

VISIBLE TIGER; INVISIBLE PEOPLE

STUDY AND REPORT BASED ON THE PUBLIC
HEARING HELD AT SUNDARBAN ISLANDS, INDIA



Visible Tiger; Invisible People

**Study and Report Based on the Public Hearing held at
Sundarban Islands, India**

November 2017

**Research conducted by
The Research Collective (TRC), unit of PSA**

**Public Hearing organised by All India Union of Forest
Working People (AIUFWP), Sundarban Jana Sramajibi**

The All India Union of Forest Working People (AIUFWP), Sundarban Jana Sramajibi Manch (SJSM) and Delhi Solidarity Group (DSG) jointly organized the Public Hearing at the Sundarban Islands, West Bengal, India on January 31, 2016.

The research for this study is conducted by The Research Collective (TRC), unit of Programme for Social Action (PSA).

All India Union of Forest Working People is a membership based Union comprising of forest workers who are dependent on forests for their livelihood. Their effort is to build movements and struggles towards establishing community forest governance to ensure livelihood, social security and labour rights of the forest working people and protect the natural resources.

Sundarban Jana Sramajibi Manch is a member organization of the AIUFWP and have been working consistently on issues relating to forest rights in the Sundarban Islands in India.

Delhi Solidarity Group is an initiative comprising of organizations and individuals in New Delhi working towards supporting movements by extending political solidarity.

The Research Collective, the research unit of the Programme for Social Action (PSA), facilitates research around the theoretical framework and practical aspects of development, industry, sustainable alternatives, equitable growth, natural resources, community and people's rights. Cutting across subjects of economics, law, politics, environment and social sciences, the work bases itself on people's experiences and community perspectives. Our work aims to reflect ground realities, challenge detrimental growth paradigms and generate informed discussions on

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For copies contact: Delhi Forum

F-10 /12, Basement, Malviya Nagar, New Delhi-110017

trc@psa-india.net, 011-26561556

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Foreword

Sundarban: An Untold Story of Human Extinction

The Sundarban ecological hotspot and biosphere is known for its natural resources, spread between Bangladesh and India. It is also known for the Royal Bengal Tiger, a rare species that tells a story of the beauty and elegance of Mother Earth's creations. Sundarban, is also today home to a sad story of human extinction, of people struggling to survive, by going against many odds. In reality, the majestic Sundarban, unfortunately, has also become a migration hotspot!

The region, which hosts many rare species of flora and fauna, is the largest river delta in the world and also the largest estuarine mangrove forests in the world. The region has survived many natural calamities and forms a very important pointer in the debates around climate change and climate justice. The Sundarban region hosts more than 3 million people – mostly of the Scheduled communities, who are fishing and forest dependent. Adapting to the nature, over a period of time, these communities have evolved a livelihood and sustenance mechanism that involves both fishing and forest work. In the Forest Conservation structure, evolved from colonial days, the Forest Department (FD hereafter) has become the landlord of Sundarban, like many other ecologically sensitive areas, Protected Areas and National Parks. This has enabled a gun-trotting Forest Raj to control the peaceful communities, using fear and intimidation. The FD, still living a colonial legacy, even issues licences for fishing and honey collection, activities considered legal under the Forest Rights Act 2006. It appears that the Forest Department officials have not even realised that the Parliament has authorised a complete shift of the forest governance practices, with the advent of FRA. Economically too, it is a big blow to the FD, whose primary revenue was coming from the 'illegal taxes', coercively extracted from forest dwellers.

Two third of the Sundarban region is in Bangladesh, where again, there

is a life and death battle being fought by the traditional communities. It is to understand the realities and threat to the region in the Bangladeshi side of the Sundarban that NFF and AIUFWP travelled to the other side of Sundarban as part of an Indian delegation that took part in the Rampal Long March (Dhaka to Sundarbans), which saw the communities fighting the NTPC project in Rampal(Sundarban, Bangladesh) join forces against the destructive and anti-community project.

Rarely that a publication of a report and study like this brings together vastly diverse communities or their organisations. The Public Hearing organised on 31st January 2016 and this report on Sundarban, '*Visible Tiger; Invisible People*', has done precisely that. It has brought together two of the biggest social movements in India, the fishworkers and forest workers, in a rare political alliance of traditional natural resource based communities, engaged in a battle for livelihood, but also for very existence. We hope and wish that this alliance between AIUFWP and NFF grows into a meaningful one, empowering the local communities, who have lived through centuries of state negation, market domination and outright exploitation by the likes of the Forest Department.

The Study findings emphatically assert what the conservation lobby and even majority of the bureaucracy have refused to understand—that gun-trotting humans are the real threat to wildlife, not traditional people, who have a way of surviving with nature. Explicitly, coming through the lived experiences of the people of the Sundarban Island, this should help us set aside orthodox approaches of forest conservation, which was about making forests inviolate for even traditional communities, and accept human-animal co-existence as the way forward.

Our warm gratitude to the young friends of Delhi Forum and The Research Collective-PSA, especially Aashima Subberwal, whose commitment and consistency helped in the final outcome. We are also grateful to the members of the Sundarban Jana Sramajibi Manch,

Nagarik Manch (Kolkata) and Delhi Solidarity Group, for their active participation in the Public Hearing and processes. Without the Panelists and Jury members of the Public Hearing, this report would not have the kind of importance it wields. We thank them from our respective organisations and the struggling masses of this country.

While the report should have been out a while back, in the current context, it is important to have this report and study together—being released on the occasion of the World Forum of Fisher People General

Ashok Chowdhury

General Secretary
All India Union of Forest
Working People
(AIUFWP)

November 2017

T. Peter

General Secretary
National
Fishworkers Forum (NFF)

Section 1: Introduction & Context

Forests have aroused a sense of mystery and fascination, and are a part of nature that we are desperate to protect and conserve because of the many years of complete negligence and worse, aggressive exploitation during the colonial rule and post-independence. However, the protected areas related policy making in the country has been largely governed by a prejudice, that the human population is having a negative relationship with plants and animals. The concept that conservation is possible only if areas are made inviolate or without any human presence is being accepted more, instead of acknowledging concepts of coexistence as the crux of conservation. What is not being understood is that in this process, 'the Insider has become the Outsider and the Outsider has become the Insider'.

The traditional perspective that nurtures and speaks about conservation through the lens of **human – animal coexistence has moved to looking at this as human-animal conflict.**

Many conservation scholars and practitioners believe that people living within forest areas need to be displaced in order to give priority to biodiversity conservation. They consider most of the activities that forest dependent communities engage with, be it agricultural or forest biomass extraction (grazing, collecting dry logs as fuel wood, commercial Non Timber Forest Produce) as harmful.

However, gradually there has been a change in this perspective and an acknowledgement of what the communities have been saying since generations. The fact that forest dependent communities have faced historical injustice has been recognized. Conservationists, writers have explored this matter and it has been established that the relationship between the forest dependent communities and the forest could not be looked at through just a narrow lens. There were discussions mentioning that the local forest dependent population should be the ones conserving the forest as they have been doing since generations. Perspectives like these came into the public domain and provided a background for the

Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or Forest Right Acts.

The reality today, although, is different, and the status of implementation of this law, a central legislation, can be seen through the testimonies of people living in various forest areas across the country. The main focus of this report will be on the status of implementation of the FRA in the Sundarban islands in West Bengal as per the testimonies of the forest dependent people in the region.

The Sundarban is one of the most unique forest regions in the world and is internationally recognised as an ecologically sensitive region. It is an ecological hotspot, among the 8-10 of this sort in the world. Criss-crossed by mighty estuarine rivers and a maze of innumerable creeks and tributaries, this is the largest mangrove forest and the only mangrove tiger land in the world. The forest spreads across India and Bangladesh of which the Indian part is situated in the state of West Bengal. The fact that it is the largest remaining natural habitat of the Royal Bengal Tiger furthers its prominence in the world. Over the years, it has also emerged as an important tourist destination.

The island is still in formation and is extremely vulnerable, as every day, thousands of acres of forests disappear under water and re-emerge hours later. The area is formed by the continuing deposition of sediments by three mighty rivers, the Ganga, Meghna and Brahmaputra, as they pour into the Bay of Bengal.

Conservation, climate change and wildlife have emerged as keywords that have taken precedence in this region. Many well-known environmental groups¹ have carried out extensive studies detailing the impacts of climate change on the environment and how that has worsened over the years. Estimates made, show that millions of people will be displaced in the next forty years as a result of this.

¹ Environmental groups such as World Wildlife Fund (WWF), International Collective in Support of Fishworkers (ICSF), School of Oceanographic Studies – Jadavpur University, Centre for Science and Environment (CSE), World Heritage Centre, International Union for Conservation of Nature (IUCN) and various others.

The format for governing and developing the Sundarban area has been made quite extensive and elaborate with different administrative mechanisms in place. According to the new clauses of the Wildlife Protection (Amendment) Act 2006, the National Tiger Conservation Authority (NTCA) has been set up by the Central Government to look at the governance of what is referred to as 'Tiger States' with West Bengal being one of them.

However, the people living in the Sundarban since generations seem to remain invisible to the world. There is a large population of Dalit, Adivasi and most backward Muslim communities who form the 'forest dwelling' communities: peasants, fisher folk and forest produce collectors living in different islands across the Sundarban. These are the voices that remain unheard.

On January 31, 2016, over 200 people from different islands across the Sundarban and more than 100 people from various other forest regions across the country belonging to different mass organizations came together at a public hearing to speak of rights and justice.

The Public Hearing was organized by the Sundarban Jana Sramajibi Manch (SJSJM), All India Union of Forest Working People (AIUFWP) and Delhi Solidarity Group. People from various forest regions were present- Lakhimpur Kheri, Sonbhadhra, Rampur, Uttar Pradesh; Kaimur, Bihar; and Rewa, Madhya Pradesh. The forest dependent people came together in order to highlight the continuing 'historical injustice' that they are facing even ten years after the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 or the Forest Rights Act (FRA 2006) was enacted.

The Forest Rights Act (FRA) clearly states that, “the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during colonial period as well as in independent India, resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and

sustainability of the forest ecosystem;” [The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) 2006. Page 1]

All across the country, attempts are being made, by different arms of government machinery, to dilute the Forest Rights Act by claiming that the law is not implementable, that it is harming forest and wildlife and hence more and more areas should just be made inviolate. However neither are the real reasons for the harm being done to our forests and wildlife being identified by them, nor are the solutions. It is surprising to see that when a legislation passed by the Indian Parliament is recognizing that the forest dependent community is integral to the survival and sustainability of the forest eco system, the government authorities are going against this.

The voices at the public hearing exposed the fact that the problem lies not with the law, but with the unwillingness on the part of the Forest Department, the Government of West Bengal and the Government of India, to accept and implement the Act. The testimonies also highlight the importance of implementing this Act.

People mainly from the islands- Shamshernagar, Gosaba, Saatjaliya, Kultali, Bali, Kumhirmari etc. assembled for the public hearing at the Dakhin Uttar Danga Primary School, Bagbagan, Rangabelia, Gosaba Island of the Sundarban, West Bengal. A total of 25 oral and written submissions were made to a Panel of experts, academicians, lawyers and activists. The Panel members included Adv. Sanjay Parikh (Senior Lawyer, Supreme Court of India); Prof. Nandini Sundar (Delhi School of Economics); Arupjyoti Saikia (Professor, IIT Guwahati); Medha Patkar (Social Activist); Naba Dutta (General Secretary, Nagarik Manch and Social Activist); Dr. Kamal N. Chaubey (Delhi University) and Jayanta Basu (Senior Journalist, *The Telegraph*).

The Panel was joined at the Public Hearing by representatives of various mass organizations and people working on the issues concerning Forest Rights. This included Roma (All India Union of Forest Working People), M.Ilango (National Fishworkers' Forum),

The Press Conference of the Public Hearing took place at the Press Club, Kolkata on February 2, 2016 which was addressed by the Panelists along with representatives of key mass organisations.

Speakers included Dr Kamal N.Chaubey (Delhi University), M. Ilango (National Fishworkers' Forum), Ashok Chowdhury (All India Union of Forest Working People), Roma (All India Union of Forest Working People), Naba Datta (Nagarik Manch), Sanjeev Kumar (Delhi Solidarity Group), Amitabh Mitra (National Alliance of People's Movements, West Bengal) and Pabitra Mandal (Sundarban

Section 2: Sundarban and the history of Forest Governance

The Sundarban islands being a prime, pristine forest region was initially noticed by the British. Conservation experts and historians in their analysis of the colonial regime have said that the colonisers' focus point of entering forests was for consolidation of revenue. In the context of the Sundarban islands also, revenue generation and profit making motive guided the activities of the colonizers, which was later followed by the government of independent India.

The history of wildlife conservation depicts that it is the elites-indigenous and colonial who have consistently reserved resources for their own interests².

In order to ensure that there is complete state control over the forests, laws were gradually put in place. The first Forest Act was implemented in 1865 and after several debates and discussions, a new forest law was enacted in 1878. This law asserted the State's right to declare any piece of forest as reserved forest. Along with this, rights over land and forest resources were also controlled by them, which entailed that they could deny rights to the traditional communities or even any private person.

Between 1878 and 1900, the British aimed at increasing revenue and upgrading the stock of marketable timber. The argument was that the communities had exploited the forest too much and that it was important to save the forests from them. Thus, there was a need to make forest areas inviolate.

The basis of this 1878 law and its essence continued till the time the law was remade in 1927, which was then carried forward by the Indian Government after independence. The idea of passing the Wildlife Protection Act 1972 was to make the law for conservation even stricter

² Vasan, Sudha. Wildlife Conservation: Deconstructing the 'Public'. In Economic and Political Weekly. Vol. 40, No. 46 (Nov. 12-18, 2005). Page 4806

and to bestow the authority with the Forest Officers.

Reserved Forests and Protected Forests

“the State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.” [Point 3. Chapter 2. Of Reserved Forests. The Indian Forest Act 1927.]

“the State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which, is not included in a reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.” [Point 29. Chapter 4. Of Protected Forests. The Indian Forest Act 1927.]

Over the last many decades, various legislations, and rules have been brought out in order to protect and conserve the forest regions of India. This has been done by making different demarcations in the regions as per zones (see Table 1). However, independent India's government has only carried on the colonial legacy and the structures made during those times and are continuing to do so even after progressive legislations like the FRA have been passed by the Indian Parliament. It is important that this is looked at in the specific context of the Sundarban forests, where protected forests were periodically converted to reserve forests, thus excluding forest people.

Table 1

Date/ Time Period	Activity
1873	The British set up a basic structure of the forest administration ³ by sending a Deputy Conservator of Forests to the Sundarban. A section of the Sundarban area was declared a reserve forest. The boundary of the protected area was being modified time and again.
December 7, 1878	Sundarban area covering the 24 Parganas district (consisting at that time of the Basirhat and Namkhana ranges) was declared ⁴ as Protected Forest.
April 9, 1926	The remaining area was declared as protected forests as per notification no. 4457.
August 9, 1928	The protected forests in the Basirhat Sub-Division of the District (the present Basirhat Range in Tiger Reserve area) were constituted as Reserve Forests as per Govt. Notification No. 15340-For. dated 9th August, 1928.
August 20, 1935	Protected forests in Mahisani island were constituted as Reserve Forests under notification Nos. 1024.
May 2, 1939	Protected forests in Patibania islands were constituted as Reserve Forests under notification Nos. 5174.
May 29, 1943	The residual protected forests (Namkhana Range) were finally declared as Reserved Forests under notification No. 7737.

A series of management⁵ plans subsequently evolved to update the harvesting strategies of an increasing number of forest products

³ Chakrabarti, Ranjan. Local People and the Global Tiger: An Environmental History of the Sundarbans. In *Global Environment 3* (2009). Page 83.

⁴ Tiger Conservation Plan. Sundarban Tiger Reserve. 2012-13 to 2016-17. Chapter 3.

⁵ Tiger Conservation Plan. Sundarban Tiger Reserve. 2012-13 to 2016-17. Chapter 3.

(Heinig 1892; Lloyd 1904; Trafford 1911; Curtis 1933; Choudhury 1937; Roy Chaudhary 1948, Lahiri 1973 and the Field Directors subsequently).

Post the partition of India in 1947, eastern Bengal became part of East Pakistan and the western side became part of the Indian state of West Bengal and administration of the Sundarban was split between India and East Pakistan. Millions of refugees⁶ crossed the border between the eastern and western sides. The poorest of the refugees were sent to camps in central India where they had nothing in common with the local population. Bangladesh was subsequently created in 1971 after the Bangladesh Liberation struggle and Indo-Pak war. The CPI-M promised to bring them to West Bengal and in all probability the Sundarban, if and when they came to power. Around 30,000 people came to Morichjhanpi island in Sundarban when the party assumed power in 1978. This island had no forests but had been reclaimed for different tamarisk and coconut plantations by the government. Hence, the refugees decided to settle here. Hardly any time had passed that the government took fierce action, the island was encircled, people were attacked, fired at, houses were burnt down and they were taken back to camps because that island had to be 'conserved'. People who were witnesses to this brutal eviction refer to it as the 'massacre of Morichjhanpi'.

"...it marked for them the beginning of a politics of betrayal by what they saw as a government run by the urban elite. How the government had put all its importance on the protection of wildlife and its subsequent use of force against these poor refugees which resulted in hundreds of them dying, was seen by the Sundarban islanders as a betrayal not only of the poor and marginalised in general, but also, of

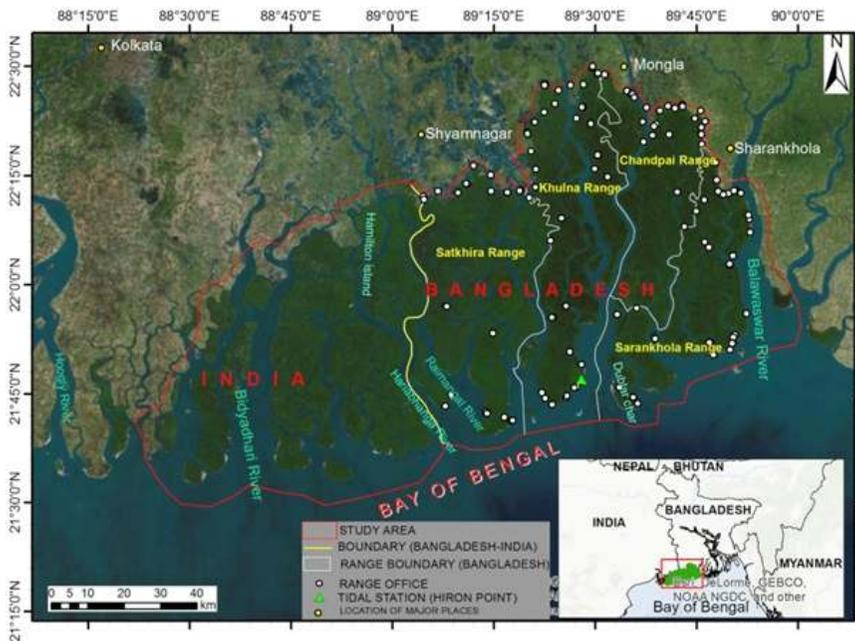
⁶ Jalais, Annu. The Sundarbans: Whose World Heritage Site. In *Conservation and Society*. Vol. 5.No. 3. 2007.

⁷ *Nimnobarno* literally means 'inferior varna' or caste. It denotes those belonging to occupational castes considered inferior such as leather workers, those who deal in liquor, boatmen, fishermen, i.e. those classified as 'Untouchables' in British Bengal.

⁸ Jalais, Annu. The Sundarbans: Whose World Heritage Site. In *Conservation and Society*. Vol. 5.No.3.2007. Page 4.

Section 3: Forest Governance in Independent India - Boundaries, Zones and the People of Sundarban

The total area⁹ of the Sundarban region, including both land and water, is around 10,000 sq.km (roughly 3,860 square miles). Around three-fifths of the area is in Bangladesh and the remaining, in India. In fact, the total mangrove¹⁰ area has been noted as below the imaginary Dampier and Hodges line (drawn in 1829-30) as 9630 sq.km which also marks the northern extent. Towards the east, the Bangladesh side, the extent of the Sundarban was marked by the Prinsep line¹¹ (authenticated in 1832-33 by William Dampier).



Source: <http://ars.els-cdn.com/content/image/1-s2.0-S0964569117301369-gr1.jpg>

⁹ <https://www.britannica.com/place/Sundarbans>. Last Accessed on October 8, 2016.

¹⁰ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 5.1. Chapter 5. 2012-13 to 2016-17.

¹¹ Chacraverti, Santanu. International Collective in Support of Fishworkers The Sundarban Fishers. 2015.

There is another¹² 5400 sq. km of non-forest, inhabited region which lies to the north and north western side of the mangrove forests in India. Hence, the total area of Sundarban region in India is around 9400 sq. km. The Indian side of the Sundarban forest is bound¹³ by the river Hooghly on the west, Ichamati-Kalindi-Raimangal rivers on the east, the imaginary Dampier-Hodges line on the north and the Bay of Bengal on the south.

The Indian side of Sundarban comprises¹⁴ of 102 islands, out of which 52 are inhabited. The remaining 50 islands measuring 4262 sq.km consist of the Reserve Forest area, which includes both the forests under 24-Parganas (South) Division and Sundarban Tiger Reserve (STR).

The reserve forest area was divided into two parts.

The **Sundarban Tiger Reserve (STR)** was declared so through a Government order dated December 23, 1973 under the scheme 'Project Tiger.'¹⁵ The principle objective of this Project was to preserve the habitat of the wildlife to achieve optimum level of population of tigers, its prey base and other flora and fauna.

The STR¹⁶ covers an area of 2585 sq. km. As per the first Management Plan in 1973, the STR was divided into a core¹⁷ zone which was over an area of 1330 sq. km. and the remaining area of 1256 sq. km. was the buffer zone. The core zone covered the following blocks -Mayadwip, Chotohardi, Gosaba, Gona, Matla, Chamta (compartments 4-8), and Bagmara (compartments 2-8). The compartments of Chamta block (124.40 sq. km.) were defined as the 'primitive area', which was to be strictly preserved and no forest related human activities like fishing, collection of honey, wax, tendu leaves, etc. were allowed here. An additional area of 241.07 sq. km, in Arbesi and Khetuajhuri blocks was

¹² http://www.sundarbanbiosphere.org/html_files/introduction.htm as accessed on November 1, 2016.

¹³ http://www.westbengalforest.gov.in/urls_all/bio_diversity_biosphere_reserve.html. Last accessed on October 7, 2016.

¹⁴ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 5.1. Chapter 5. 2012-13 to 2016-17.

¹⁵ http://www.sundarbanbiosphere.org/html_files/sunderban_biosphere_reserve.htm. Last accessed on October 8, 2016.

¹⁶ Tiger Conservation Plan. Sundarban Tiger Reserve. Chapter 3. 2012-13 to 2016-17.

¹⁷ Chacraverti, Santanu. International Collective in Support of Fishworkers *The Sundarban Fishers*. 2015.

defined as subsidiary wilderness or subsidiary core zone. The rest of the area to the east and north of the wilderness or core zone was defined as buffer zone. This buffer zone in the STR is the area for which 923 fishing licenses¹⁸ have been issued as per records.

Within the buffer zone, the area of the Sajnekhali Wildlife Sanctuary¹⁹ was declared by notification on June 24, 1976, covering an area of 362.42 sq. km. This area falls over two blocks- Panchamukhani (1-5) and Pirkhali (1-7).

Hence, the area open to fishing in the STR was $1256 - 362.42 = 893.58$ sq.km

The major inhabited fringe²⁰ villages to the STR are (West to East) Mathurakhand, Amlamethi, Satyanarayanpur, Bally, Bijoyanagar, Sonagaon, Pakhira, Dulki, Dayapur, Enpur, Jamespur, Rajatjubilee, Lahiripur, Chargheri, Santigachi, Imlibari, Bhuruliapara, Mitrabari, Hentalbari, Adibasipara, Bagnapara, Kalitala, Shamshernagar, Hemnagar, etc.

The non STR area of the reserved forest covers an expanse of around 1677 sq. km. It is for this non STR region for which around 3700 licenses²¹ were issued for fishing. There were two Wildlife Sanctuaries declared in this area in 1976, amounting to 44 sq.km which were taken out of the purview of fishing licenses.

- The Holiday Island Wildlife Sanctuary²² declared on June 24, 1976 covering an area of 5.95 sq.km

¹⁸ Tiger Conservation Plan. Sundarban Tiger Reserve. . Appendix 13. 2012-13 to 2016-17.

¹⁹ Annexure. Annual Report Forest Department, Government of West Bengal. Notification No. 5396-For/—24th June 1976. <http://www.sundarbantigerreserve.org/news/Annual%20Report%202013-14.pdf>. Last accessed on March 3, 2016.

²⁰ Tiger Conservation Plan. Sundarban Tiger Reserve. Chapter 5. 2012-13 to 2016-17.

²¹ Chacraverti, Santanu. International Collective in Support of Fishworkers The Sundarban Fishers. 2015.

²² Forest Department. Government of West Bengal. Notification no. 5388. June 24, 1976. <http://westbengalforest.gov.in/pdf/SBR%20sanctuary%20notifications.pdf>. Last accessed on March 3, 2016.

²³ Forest Department, Government of West Bengal. August 19, 1998. Government notification published in Calcutta Gazette declaring that notification no. 5392 dated June 24, 1976 is formalized and the sanctuary declared. <http://westbengalforest.gov.in/pdf/SBR%20sanctuary%20notifications.pdf>. Last accessed on March 3, 2016.

- Lothian Island Wildlife Sanctuary²³ declared on June 28, 1976 covering an area of 38 sq.km

Thus, effectively an area of $1677 - 44 = 1633$ sq. km, was treated as open for fishing.

On May 4, 1984, the core zone was declared as the Sundarban National Park²⁴ that extended over 1330.12 sq. km. This gave legal protection to the STR.

The Sundarban National Park was declared a World Heritage²⁵ site in 1987. The Sundarban area in Bangladesh was also designated as a World Heritage Site in 1997.

In 1989, the Government of India declared the 9400 sq.km. (approx) area of Indian Sundarban as a Biosphere Reserve (BR)²⁶, through notification No. 16/6/84-CSC dated 29 March 1989. Sundarban Biosphere Reserve has also been included in the World Network of Biospheres²⁷ by UNESCO in November, 2001. It is to be noted that the Bangladesh side of Sundarban is not mentioned as a part of the World Network of Biospheres.

The Forest Rights Act was passed in 2006, which was to bring in a new system of forest governance. However, the systems brought in 2006 in the Sundarban forest, were as per the Wildlife Protection (Amendment) Act 2006, according to which, the core and buffer zones changed for the STR.

²⁴ Annexure, Sundarban Tiger Reserve 2013-14. Annual Report. Forest Department. Government of West Bengal. Notification no. 2867. For./11B-6/83. May 4, 1984.
<http://www.sundarbantigerreserve.org/news/Annual%20Report%202013-14.pdf> accessed on March 3, 2016. Page 44.

²⁵ <http://whc.unesco.org/en/list/452/> Last accessed on November 10, 2016.

²⁶ Chacraverti, Santanu. International Collective in Support of Fishworkers. The Sundarban Fishers. 2015. Page 69.

²⁷ <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/asia-and-the-pacific/> Last accessed on November 10, 2016.

²⁸ Annexure, Sundarban Tiger Reserve 2013-14. Annual Report. Forest Department. Government of West Bengal. Notification no. 6028. December 18, 2007.
<http://www.sundarbantigerreserve.org/news/Annual%20Report%202013-14.pdf> Last accessed on March 3, 2016. . Page 47.

Table 2

S.No	Block	Compartment	Total Area (ha)	Legal Status
1.	Matla	1-4	17630	National Park
2.	Chamta	1-3 4-8	9632 12437	Reserve Forest National Park
3.	Chotahardi	1-3	17567	National Park
4.	Gosba	1-4	17173	National Park
5.	Gona	1-3	13903	National Park
6.	Bagmara	1 2-8	2430 26963	Reserve Forest National Park
7.	Mayadwip	1-5	27336	National Park
8.	Netidhopani	1-3	9300	Reserve Forest
9.	Chandkhali	1-4	15591	Reserve Forest
			Total: 169962	

The buffer zone was declared as per notification²⁹ dated February 17, 2009 that covers an area of 885 sq. km. (See Table 3)

Table 3

S.No	Block	Compartment	Total Area (ha)	Legal Status
1.	Panchamukhali	1-5	17666	Sanctuary
2.	Pirkhali	1-7	18576	Sanctuary
3.	Arbesi	1-5	15011	Reserve Forest
4.	Jhilla	1-6	12311	Reserve Forest
5.	Khatuajhuri	1-3	13241	Reserve Forest
6.	Harinbhangha	1-3	11687	Reserve Forest
			Total: 88527	

Just a few days before the ground rules for FRA were to be notified, the Critical Tiger Habitat (CTH) or core zone was declared by notification²⁸ on December 18, 2007 that covers an area of 1699.62 sq. km. (See Table 2)

It is to be noted that the core and buffer zones as declared in 2007 and

²⁹ Annexure, Sundarban Tiger Reserve 2013-14. Annual Report. Forest Department. Government of West Bengal. Notification no. 615-For/11M-28/07. February 17, 2009... <http://www.sundarbantigerreserve.org/news/Annual%20Report%202013-14.pdf> Last accessed on March 3, 2016. Page 48.

2009 respectively are through new notifications. Wherein, the core zone declared in 2007 was increased by around 360 sq. km. as compared to what was adhered to earlier.

It is important to highlight that within the 885 sq.km of the new buffer zone is the Sajnekhali Wildlife Sanctuary which covers the same compartments of blocks which are listed in the buffer zone. The buffer zone is what the government has declared as open for people, for activities like fishing. But if 362.42 sq.km from the total area of 885 sq.km, is a Wildlife Sanctuary, then that area will also not be allowed for people to access. Hence, in actuality what is termed as buffer, which would be open for fishing is even smaller $885 - 362.42 = 522.58$ sq.km

According to the Tiger Conservation Plan as required under Section 38 V (3) of the Wildlife Protection (Amendment) Act 2006, the buffer area of the Sundarban Tiger Reserve can broadly be divided into the following zones

1. Multiple Use Zone **Table 4**

S No.	Block	Compartment	Area (sq. km.)	Legal Status
1.	Arbhat	1-6	150.46	Reserve Forest
2.	Jhilla	1-6	123.14	Reserve Forest
3.	Khatuajhuri	1-3	132.24	Reserve Forest
4.	Harinbhanga	1-3	116.91	Reserve Forest
	Total		522.77	

The Multiple Use Zone is the part of the buffer zone which is the area for

³⁰ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 7.2.1.1 Chapter 7. 2012-13 to 2016-17.

³¹ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 11.1. Chapter 11. 2012-13 to 2016-17.

which the fishing licenses are issued. (details below in Section 6)

According to the Tiger Conservation Plan, tourism³¹ is confined to the Basirhat Range (buffer area), part of the Sajnekhali Wildlife Sanctuary (SWLS) Range area and a portion of National Park (West) Range.

It further mentions

“This zone is an overlapping zone with the multiple use zone. From the core zone only one compartment i.e. Netidhopani 1 of the Netidhopani block of the National Park West Range shall be a part of this zone. This area shall be open to tourism throughout the year except in case of population monitoring exercises or if the exigency of the situation so demands.”

S No.	Block	Compartment	Area (sq. km.)	Legal Status
1	Pirkhali	1-7	185.83	Wildlife Sanctuary
2. The demarcation of the tourism zone ³³ can be seen below in Table 5.				
2	Panchmukhani	1-5	176.72	Wildlife Sanctuary
3	Arbesi	1-5	150.48	Reserve Forest
4	Jhilla	1-6	123.14	Reserve Forest
5	Khatuajhuri	1-3	132.46	Reserve Forest
6	Harinbhanga	1-3	116.91	Reserve Forest
7	Netidhopani	1	26.42	Reserve Forest

³² Tiger Conservation Plan. Sundarban Tiger Reserve. Section 7.2.1.2 Chapter 7. 2012-13 to 2016-17.

³³ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 7.2.1.2 Chapter 7. 2012-13 to 2016-17.

As per this, Netidhopani is an area where tourists can visit but is closed to forest dependent communities.

3. Eco-development Zone:

This zone shall lie in the fringe area of the Tiger Reserve and extend up to 1-1.5 km radially outwards (towards the hinterland). As per the Joint

Table 6

S.No.	Name of Range	No. of FPC/EDC
1	Netidhopani	5 EDC
2	Sanjibpur	9 EDC
3	Bashirhat	11 FPC

Forest management guidelines, Forest Protection Committees (FPCs) have been formed in areas adjoining the Reserve Forest and Eco-development Committees (EDCs) in areas adjoining the Wildlife Sanctuary area. Presently there are 14 EDCs and 11 FPCs (Details given in Appendix 25 of the Tiger Conservation Plan) falling under the jurisdiction of the following territorial Ranges:

³⁴ Forest Department. Government of West Bengal. Notification no. 1828. September 11, 2013. <http://westbengalforest.gov.in/pdf/SBR%20sanctuary%20notifications.pdf>. Last accessed on March 3, 2016.

The third Wildlife Sanctuary, in the non STR area of the Sundarban³⁴ spread over an area of 556.45 sq.km, was declared as the West Sundarban Wildlife Sanctuary on September 11, 2013.

Administration of the Sundarban Islands

The administrative boundary of the Sundarban area is spread across 19 administrative³⁵ blocks of two districts –13 blocks in South 24 Parganas and 6 blocks in North 24 Parganas.

South 24 Parganas - Sagar, Namkhana, Kakdwip, Patharpratima, Kultali, Mathurapur-I, Mathurapur-II, Jaynagar-I, Jaynagar-II, Canning-I, Canning-II, Basanti, Gosaba.

As per the census³⁶ 2011, the South 24 Parganas District has a total of 1994 inhabited villages which are distributed in 29 Community Development Blocks of the district. The total number of villages in the district is 2042 out of which 48 are uninhabited. It has seven statutory towns.

North 24 Parganas - Hingaljanj, Hasnabad, Haroa, Sandeskhali-I, Sandeskhali-II, Minakhan.

As per the census³⁷ 2011, this district has 22 Community Development blocks and 29 statutory towns. The total number of villages is 1527 out of which 1518 are inhabited and nine are uninhabited.

The Sundarban Development Board (SDB)³⁸ was set up by the

³⁵http://www.sundarbanbiosphere.org/html_files/sunderban_biosphere_reserve.htm. Last as accessed on November 2, 2016.

³⁶http://www.censusindia.gov.in/2011census/dchb/1917_PART_B_DCHB_SOUTH%20TWENTY%20FOUR%20PARGANAS.pdf. Last accessed on November 10, 2016.

³⁷http://www.censusindia.gov.in/2011census/dchb/1911_PART_B_DCHB_NORTH%20TWENTY%20FOUR%20PARGANAS.pdf. Last accessed on November 10, 2016.

³⁸http://sundarbanaffairs.in/about_us.php. accessed on October 7, 2016.

Government of West Bengal in 1973 in order to administer the overall development of the Sundarban area. While the Project Tiger was to help in taking care of the forest and the wildlife, the SDB was created to take care of the developmental and other human needs in the Sundarban area. In 1994, the Sundarban Affairs Department (SAD) was set up and the SDB came under this. One of the main functions of this Department was socio-economic and cultural advancement of people residing in the Sundarban area. The SAD is spread over 16 police stations and 19 panchayat samitis of South and North 24 Parganas under it.

The State Board for Wildlife of the West Bengal³⁹ Government was formed on September 11, 2011 which was five years after the FRA was passed by the Indian Parliament.

Sundarbans is a Biosphere reserve and a Tiger Reserve. According to the rules for biosphere reserves, the area has to have a core, buffer and a transition zone. However, the NTCA says that a tiger reserve will have two components- core and buffer.

As per the requirements of Section 38 V (3) of the Wildlife Protection (Amendment) Act 2006, the Tiger Conservation Plan⁴⁰ for the Sundarbans has been approved.

[See Annexure 2 for Administrative set up for Tiger States]

People of the Sundarban

³⁹ Forest Department. Government of West Bengal. Resolution No. 2261-For/11M-40/03. September 5, 2011. <http://westbengalforest.gov.in/pdf/West%20Bengal%20State%20Board%20for%20Wildlife%20order%20dt%205.9.11.PDF>

⁴⁰ The Tiger Conservation Plans for different areas have been approved, Sundarbans being one of them. http://projecttiger.nic.in/content/75_6_Status.aspx as accessed on November 4, 2016.

⁴¹ <http://www.census2011.co.in/census/district/17-south-twenty-four-parganas.html>. Last accessed on November 10, 2016

⁴² Singh, Shiv Sahay. Sundarbans to become separate district next year. The Hindu. November 28, 2016.

⁴³ http://www.censusindia.gov.in/2011census/dchb/1917_PART_B_DCHB_SOUTH%20TWENTY%20FOUR%20PARGANAS.pdf Last accessed on November 4, 2016.

The rural population of South 24 Parganas District is around 6 million⁴¹ as per the 2011 census and around 4 million is the rural population of North 24 Parganas District. This includes nearly 3 million people who are from the fishing and forest dependent communities. According to news reports⁴² in November 2015, the Chief Minister, Ms. Mamata Banerjee announced that the Sundarban region would become a separate district in 2016, but not much has happened regarding this.

The people of the Sundarban area belong primarily to Schedule caste (SC) category. Around 30% of the population of South 24 Parganas District⁴³ is SC and around 1.5% is Scheduled Tribe (ST). In the North 24 Parganas District,⁴⁴ around 21% are SC and around 2.5% are ST. Specifically in the fringe⁴⁵ villages mentioned above, the percentage of Scheduled Castes is 32% and Scheduled Tribes is 12%.

Most of the SC population do not own land and many do not have SC certificates. Among the Adivasi population too, a mere 2-3 per cent of the population have ST certificates. Hardly any Central Government plans / budget outlay for SC/ST are made available to the population here. Most of the people have no land while most of the cultivable land is in the possession of the upper castes.

Cultivation in the area is possible only once a year due to lack of fresh water.

“The river water is salty and of no use for drinking or for irrigated land. Often the only fresh water, other than the rainwater collected in ponds, has to be fetched by boat from islands which have tube wells. Also, bunds frequently break. This causes the river to engulf houses and cultivated land. When lucky, the islanders are able to reclaim the

⁴⁴http://www.censusindia.gov.in/2011census/dchb/1911_PART_B_DCHB_NORTH%20TWENTY%20FOUR%20PARGANAS.pdf Last accessed on November 4, 2016.

⁴⁵ Tiger Conservation Plan. Sundarban Tiger Reserve. Chapter 5. 2012-13 to 2016-17.

⁴⁶ Jalais, Annu. *Forest of Tigers*. Routledge India. August 2011. Page 6.

drowned land back from the river by rapidly erecting, during low tide, a bund around the newly submerged area. However, even when such land is recovered from the river it remains barren for at least three years. More often than not, it is impossible to retrieve the sunken land and each year hundreds of people leave to seek refuge elsewhere.”⁴⁶

The mangrove forests are the primary source of livelihood for the people of the Sundarban islands. This is a forest in which people go for fishing, collecting crabs, honey collection and for gathering firewood. This is one of the few regions where even for fishing one has to go inside the forest. Honey collection, crab and fish procurement and firewood collection are all controlled by the Forest Department.

The inhabited islands can also be put into two categories.⁴⁷ The comparatively developed 'up' islands in the north and west, closer to the mainland are part of the stable delta and thus less affected by storms and tides. Whereas, the 'down' islands in the south are part of the active delta, are near the mangrove forests and are more at risk. It is people in the 'down' islands who are more dependent on the forest which is controlled exclusively by the Forest Department.

⁴⁷ Mitra, Maureen Nandini. Tides, Tigers and Tears. In *Economic and Political Weekly*. June 26, 2010. VOL XLV NOS 26 & 27.

Section 4: Forest Rights Act in Sundarban: Ushering in a new era of Forest Governance

The Tiger Task Force that was instituted in 2005 is important in this context as it brought an alternative image of the forest dependent community and they were seen as partners in wildlife conservation, which was otherwise restricted to a small group of academics and environmental activists along with the Forest Department.

“Yet, foresters and biologists most often base their arguments on the simplistic assumption that the relationship between human use and biodiversity is negative in all cases and at all levels. Such linear causative linkages may be convenient to managers in decision-making. But they have clouded complexities of ecosystem dynamism and diversity that would involve much a greater engagement with human use issues (see also Schama1995).

For instance, the existence of villages inside forests in the past has resulted in the formation of open grasslands. These were beneficial for endangered native herbivores including deer and antelope (Rangarajan 1996; Schaller 1967/1998). After village relocations, such formations have to be managed with fire and cutting in order to maximise biodiversity values as is the case in Kanha National Park. Thus some degree of human use has actually favoured increase in animal diversity at the landscape level by creating a heterogeneous ecological mosaic so that some biodiversity elements are favoured over others in different patches. At the same time, studies also show that chronic, large-scale and intense biomass extraction can reduce biodiversity to very low levels. These non-linear relationships between human use and forest at different

spatial scales (see also Connell 1978) have never really been acknowledged by PA managers and biologists.”⁴⁸

These debates were not restricted to making areas inviolate or not, but evolved to debates about conservation, mentioning that the local forest dependent population should be the ones conserving the forest as they have been doing for generations. Perspectives like these came into the public domain and provided a background for the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. It is also after many struggles by the forest dependent communities across the country, that their rights were recognized as per this Act.

With the coming of the FRA, the historical injustice meted out to the forest dependent people by colonial rulers and by independent India's government was recognised for the first time. This is despite the fact that the movement of forest communities for traditional rights on their forest land and forest produce dates back to the colonial era. The main aim of this law is to recognize and assert the rights of the forest dependent communities separated through individual rights and collective, community rights. This is a law that takes ahead the constitutional framework as it speaks of community rights.

The Forest Rights Act clearly states that “forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem.”
[Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. Page 1]

The Act also ensures individual tenure right over cultivable land and more importantly collective ownership rights over all Non-Timber Forest Produce (NTFP) and on forest-based resources to the Gram Sabhas, duly elected by the community members.

⁴⁸ Rangarajan, Mahesh & Shahbuddin, Ghazala. Displacement and Relocation from Protected Areas: Towards a Biological and Historical Synthesis. In Conservation and Society. Volume 4. No. 3. September 2006. Page 364.

The FRA brought in a new era of forest governance wherein the forest dependent communities were legally recognized and were to be given these rights. Post 2006, FRA is the only law to be applied for governance of forest regions. However, even after 10 years of the FRA, the fact that other laws are being applied in our forest regions is a reality and amounts to mockery of Parliamentary democracy.

The FRA rules have put in place a system that assigns specific roles to the Forest Department officials along with officials from other departments. They are a part of the Sub Divisional Level Committee, the District Level Committee and also the State Level Monitoring Committee. It specifies that they should be given training to be able to implement the FRA effectively. With the coming of this Act, their role is also to have transformed.

FRA as a new form of forest governance is mandated as a central legislation and this report looks at this in the context of the Sundarban islands, specifically highlighting the status of implementation of this law or the lack of it in this unique forest region.

A few important sections of FRA must be stated in order to present more clarity of its implementation in the context of the Sundarban.

Regarding FRA being a law that supersedes others:

“Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in-

- a) The forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;***
- b) The other traditional forest dwellers in respect of all forest rights mentioned in section 3.”***

[Section 4 (1) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006]

Regarding the forest dependent community in Sundarban also being a part of the forest dwelling community, even though they do not live inside the forest, they are dependent on the forest for their livelihood:

“forest dwelling Scheduled Tribes' means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;”

[Section 2 (c) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006]

The notification from the Ministry of Tribal Affairs, Government of India, in 2008 also makes it clear that the forest dwelling⁴⁹ communities, includes communities that are dependent on the forest. Hence, rights as per the FRA are also applicable for these people who are not living deep inside or in the core zones of forest areas, but go there for their livelihood requirements. It is clear that for the forest dependent community there cannot be a one-time settlement of rights. The notification states that,

“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 bona fide 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 bona fide

⁴⁹ Ministry of Tribal Affairs. Government of India. Order No. 17014/02/2007-PC&V(Vol. VII). June 9, 2008 (In Compendium of Forest Acts, Rules and Orders. March 2011. Page 362).
<http://www.westbengalforest.gov.in/update-4-1-13/Compendium%20of%20Forest%20Acts,Rules%20&%20Orders.pdf>. Last accessed on June 4, 2016

livelihood needs. This issue was also raised in the meetings of the Secretaries of Tribal Welfare/Development Department of the States on the implementation of the Act held on 18th-19th February, 2008 and 16th May, 2008 in New Delhi.

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 Scheduled Tribes 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 make shift 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."

Regarding the rights in National Parks and Wildlife Sanctuaries and what that means as per the Act:

"critical wildlife habitat' means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that

Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4.”

[Section 2(b) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006]

“The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

- a) The process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;***
- b) It has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;***
- c) The State Government has concluded that other reasonable options, such as, coexistence are not available;***
- d) A resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central***

Government;

- e) The free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;**
- f) No resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;**

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses."

[Section 4 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006]

Section 5: Enquiry

This section aims to substantiate and theorise arguments that have come from the forest dependent community. The FRA was passed in 2006, more than 10 years ago and even now, there are other laws being spoken about in Sundarban forest. How is it that we are speaking of archaic laws, which are continuing to rule over the Sundarban area? This necessitated an informed outreach into Sundarban to enquire into layers of agency of government machineries that have failed in implementation of a legislation passed by the Indian Parliament. We have based ourselves on what people are saying because the Indian parliament passed this law in 2006.

The cases drawn are from across various villages spread over the districts of North and South 24 Parganas of - Kultali Block including Maitri-boikanthapur Gram Panchayat; Imlibari, Saatjalia 2 Island; Bali Island including Amlamethi and Satyanarayanpur; Kumhirmari Island including Thana Mollakhali coastal; Shamshernagar Island including Kalindipara, Kalitala Gram Panchayat, Kalitala Block; Gosaba Island.

A. Boat License Certificate (BLC)

The lives of the forest dependent communities in the Sundarban region revolve around the Boat License Certificate (BLC) which is a license⁵⁰ that is issued by the Forest Department, Government of West Bengal. The Forest Department insists on this pass for people to access the forest. This is non transferable and has to be renewed each year. Along with this, all fishermen are issued a 'Marine Fishers Identity Card' which is issued by the Ministry of Agriculture, Government of India.

According to notifications⁵¹ for the Reserve forest in Sundarban

⁵⁰ Tiger Conservation Plan. Sundarban Tiger Reserve. 2012-13 to 2016-17.

⁵¹ Chacraverti, Santanu. International Collective in Support of Fishworkers. The Sundarban Fishers. 2015.

islands (1928 and 1943), all BLCs within and outside the STR were based on registration of boats in the Reserve forest area. BLCs for fishing in the areas were decided on the basis of identifying the boats and the areas they fished in. The basic difference between BLC and Marine Fishers Identity Card is that the former was allotted for boats and issued to its owners, while the latter was given to each individual fisher.

Around 3700 licences⁵² had been issued for the 1633 sq. km of the non STR area. But only around 923 licences have been issued for nearly 892.38 sq. km fishing area permitted within the STR.

As per records, 923 BLCs have been issued & out of them 709 are active now.

S No.	Name of the Range	Active BLCs (Nos.)	Inactive BLCs (Nos.)	Total (Nos.)
01.	Basirhat Range	163	91	
		163	91	254
02.	Rampura Range	41	42*	83
03.	Sajnekhali Wildlife Sanctuary	416	62	
		416	62	478
04.	Head Quarter Range	89	10	
		89	10	99
		709	164	914**

*41 nos. RPT fishing BLCS have been temporarily suspended.

** No Record found for 9 Nos. BLCs

“Fishing is closed for a period of 2-3 months from April –

⁵² Chacraverti, Santanu. International Collective in Support of Fishworkers. *The Sundarban Fishers*. 2015.

⁵³ Tiger Conservation Plan. Sundarban Tiger Reserve. . Appendix 13. 2012-13 to 2016-17.

June which is the spawning time of the fish. Mechanized fishing boats are not allowed within the Tiger Reserve. A typical fishing party consists of the BLC owner and 6-8 co-fishermen or 2-3 co-fishermen in case of crabs collectors. A permit is given for entry into the area (Multiple Use Area only) against a token fee for a specified time period.”⁵⁴

The table above mentions that there are 478 BLCs issued for fishing in the Sajnekhali Wildlife Sanctuary whereas, the statement above mentions that a permit is only given for the Multiple Use Area which according to the Tiger Conservation Plan itself is not including the Sajnekhali Wildlife Sanctuary.

Most people do not have BLCs but have to go to the forest to catch fish or gather honey. The process by which BLCs are given out is extremely problematic.

“Identifying a fishworker in this area is difficult since we have seen many cases of BLC permit being issued to those who do not come from the fishing community. This has left many who are actually from the fishing community traditionally, and their younger generation, without a license. They are forced to search for other means of livelihood.” (Prabir Mishra, Kultali Block)

Many BLCs are owned by people who do not go for fishing. Moreover, there is no proper process by which these could be transferred to other fishermen without BLCs.

“Forest is the only source of our livelihood. The last BLC was given even before 1975. I don't own a BLC. Every time, I have to rent it out from someone else for Rs. 25,000 per year. I have to pay a rent of Rs. 10,000 for the boat and every year, I pay an average fine of Rs. 8,000 for renewal of the

⁵⁴ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 7.2.2.4. Chapter 7. 2012-13 to 2016-17.

BLC. Thus, I have to spend around Rs.1,50,000 per year for fishing. After distributing all the shares, I get only Rs. 40,000-45,000 per year out of fishing. At least six families are dependent on one boat. The amount we earn is not enough for us; so we have to take a loan from the Mahajan (the village money lender). He does not take any interest directly but for every Rs. 10,000, he takes Rs. 2,500 as commission i.e. 25% during the fishing season. And the rest Rs. 7,500 gets divided amongst all of us.” (Panchram Mandal, Imlibari, Saatjalia 2 Island)

“I am 50 years old and have a six member family. I was only 16 when I started going to the forest. My main source of livelihood is fishing and honey collection. I have my own BLC, but unlike earlier, the problems with the Forest Department do not stop with that. The Forest Department did not hassle us so much earlier like they do now after the demarcation of core and buffer zones. Earlier, we could go to the forest very easily. We used to get the honey collection pass for ten months and the BLC was to be renewed every year. We used to pay Rs. 40 per year as the rent for the BLC. But this new system of BLC is very bad for us. Most of the BLCs are not in the name of the people who actually go to the forest for fishing. The last BLC allotted was in 1972-73 and the total number of BLCs allotted till then was 923... Since the last three years, there are certain varieties of fish which the government has said that we cannot catch. If they find us having caught these fishes, we will be fined; the boat, net and BLC will be seized and we could be jailed as well. Fine is a regular problem for us whenever we go fishing.” (Shankar Adi, Amlamethi, Bali Island)

Many from the forest dependent community are left with no choice but to borrow BLCs on rent. The amount being paid as rent annually is also massive. Many of the fishworkers take loans in order to afford the rent for the BLC and are paying high rates of interest. This also promotes exploitation at various levels.

The BLC system as a whole is a violation of Section 3(k) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which mentions that the forest dependent people are given the “right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.”

B. Core and Buffer Zones: Livelihood Questions

*“The Core and Buffer zone demarcation in the forest are such that, to get good fish even in the buffer area, we have to go through the Core Area and that is the place where they catch us and accuse us of having entered the core zone.”
(Debdas Mandal, Imlibari, Saatjaliya – 2)*

“Currently about 1800 sq. km is core area. Chamta 1,2,3, Bagmara, Netidopani, Chandkhali were declared core areas overnight. We were not aware of anything and it was very sudden for us. Nobody was consulted. We were told when we filed an RTI that this decision to increase approximately

***500 sq. km in the core area was from above. They did not do any local level consultation before implementing this.”
(Govinda, Dakshinbanga Matsyajibi Forum)***

While analysing the region on the maps,⁵⁵ it can be noted that the buffer area, mostly in the northern portion of the STR, has less water area than the core zone which is more in the south. This has led to a reduction in the technical fishing area while there is an increase in the number of people going for fishing.

“This core and buffer area demarcations is something we do not understand. If we go to the core area, will we destroy it? The Forest Department earns a lot of money through tourism and thus, they freely take the tourist boats to the core area, whereas, all of us fishworkers are not allowed to enter this area. How is this fair? Moreover, it is because of these tourist boats that the fish have moved to the sea side.

Trawlers from Thailand, Indonesia and South Korea come for fishing and go to the core area as well. The situation is such that we are not allowed in the core zone and even when we go to the seaside, we don't get place for our small fishing boats and traditional nets because of the big trawlers. If this situation prevails, the day is not far when there will be no fish, crab or prawn from the Sundarban forests mainly because of the deep sea fishing done by the big trawlers and the severe pollution caused by the fuel that these trawlers run on.”(Shankar Adi, Amlamethi, Bali Island)

“Certain parts of the forests are marked as core areas where the fishermen are not allowed to go. However, tourist boats are allowed in those places. They say that the small motor boats of traditional fishermen cause severe water pollution but the pollution caused by tourists is not considered by

⁵⁵ Chacraverti, Santanu. International Collective in Support of Fishworkers. *The Sundarban Fishers*. 2015

them. Tourists throw plastic and their presence in these areas affects the ecosystem. It seems as though the laws are directed only against us.” (Govind Mandal, Satyanarayanpur, Bali Island)

The tourist boats are allowed in the core zone as well, whereas the traditional boats belonging to the fishermen are not. Tourist boats, including the ones with the motor, are allowed to go in the core area, while the small rowing boats of fishermen are not. Fishermen are told that they will disturb the animals. However, there is no regulation on the number of tourist boats or the number of guest houses coming up on various islands. Tourist boats moving in the buffer zone in such huge numbers end up pushing the fish more towards the interiors of the core area. There are high levels of pollution of the river and the soil which lead to severe effects on the fish catch and other sources of livelihood for the people. There has also been an increase in the health related problems among the people.

“We once gave a memorandum saying that no vehicles or tourist boats or Forest Department officials should be allowed in Sundarban. Tourism affects us badly. We have to go for fishing to the core area because the big tourist boats affect the fish catch tremendously here. If these were not there, then we could get fish here itself. The companies bought land from the local people at very high cost to construct tourist lodges. We told the Forest Department that they are earning in crores from tourism but our fishing gets affected by this. Fish goes to the core area because of the movement of the tourist boats and they don't allow us to go to the core area. If the forest will be closed for us then we will also not allow their tourist boats and other boats to enter the area either. If they stop us, then we will also stop them. The government earns a good amount of revenue from Sundarban, they will never stop us from entering the forest. Total number of families dependent on fishing is 10 lakh but the BLCs given out are only 923. So if the Forest Department does anything like this, people will not keep

quiet.” (Panchram Mandal, Imlibari, Saatjalia 2 Island)

**“The tourists also throw waste like plastic into the river which is washed ashore and often block our entry in to the narrow creeks of the Sundarban forest where we go to fish.”
(Ankan Mandal, Kumhirmari Island, Thana Mollakhali coastal)**

**“Since the number of tourist boats has increased in the last few years, our fish catch has decreased. This has also led to the vanishing of a wide variety of fish that we used to get.”
(Krishnapada Mandal, Kalindipara, Shamshernagar)**

It is to be noted that Compartment 1 of Netidhopani Block is a part of the core zone and has been included in the tourism zone as well. This is against the NTCA guidelines itself which state that,

“The core/critical tiger habitats would not be used for any form of tourism, and the ongoing tourism activities in such areas should be phased out in the fringe/buffer areas, without affecting its corridor value.”⁵⁶

Instructions to Chief Wildlife Wardens in this regard have been given as per the letter⁵⁷ issued by NTCA on April 28, 2009.

At present, the tourist permit⁵⁸ is issued from Canning, Gosaba, Sajnekhali, Sonakhali, Bagna and Kolkata. There are six sites- Sajnekhali, Sudhandyakhali, Dobanki, Netidhopani, Jhingekhali & Burirdabri which are open for tourism.

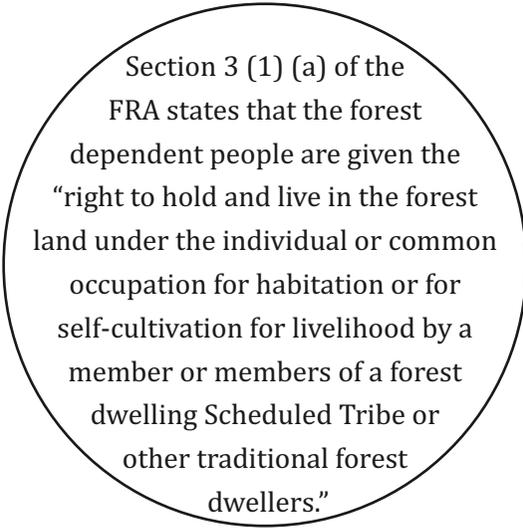
The Forest Department provides no response when this issue is raised with them. This repeated lack of response is making it clear that

⁵⁶ National Tiger Conservation Authority, Protocol/ Guidelines for Voluntary Village Relocation in Notified Core/ Critical Tiger Habitats of Tiger Reserves. *Compendium of Guidelines/ Advisories/ Gazette Notification*. Updated up to March 31, 2010.. Section 4.17, Page 39.

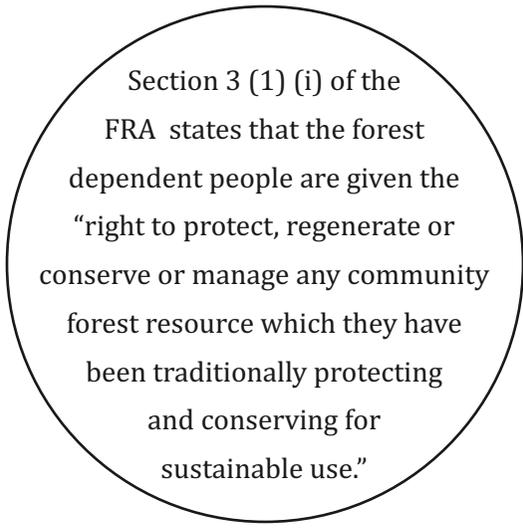
⁵⁷ National Tiger Conservation Authority, Protocol/ Guidelines for Voluntary Village Relocation in Notified Core/ Critical Tiger Habitats of Tiger Reserves. *Compendium of Guidelines/ Advisories/ Gazette Notification*. Updated up to March 31, 2010. Page 231.

⁵⁸ Tiger Conservation Plan. Sundarban Tiger Reserve. Executive Summary. Page ix. 2012-13 to 2016-17.

regulations concerning tourism do not seem to be an urgent requirement of the authorities, the brunt of which is borne by the local forest dependent population. There is a section of the population of the Sundarban islands who are benefiting from tourism to some extent, but even they are consistently asking for regulations.



Section 3 (1) (a) of the FRA states that the forest dependent people are given the “right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.”



Section 3 (1) (i) of the FRA states that the forest dependent people are given the “right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.”

It can be inferred from the enquiry produced in this section that the various zones created by the colonial authorities and consequently by Independent India's government ignores the interest of the forest dependent communities and violates the relevant sections of the FRA, a legislation made by the Indian Parliament.

C. Collection of Minor Forest Produce

Honey

During the honey season, the adherence to the demarcation of the core and buffer zones by the Forest Department becomes invisible since it is a time for them to make money.

“Every year, during the honey season, we get a pass for a month to go to the core area for honey collection. During this season, there is no core zone for the Forest Department since it is a time when they make profits. We are forced to give the total amount of honey that we collect to the Forest Department but the minimum is 120 kg per person. If we do not deposit 120 kg honey then we are not given the pass again next time. We incur losses since we have to sell whatever we have collected only to the Forest Department. The officials there give us Rs. 110, but the market price is much more than that.” (Shankar Adi, Amlamethi, Bali Island)

“A different license other than the BLC is given to whoever wants to go and collect honey. We get this license from Sajnekhali Forest office and straight away go to the forest to collect honey. While coming back, we have to give the honey to the Forest Department and give back the honey license. The pass is only valid for 15 days. If we do not submit that on time, they fine us and we will never get the pass again. They don't even pay us properly for our honey on time, but we don't have a choice. We take loans for this period. And we have to pay bribes to many people in the

Forest Department, Border Security Force and Patrolling units, along with honey that we have to hand over to them.” (Channat Gazi, Kalitala Gram Panchayat, Shamshernagar Island)

“I have been going to the forest to collect honey since the last 25-30 years. We have to spend at least Rs. 25,000-30,000 per boat to go the forest. We go in a group of 7-8 people. The Forest Department takes away all the honey we collect. The rate given to us for the honey at the Forest Department was Rs. 13 per kg at one point of time. But after much struggle it came to Rs. 50 per kg and in 2014, it was Rs. 100. In 2015, the Forest Department announced that they will give Rs. 150 per kg but they let us all down as they eventually gave us only Rs. 110.” (Karuna Gayen rom Kalitala Block, Shamshernagar, North 24 Parganas.)

“Honey collection is a very dangerous activity wherein we risk our lives but we are forced to sell all our honey at a much lower rate of only Rs. 100 per kg and each person has to deposit 120kg with the Forest Department. In case we fail to do this, we face torture and harassment by the officials. The honey collected is sold by the Forest Department at a much higher rate of Rs. 400-450 per kg.” (Govind Mandal, Satyanarayanpur, Bali Island)

“The forest officers demand the honey collected and pay only a small amount of money. Thus people incur losses...The situation is such that the honey collectors are forced to sell their entire catch of honey to the forest officials at nominal rates [Rs.110] and only if they manage to hide some honey can they sell it at a slightly higher price [Rs.260] to agents. If the fishing community does not abide by the dictates of the police, they are implicated in false cases.” (Prabir Mishra, Kultali Block)

Honey collection is one of the most difficult and strenuous activities for

which one is required to go deep into the forest. Mostly it is the men who go to the forest for this. It has also been mentioned that the tiger attacks are most frequent during the honey collection season, which is for around one and a half months. These people are subjected to huge risks of injuries and a threat to life. However, they are forced to sell the honey collected exclusively to the Forest Department and are restricted from taking the honey out of the forest and selling it themselves. People can earn a decent amount of money by selling honey in the open market but it has been made into a money making exercise completely controlled by the Forest Department. Being one of the biggest sources of revenue, it is also one of the biggest sources of exploitation.

The Tiger Conservation Plan⁵⁹ states that

“Presently, only honey collection is permitted in the buffer area. Permits are given to collect honey at a fixed tariff per kg. which is fixed in consultation with the West Bengal Forest Development Corporation Ltd. to whom all the collected honey is finally handed over. Previously, the crude honey used to be supplied to 24-Parganas Division for filtering and processing in their unit but subsequently since 1995-96 the processing unit has been transferred to West Bengal Forest Development Corporation for processing of crude honey and its marketing.”

The Tiger Conservation Plan⁶⁰ has figures mentioned only till 2011 but

⁵⁹ Tiger Conservation Plan. Sundarban Tiger Reserve. Section 3.1.3. Chapter 3. 2012-13 to 2016-17.

⁶⁰ Tiger Conservation Plan. Sundarban Tiger Reserve. Appendix 29. 2012-13 to 2016-17.

⁶¹ <http://www.sundarbantigerreserve.org/urls/non-timber-forest-produce.html>. Last accessed on July 6, 2016.

The exploitation that people face with regard to their livelihood through honey collection is a clear violation of the FRA. According to Section 2(i) of the FRA 2006, honey comes under the category of 'minor forest produce' and Section 3 (1) (c) of the FRA 2006 mentions that the rights given are, "right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries." Thus, the honey pass amounts to an illegal license raj which is a violation of the FRA and so is the fact that people are forced to sell only to the Forest Department.

The Sundarban Tiger Reserve on their website⁶¹ has mentioned the amount of honey they have collected and the value that they have earned through this since the last few years. According to this, the amount of honey collected during the year 2013-14 was 20,950 kgs for which the value earned was Rs. 15,71,250. There was a huge increase during the year 2014-15 when they collected 47,412 kgs and the value earned was Rs. 47,41,200.

Firewood

Collecting firewood is an important activity for the forest dependent population, which is severely opposed by the Forest Department. The entire notion of conserving the forest by creating restrictions on these kinds of traditional activities is something that the forest dependent people have questioned. They believe that uncollected dry firewood could negatively contribute to forest fires and their fast spreading.

“Now we cannot cut any wood in the forest. However, the Forest Department does not understand that if some trees are not trimmed or cut in the forests, these forests will never grow. Our forefathers did it and it is because of them that the forests grew. Why will we destroy the forests? We never cleared the forests to build small colonies, unlike what the Forest Department is doing now. Timber merchants have cut hectares of forest land since ages and have never been caught.

We hear all the time that trees must be saved to get oxygen but one must know how trees grow in the forest. The truth is that the dust which collects on leaves needs to be removed for the forest to grow properly. The forests need to be properly pruned in the same way as infected parts of a human body have to be removed. The officers are being trained with the notion that cutting trees is bad for Sundarban. That is wrong. Sundarban will not reduce in size, if trees are pruned and parts are cut off.

Trees initially grow in close clusters of about 15-20. After they grow to a certain size, if they are not cut, none of them will grow in a healthy manner. Thus, the ideas regarding not touching the trees which the Forest Department and others are promoting is wrong. This ban on cutting the big round leaves of the trees is in fact harmful for the forest. Moreover, what we collect as firewood are trees which have died on their own. We take away only the dead parts of trees. The parts which are alive will grow better, if the dead portions

Fire wood/
Brush wood collection is allowed as per the Forest Rights Act. Section 2(i) of the FRA 2006
Brush wood is a 'minor forest produce' item. The rights given to the forest dependent community include Section 3(c) which specifies, "right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village

are cut off. For new trees to grow, it is important that dead or damaged trees are removed and who other than the local people will do it? Will the foresters do it? Their only work is to 'manufacture' stories in order to contradict our understanding." (Channat Gazi, Kalitala Gram Panchayat, Shamshernagar Island)

Crab

Crab collection is also a means of livelihood for many and one does not need to go very deep into the forest for that. This is an activity that many women engage with.

It is also to be noted that in a letter issued by the National Tiger Conservation Authority (NTCA) to the Chief Wildlife Warden of all Tiger States on February 27, 2008, it is stated that, the aim is to reduce dependency of villagers on forests.

⁶² National Tiger Conservation Authority, Protocol/ Guidelines for Voluntary Village Relocation in Notified Core/ Critical Tiger Habitats of Tiger Reserves. Compendium of Guidelines/ Advisories/ Gazette Notification. Updated up to March 31, 2010. Page 218.

“The Tiger Reserve Management should consult with Panchayat Raj Institutions for providing ecologically viable livelihood options to reduce villager's dependence on forests. The Gram Sabha should be involved in restoring forest cover in the buffer areas in order to provide a supplementary habitat to animals moving out of core areas.”⁶²

D. Human Rights Violations by the Forest Department

There are many severe cases of harassment and human rights violations by the Forest Department that have been reported in the public hearing. The allegations primarily include matters of imposition of fines in an arbitrary manner; confiscation of fish catch, fishing net, fishing permit, BLC; detention without reason; charging of false cases; refusal to register complaints filed by the community and abuses and threats by the Forest Department. In addition to this, the Forest Department seize boats and equipment used to catch fish and do not return them for days.

“We have to also pay some or the other fine or bribe to the Forest Department officials, every time we go fishing. We pay Rs. 500 for one Forest range to one Forester, and out of humanity even if he gives back the BLC, the next Forest Range will fine another Rs. 500 and will keep the BLC. So finally, in the Gosaba Forest Department office, I will have to pay Rs. 1100 (including a charge of Rs. 100 for writing my details). And it takes 15 -20 days to get back the BLC.”
(Panchram Mandal, Imlibari, Saatjalia 2 Island)

It is evident that there are no clear rules and regulations and hence the system of fines is arbitrary and is as per the wishes of the Forest Department. Moreover, it is seen that whether people have the BLC or not, there is severe harassment from the Forest Department.

“We are not allowed to bring firewood from the Forest. But we do it by giving them (the forest officials) a fine of Rs. 500 every time. Earlier it was not like that. There was never an issue in bringing firewood from the forest, but it changed after it was announced as a Tiger Reserve and this made our life very difficult.” (Panchram Mandal, Imlibari, Saatjalia 2 Island)

Restrictions are also on firewood. It is clear that, where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees; Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.”

“I belong to the fishing community. Along with fishing, I also collect honey in the Sundarban forest. We are consistently harassed and tortured by the forest authorities. They also snatch away our catch of fish and crabs and seize our nets and boats. There is no place where we can report these grievances since along with the Forest Department, even the police stations like the Coastal Offices refuse to register our complaints.

The area in the Sundarban Forest where the Purandar River and the Matla River meet is where a guard boat of Basanti Thana is stationed. This boat is stationed in order to protect us. Once, while returning from the river, they asked me to produce my papers. I had all the necessary legal documents like the Forest Pass, BLC Permit, and the Marine License. Yet, they kept harassing me saying that the papers are incorrect. They also said that the papers I have do not allow me to take the forest produce I have collected to the local market. They said that I needed a Zila Parishad License and since I did not have it, I should be ready to pay a fine of a few thousand rupees. I knew that there was no such rule and a fisherman did not need any special permit to go to the market.

They realized that they could not deceive me like this and hence, detained me for hours before allowing me to leave. After being released, I had to sail against the tide, which not only slowed me down and increased my costs, but the fish that I had caught to sell started rotting because of the delay. I had collected fish bearing eggs which I kept in two small boats tied to my boat. I had thought of selling these to the Fisheries Department. The pull of the low tide made it difficult for me to move my boat, so I was taking it slowly along the banks of the river. All of a sudden, the boat from the Basanti Thana appeared and crossed my boat with such speed that my boat overturned. The police station refused to register my complaint, but I did report about my loss to

my Arath [fish warehouse]. There was a meeting held at Sajnekhali at this time and it was realized that one of my Arathdars[local traders] was a relative of Subhash Naskar, the Fisheries Minister of West Bengal. At the end of the meeting, it was clear that the officers at the Basanti Thana were at fault. However, till date, I have not received any compensation and neither was my complaint recorded on paper.

Sometime after this entire incident, I was fishing with a group of people at the mouth of the Thakuran River when the Forest Department officials surrounded us. They asked us to give them our catch and when we refused, they demanded to see the papers of the boatman. Being the boatman, I gave them my papers including license and permits which they confiscated. They told us to gather our fishing nets and reach a place which is about five to six hours away if we wanted my papers back. I burnt fuel worth six hours to reach the spot. They only arrived in the evening and told me that if only I had

The Constitution of India mentions in Article 21 that “No person shall be deprived of his life or personal liberty except according to procedure established by

The Constitution of India mentions in Article 14 that “The State shall not deny to any person equality before the law or the equal protection of the laws within

Section 166 of the Indian Penal Code (45 of 1860) mentions about Public servants disobeying the law, with intent to cause injury to any person: "Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both."

The D.K Basu judgement echoes what is written in the Constitution of India Article 22 which states

"(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

listened to their demands for the fish, they would not have put me through all the trouble. But till date, my papers have not been returned to me." (Samsul Mollah, Maitri-boikanthapur Gram Panchayat, Kultali Block)

The enquiry in these matters makes it clear that the various kinds of atrocities by the Forest Department that the people of Sundarban have reported are in gross violation of constitutional rights of citizens and Parliament enacted laws of the land.

“Since the last few years the harassment by the forest department has increased and they are doing this in the name of Project Tiger. It is due to this kind of harassment that I went to Odisha for about eight years and did fishing there. Once I came back, I got a lease to operate the trawler which eventually failed because of rivalry between trawler operators... I have been running around different offices to get a BLC.” (Krishnapada Mandal, Kalindipara, Shamshernagar)

“Our story is a story of being beaten up, being abused and facing the uncivilized behavior of the Forest Department officials towards us. I will narrate an incident. I had gone out in my boat to collect crabs and fish. Suddenly, the Forest Department official appeared on his patrol boat and asked me if I had seen any men hiding in boats in any of the rivulets. I said I had not seen anything like that. The officer insisted that I knew what was going on but was not admitting it. I kept telling him that, I had not seen anybody and that my only interest was to catch some crabs and fish for my family to eat. The officer threatened me with arrest and sent me to Alipore Court by issuing a challan. I said fine, please prove that I have done something wrong and then arrest me. The moment I said this, the official said 'khubpekechona!' Literally translated from Bengali, it would be 'become very ripe, eh!' which means that you are going beyond your limits. He abused me and asked me if I thought it was my father's forest that I could do whatever I wanted. I told him that while it was not my father's forest, it was also not his father's forest either. At that time, he got even more angry with me and shouted louder, warning me that I was going beyond my limits.

He was very angry with me and threw away the crabs I had caught, emptied the drinking water can and took away my

fish catching equipment. I was left with no option, but to return home empty handed, thirsty for water. This is the level of harassment and torture we have to face day in and day out. I was asked to collect my things from Shamshernagar. I reported the matter to the Panchayat. They said they would find out. I also tried to contact this forest official who initially did not take my calls. Finally, when he took my call, he told me that I had lied and hence he would not return any of my things. I told him that he had been assigned this job as a Forest Department official to find out who was engaging with illegal activities inside the forest and not to harass us.

It is true that I do not have a BLC, but I need to live too. For that, I will have to go into the forest to catch fish and crabs. I asked the forester if he was trying to tell me that only those who have BLC have a right to live. On hearing this, he abused me even more. I tried to reason with him, telling him that I had no land, no livestock, barely a house to stay and we have lived here since generations and gone to the forest to make our living. I told him, that it seems that we can still possibly manage to save ourselves from the tiger but, it is almost impossible to save ourselves from the attacks of Forest Department officials. What will we do? Give all of us forest dependent people a BLC or evolve some new system. The official said that no such thing will happen and the system will remain what it has been. He threatened me that

Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 states “Whoever, not being a member of a Scheduled Caste or Scheduled Tribe intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view; shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.”

Section 7 of the FRA states
“Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees; Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.”

the next time he saw me inside the forest he would beat me up. I got angry with him and asked him who had made him an official? What authority did he have to take the law into his own hands?” (Sufia Bibi: Shamshernagar: Block no. 2; North 24 Parganas.)

While reiterating violations of certain laws, it is important to note that cases of atrocities by the Forest Department are not few in number, are extremely serious and are being conveniently ignored by the government authorities.

“Along with these problems, we also face atrocities by the Forest Department. They seize our BLC whenever they want. My BLC was seized on December 18, 2015 but it has not been returned to me till now. They say the BLC has been

sent to the Alipur Court and I will have to fight my case like all other fishermen and take it from there.” (Shankar Adi, Amlamethi, Bali Island)

“I am more afraid of Forest Department officials than tigers. Even BLC holders are regularly harassed by the Forest Department. I have been collecting honey and catching fish in the Sundarban for years now.

Tales of oppression by the Forest Department are a part of our lives. But some incidents like what I am going to tell you will show the extent to which they can go. This is an incident which happened a little while back. I had gone fishing and had just come out of the river, where we were confronted by the officers on duty who told us that they had the information that our boat had deer skin hidden in it. I protested saying that there was no such thing. There was a huge confrontation and I was so severely beaten up that I was bleeding all over. The officer kept questioning me as to where I had hidden the deer skin and I kept on telling him that I had no clue because I did not have any such thing. I was pushed and shoved. Then the officer asked his men to search the hay stack at the courtyard of my house, where he said he was sure I had hidden the deer skins. Some of his men searched the hay stack and suddenly came up with a bag of deer skins. This was a sheer conspiracy against me. Even one officer of the FD protested. I was sent to police custody for seven days and then jailed for three months. My organization supported me throughout my ordeal and they challenged the officers. After I had come out of jail, the organization even openly challenged Subhendu babu, the officer who had framed me. This officer pretended that he was up for a compromise. But I was again picked up and taken on FD's speed boat to Jharkhali, where I was first beaten up (for trying to challenge this officer) and then given Rs. 2000 to treat myself and also promised a job. But a

month passed by and I did not get to hear anything about my job. Then this officer got transferred and the new officer gave me a job, which was horrible because I had to carry out the same kind of oppression towards my own community. I could not tolerate this. After some time, I refused to continue doing this horrible work and asked them to pay me some money so that I could start going to the forest once again. A legal case against me is still continuing even though, I was promised that it would be dismissed.

I have a BLC and go to the forest to catch fish, crabs and to collect honey. Now of course, in addition to the FD and the police, we have the coastal police which is a new policing system controlling the coasts, which is oppressive, at times worse than the FD.

My request to those who have come here to listen and document our cases is only that they please help us in our struggle for a dignified life.” (Osman Mollah, Kultali)

“We do not kill any animals—tiger or deer—but false cases are put on us and our BLCs are seized and never returned. Cases on us are directed to the District Court in Alipur, Kolkata. There was a case where a person who went along with others on someone else's BLC (10 people can go on one

BLC) was attacked by the tiger and his body was also not to

“Who formed the FIR against the original BLC case of the Scheduled Tribes in the forest going into Alipur, Kolkata is either a member of other legal proceedings against the Panchayat of Alipur, Kolkata or a Scheduled Tribe shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and shall be by government officials on the basis of false evidence produced is happening in various regions across the country, especially in areas where forest dependent people, many of whom are SC and ST, are struggling for their rights.

E. Instances of Tiger Attacks: Who are the perpetrators?

Instances of tiger attacks have become more frequent in the recent years and there are rising cases of injuries and killings. There are certain villages from where men have to go far deep into the forest for their livelihood. It is an additional risk for them since going deeper into the forest makes them more vulnerable to attacks by the tiger.

“Honey collection is the most difficult job as we have to walk on the jutting out roots of the mangroves to enter deep into the forest where the risk of tiger attack is also high.” (Shankar Adi, Amlamethi, Bali Island)

The presence of large number of 'tiger widows' in some particular villages whether in Gosaba or Lahiripur reflects this truth. A village named *Bidhoba Palli* (village of the widows)⁶³ is located in Gosaba island.

It is mentioned that there is hardly any possibility of finding the bodies of tiger attack victims which is why only an eye witness can confirm about who was targeted by the tiger.

“This one time after the AILA Cyclone, I went for fishing with my husband. Right in front of my eyes, the tiger took him away and we could not even get his body back. We had gone to the forest without a BLC so I could not even file an FIR or get any compensation for his death. I have not

⁶³ Philip, Deepa. To Eat or Be Eaten. In *Tehelka Magazine*. Volume 12 Issue 45, 7 November 2015.

received any support from the government or the Forest Department.” (Subhadra Sana, Imlibari, Saatjaliya -2)

“My husband was taken away by the tiger in the forest. I still do fishing. I do not have a BLC of my own nor do I have a boat, but I go for fishing every night. I go to the nearby area, not deep in the forest... I do not have any idea about FRA but I want these hassles of the Forest Department to end one day so that we can go to forest freely and do fishing.” (Geeta Mandal, Imlibari, Saatjaliya – 2)

There are only a few families of the victims who have been given compensation. An order has been issued by the Governor to say that the compensation amounts have been reviewed. This has been reiterated in a letter by the Joint Secretary⁶⁴ to the Government of West Bengal dated January 30, 2015 wherein directions have been given to the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden regarding the compensation amounts to be paid to the victims or the legal heirs of the victims. It is specified that in case of a person killed by a wild animal, a compensation amount of Rs. 2,50,000 is to be paid. Along with this, there are other details mentioned regarding compensation for injuries and damage to houses as well.

“One of the main issues is that the members of the fishing community often lack identity cards. Even if they have managed to procure a BLC permit, through Unions or political connections, the absence of identity cards means that in case of an accident like falling prey to a tiger attack, they cannot claim any compensation. Another serious problem is that even after a person becomes a victim of a tigers attack and dies, the family does not get any compensation since the authorities ask for the dead body as proof.” (Prabir Mishra, Kultali Block)

⁶⁴ Forest Department. Government of West Bengal. Letter No. 195- For/11M-95/2011(Pt.I). January 30, 2015. <http://www.westbengalforest.gov.in/administration/Enhancement%20of%20compensation%20order%20dt%2030Jan%202015.PDF>. Last accessed on September 3, 2016.

Many times, even when they have the permit, people are told that they are not supposed to go to these parts of the forest as compensation would be denied if something happens. In cases where they do not have the permit for a certain area, they refrain from asking for compensation, fearing further harassment. Many from the forest dependent community feel pressurized to be in certain parts of the forest in order to escape the eye of the Forest Department because whichever part of the forest it is, they will be harassed.

“..we can still possibly manage to save ourselves from the tiger but it is almost impossible to save ourselves from the attacks of forest department officials...” (Sufia Bibi, Shamshernagar: Block no. 2; North 24 Parganas)

F. Migration: Leaving behind deserted villages

“I am from the fishing community. I used to go for fishing and my father used to go for honey collection. But now I don't go because of the consistent harassment we face from the Forest Department...I currently work as a migrant daily wage labour. I am 26 years old, married, and have a three month old daughter. There are various people of my age who are slowly migrating out of the villages to work as daily wage labour in the cities since we are fed up with the harassment of the Forest Department. We want to continue to do fishing as our primary source of livelihood, but only if the current system of BLC gets better and the Forest Department stops harassing us.” (Debdas Mandal, Imlibari, Saatjaliya – 2)

It is strongly felt by the community that the constant tension in dealing with the Forest Department, terror created in the region and further uncertainties are factors that play a huge role in the people considering going out of the villages for their livelihood. This is despite knowing their rights and them being ready to struggle. What is to be noted is that in this process the family's stability and basic requirements like

schooling for the children is severely affected.

“My family and I have moved to Tamil Nadu in order to work in the garment industry. It has been two years since we migrated. We come back for couple of months, to keep our contact with our home alive and during this time, we catch tiger prawn seedlings. But the catch has gone down a lot because of tourism induced pollution and cargo boats, which is why we have moved out taking our whole family along with us. We stay in Tamil Nadu for 8-9 months every year and work as daily wage labour to earn a livelihood. We both get only Rs. 238 per day. We have no agricultural land and thus, primarily depend on migration work. I have two children who suffer a lot because of this migration. They are not able to complete their term in school because of this and their studies have been severely affected. My mother in law was pregnant when my father in law was picked up by a tiger while fishing. The family faced many difficulties, but she continued to fish and collect prawn seedlings to sustain the family. Currently also many of our relatives are dependent on the forest. If the Forest Department is controlled and their atrocities come down and people have their rights, it will bring normalcy.”
(Reba Gayen, Kumhirmari)

People have been migrating to states outside West Bengal, mostly towards the Southern parts of India and also to the Andaman and Nicobar islands. Mostly seasonal migration is prevalent.

“When I got married, my husband used to go to the forest to catch fish, but once when he was so badly attacked by the Forest Department that he lost his boat and just somehow managed to come back home alive. From that day, we decided never to go back to the forest. My brothers-in-law have also suffered in similar ways. This happened about ten years ago. Now we just do not think about going back to the forests anymore, out of fear.

My son studies in class 10 and my daughter studies in class 8. We survive either as daily wage labour: digging wells or working on roads under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Sometimes we catch prawn seedlings, but now we do not have our own boat, so it is difficult. We also cultivate a piece of land which ensures some rice for the year. My husband is a graduate, so he also takes tuition. But our means of earning a livelihood are not enough.” (Sagarika Ari, Kumhirmari)

G. Abduction cases in Sundarban forest

There have been growing instances of 'pirates' from the Bangladesh part of Sundarban abducting people and demanding ransom for their release. It needs to be mentioned here that two-thirds of the Sundarban forests actually fall in Bangladesh, the river bordering it.

According to media reports⁶⁵ in 2015, there is a plan for Sundarban to be under hi-tech surveillance for smugglers, poachers and terrorists, after the 26/11 attacks.

However, people in the area continue to face harassment by the Bangladeshi dacoits (as they are commonly referred to) and pay huge amounts as ransom (Rs. 3-5 lakhs at times) to get their loved ones back safely. There are cases reported in testimonies where ransom is taken not just in cash, but also as direct transfers into bank accounts in Bangladesh and also at small tea stalls in Canning which is the main connection point in South 24 Parganas district connecting Kolkata to the Sundarban islands.

The Police, Forest Department and other government authorities operating in the area are not taking any action on this matter the villagers report. It has been mentioned in testimonies that many times people have gone to file an FIR regarding cases of kidnapping, but they

⁶⁵ Bhabani, Soudhriti. Mamta Banerjee puts Sundarban on radar for terror threats. Mail Today. May 6 2015.

are refused mostly and told to leave.

“Our problems don't end with the Forest Department and police, there are dacoits operating in the area who have posed a huge problem for us. I was abducted by dacoits three years ago from a place where the present Bonny Camp is located. They stole all my belongings and demanded a ransom of two lakh rupees. This money had to be paid at a tea shop in Canning. Initially, I tried to escape but the moment I heard them firing, I surrendered out of fear. They caught me and brutally beat me up. I was also threatened by them saying that if I failed to pay the ransom they would sell my kidney. There was an illegal nexus that they were operating.

They mostly attack simple sailor boats so that they can harass and exploit us without getting noticed. I was moved to Canning where I came to know that seven other people were also abducted, just like me, against a ransom of two lakh rupees. Luckily for me, my companions had already raised an alarm at the Canning Police Station and I was rescued. Unfortunately, I have no FIR or any written documents regarding that incident.” (Samsul Mollah, Maitri-boikanthapur Gram Panchayat, Kultali Block)

“There was a case where the officers gave Rs. 100 for the honey gathered which could have been sold for Rs. 260 in the market. Within two hours of refusing to sell to the officers, a band of dacoits came and stole the entire catch. The Police officials refused to register the case.” (Prabir Mishra, Kultali Block)

One is compelled to believe that, in the pursuit of economic interests, there could even be direct tie-ups between legal authorities and the dacoit mafia.

“I started fishing when I was very young and got a BLC back then. One day when I went fishing with this BLC on another

Section 6: Violations of FRA by Government bodies

Violations of the Forest Rights Act by the State in its guidelines for Tiger Reserves:

The National Tiger Conservation Authority guidelines mention the need to decide inviolate spaces for wildlife and relocation of villagers after settling their rights within a time frame. It mentions that,

“The Wild Life (Protection) Act, 1972, as well as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, require that rights of people (Scheduled Tribes and other traditional forest dwellers) recognized in forest area within core/ critical tiger/ wildlife habitats of tiger reserves/ protected areas may be modified and resettled for providing inviolate spaces to tiger/ wild animals.” (NTCA Revised Guidelines. February 2008. Page 34. Section 4.9)

This is a misrepresentation of the FRA since nowhere does the FRA mention that providing inviolate spaces is a necessity [refer to Section 2(b) and Section 4(2) mentioned above]. That is not the starting point of this law. **The starting point is to explore coexistence;** for settling rights of people before relocation, if at all relocation is required. These matters cannot be pre-decided and this be put into guidelines without clarifying that the FRA has certain clear parameters after which only an area can be declared as inviolate, is in fact a deliberate attempt at misrepresenting and neglecting the law.

The NTCA further states that,

“1.2. A tiger reserve consists of two parts, viz., 'a core or critical tiger habitat', and 'a buffer or peripheral area'. Section 38V 4(i) of the Wildlife (Protection) Act, 1972 (hereinafter referred to as WPA, 1972) explains the core or

critical tiger habitats, identified on the basis of scientific and objective criteria, areas of National Parks and Sanctuaries to be kept as inviolate for tiger conservation, without affecting the rights of the Scheduled Tribes and Other Traditional Forest Dwellers, and notified as such by the State Government in consultation with an expert Committee constituted for the purpose.

1.3. Section 38V 4(ii) of the Wildlife (Protection) Act, 1972 (hereinafter referred to as WPA, 1972) explains the buffer or peripheral area consisting of the area peripheral to the critical tiger habitat or core area, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat, providing habitat supplement for dispersing tigers, besides offering scope for coexistence of human activity. The limits of the buffer/peripheral areas are to be determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an expert Committee constituted for the purpose.

1.4 Thus, the voluntary relocation of people needs to be done only in the identified core/critical tiger habitats of a tiger reserve.”⁶⁶

By stating clauses in this manner it is clear that the NTCA is not recognizing or even acknowledging the rights granted to forest dependent communities as per the FRA. Moreover, as explained earlier, the FRA supersedes other laws [refer to Section 4(1) of the FRA] which is being ignored by government authorities.

The clauses about traditional hunting tribes and their rights also beget close examination.

“4.6 Rehabilitation package for traditional hunting tribes

⁶⁶ National Tiger Conservation Authority, Protocol/ Guidelines for Voluntary Village Relocation in Notified Core/ Critical Tiger Habitats of Tiger Reserves. Compendium of Guidelines/ Advisories/ Gazette Notification. Updated up to March 31, 2010. Page 140.

living around tiger reserves (new activity) (non recurring)

There is an urgent need to launch a rehabilitation and development programme for the denotified tribes and tribes involved in traditional hunting, living around tiger reserves and tiger corridors. The following denotified tribes/communities are involved in traditional hunting of wild animals: Behelias, Ambalgars, Badaks, Mongias, Bavariyas, Monglias, Pardhi, Boyas, Kailkads, Karwal Nat, Nirshikaris, Picharis, Valayaras, Yenadis, Chakma, Mizo, Bru, Solung and Nyishi. While this list is not exhaustive, around 5,000 such families are required to be taken up under a welfare programme (forming part of NTCA initiatives) during the Plan period. The rehabilitation/welfare package should be evolved in a site specific, consultative manner with livelihood options, to include: wages for such people towards their deployment in foot patrolling for protecting wildlife, providing agricultural land with irrigation, basic health care, housing and related community welfare inputs and basic education facilities. The experience gained in the past for settling denotified tribes by the salvation army is required to be considered dispassionately while structuring the programme”⁶⁷

The names of the tribes are also given here, but as per Section 4(2)(b) of the FRA, it is important that it be proven that the traditional communities in the area are causing irreversible damage to and threaten the existence of the said species and their habitats. Hence, it is a violation of the FRA, if in the guidelines itself there is an assumption that traditional communities are causing irreversible damage to the wildlife through hunting.

⁶⁷ National Tiger Conservation Authority, Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger. *Compendium of Guidelines/Advisories/Gazette Notification*. Updated up to March 31, 2010.. February 2008. Page 33. Section 4.6.

Letter from the NTCA that negates the Forest Rights Act in all Tiger Reserves

A letter sent by the by the Assistant Inspector General of Forests, NTCA to Chief Wildlife Wardens of all Tiger Range States issued by the National Tiger Conservation Authority in March 2017 states that,

“...in absence guidelines for notification of critical wildlife habitats, no rights shall be conferred in Critical Tiger Habitats which is duly notified under Section 38V(4)(i), of the Wildlife (Protection) Act, 1972 under the Act cited under subject.”⁶⁸

Violations of the FRA by Government bodies in the context of Sundarban

“It is sad to see that the Forest Rights laws that are implemented in the country are not implemented in Sundarban since the administration claims that there are no natural residents of the mangrove forests. However, we would like to point out that our livelihood is dependent on the forest, whether to fish or to gather honey. We spend nearly 300 days a year in the forest. We would like to question the administration's definition of a forest dweller and ask them why the fisherfolk who spends most of his time within the forest, is not qualified to be given rights as per the FRA.” (Govind Mandal, Village: Satyanarayanpur, Bali Island)

The Tiger Conservation Plan⁶⁹ for the Sundarban Tiger Reserve states that,

⁶⁸ Letter issued by, National Tiger Conservation Authority, Ministry of Environment, Forest and Climate Change, Government of India. Letter No. F.No 1-7/93-PT(Vol.I). March 28, 2017.

⁶⁹ Tiger Conservation Plan. Sundarban Tiger Reserve. Chapter 7. Section 7.1. 2012-13 to 2016-17.

“The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 provides for Critical Wildlife Habitats (CWH) to be notified under Section 4(2) provided the conditions given therein are satisfied. Also, subject to the caveat that the CWH from where the forest rights modified and villagers resettled shall not be subsequently diverted for any other purpose by the State Government. Similarly, Section 38V subsection 4 of the Wildlife (Protection) Act 1972, amended up to 2006 provides for the creation of Core or Critical Tiger Habitat (CTH) based on defined ecological and biological criteria.

There are no habitations within the Tiger Reserve and as such there are no recorded rights in the area. Based on the given criteria the Critical Tiger Habitat CTH has been notified as per GO no. 6028-For Dt 18.12.07”

The response of the West Bengal government, at the regional consultation held at Orissa in 2013, on the implementation of the FRA needs to be looked at as well, in this context. They observed,

“there is no habitations within Sundarban Tiger Reserve and some parts of the Sundarban Biosphere Reserve, hence there is no applicability of individual rights in those areas.”⁷⁰

It was also mentioned that fishing groups and groups who collect honey keep changing members and are not consistent. Thus, the issue raised at the consultation was about rights of people who live outside the STR and how the rights of groups could be recognized, if they change frequently. However, the population living within and around the STR is quite high. In fact, there are villages that are even adjoining the 'core zone' and these are people who have been living here since generations. Moreover, fishing and honey collecting communities are permanent populations who have engaged in both livelihoods for generations.

⁷⁰ Regional Consultation on Implementation of Forest Rights Act. September 2013. Odisha. Page 11.

Hence, these statements are a clear violation of the FRA as has been mentioned above in Section 4 of this report wherein, Section 2(c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been stated along with the notification from the Ministry of Tribal Affairs, Government of India issued in 2008, both of which make it clear that the forest dependent community in Sundarban is also a part of the forest dwelling community even though they do not live inside the forest, but are dependent on the forest for their livelihood. Hence, rights as per the FRA are applicable for these people as well.

Moreover, there is significant analysis on the matter of implementation of the Forest Rights Act in protected areas specifically. The Citizens Report 2015⁷¹ states that,

“In most protected areas implementation of FRA continues to be tardy or non-existent, with the February 2000 ruling of the Supreme Court continuing to be used as an excuse for not implementing FRA in PAs. Implementation is particularly low in Critical Tiger Habitats (CTHs) with the administration often giving the explanation that no rights can continue in such areas. In most PAs it has been observed that the focus of their management plans continues to be on relocation rather than exploring coexistence, as directed by the FRA. Where relocation from Tiger Reserves is taking place, the required procedure of prior rights recognition (where claims are filed by FRC and titles received through DLC) as prescribed under FRA is not taking place. The notification of many CTHs and buffers had been done in contradiction to legally mandated procedures under FRA and WLPA 2006.”

Notification that negates the Forest Rights Act 2006 in

⁷¹ Kalpvriksh and Vasundhara. *Citizens Report 2015: Community Forest Rights Under the Forest Rights Act*. May 2015. Page 94.

⁷² Jha, Sourish. Process Betrays the Spirit: Forest Rights Act in Bengal. In *Economic and Political Weekly*. August 14, 2010. Vol XLV No.33.

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In 2008, an order⁷² was issued by the Principal Secretary to the Government of West Bengal, Department of Panchayat and Rural Development. , P&Rd's Order no. 1220/PN/O/I/1A-2/07, dated 17/03/2008 on the basis of which there was a controversy since there were clear implications that the process that it was mentioning would nullify the spirit of the FRA 2006 in West Bengal. Citizens groups like Nagrik Manch not only opposed it, but also challenged it legally since the rights granted under the law were actually being attacked by diluting its efficacy.

“The gram sabha, the basic unit in the process of forest rights recognition, has been replaced by the gram sansad, denoting the village level constituency under the panchayati raj system. This has been followed by contiguous arrangements as well as initiatives which are inconsistent with the Act. All these factors have led to undermining the spirit of the Act to promote community governance of forests, which has invoked stiff opposition from forest dwellers in the region.”⁷³

There is a letter dated February 28, 2013 written by Mr V.Kishore Chandra Deo,⁷⁴ the then Minister of Tribal Affairs and Panchayati Raj, Government of India to Ms Mamta Banerjee, Chief Minister of West Bengal wherein, he has clearly stated that this notification must be amended.

As of now, there is no information of whether it has been amended or corrected or reissued.

⁷³ Jha, Sourish. Process Betrays the Spirit: Forest Rights Act in Bengal. In *Economic and Political Weekly*. August 14, 2010. Vol XLV No.33. Page 24.

⁷⁴ Letter number: D.O No.23011/26/2012 FRA (pt.) dated February 28, 2013. Ministry of Tribal Affairs and Panchayati Raj. <http://tribal.nic.in/WriteReadData/userfiles/file/LetterofMTAtoWBChiefMinister.pdf>. Last accessed on February 18, 2016.

Section 7: Conclusion and Recommendations

The study of the Sundarban islands presented through these testimonies is a reflection of the status of implementation of the Forest Rights Act 2006 in this region and the situation of the forest dependent people. The testimonies presented also reflect on the situation of the forest and wildlife, with arguments for coexistence forming a strong base across the different kinds of issues.

Looking at the historical context of the Forest Department as presented in this report, there is a need to question the role and functioning of this institution especially after the Forest Rights Act 2006 is in place. The fact is that the role of the Forest Department was to ensure revenue generation and the various ways in which that was to be done have been mentioned above. But post independence and after the FRA coming in, the FD being the biggest landlord in the country needs to be held accountable. Questions need to be raised about the role and reasons for which this government body is continuing to freely operate in our forest regions.

The Sundarban Islands have been given the status of an ecologically sensitive zone and hence, the Sundarban National Park has been designated as a World Heritage Site. It has also been included in the World Network of Biospheres, thus increasing the stakes of the Indian Government for protecting and conserving the forest and wildlife in this region. However, the Indian Government has signed an agreement for a coal based thermal power plant to be built in the Bangladesh side of Sundarban where National Thermal Power Corporation (NTPC) is the project implementer and for which coal will have to be transported through the forest area.

Besides, this, if we look at the number of zones and demarcations mentioned in Section 3, it should be noted that the consistent increase in the number of national parks, wildlife sanctuaries and also the

extent of the core zone in 2007 is a matter that has been questioned but not addressed by government authorities. Moreover, this being a mechanism to make areas inviolate has proven to be not just ineffective but also a source of harassment and violation of the FRA. These areas need to be made inviolate for outsiders, not inviolate for forest dependent local people.

The huge increase in migration is primarily as a result of there being severe obstacles for people to carry on with their traditional occupations. The fact that when people risk their lives and go for honey collection, they are more afraid of the Forest Department officials seeing them and harassing them (no matter whether they have the licenses and papers), than a Tiger attack, is a matter that must enter the debate around 'man and animal conflict'.

As per the testimonies from the people of Sundarban, it is clear that the Forest Department officials along with officials of other government authorities have violated not just the provisions of the Forest Rights Act 2006, but also the provisions of the Constitution of India, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Indian Penal Code (45 of 1860). Moreover, in cases of abduction of villagers allegedly by dacoits who are operating in the forest, there is no action taken by the Forest Department or any other administrative body of the government. This raises serious questions on the authenticity with which these government authorities are providing information about the conservation of the forest and wildlife.

With the FRA being the law post 2006 that is to be referred for forest governance in the country, the BLC and honey pass issue mentioned in almost all testimonies is counter to the FRA as shown above. However, there is no action on this matter either and today, it is one of the most convenient ways to harass people and promote corruption in the worst forms. This has direct impacts on the rights of forest dependent people to collect minor forest produce. The fact of the matter is that the Forest Department is not the landlord of Indian forests, but just a group employed by Government of India, on behalf of the people. The Forest

Department must obey legislations and not violate them in self-interest. The fact that they are abusing their role, tasks and are amounting to lobbying against a law unanimously passed by the Indian Parliament, goes to prove the self-interest accrued by the department.

Looking at the various guidelines for Tiger Reserves, it can be seen that there is a perspective being pushed down the throat saying that the FRA is being implemented. On the contrary, the way the guidelines are written, they dilute the provisions of the FRA.

The FRA is the only law post 2006 that is to be applicable in forest regions in all areas of India (except Jammu and Kashmir, which enjoys special status for all laws) is a fact that is being ignored and rejected. Attempts are being made to dilute this law by posing other arguments that question its implementation. Other conservation related laws are also being brought in that are trying to prove that the FRA does not deal with conservation and is only about dependency of people on the forest that 'can be reduced and needs to be reduced'. The fact that the FRA is a law that provides mechanisms for conservation is not recognised.

This report aims at presenting the matters that can aid the Indian Parliament and Government in implementing the FRA 2006, a law that was passed and brought in place by the Parliament itself after recognizing the issues faced by the forest dependent communities already. Hence, the matter is not just about lack of implementation of this law but also about questioning the existing mechanisms and an assessment of their functioning.

Coexistence as a concept is the basis of FRA. Coexistence between humans, plants and animals in forest areas is the framework that needs to be recognized and this is the only basis for conservation of our forests and wildlife. Indigenous, forest dependent people are the ones who protect and conserve the forest, while being dependent on it for their livelihood, is something that has been taken note of across forest areas in the country and National Parks, Wildlife Sanctuaries, Tiger Zones and various other zones need to be seen through the original

lens of coexistence. The Forest Department, which currently is in control of our forest areas is operating as a counter to this approach. Who has given it this authority, is a question that needs to be raised.

The strong criticism of the Forest Department by the jury must be understood in the context of the department's own illegal activities and its criminalisation and loot of the local population. ~~The strong criticism of the Forest Department by the jury must be understood in the context of the department's own illegal activities and its criminalisation and loot of the local population.~~

~~The following observations and recommendations were made by~~ rangers/officers. The Panel recommended to the **state government to constitute functional gram sabhas in all villages.**

2. The Panel observed that the **Forest Department, Revenue Department and the state police are exploiting the lack of awareness of the FRA among the forest dependent communities. It recommends that the State Government should provide training to the Forest Department/ Revenue Department/Social Justice ministry officials and the State police to familiarise them with the provisions of the FRA so that they are aware of the rights of the communities and also to prevent the community from suffering arbitrary and illegal actions as well as harassment from such government officials.** The Panel wishes to put on record that the FRA itself clearly mentions offences and penalties in case any authority contravenes any provisions of the act/rules concerning recognition of the FRA.

The Act provides for punishment and fine against officials found guilty. The government authorities have to be made aware of these provisions and in case there is any violation, a case should be registered by the State Department against such forest/revenue officer. The state government should also appraise the police stations in the Sundarban area about the provisions of the Act and that any violation of the forest rights of the forest dependent communities is an offence.

3. **Through the enquiry process of the panel, it is being noted that the depositions made by the women community members have raised very serious charges of molestation, verbal and physical abuse by Forest Department staff and the coastal police. The Panel demands immediate penal action against the involved Forest Department staff, ensuring protection of victims and their identities from violence and the possible vindictive action for the depositions made in front of the Panel.** The Panel demands setting up of Special Women's Cell in the region to protect the women forest workers and register cases when reported.
4. **As per complaints made by villagers through submissions to the Panel it is evident that there are prima facie reasons to file cases against the Forest Department staff and State Police under sections of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.** The Panel recommends that the State Government immediately take measures to institute a compliance mechanism as mandated under the SC/ST (PO) Act.
5. From the testimonials by the people from the forest dependent communities, the Panel concluded that **there is a total violation of the rights of the communities in terms of the monopoly exercised by the Forest Corporations in forcible collection and trade of minor forest produce (MFP), particularly, honey.** The condition imposed by the Forest Department that license is required for the purpose of honey collection by such communities is a gross violation of the FRA and leads to corruption and arbitrary harassment. **The Panel recommends that in accordance with the 2012 amended ground-rules of the FRA, the forest dependent**

community should take steps towards the formation of co-operatives, which should be allowed full freedom to collect and sell such MFPs to anyone or to undertake individual or collective processing, marketing, value addition for livelihood within and outside forest area by using locally appropriate means of transport. The Panel recommends that instead of creating any hindrance, the State Government is duty bound to these communities that the honey and other MFPs collected by them is sold at remunerative prices and that in such process the necessary help is extended.

6. Regarding the **corruption and illegal money transactions involved in the allotment and usage of the Boat License Certificates (BLC), it was noted that** like the MFPs, the other community rights of uses/entitlements such as fish/other products of water bodies, grazing, etc. have been vested in the communities. **Any control or check, harassment or arbitrary action exercised by the Forest Department or any other government authority such as police or Revenue Department, in exercising the rights of the forest dependent communities such as fish and other products of water bodies is illegal and against the provisions of the FRA and the Panel recommends that the State Government should issue directions to the concerned officials of the Forest/Revenue department or the concerned authorities regarding this.**
7. The Panel is concerned about the problems being faced by the communities when **area is demarcated (arbitrarily) as buffer/core area or one core area is further extended. It is only when all the conditions as per Section 4 of the FRA are satisfied and the State Government comes to the conclusion that other reasonable options such as**

coexistence are not available that it will ensure that rehabilitation or alternate package has been prepared and communicated to such communities which provide for a secure livelihood for the affected communities and individuals and fulfils the requirements of livelihood given in the relevant laws and policy of the Central Government. It further provides for free informed consent of the Gram Sabha and that no such resettlement shall take place until facilities and land allocation at the resettlement site has been complete as per the resettlement package. Until then, the people cannot be denied their rights.

8. The Panel went through the celebrated judgment given in case of Niyamgiri wherein the Supreme Court of India has considered and asserted the provisions of the FRA as well as the guidelines dated as issued by the Ministry of Tribal Affairs. They suggested that the forest dependent community should take inspiration from this case.
9. The Panel reminds the West Bengal Government of the decision taken by the then UP Government in settling the claim by the traditional forest dwelling community in Surma village situated in the core zone of the tiger project in Dudhwa National Park area in Lakhimpur Kheri District. It is an instance where despite the opposition by the forest bureaucracy and those who believed that settling of forest land rights of communities will unsettle conservation efforts, claims have been settled. The Panel hopes that similar efforts to serve the people's interests will be taken by the West Bengal Government.
10. The Panel has been apprised of the efforts being made to dilute the provisions of the FRA by vested interests of various groups. **The Panel condemns any such effort being made and submits that any dilution of the FRA will neither be in**

the interest of the communities nor in the interest of the protection of the wildlife, forest and biodiversity.

11. It came out from the public hearing that the state government is not eager to implement the provisions of the FRA. In a letter which was written by V. Kishore Chandra Deo, the then Minister of Tribal Affairs and Panchayati Raj, Government of India dated 20/02/13 to the Chief Minister of West Bengal Ms Mamta Banerjee, it was pointed out that the landmark legislation was enacted to undo the 'historical injustice' done to the forest dependent communities and that the MOTA has issued guidelines to the state and UTs on 12/07/2012 and has also notified amendments to the Forest Rights Rules, 2008 on 6 Sept 2012 for facilitating robust and effective implementation of the Act in its letter and spirit. It was observed by the Minister that "in spite of the handholding and guidance provided to the State Tribal Welfare Department, no substantial progress has been made by the state. Action plan presented by West Bengal point to the fact that no target was specified and no assessment of the volume of work involved was made."

Among other things, it was stated in the letter that for implementation of the provisions of the FRA, Gram Sabha has been constituted as the authority to initiate the process for determining the nature and extent of individual/community forest rights, but the state of West Bengal has formed Gram Sansads which may consist of more than one village contrary to what is mentioned in the FRA defining Gram Sabha at the village or the habitation level and constitution of forest rights committee at the level of Gram Sabha. The Union MOTA requested the state to review the situation and direct all the concerned officials in the state to make all out efforts to

accomplish the various tasks in a time bound manner so that the benefits of this legislation could reach all forest dependent communities in the state. It appears that pursuant to the letter the state of West Bengal has changed the definition of Gram Sansads. Gram Sabhas have not been constituted or are not functional in various villages of Sundarban. The question is in the absence of Gram Sabhas what happens to the forest rights of the forest dependent communities.

The Gram Sabhas have been defined under the Act as “a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village communities, with full and unrestricted participation of women.” Therefore, a traditional village institution can be treated as Gram Sabha and can perform the function of Gram Sabha as the authority to initiate the process of determining the nature and extent of individual or community forest rights or both.

The panel recommends that in terms of the letter written by MOTA and the clause of FRA mentioned above the state government should constitute and make functional Gram Sabhas in all villages of Sundarban. At the same time, the panel is making it clear that the purpose of the Gram Sabhas is only to verify the claims which are received by the forest dependent communities in relation to their individual/community rights. If Gram Sabhas do not exist, it does not mean that these communities cannot exercise their forest rights as defined under the FRA. As mentioned above, the forest rights vested in these forest dependent communities can be tinkered with, only after the determination of the rights is done under Section 6.

12. The Panel strongly recommends that all existing laws have to be brought in harmony with the provisions of the FRA. **The Panel also would like to point out that when the Central government has shown extraordinary hurry to amend the Land Acquisition Act, in comparison it is disregarding an existing central legislation that empowers people and recognizes their traditional rights.**
13. Along with the failure of implementation of the FRA, the Panel finds that the Sundarban region reflects a basic failure in governance and the Panel finds it disturbing that the only forms of governance familiar to the people are the khakhi-clad men, the Forest Department and the Police. This is a very poor reflection of the state of affairs in the state and country. **The Panel asserts that there is no role assigned in the FRA for the forest officials and revenue officials/police to obstruct or cause harassment to the forest dependent community in any manner.**
14. **Some of the testimonies that were collected from the area for the public hearing, reflect a growing trend of attack by the tigers on habitats and people. However, the overall impression of the Panel through testimonies is that people are more scared of the Forest Department than the tigers.** The fear of being caught and harassed by the Forest Department leads them to go deeper into the forest, in areas where they can be more prone to a tiger attack. **While individual cases of attack by tigers have increased, the Panel strongly believes that the human-animal conflict can never be resolved by the eviction of traditional forest dependent communities.** We feel that the trivialized implementation of technological solutions as part of a campaign to save tigers will only underestimate traditional wisdom and cause more havoc in such forest

regions. **The Panel recommends the creation of stronger ecological habitats, with the community playing the lead, as the only solution to save the Royal Bengal Tigers.**

The Panel also suggests that in cases of tiger attacks a missing persons report must be filed by the police and the Forest Department. Along with that, eye witness accounts, if any, should be considered while investigating.

15. The testimonies reflect the related **social and economic hardships faced by the people of Sundarban** like mass migration of men, human trafficking including trafficking of women, kidnappings by dacoits (as claimed by the community people), etc. **It is not surprising that in a region where the state has failed in assuring the basic livelihood rights of people, the communities are victimized.**
16. **The Panel also observed that the Forest Department has been promoting tourism in various ways. They have also been making money from this by giving fine challans as tourists' receipt. Moreover, the arbitrary declaration of a Tourism Zone in the Tiger Conservation Plan of Sundarban including parts of the core zone is against the guidelines of the NTCA itself and against the directions issued by the NTCA. There is an urgent need for the government to promote sustainable tourism and to not prioritize tourism over livelihood rights.**
17. **The Panel also stated that since the Scheduled Caste population in the Sundarban area is high and the proof they ask for claiming rights is 75 years for Scheduled Caste's, a gazette notification should be issued from the Government of West Bengal for scrapping this requirement of 75 years.**

The Panel reasserts the preamble of the FRA that is meant to address the long standing insecurity of tenure and access rights of traditional forest dependent communities, which is applicable in Sundarban as well. **The Panel recommends that immediate measures be taken to implement the FRA in Sundarban and steps be taken to bring to an end the illegal activities of the Forest Department. The Panel would like to warn the State and**

Central Governments and their related departments that non-implementation of the Act is not only a contempt of the Indian Parliament, but also one that negates the verdict of the Apex Court of the country.

To summarize, the Forest Department appears to be acting like a ruthless exploitative landlord, rather than a facilitator of forest conservation and people's development.

The Panel acknowledges the important provision in the FRA, namely the faith which is put by the Parliament on the role of Gram Sabhas and holders of forest rights in protection of wildlife, forest and biodiversity. **The preamble recognizes that it is through the efforts made by these communities which will strengthen the conservation regime of the forest while ensuring livelihood and food security of these communities.**

Annexure 1: Case Studies⁷⁵

1. Panchram Mandal

Village: Imlibari, Saatjaliya-2 Island

I have a 7 member family and I am 55 years old. This village has 48 houses and most people have come from Bangladesh in 1971. Around 6-7 months back, many houses were submerged in the active delta. Government has assured that they will give 28 houses to the homeless people but instead of giving it to those who needed them, they gave it to people with contacts in the political circles. I have no agricultural land. Fishing is my only source of livelihood. My son also goes with me for fishing. The homestead land is my own which I bought from someone for Rs. 1000 in 1971 when we came here from Bangladesh. Anything relating to the forests is dealt with by the Forest Department or the Coastal Police. Other things relating to the village - road construction, water supply etc. are dealt with by the Gram Panchayat directly. The Gram Panchayat organizes regular Gram Sabhas. The government has no special schemes for us. Leave aside schemes we don't even have a hospital, good roads or an electricity connection in the area. The village mostly has Scheduled Caste population. Ironically, most of the villagers have a Below Poverty Line (BPL) card. There are two kinds of BPL Cards, one is a Block Development Office (BDO) BPL and the other is a food BPL. People can avail loans and other facilities with BDO BPL, but with food BPL they can only get Rice and Kerosene.

Forest is the only source of our livelihood. The last BLC was given even before 1975. I don't own a BLC. Every time, I have to rent it out from someone else for Rs. 25,000 per year. I have to pay a rent of Rs. 10,000 for the boat and every year, I pay an average fine of Rs. 8,000 for renewal of the BLC. Thus, I have to spend around Rs.1,50,000 per year for fishing. After distributing all the shares, I get only Rs. 40,000-45,000 per year out of fishing. At least six families are dependent on one boat. The amount we

⁷⁵ This section constitutes the entire text of the case studies. Excerpts from these have been used in the main content of the report.

earn is not enough for us; so we have to take a loan from the Mahajan (the village money lender). He does not take any interest directly but for every Rs. 10,000, he takes Rs. 2,500 as commission i.e. 25% during the fishing season. And the rest Rs. 7,500 gets divided amongst all of us.

We have to also pay some or the other fine or bribe to the Forest Department officials, every time we go fishing. We pay Rs. 500 for one Forest range to one Forester, and out of humanity even if he gives back the BLC, the next Forest Range will fine another Rs. 500 and will keep the BLC. So finally, in the Gosaba Forest Department office, I will have to pay Rs. 1100 (including a charge of Rs. 100 for writing my details). And it takes 15 -20 days to get back the BLC.

We are not allowed to bring firewood from the Forest. But we do it by giving them (the forest officials) a fine of Rs. 500 every time. Earlier it was not like that. There was never an issue in bringing firewood from the forest, but it changed after it was announced as a Tiger Reserve and this made our life very difficult.

Whenever we have arguments with the Forest Department, they start asking us, is it your ancestral forest - "*Etu ki tumar baabar jungle*" and we reply by asking them the same question. We used to fight with the Forest Department many times but we don't do that much as we have a fear of losing our livelihood for which we access the forest. Around 5000-6000 people went to meet the then Chief Minister, Buddhadeb Bhattacharjee in Kolkata and we gave him a memorandum with our demands for proper implementation of the Forest Rights Act but still there is no result. The Chief Minister only wrote that the Act has been passed and will be implemented in our area but the Forest Department is not interested in doing this.

We do not kill any animals—tiger or deer—but false cases are put on us and our BLCs are seized and never returned. Cases on us are directed to the District Court in Alipur, Kolkata. There was a case where a person who went along with others on someone else's BLC (10 people can go on one BLC) was attacked by the tiger and his body was also not to be found. The FD cancelled the original BLC because of this and the case is

going on in Alipur, Kolkata since then in order to get the BLC back.

We once gave a memorandum saying that no vehicles or tourist boats or Forest Department officials should be allowed in Sundarban. Tourism affects us badly. We have to go for fishing to the core area because the big tourist boats affect the fish catch tremendously here. If these were not there, then we could get fish here itself. The companies bought land from the local people at very high cost to construct tourist lodges. We told the Forest Department that they are earning in crores from tourism but our fishing gets affected by this. Fish goes to the core area because of the movement of the tourist boats and they don't allow us to go to the core area. If the forest will be closed for us then we will also not allow their tourist boats and other boats to enter the area either. If they stop us, then we will also stop them. The government earns a good amount of revenue from Sundarban, they will never stop us from entering the forest. Total number of families dependent on fishing is 10 lakh but the BLCs given out are only 923. So if the Forest Department does anything like this, people will not keep quiet.

If we can't take firewood then the forest department also does not have the right to cut trees. Earlier they were even stopping us from taking any instruments/ equipment to cut trees when we go to the jungle for honey collection or fishing. We were not even allowed to take Kerosene Stoves, but now we can. But, they ask us to take gas cylinders which are dangerous. What we need is firewood.

"Sundarban jeman achhe, Sundarban teman thakbe" (Leave it as it is. The area belongs to us and we will take care of it.)

2. Subhadra Sana **Village: Imlibari, Saatjaliya -2**

I have a three member family and I have been fishing since the last 30-35 years. This one time after the AILA Cyclone, I went for fishing with my husband. Right in front of my eyes, the tiger took him away and we could not even get his body back. We had gone to the forest without a

BLC so I could not even file an FIR or get any compensation for his death. I have not received any support from the government or the Forest Department.

I still have the fishing net and the boat but I could never gather the courage to go to the forest again. I don't even send my son for that. He is working in a shop in Sonarpur and I am employed as a domestic worker in the nearby village. I have a three member family and I am 50 years old. I don't have any agricultural land, not even a proper house. I lost my house recently when a portion of the land was eroded and submerged into the river.

3. Geeta Mandal

Village: Imlibari, Saatjaliya -2

My husband was taken away by the tiger in the forest. I still do fishing. I do not have a BLC of my own nor do I have a boat, but I go for fishing every night. I go to the nearby area, not deep in the forest. The house I lived in got submerged into the river and I do not have any agricultural land. I am 55 years old and have three family members. I do not have any idea about FRA but I want these hassles of the Forest Department to end one day so that we can go to forest freely and do fishing.

4. Samsul Mollah

Village: Maitri-boikanthapur Gram Panchayat, Kultali Block

I belong to the fishing community. Along with fishing, I also collect honey in the Sundarban forest. We are consistently harassed and tortured by the forest authorities. They also snatch away our catch of fish and crabs and seize our nets and boats. There is no place where we can report these grievances since along with the Forest Department, even the police stations like the Coastal Offices refuse to register our complaints.

The area in the Sundarban Forest where the Purandar River and the

Matla River meet is where a guard boat of Basanti Thana is stationed. This boat is stationed in order to protect us. Once, while returning from the river, they asked me to produce my papers. I had all the necessary legal documents like the Forest Pass, BLC Permit, and the Marine License. Yet, they kept harassing me saying that the papers are incorrect. They also said that the papers I have do not allow me to take the forest produce I have collected to the local market. They said that I needed a Zila Parishad License and since I did not have it, I should be ready to pay a fine of a few thousand rupees. I knew that there was no such rule and a fisherman did not need any special permit to go to the market.

They realized that they could not deceive me like this and hence, detained me for hours before allowing me to leave. After being released, I had to sail against the tide, which not only slowed me down and increased my costs, but the fish that I had caught to sell started rotting because of the delay. I had collected fish bearing eggs which I kept in two small boats tied to my boat. I had thought of selling these to the Fisheries Department. The pull of the low tide made it difficult for me to move my boat, so I was taking it slowly along the banks of the river. All of a sudden, the boat from the Basanti Thana appeared and crossed my boat with such speed that my boat overturned. The police station refused to register my complaint, but I did report about my loss to my Arath [fish warehouse]. There was a meeting held at Sajnekhali at this time and it was realized that one of my Arathdars [local traders] was a relative of Subhash Naskar, the Fisheries Minister of West Bengal. At the end of the meeting, it was clear that the officers at the Basanti Thana were at fault. However, till date, I have not received any compensation and neither was my complaint recorded on paper.

Sometime after this entire incident, I was fishing with a group of people at the mouth of the Thakuran River when the Forest Department officials surrounded us. They asked us to give them our catch and when we refused, they demanded to see the papers of the boatman. Being the boatman, I gave them my papers including license and permits which they confiscated. They told us to gather our fishing nets and reach a

place which is about five to six hours away if we wanted my papers back. I burnt fuel worth six hours to reach the spot. They only arrived in the evening and told me that if only I had listened to their demands for the fish, they would not have put me through all the trouble. But till date, my papers have not been returned to me.

During honey collection also we are harassed. Our honey is confiscated, we are never allowed to sell it in the open market and the rates are fixed beforehand by the Forest Department.

The forest is divided into two zones- the Bengal Zone and the Tiger Zone. Places like Kultali, Sagar and Pathar fall under the Bengal Zone while areas like Gosaba and Mollahkhali belong to the Tiger Zone. I belong to the Bengal Zone. Sometimes when the catch in the rivers within the Bengal Zone is less, we want to access the Tiger Zone for better fishing options. Not only is the right of entry to the Tiger Zone out of our reach but areas are made inaccessible to fishermen from both Bengal and Tiger Zone. Our pleas for a better catch and sustenance fall on deaf ears as the officers drive us away. We have always lived in the forests and will never cause any harm to it, yet we find ourselves tortured.

Our problems don't end with the Forest Department and police, there are dacoits operating in the area who have posed a huge problem for us. I was abducted by dacoits three years ago from a place where the present Bonny Camp is located. They stole all my belongings and demanded a ransom of two lakh rupees. This money had to be paid at a tea shop in Canning. Initially, I tried to escape but the moment I heard them firing, I surrendered out of fear. They caught me and brutally beat me up. I was also threatened by them saying that if I failed to pay the ransom they would sell my kidney. There was an illegal nexus that they were operating.

They mostly attack simple sailor boats so that they can harass and exploit us without getting noticed. I was moved to Canning where I came to know that seven other people were also abducted, just like me,

against a ransom of two lakh rupees. Luckily for me, my companions had already raised an alarm at the Canning Police Station and I was rescued. Unfortunately, I have no FIR or any written documents regarding that incident.

5. Debdas Mandal

Village: Imlibari, Saatjaliya -2

I am from the fishing community. I used to go for fishing and my father used to go for honey collection. But now I don't go because of the consistent harassment we face from the Forest Department. There are various problems we face daily. One thing I would like to point out is about the demarcations. The Core and Buffer zone demarcation in the forest are such that, the area where we need to go to get fish even in the buffer area, we have to go through the Core Area and that is the place where they catch us and accuse us of having entered the core zone. Fishing has become a political business as well, if one has good relations with the local politicians and the Gram Pradhan, they help out.

I currently work as a migrant daily wage labour. I am 26 years old, married, and have a three month old daughter. There are various people of my age who are slowly migrating out of the villages to work as daily wage labour in the cities since we are fed up with the harassment of the Forest Department. We want to continue to do fishing as our primary source of livelihood, but only if the current system of BLC gets better and the Forest Department stops harassing us.

When I work as daily wage labour in the city, I get only Rs. 300 per day and after all my expenditure I save only Rs. 150 per day. But I have to leave my family for many months for this. On the other hand, here, when I go for fishing for 2-3 hours, I can earn around Rs. 500. So being here is definitely a better option.

6. Shankar Adi

Village: Amlamethi, Bali Island

Amlamethi has ten Gram Panchayats and most of the area is what is called the 'active' delta. Total voters in the area are 10,000 and most of them are forest dependent people.

I am 50 years old and have a six member family. I was only 16 when I started going to the forest. My main source of livelihood is fishing and honey collection. I have my own BLC, but unlike earlier, the problems with the Forest Department do not stop with that. The Forest Department did not hassle us so much earlier like they do now after the demarcation of core and buffer zones. Earlier, we could go to the forest very easily. We used to get the honey collection pass for ten months and the BLC was to be renewed every year. We used to pay Rs 40 per year as the rent for the BLC. But this new system of BLC is very bad for us. Most of the BLCs are not in the name of the people who actually go to the forest for fishing. The last BLC allotted was in 1972-73 and the total number of BLCs allotted till then was 923.

Along with these problems, we also face atrocities by the Forest Department. They seize our BLC whenever they want. My BLC was seized on December 18, 2015 but it has not been returned to me till now. They say the BLC has been sent to the Alipur Court and I will have to fight my case like all other fishermen and take it from there. Since the last three years, there are certain varieties of fish which the government has said that we cannot catch. If they find us having caught these fishes, we will be fined; the boat, net and BLC will be seized and we could be jailed as well. Fine is a regular problem for us whenever we go fishing.

This core and buffer area demarcations is something we do not understand. If we go to the core area, will we destroy it? The Forest Department earns a lot of money through tourism and thus, they freely take the tourist boats to the core area, whereas, all of us fishworkers are not allowed to enter this area. How is this fair? Moreover, it is because of these tourist boats that the fish have moved to the sea side.

Trawlers from Thailand, Indonesia and South Korea come for fishing and go to the core area as well. The situation is such that we are not

allowed in the core zone and even when we go to the seaside, we don't get place for our small fishing boats and traditional nets because of the big trawlers. If this situation prevails, the day is not far when there will be no fish, crab or prawn from the Sundarban forests mainly because of the deep sea fishing done by the big trawlers and the severe pollution caused by the fuel that these trawlers run on.

Every year, during the honey season, we get a pass for a month to go to the core area for honey collection. During this season, there is no core zone for the FD since it is a time when they make profits. We are forced to give the total amount of honey that we collect to the Forest Department but the minimum is 120 kg per person. If we do not deposit 120 kg honey then we are not given the pass again next time. We incur losses since we have to sell whatever we have collected only to the Forest Department. The officials there give us Rs 110, but the market price is much more than that.

Honey collection is the most difficult job as we have to walk on the jutting out roots of the mangroves to enter deep into the forest where the risk of tiger attack is also high.

The number of tigers has increased much more than before, thus, there are more tiger attacks. We have also observed that they do not get proper food in the forest now which is why they attack humans.

The cities are for the city people. In the Sundarban, only the tiger is visible. Then where do we belong? We were born here, where will we go? We want our rights over the forests. We are dependent on the forests for our livelihood, how can we leave it? We want Sundarban to survive well, tiger to survive well, tourists to survive well and we should also be allowed to survive well.

7. Govind Mandal

Village: Satyanarayanpur, Bali Island

There is a huge presence of the fishing community in this village but the biggest problem being faced by us today is that of displacement. We

have been living here since generations but few years ago, our land was acquired by the Sundarban Irrigation Office in the name of constructing embankments after the AILA cyclone. Nearly 120 families were evicted from Satyanarayanpur village but most of them have not been given any compensation till now, nor have they been resettled. Some of them have been given compensation amounts of Rs50,000 to Rs70,000 but that is not even close to the actual worth of the land that has been acquired.

We have held protests outside various government departments but have faced severe repression by the police and state administration for all of our efforts. While some people have received compensation to rebuild or relocate to other places, a significant majority has been left empty handed. The people of this village have been here since more than 70 years and they have made this area habitable by driving away tigers, crocodiles and facing other difficult conditions. The same people who had once built this space have been displaced and are often told that, since they were living on government land without proper papers, they are not entitled to any compensation.

It is quite often that the permits for fishing (known as Bengal permit for the West Zone of the forest and Tiger Permit for the East Zone) are not issued to the fishing community making it difficult for them to follow their traditional occupation. A serious problem faced by the fishing community in this area is that even if we have a BLC, our catch is being seized by the Forest Department. Along with this, even the permit is seized and we are being forced to pay a fine. We face consistent harassment like the nets being cut or seized by the forest department. The forest department offices are full of seized nets, boats and other things they seize from us. All this equipment rots while we suffer.

We are also not getting enough monetary benefit for the fish we sell. The warehouses in Canning where we sell their fish are operated by people who exploit us and demand a percentage of the total sale. The money finally received by us is not even enough for our survival. Social security benefits are a rarity. We are dependent on fishing which is our source of livelihood but because of the severe problems with access to a

BLC, many of us have to resort to renting it out.

Honey collection is a very dangerous activity wherein we risk our lives but we are forced to sell all our honey at a much lower rate of only Rs. 100 per kg and each person has to deposit 120kg with the Forest Department. In case we fail to do this, we face torture and harassment by the officials. The honey collected is sold by the FD at a much higher rate of Rs. 400-450 per kg.

A few years ago, after protests in Canning and in Kolkata, we had tried to begin a process for proper documentation of permits seized, where they were seized, at what time, by which officer, the list of objects captured and the date on which it is to be returned. However, we could not keep up with this process and the administrative machinery also does not have any such process in place.

Certain parts of the forests are marked as core areas where the fishermen are not allowed to go. However, tourist boats are allowed in those places. They say that the small motor boats of traditional fishermen cause severe water pollution but the pollution caused by tourists is not considered by them. Tourists throw plastic and their presence in these areas affects the ecosystem. It seems as though the laws are directed only against us.

It is sad to see that the Forest Rights laws that are implemented in the country are not implemented in Sundarban since the administration claims that there are no natural residents of the mangrove forests. However, we would like to point out that our livelihood is dependent on the forest, whether to fish or to gather honey. We spend nearly 300 days a year in the forest. We would like to question the administration's definition of a forest dweller and ask them why the fisherfolk who spends most of his time within the forest, is not qualified to be given rights as per the FRA. We not only fail to receive welfare funds, we hardly get any compensation for losses. Often, there are deliberate attempts at making us incur losses.

We are a grossly neglected community and face repression by various

government and political agencies. Ninety-percent of us have not received the Biometric Card. We are illiterate and live in fear. We face severe repression the moment we try and resist this injustice. They threaten us that if we try and speak up, we will be barred from entering the forests. We appeal to everyone, the various organizations and social media to raise our issues.

8. Prabir Mishra
Village: Kultali Block

Drawing upon my experience of working with forest dependent people of Sundarban, I would like to raise the issues faced by the fishing community in Kultali.

Many of these people are refugees from Bangladesh and have migrated to India after the 1971 war. They were denied citizenship and thus, not given any rights. One of the main issues is that the members of the fishing community often lack identity cards. Even if they have managed to procure a BLC permit, through Unions or political connections, the absence of identity cards means that in case of an accident like falling prey to a tiger attack, they cannot claim any compensation. Another serious problem is that even after a person becomes a victim of a tigers attack and dies, the family does not get any compensation since the authorities ask for the dead body as proof.

There is much confusion about who is issuing the identity cards. The recent biometric cards have also failed with no amenities like free education, housing facilities etc. getting materialized. Often people who do not belong to the fishing community are granted facilities while those who traditionally belong to the community are refused.

Identifying a fishworker in this area is difficult since we have seen many cases of BLC permit being issued to those who do not come from the fishing community. This has left many who are actually from the fishing community traditionally, and their younger generation, without a license. They are forced to search for other means of

livelihood. Many of them engage in farming as agricultural labourers. Moreover, if they try to access the river for fishing, they are victimized at multiple levels by the Forest Department, the police administration and the dacoits. They also face attacks by the wildlife. To add to their misery, of late, the Coastal Police has also turned their backs on the grievances of the community by refusing to register their complaints against the atrocities of the Forest Department. About a year and a half ago, a trawler overturned, thirteen people drowned but their family members never got any relief since the bodies could not be recovered. Moreover, since they are refugees, they would have been denied compensation even if the bodies were found. Our collective protests have resulted in some cases being filed but no solution has come from these actions.

Honey collection is an activity where people are facing severe levels of exploitation. The forest officers demand the honey collected and pay only a small amount of money. Thus, people incur losses. There was a case where the officers gave Rs. 100 for the honey gathered which could have been sold for Rs.260 in the market. Within two hours of refusing to sell to the officers, a band of dacoits came and stole the entire catch. The Police officials refused to register the case. The situation is such that honey collectors are forced to sell their entire catch of honey to the forest officials at nominal rates [Rs.110] and only if they manage to hide some honey can they sell it at a slightly higher price [Rs.260] to agents. If the fishing community does not abide by the dictates of the police, they are implicated in false cases. We demand that the Forest Rights Act 2006 be implemented in order to ensure no further exploitation and to grant us rights to the Forest so that we can live with our traditional occupation and way of life.

9. Ankan Mandal

Village: Kumhirmari Island, Thana Mollakhali coastal

I work as an accountant for Kumhirmari Janparyatan Samiti and belong to the island of Kumhirmari. My family includes my wife, daughter and ageing parents. For a living, I work on different type of contracts in Bihar,

Madhya Pradesh. We have been in Sundarban since generations. There is only one high school and one primary school in Kumhirmari. No good teachers come here. If there are 100 students in a primary school there would maximum be, one or two teachers for them. Those who can afford to send them outside, but the poor, stop at whatever basic minimum is available locally. Health care is in bad shape here, there are hardly any facilities. There is a primary health centre where doctors mostly do not come or are just not there. The nurses and ASHA workers also cannot take proper care because of their own work related problems, all signs of backwardness are there. Snake bite patients have to be sent to Kolkata or Canning which sometimes leads to deaths on the way.

There are some serious issues around the way tourism is happening here. We are keen on developing a certain kind of tourism in Sundarban which will have no ill effects on the people of this region and something that benefits our life and livelihood. The tourism which we see here, where lodges have been built all over, they are all owned by individuals. When people from outside this area come and build lodges for business and make profits, the people of Sundarban are not given any benefits. Some of the small shops might make some money but there is nothing more. Through this new initiative, the profits we make will be distributed for the well being of the people- building embankments (bunds), roads, small bridges, and any such things which will benefit the community like funding the education of children. This can also reduce migration. Tourists only visit and go back but we will be able to make this more worthwhile.

We also want to create awareness among tourists and others about the cases of rampant prostitution in the area which involves local women driven to such activities due to lack of livelihood options. Guides would accompany tourists so that there is no disturbance to the society.

The rivers which run through the islands are the lifeline of the region and have been getting severely polluted by the many motorized tourist boats leaking fuel. The tourists also throw waste like plastic into the river which is washed ashore and often block our entry in to the narrow creeks of the Sundarban forest where we go to fish.

We have not approached any authority or government yet, but we will do this soon. But in our own island we directly approach the tourist operators.

10. Dinesh Mandal
Village: Kumhirmari Island

The Forest Department is consistently harassing people and cases of severe atrocities are in front of us. The forest dependent population is suffering due to this and efforts towards different kinds of tourism will bring an alternate livelihood opportunity for the local people. We have formed committees after a lot of effort by all of us and we are convinced that this will be beneficial since it will not be an individually owned effort. We have to be aware of possible opposition to our community owned tourism effort but we are not afraid since people are together on this. We are trying to find legal safeguards, organizational safeguards to see that we do not fall in the trap of individual profit making. We will redistribute profits into local infrastructural requirements of the village which will be decided by the committee.

11. Subhas Mistry
Village: Kumhirmari

I have a family which includes my wife, two sons and parents. A lot of people still go to the forests for fishing, their lives are dependent on the forests. I also used to go but I have left this since the last 15 years. I am aware of the kind of harassment forest going fishermen have to suffer at the hands of the Forest Department. They are struggling for their rights and we will participate in their struggles. The Forest Department actually helps in destroying the forest by not allowing cutting of bushes, by not allowing removal of big dead trees which kill seedlings of new trees and by not allowing new trees space to grow. The forest also has to be cared for and it is the people who can do this. Allowing people to go inside the forest which is now also recognized by the Forest Rights Act, is better for both the forest and people. Efforts to engage in alternate tourism initiatives have been done earlier but were

not successful. My own sustenance is continuing through the land I own and manual labour that I do but the idea of building a healthy tourism model was always in my mind.

12. Ujala Barman
Village: Kumhirmari Island

I have a family of four which includes my husband and two children. I am currently associated with a tourism initiative. I feel that tourism as it is happening now, is negatively affecting the environment and has severely polluted the rivers. The situation is so bad that it is affecting our livelihood. Tourism is just one aspect, overall, health and education facilities in our area are very poor. My husband and son have been doing manual labour outside Sundarban. They have also been earning through the agricultural land we own.

13. Reba Gayen
Village: Kumhirmari

My family and I have moved to Tamil Nadu in order to work in the garment industry. It has been two years since we migrated. We come back for couple of months, to keep our contact with our home alive and during this time, we catch tiger prawn seedlings. But the catch has gone down a lot because of tourism induced pollution and cargo boats, which is why we have moved out taking our whole family along with us. We stay in Tamil Nadu for 8-9 months every year and work as daily wage labour to earn a livelihood. We both get only Rs. 238 per day. We have no agricultural land and thus, primarily depend on migration work. I have two children who suffer a lot because of this migration. They are not able to complete their term in school because of this and their studies have been severely affected. My mother in law was pregnant when my father in law was picked up by a tiger while fishing. The family faced many difficulties, but she continued to fish and collect prawn seedlings to sustain the family. Currently also many of our relatives are dependent on the forest. If the Forest Department is

controlled and their atrocities come down and people have their rights, it will bring normalcy.

14. Sagarika Ari
Village: Kumhirmari

When I got married, my husband used to go to the forest to catch fish, but once when he was so badly attacked by the Forest Department that he lost his boat and just somehow managed to come back home alive. From that day, we decided never to go back to the forest. My brothers-in-law have also suffered in similar ways. This happened about ten years ago. Now we just do not think about going back to the forests anymore, out of fear.

My son studies in class 10 and my daughter studies in class 8. We survive either as daily wage labour: digging wells or working on roads under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Sometimes we catch prawn seedlings, but now we do not have our own boat, so it is difficult. We also cultivate a piece of land which ensures some rice for the year. My husband is a graduate, so he also takes tuition. But our means of earning a livelihood are not enough.

In the coming time, it is going to be difficult to continue to educate our children. We have to pay Rs.700 for hostel plus Rs.200 for tuition fees. We have a yearly contract of 50kg rice with the boatman who ferries our children. My son wants to stay in the hostel, but we cannot afford that. I will be involved in the tourism project in Kumhirmari in the coming days.

15. Bhabani Sardar
Village: Kumhirmari

My husband and I work as domestic help mostly. Sometimes we take up work as manual labour under the MGNREGA as well. When we work on farms, we get Rs140 per day. We have got a job card for the MGNREGA work but we do not get paid very regularly. We get the wage very late, sometimes we get it in a year. Local non MGNREGA work gets us immediate cash.

I personally never go to the forest, my husband hardly goes, my own brother died out of 'some fear' which got over him while he had gone to the forest, after that we have never gone back out of fear of harassment of the Forest Department. Forest is a matter of fear. People are even psychologically affected, act strangely after that.

16. Channat Gazi

Village: Kalitala Gram Panchayat, Shamsheer Nagar Island

I am 62 years old now and I started going to the forest at 18 yrs of age for fishing. Fishing is the only source of livelihood for us. It belongs to us. I have been able to buy some land based on the money I managed to earn in the last 25-30 years by catching fish and crabs in the forests of Sundarban. I don't go to the forest now, my sons use my BLC to go to the forest. The BLC has not yet been transferred in their name. I get some money from them for using my BLC. One of my sons is engaged in honey culture.

My father and grandfather were also dependent on the forest for their livelihood. My ancestors came and cleared the forests and settled here but we do not remember from where exactly we have come.

We have four boats and have fishing nets. We catch fish using nets. When it is low tide, the narrow rivulets which go deep inside the islands and into the jungle have very shallow water levels. We lay the nets tied to wooden busts. At high tide we would just pull up the nets and collect the fish. We always go in a group. Some of us run to the beginning of the rivulet and segregate the fish. We catch different types of fish, in separate nets and put them in ice boxes. We take the ice box on loan from the trader for Rs. 10,000. We can preserve fish for 15 days. Within 7 days we get 400 kg fish, from which we earn Rs. 40,000 and the trader sells it at Rs. 55,000. The amount gets divided between 5-6 people and other costs such as BLC, loan recovery, food, boat rental etc. are also to be met with. After all this we are left with about Rs. 33,000 thus each one earns Rs.5500.

Now we cannot cut any wood in the forest. However, the Forest

Department does not understand that if some trees are not trimmed or cut in the forests, these forests will never grow. Our forefathers did it and it is because of them that the forests grew. Why will we destroy the forests? We never cleared the forests to build small colonies, unlike what the Forest Department is doing now. Timber merchants have cut hectares of forest land since ages and have never been caught.

We hear all the time that trees must be saved to get oxygen but one must know how trees grow in the forest. The truth is that the dust which collects on leaves needs to be removed for the forest to grow properly. The forests need to be properly pruned in the same way as infected parts of a human body have to be removed. The officers are being trained with the notion that cutting trees is bad for Sundarban. That is wrong. Sundarban will not reduce in size, if trees are pruned and parts are cut off.

Trees initially grow in close clusters of about 15-20. After they grow to a certain size, if they are not cut, none of them will grow in a healthy manner. Thus, the ideas regarding not touching the trees which the Forest Department and others are promoting is wrong. This ban on cutting the big round leaves of the trees is in fact harmful for the forest. Moreover, what we collect as firewood are trees which have died on their own. We take away only the dead parts of trees. The parts which are alive will grow better, if the dead portions are cut off. For new trees to grow, it is important that dead or damaged trees are removed and who other than the local people will do it? Will the foresters do it? Their only work is to 'manufacture' stories in order to contradict our understanding.

Tourism is harmful for Sundarban. The tourist boats have destroyed our fish. They disturb the animals by the loud music they play.

Livelihood through honey collection could itself be substantial. My grandparents used to get a huge amount by selling it in the open market. But then the Forest Department came and have reduced our earning. They do not even give us half the market rate and instead,

make profits for themselves. During every honey season, around 18-20 quintals of honey is collected by each person. Hundred boats can collect thousand quintals which we have to give to the Forest Department. But we try and hide some and keep it for ourselves. We have to become thieves, stealing what we ourselves have collected, but we can not sell that openly in the market. Thus, we pack the honey in small bottles and sell it in retail.

A different license other than the BLC is given to whoever wants to go and collect honey. We get this license from Sajnekhali Forest office and straight away go to the forest to collect honey. While coming back, we have to give the honey to the Forest Department and give back the honey license. The pass is only valid for 15 days. If we do not submit that on time, they fine us and we will never get the pass again. They don't even pay us properly for our honey on time, but we don't have a choice. We take loans for this period. And we have to pay bribes to many people in the Forest Department, Border Security Force and Patrolling units, along with honey that we have to hand over to them.

Firewood collection within the forest during fishing and honey collection was stopped earlier, but has now been allowed because of the pressure we created. They want us to carry gas cylinders and stoves which they will give but those will not work in the rain and wind and thus we insisted that we will cook traditionally using firewood. However, every time, they come up with their baseless arguments of not cutting the trees in the forest. The forest is our source of livelihood, so why will we destroy it? And there is no reason why we should have to migrate, leaving our family? The officers are cheating us and earning so much, they are ruthless, they harass us, overturn our boats, kick and beat up elderly people. They have now become worse, earlier the forest officers were not so bad.

The last BLC was issued 39 years ago. The current system is bad and it will get worse with time. Forest Department now even fines children for using their fathers BLC. Giving our BLC to our children to fish is in a way like an old age pension, so how is it a crime? The current system of BLC is bad and needs to be changed but there should be some

monitoring system to go to the forest so that the forest is not destroyed by outsiders.

We want peace, we want Sundarban to survive. Let the tiger project be there and let us be there, we are not destroying forests, we are not looters.

17. MD. Gohar Ali Gazi

Village: Shamsheer Nagar Island

I am from the fishing community and this is my only source of livelihood. I am 61 years old now. I started fishing when I was very young and got a BLC back then. One day when I went fishing with this BLC on another boat, one of us was attacked by the tiger and I was picked up by the dacoits. My wife had to pay a ransom of Rs. 2 lakh to bring me back. I had to surrender my BLC because I was picked up by the dacoits. I was told to come back after three days to collect the BLC, which they never gave me. I have filed so many complaints, but they all have failed. I still go for fishing with others on someone else's BLC. There were many hearings, but I still did not get my BLC back. It has been ten years now. My son got frustrated with all this harassment by the Forest Department and migrated to the city to work as a daily wage earner. My father was a timber merchant. He was killed when his boat overturned while he was asleep in the boat one night. I used to love fishing as a child. There was so much fish. But now, because of the cargo, other tourist boats and the city sewerage water which comes to our river, our fish is getting destroyed.

18. Karuna Gayen

Kalitala Block, Shamsheer Nagar, North 24 Parganas

I am 63 years old and I have been going to the forest since the last 42 years which is around the time that we migrated from Bangladesh. We have not been able to build any fishermen organization. We have very few BLC's. Many people have to go for fishing without a BLC and if we are caught by the Forest Department then we have to pay a fine. Many

times, the FD officials throw our fish catch back in the water and sometimes the equipment is seized. But fishing and crab collection is the only source of livelihood for us and so we have to go even without a BLC.

We need 3 kg firewood per day when we go for fishing, so how many trees can we cut? But the forest department called all the BLC holders to the office and asked them to take gas cylinders when they go to Jungle. We don't know how to use cylinders, it will topple in the boat, and it will not work during thunderstorms. What is the use of it then? So we opposed this.

I have been going to the forest to collect honey since the last 25-30 years. We have to spend at least Rs. 25,000-30,000 per boat to go the forest. We go in a group of 7-8 people. The Forest Department takes away all the honey we collect. The rate given to us for the honey at the Forest Department was Rs. 13 per kg at one point of time. But after much struggle it came to Rs. 50 per kg and in 2014, it was Rs. 100. In 2015, the Forest Department announced that they will give Rs. 150 per kg but they let us all down as they eventually gave us only Rs. 110.

I had to bear a loss of Rs1.5lakh as the honey collected by me was looted by Bangladeshi Dacoits about which no one did anything.

We must be allowed to earn our livelihood in this place only and without harassment of any kind. Whether BLC is there or not, there should be some system. Let the Forest Department take money but give us some license that works. The Forest Department officials are there only to oppress us. I request everyone who has come here, to help us in our struggle against this repression.

19. Sufia Bibi

Shamshernagar: Block no. 2; North 24 Parganas.

My husband cannot go out to work. Hence, I have to go to the forest to catch crab and fish and I have to take my small children along with me. I also have to work as a domestic help so that we can eat two meals a day.

I have no land. The forest is my only source of livelihood. I have no alternative.

Our story is a story of being beaten up, being abused and facing the uncivilized behavior of the Forest Department officials towards us. I will narrate an incident. I had gone out in my boat to collect crabs and fish. Suddenly, the Forest Department official appeared on his patrol boat and asked me if I had seen any men hiding in boats in any of the rivulets. I said I had not seen anything like that. The officer insisted that I knew what was going on but was not admitting it. I kept telling him that, I had not seen anybody and that my only interest was to catch some crabs and fish for my family to eat. The officer threatened me with arrest and sent me to Alipore Court by issuing a challan. I said fine, please prove that I have done something wrong and then arrest me. The moment I said this, the official said 'khubpekechona!' Literally translated from Bengali, it would be 'become very ripe, eh!' which means that you are going beyond your limits. He abused me and asked me if I thought it was my father's forest that I could do whatever I wanted. I told him that while it was not my father's forest, it was also not his father's forest either. At that time, he got even more angry with me and shouted louder, warning me that I was going beyond my limits.

He was very angry with me and threw away the crabs I had caught, emptied the drinking water can and took away my fish catching equipment. I was left with no option, but to return home empty handed, thirsty for water. This is the level of harassment and torture we have to face day in and day out. I was asked to collect my things from Shamshernagar. I reported the matter to the Panchayat. They said they would find out. I also tried to contact this forest official who initially did not take my calls. Finally, when he took my call, he told me that I had lied and hence he would not return any of my things. I told him that he had been assigned this job as a Forest Department official to find out who was engaging with illegal activities inside the forest and not to harass us.

It is true that I do not have a BLC, but I need to live too. For that, I will have to go into the forest to catch fish and crabs. I asked the forester if

he was trying to tell me that only those who have BLC have a right to live. On hearing this, he abused me even more. I tried to reason with him, telling him that I had no land, no livestock, barely a house to stay and we have lived here since generations and gone to the forest to make our living. I told him, that it seems that we can still possibly manage to save ourselves from the tiger but, it is almost impossible to save ourselves from the attacks of Forest Department officials. What will we do? Give all of us forest dependent people a BLC or evolve some new system. The official said that no such thing will happen and the system will remain what it has been. He threatened me that the next time he saw me inside the forest he would beat me up. I got angry with him and asked him who had made him an official? What authority did he have to take the law into his own hands?

We are not only harassed but also fined in an arbitrary manner. The fine can be as high as Rs.500 or more. Even our drinking water is taken away.

I told him that, if you abuse me ten times, I will abuse you once – it is but natural. The forester tells me that he can abuse me because he is forester but I told him that then I would also be within my rights to abuse him at least once. That is all that I have to say.

20. Osman Mollah
Village: Kultali

I am more afraid of Forest Department officials than tigers. Even BLC holders are regularly harassed by the Forest Department. I have been collecting honey and catching fish in the Sundarban for years now.

Tales of oppression by the Forest Department are a part of our lives. But some incidents like what I am going to tell you will show the extent to which they can go. This is an incident which happened a little while back. I had gone fishing and had just come out of the river, where we were confronted by the officers on duty who told us that

they had the information that our boat had deer skin hidden in it. I protested saying that there was no such thing. There was a huge confrontation and I was so severely beaten up that I was bleeding all over. The officer kept questioning me as to where I had hidden the deer skin and I kept on telling him that I had no clue because I did not have any such thing. I was pushed and shoved. Then the officer asked his men to search the hay stack at the courtyard of my house, where he said he was sure I had hidden the deer skins. Some of his men searched the hay stack and suddenly came up with a bag of deer skins. This was a sheer conspiracy against me. Even one officer of the FD protested. I was sent to police custody for seven days and then jailed for three months. My organization supported me throughout my ordeal and they challenged the officers. After I had come out of jail, the organization even openly challenged Subhendu babu, the officer who had framed me. This officer pretended that he was up for a compromise. But I was again picked up and taken on FD's speed boat to Jharkhali, where I was first beaten up (for trying to challenge this officer) and then given Rs. 2000 to treat myself and also promised a job. But a month passed by and I did not get to hear anything about my job. Then this officer got transferred and the new officer gave me a job, which was horrible because I had to carry out the same kind of oppression towards my own community. I could not tolerate this. After some time, I refused to continue doing this horrible work and asked them to pay me some money so that I could start going to the forest once again. A legal case against me is still continuing even though, I was promised that it would be dismissed.

I have a BLC and go to the forest to catch fish, crabs and to collect honey. Now of course, in addition to the FD and the police, we have the coastal police which is a new policing system controlling the coasts, which is oppressive, at times worse than the FD.

My request to those who have come here to listen and document our cases is only that they please help us in our struggle for a dignified life.

Annexure 2:

Administrative Setup for Tiger states

21. Govinda, Dakshin Banga Matsyajibi Forum

Sunderban has about fifty lakh people and among them almost 80% go to the forest for their livelihood – fishing, catching crabs, collecting honey.

Currently about 1800 sq. km is core area. Chamta 1,2,3, Bagmara, Netidopani, Chandkhali were declared core areas overnight. We were not aware of anything and it was very sudden for us. Nobody was consulted. We were told when we filed an RTI that this decision to increase approximately 500 sq. km in the core area was from above. They did not do any local level consultation before implementing this. We also learnt that there is some committee in Annamalai University which approves such decisions

22. Anukul Das, Gosaba

Patta was given during the early days of the Left front government when Jyoti Basu was Chief Minister. But this land was used by the Forest Department for afforestation and thus is of no use to me though I continue to pay taxes.

23. Krishnapada Mandal

⁷⁶ Ministry of Environment and Forests. Notification. September 22, 2003.

<http://www.moef.nic.in/sites/default/files/notification/NOTIFICATION%201091.pdf>.

⁷⁷ Sethi, Nitin & Jha, Somesh. National Board for Wildlife to be toothless. Business Standard. July 25, 2014.

http://www.business-standard.com/article/economy-policy/national-board-for-wildlife-to-be-toothless-114072500169_1.html

⁷⁸ Union Ministry of Environment and Forests, Project Tiger. Government of India. *The report of the Tiger Task Force. Joining the Dots*. 2005.

⁷⁹ Notification. September 4, 2006.

http://projecttiger.nic.in/WriteReadData/userfiles/file/notification_of_ntca.pdf.

⁸⁰ National Tiger Conservation Authority. *Compendium of Guidelines/ Advisories/ Gazette Notification*. Updated up to March 31, 2010. Page 227.

Village: Kalindipara, ShamsheerNagar

Our main source of livelihood since many generations has been fishing and honey collection. In 1984, my father went for honey collection and was killed by a tiger. I was around 17 years old then and had to start fishing, crab collection etc. But I did not do honey collection as it is very difficult. At that point, we used to bribe the Forest Department official to take out firewood and sell it outside. Fishing was not a problem. After the area was declared as a tiger protected zone, it became very difficult to cut firewood. At that time, licenses were given for the same to some timber merchants and it was also given to the village panchayats for a certain amount of wood to be taken. Everyone in the Sundarban is dependent on the forest for their livelihood.

Since the last few years the harassment by the forest department has increased and they are doing this in the name of Project Tiger. It is due to this kind of harassment that I went to Odisha for about eight years and did fishing there. Once I came back, I got a lease to operate the trawler which eventually failed because of rivalry between trawler operators.

I don't have my own BLC. My boat also got damaged. I earn around Rs1-1.5 lakh per year out of fishing. I have been running around different offices to get a BLC.

Since the number of tourist boats has increased in the last few years, our fish catch has decreased. This has also led to the vanishing of a wide variety of fish that we used to get.

The Wildlife (Protection) Act came in 1972. It was amended several

⁸¹ National Tiger Conservation Authority. Guidelines for Preparation of Tiger Conservation Plan. *Compendium of Guidelines/ Advisories/ Gazette Notification*. Updated up to March 31, 2010. Page 70. Point 11.4.

⁸² Ministry of Environment and Forests. Notification June 22, 2007. National Tiger Conservation Authority. *Compendium of Guidelines/ Advisories/ Gazette Notification*. Updated up to March 31, 2010. Page 304.

times and in 2002, it added clauses that proposed for the constitution of the National Board for Wildlife⁷⁶ (Section 5A of the WPA 2002) and the State Board for Wildlife (Section 6 of the WPA 2002) for each state. [It is to be noted that the National Board for Wildlife as reconstituted⁷⁷ in 2014 was reported to not have the mandatory non-government members]. Project Tiger began in 1973 and came as a project under the Ministry of Agriculture. The National Board for Wildlife appointed the Task Force set up by its Executive Committee for examining the issues of tiger conservation. The report⁷⁸ of the Tiger Task Force prepared in

⁸³ Gubbi, Sanjay. The Wild Card. The Indian Express. April 15, 2015. <http://indianexpress.com/article/opinion/columns/the-wild-card-5/>.





The Sundarban is one of the most unique forest regions in the world and is internationally recognised as an ecologically sensitive region. Criss-crossed by mighty estuarine rivers and a maze of innumerable creeks and tributaries, this is the largest mangrove forest and the only mangrove tiger land in the world. The forest spreads across India and Bangladesh of which the Indian part is situated in the state of West Bengal. The fact that it is the largest remaining natural habitat of the Royal Bengal Tiger furthers its prominence in the world. 'Visible Tiger; Invisible People' is a study and report that looks at the status of implementation of the Forest Rights Act 2006 in the Sundarban forest region in India. It raises critical issues and questions the current system of forest governance in the country. It brings together the findings from the Public Hearing held at the Sundarban islands in 2016 by looking specifically at the situation of the fishworkers and forest workers in the region who are facing violations of their right to life and livelihood. It portrays the disconnect between the original ideas of forest conservation which focused on co-existence between humans, plants and animals and what is being done in reality by making areas inviolate under the garb of conservation.

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