of natural resources which have also been worsened by unregulated tourism and pollution caused as a result.

Sundarban Tiger Reserve denies livelihood rights to villagers

Sundarban Tiger Reserve (STR) denies the livelihood of the villagers by imposing a ban on fishing, honey collection, timber and shell collection by arbitrarily increasing the Critical Tiger Habitat (CTH) from 1985 from 985 to 1692.22 sq. km.

India's Sundarban at a glance

Sundarban total area- 9630 sq kms.

Total Island = 102

Forest = 48 Islands

Settlement comprising of 19 CD Blocks = 54 Islands = 5520 sq kms

Total Forest area in Sundarban = 4110 sq. kms

Mangrove forest cover area = 2410 sq kms

Water bodies = 1700 sq kms

Sundarban Total Forest Area = 4110 sq kms				
Status: Till 2007				
Forest Department	Area		Boat License Certificate (BLC) Issued	BLC Active Approximately
Reserve Forest area Under the jurisdiction of Divisional Forest Office, South 24 Parganas (Govt. of West Bengal)	1525 sq. kms.		3700 nos.	3000 nos.
Sundarban Tiger Reserve (Established in 23 December, 1973)	2585 sq. kms.	Core area 1330 sq. kms.	No fishing Zone	
		Buffer area 892.6 sq. kms	923 nos.	700 nos.
		Sanctuary 362.4 sq. kms	No fishing Zone	
Sundarban total Forest Area = 4110 sq. kms				
Status: Post 2007				

Forest Department	Area		BLC issued	BLC Active (Approximately)
Reserve Forest area Under the jurisdiction of Divisional Forest Office, South 24 Parganas (Govt. of West Bengal)	1525sq. kms	Dhulibhasan, Chulkathi, Lothian etc are declared as West Sundarban Sanctuary (in the year 2013)	3700 nos.	3000 nos.
Sundarban Tiger Reserve (Established in 23 December, 1973)	2585 sq. kms	Core 1330 sq. kms. + 450 sq. kms. = 1780 sq. kms.	No fishing zone	
		Buffer 892.6 sq. kms. – 450 sq. kms. = 442.6 sq. kms	923 nos.	700 nos.
		Sanctuary 362.4 sq. kms.		

1. Fishing is not allowed in the core and sanctuary area.
2. Eastern side of River Matla belongs to Sundarban Tiger Reserve and Western side of that belongs to Reserve Forest.
3. Boats in operation = 3700 with permit + 6300 without permit = 10000 nos.
4. Forest going fishers = 10000 nos. x 3 nos. = 30000 nos. (as 3 persons per boat.)
5. Nos. of people dependent on Sundarban = 30000 nos. x 5 nos. = 150000 nos. (as each family has 5 members at least

Source: Dakshinbanga Matsyajibi Forum

Tiger Widows

Hundreds of fishermen have been killed by tigers in the Sundarban. Bureaucratic labyrinth coupled with apathy proves a stumbling block in getting compensation to those widowed by tiger, compelling them to live in distress and penury. The tigers in the forests of Hingaljanj, Gosaba, Kultali, Pathar Pratima and Basanti blocks are a threat to the villagers, who depend on the forest for their daily needs and livelihoods. Pathar Pratima is not in the STR. All the places of other blocks mentioned here are also not in STR. Usually, it is the men in the villages here who venture into the forests to catch fish, crabs or to gather honey and wood, in a face-off with a tiger, most often the man dies.

The exact number of widows widowed in this manner in the Sundarban is unknown, but villagers living in Sundarban region, NGOs and fisher rights organisations estimate the number is at least 3,000 over three decades or around 100 a year.

'Tiger widows' are entitled to total compensation of Rs. 4 to Rs. 5 lakhs from the West Bengal Government's Forest Department, Fisheries and state's Group Personal Accident Scheme. However, there are much conditions laid down for the disbursement of compensation to the Tiger Widows. These are as follows:

- a) The fisher husband should not have died in the core area of Sundarban Tiger Reserve and / or in sanctuary area.
- b) He should have had a Boat License Certificate (BLC) and a permit from the Forest Department.
- c) After fisherman's death, the wife is required to submit several documents to different departments and pursue the matter from one door to other door to get the due claims and compensations.

Invariably, fishermen from the villages go deep into the forest wandering into the core area of Sundarban Tiger Reserve (National park). Due to the decline in the fish population, to catch fish and crab, they risk their lives. Fishermen in the Sundarban don't understand clearly, where the buffer zone ends and the core area begins, The Government issues very few BLCs and not everyone can afford. Getting permits also depends on the will of the Forest Department. The odds are stacked against the wives of those fishermen who do not have BLCs or permits. The situation worsens when fishermen die in the core areas, which they are not allowed to enter at all, with or without permits.

Recommendations

1. Forum of forest users' needs to be formed which can lay claim to the forest as a Community Forest Rights (CFR) with individual rights on fishing.
 2. Dakshinbanga Matsyajibi Forum (DMF) with the help of All India Front for Forest Rights Struggles (AIFFRS) will lobby with Minister of Tribal Affairs (MoTA) to get DMF approved as a Gram Sabha of users. The fishing spots need to be mapped and the users for each fishing spot defined through traditional usage prior to 13th December 2005.
 3. DMF to lobby with Government of West Bengal for implementation of FRA process in Sundarban and collaborative action between Minister of Tribal Affairs (MoTA) and DMF to work out process of recognition of rights in Sundarban.
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