

A struggle for fishing rights

The poor fisherfolk of northern Bihar were for long denied fishing rights in their own waterbodies by people from the forward castes and others. Now the battle has been joined.

MUKUL SHARMA

A CONFLICT has been in the making in the northern Bihar districts of Madhubani, Saharsa, Darbhanga and Supaul over the control of thousands of waterbodies. The Mallahs, the traditional fisherfolk, and the Mushars and other sections of Dalits, who live near the tanks, ponds and other water-logged areas, have begun to assert their fishing rights over them. Predictably, the response from members of the forward castes, landlords and moneylenders, who have controlled the wetlands for long, has been violent, as is often the case with disputes relating to the ownership of agricultural land in the region's feudal society.

Several of the ponds are on land

owned by the State Government. According to Bihar Government rules, the right to fish in these ponds and in the rivulets and waterlogged areas belongs exclusively to the Mallahs and the fishermen's cooperative societies formed by them, or to the residents of the Dalit villages near these waterbodies. The waterbodies, which are community- or government-owned, are used not only for water harvesting but also for fishing and other economic activities. Whether located in towns or villages, they are exploited by the rich and the powerful in a variety of ways.

"It is indeed ironical that the Mallahs, the Mushars and others belonging to the poorer sections of society work as labourers in the ponds supposedly owned by them. We are challenging this," says

Deepak Bharti of the Lok Sakti Sangathan, a social organisation and movement of Dalits in this region. In one block of Jhanjharpur in Madhubani district alone the Mallahs and the Mushars have taken control of 32 government ponds near their villages in one year. The ownership and use of more than 100 ponds in this block have been contested. The organisation, formed in 1992 based on the ideals of the socialist leader Jayaprakash Narayan, spearheads the Dalits' struggle on a number of land- and water-related issues.

Northern Bihar, especially the Mithilanchal region, has an abundance of ponds, streams and rivers. In Madhubani district alone there are more than 1,500 ponds, big and small. As this region is prone to floods during the monsoon, the



PICTURES: MUKUL SHARMA

Mallahs, the traditional fisherfolk of Madhubani district in Bihar. Ironically, they work as labourers in ponds supposedly owned by them.



A waterlogged area in Prasad village of Madhepur block in Madhubani district, and the residents of Dalit villages near the waterbody involved in fishing and selling the catch.

ponds and rivulets offer a rich harvest of fish through the year. Also, the rivers Kosi, Kamala and Bagmati change course, bringing large patches of land under water. This region supplies fish to the whole of Bihar and to markets in West Bengal and Assam.

The history of the ownership of the ponds and tanks is also under dispute. The Mallahs assert their claim over the waterbodies by citing instances from mythology, folk songs and traditional practices. However, the legal status of the wetlands since the early 1900s appears to have been otherwise. (The Indian Fisheries Act, which was passed in 1897 and which pertains to matters relating to fisheries, provided for auction and lease in the territories to which the Act extended.)

In a case study of women in the inland fisheries sector, Francis Sinha, K. A. Srinivasan, Rajiv Kumar Singh and Viji Srinivasan say about Andhrathari block of Madhubani district: "The ponds had been in the possession of the Maharaja of Darbhanga before Independence. However, myths of the traditional fisherfolk, the Mallahs, and from the Ramayana, clearly indicate that they (Mallahs) were the original owners (of the ponds). The Mallahs, somewhere in history lost their kingdom to the Maharajas. The Maharaja gave them (the ponds) to the zamindars after Independence. After



a few years of Independence some ponds went into the hands of the Revenue Department, and slowly three-fourths of the ponds have been transferred to the Revenue Department. In 1980, the Fish Farmers' Development Agency (FFDA) was established. Funds in good condition were placed under the control of the Block Development Office. Ill-managed ponds were (put) under the FFDA so that they could be developed and leased out to traditional fisherfolk. However, this has not happened."

FOR the present, the Madhubani district administration has made it clear that fishing rights in government-controlled ponds will be allotted through a leasing system. The leases are given to fishermen's cooperative societies, which allot the ponds to their members at a rate fixed by the government. The ponds, it is stipulated, would be allotted only to the Mallahs and other poor and disadvantaged sections. There are 20 fishermen's cooperative societies in Madhubani district, one in each block. The societies, being the sole inheritors of the fishing rights, are intended to safeguard the interests of its members. However, a nexus between the powerful and the corrupt has led to the manipulation of their operations. Like most other government-induced cooperatives in the State, the fishermen's cooperatives are in a deep crisis. At Andhrathari, there are about 200 government ponds and nearly 400 Mallah families, but only 75 families are members of the society. The ponds are by and large controlled by rich landowners even when they are officially leased to a Mallah or a Mushar.

The rich use several methods to wrest control of a pond, says Hari Narayan Harsh, a social activist. The use of brute force is one. Sometimes a landlord gets a lease issued either in his name or in the name of a relative of his with the connivance of the officials of the society and

the FFDA. But the most common method is to get the lease in the name of a Mallah or a Mushar who is heavily indebted to the landowner or the moneylender. Thus the landowner/moneylender controls every activity, including the sale of the catch. The Mallah or Mushar "lessee" works only as a "water worker" and in return gets one-fourth of the catch. In some cases, the Mallahs are forced to seek the help of the landowner or moneylender to meet the costs of seeds, medicines and food. In that process they become wage-earners working in ponds that have been leased to them.

This kind of exploitation is so widespread that even officials of the Fisheries Department in Madhubani accept the situation without question. An official of the department said: "The Mallahs do not benefit from the cooperatives. A cooperative caucus is operating here in the name of fishermen. The Mallahs' social and economic backwardness leads to situations in which they are mostly losers, in spite of the enormous production and sale of fish."

The Lok Sakti Sangathan is challenging this situation. The residents of Dalit villages or Tolas have started asserting their rights.

SOHRAI BRAHMOTAR is a village in which Mallahs, Mushars and Kumhars live, in Lakhnaur block of Madhubani district. None of the 250 households possesses any land except the farmland on which the houses are built. "We survive on wages earned as workers or depend on fishing for a livelihood. The male members of our community have migrated to Punjab, Haryana and Delhi," says Somani Devi, a woman agricultural worker.

The villagers did fishing in the Tiwari pond, a 2.8-hectare government-owned pond on the edge of the village, for many years on the strength of a lease arrangement. However, in the late 1980s, a landowner with some political influence secured the lease in the name of an outsider, Ajjij Mia. "One day Ajjij Mia came with some people and asked us to stop fishing in the pond. We stopped doing so, but our children used the pond to swim and catch small fry. One day they were beaten. We complained to the administration but no action was taken," recalls Americi Devi, who took the lead in the campaign to reclaim the rights over the pond.

In March 1993, an all-woman meeting was called by Somani Devi, Americi

Fighting for change

MUKUL SHARMA

NAMASKAR BHAIJEE. This is the greeting that one hears from the Dalits of the Mithilanchal region of northern Bihar. Gone are the days of acknowledging a feudal master or a government official with a servile *huzur*, hands folded and the body bent forward.

Namaskar Bhajjee is a movement intended to delete the "words of servitude and subordination from the consciousness of Dalits," says Deepak Bharti, who founded the Lok Sakti Sangathan at Balbhadrapur village in Jhanjharpur in 1992. "The essence of history lies in the progressive elimination of these irrational statuses handed down from the past."

When they visit government offices now, the Mushars and Mallahs sit in chairs with confidence instead of huddling with fear. "Such key words and expressions have symbolic value, which exert much influence on the nature and direction of the Mushars' emancipation," Bharti says.

Bharti himself was subject to exploitation by moneylenders. He borrowed Rs.70 from a local Brahmin and ended up paying many hundreds, over

several years, from the income he earned by selling tea and spices. The students' movement in Bihar in 1974 had a deep impact on him. He was also exposed to the exploitation and harassment Dalits faced when, as a journalist, he reported on issues related to the members of the community.

Bharti says that unless Dalits get the right to own land and water resources, they will languish in poverty. Lok Sakti Sangathan launched a series of struggles to recover the rights of Dalits over land and water resources. The movement has spread to 50 villages in Madhubani, Saharsa, Darbhanga and Supaul districts.

"The government's programmes and policies must be reconstructed," says Bharti. "Dalits are given goats, but no land to graze them. Some relief is given when there are floods or droughts, but hardly any productive assets or capital is given so that Dalits can build their lives."

The activists of the Sangathan have often been targeted by landowners and the local administration, and they are entangled in several court cases. In a recent instance, Deepak Bharti and several other activists faced the anger of landlords and government officials when they led Dalits who staked a claim to Bhoodani land in Khari village. ■



Deepak Bharti, who founded the Lok Sakti Sangathan in 1992 for the emancipation of Dalits.

Devi and Fulia. It was decided that no outsider would be allowed to carry on fishing activities in the pond. Accordingly, Ajjij Mia and his men were prevented from working in the pond. Tension prevailed for days. The landowner came with his henchman, opened fire in the air, threatened to eliminate everybody in the village, and hurled abuses at the residents. The villagers were defenceless.

The floods in August 1993 damaged the west embankment of the Kamala river and inundated the entire village. The res-

idents had to rebuild their lives from scratch. The women once again thought about the pond, which had got filled up. The men were not prepared to fight as they feared further retaliation from the landowner. Already there were cases against them pending in the courts and there were threats of arrest. "It was like snatching the food from the tiger's mouth. We were scared," says Sushil, a resident. The men were so afraid that they decided even to boycott Soman Devi, the persuasive leader of the womenfolk. Indeed, even her husband and son went



A Mallah preparing to fish. The northern Bihar region has a large number of lakes and ponds, which provide fish to markets in the State as well as in Assam and West Bengal.

along with this decision.

It was only in late 1994 that the villagers overcame their fears and decided to approach the local administration asking it to measure and demarcate the filled-up pond. Thereafter, they decided on a new course of action. In 1996-97, they worked for 40 days to desilt the pond.

Now Sohrai village controls the Tiwari pond. A committee of nine members, representing both the Mallahs and the Mushars, takes decisions regarding it. A new set of rules are in place: the committee decides who will fish and to what extent during the season. If anybody fishes without the committee's permission, he or she will be fined Rs.500. Further, only big fish should be caught. If a person earns Rs.100 from the sale of fish, he should give Rs.75 to the village fund. Individuals have to pay for fish bought for special occasions such as marriages and festivals.

The villagers renovated the pond and did the seeding in 1997, and in April-May 1998 they started harvesting the fish. They deposited in the village fund Rs.5,200 of the money earned. In August, they collected Rs.25 from each family to buy seedlings from the market, thus keeping the pond's fish resources intact.

There are three other government ponds near Sohrai village, which are under the control of big landowners. Two of them – Angaragia and Sohrai – are also

filled up but the landowners use the water to irrigate vegetable crops. The third one, Durga, is controlled by a landowner belonging to the forward caste, and its fish catch is used exclusively for Bhagwati puja.

SIRPUR MUSHARI is a village of Mushars 5 km northeast of Jhanjharpur town. Sirpur, a big government pond, is situated in the middle of the village. It was under the control of a Brahmin landowner of a nearby village for many years. Asharfi Sadai, a local resident, said: "Even our children were barred from entering the pond. It was so painful to see children being beaten for doing a little bit of fishing. When the Sangathan was formed in the village in 1992, one of the first things we decided was to claim our rights over the pond. In 1993-94 we asked the landowner's employees to share the catch on an equal basis with the villagers. When they refused, we approached the local officials – the District Magistrate, the Block Development Officer and others – and found that the landowners had no lease-

hold over the pond. He was using the pond after paying some money to an official of the cooperative society."

Gargi Devi of the same village recalls: "We decided to occupy the pond and told the landowner's men not to fish. One day we surrounded the pond and prevented them from entering it. Some altercation took place, but we succeeded in our effort."

Since 1994-95, Sirpur Mushari owns the Sirpur pond, but legally the pond has still not been leased to them by the fish-



Americi Devi, who took the lead in reclaiming the rights over a government-owned pond covering seven acres, and (facing page) Somani Devi, a woman agricultural worker, of Sohrai Brahmotar village where the Mallahs, Mushars and Kumhars live.

ermen's cooperative society. The residents of the village guard the pond day and night. They have saved Rs.10,000 from the sale of fish. In 1998, they had a good harvest. The money saved is being used to repair the school building and to buy a gaslight. They have also decided that part of the money, deposited in the village fund, will be used to take care of the sick and the aged.

Harbhanga village is 2 km ahead of Sirpur Mushari where a struggle goes on over the ownership of a 1-hectare pond. Hari Lal Sadai, a member of the Mushar community and a leader of the struggle by the poor, said that they faced armed attacks from the landowners. "In protest we blocked the road and resorted to a dharna. The police came, but nothing was done ever to solve the issue," he said.

It is to the credit of the Dalit women of Haithiwadi village in Jhanjharpur block that 31 ponds have been recovered from the control of landlords ever since they formed a society in 1994. "These ponds are seven to 11 acres in size and are spread over six villages in which the Mallahs and the Mushars live. The local landlords have amassed wealth by using these ponds illegally," said one resident of the village.

The Mallahs and the Mushars complain that there has been no support for their struggles from the administration. This corresponds with the fact that even after the freeing of the waterbodies, most of them have not been leased to Dalits. Hundreds of ponds continue to be under the control of landowners or moneylenders. And there is no official intervention

Mallahins cast the net

MUKUL SHARMA

FOR the first time in Bihar, a major initiative involving fisherwomen (Mallahins) was made possible last year in Riyam, a village in Jhanjharpur block of Madhubani district. Led by Gangia Devi, the women, who are traditionally engaged in making fishing nets and selling fish, stormed the male domain by casting the net themselves.

Supported by Meera Mishra, a social worker, the fisherwomen formed a 42-member fisheries cooperative, the Riyam Mahila Audhyogik Sahayog Samiti, and registered it as an industrial cooperative because the block already had a fishermen's cooperative society. The Mahila Samiti got the Manisar pond, measuring 11.2 hectares, allotted to itself and obtained loans from the Mahila Haat and the Fish Farmers Development Agency in order to buy fish seeds and nets and to raise embankments and bunds.

Inspired by the Riyam experience, Adithi, a non-governmental organisa-

tion (NGO) that was set up in 1988 to work among women, decided to develop the role of the Mallahins in fish farming in Andhrathari block in the district. While it organised the Mallahins on the one hand, on the other it persuaded the government to allot government ponds to fisherwomen. After several meetings the officials agreed to allot some 60 unused ponds to the fisherwomen's organisations.

The Mallahins had to fight more battles on other fronts: they had to make the allotted ponds usable, get access to capital and markets, counter the hostility of the fishermen's cooperatives and, most important, overcome the social taboo on fishing by women. By the end of 1993 an organisation of fisherwomen, the Madhubani Mahila Matsyapalak Sangham, had evolved. Today Adithi claims to be working with 22 groups comprising 225 women and with access to 42 ponds (52 hectares). The fish harvest in these ponds has gone up from 3,681.44 kg in 1993 to 53,171 kg in 1997. ■

to change this situation.

The issue of fishing rights can take a violent turn. This was evident in Prasad village of Madhepur block in Madhubani district, where a waterlogged area of 1,080 hectares is rich in fish. A village of

Mallahs and Mushars is dependent on this area for survival through the year. But the big landowners of the village want to gain control of the waterbody. In April-May 1998, they engineered several incidents. Surat Sadai and Mongia Devi quote an instance: "Dozens of armed people from Prasad village arrived at the fishing spot. They damaged our small boats, looted our nets and other equipment, and threatened us. Our people gathered there with whatever they could lay their hands on in order to counter the attack." Several such incidents have taken place at other places as well.

The Mallahs, the Mushars and their organisers are not only willing to revive the ponds and streams but also want to regain the lost ones. In a sense, they are combining the socio-political and cultural aspects of traditional water resources, which have largely remained separate in the current environmental discourse. ■

Mukul Sharma, a freelance journalist and Sephis scholar, is currently working on a book on environmental issues and movements in the 1990s.

