



Landscapes and Lives

Environmental Dispatches
on Rural India

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Snatching Food from a Tiger's Mouth

Dalits and Water Rights

Who owns the thousands of ponds and tanks in northern Bihar is a highly contested issue. In Madhubani, Saharsa, Darbhanga, and Supaul districts, an intense conflict has emerged over the ownership and fishing rights in government and traditional ponds, rivulets, and waterlogged areas. Mallahs, the traditional fisherfolk, the Musahars, and other sections of dalits living close to these water resources are struggling hard to claim their legal rights over them. Predictably, the response of the upper castes, landlords, and moneylenders, who have controlled the wetlands for long, has been violent.

Several of these ponds are on land owned by the state government. Officially, 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 water bodies. These water bodies are used not only for water harvesting, but also for fishing and other quasi-commercial and commercial activities. Whether located in towns or in villages, they are controlled and exploited by the rich and the powerful in a variety of ways. 'It is hitherto unknown and unheard of that Mallahs, Musahars and other poor people are working as wage labourers in what are supposedly their own ponds and tanks. We are challenging this. In one block alone, Jhanjharpur of Madhubani district, Mallahs and Musahars have taken control of thirty-two government ponds near their villages in the last one year. The ownership and use of over hundred ponds in this particular block are disputed. We need not only land reform, but water reform also in this region', explained Deepak Bharati of Lok Shakti Sangathan, a social organization and movement of dalits. The organization was founded

in 1992 inspired by the ideals of the socialist legend Jayaprakash Narayan, and has been initiating struggles over a number of land and water-related issues.

Northern Bihar, especially the region locally called Mithilanchal, has an abundance of ponds, streams, rivers, and their tributaries. Madhubani district alone has more than 1500 ponds, small and large. Floodwaters collect in ponds and rivulets every year, making available an abundant fishing resource for most of the year. Also, the recurrent shift in the courses of the rivers Kosi, Kamala, and Bagmati converts tracts of land into a deep sheet of water abounding with fish. This region supplies fish to entire Bihar and even outside Bihar, to markets in West Bengal and Assam.

Mallahs, in particular, claimed ownership of the ponds and tanks in the region on the basis of age-old stories, folk songs, and traditional practices; the legal status proved otherwise since the early 1900s. It emerges from a case study of women in the inland fisheries sector, by Francis Sinha, K.A. Srinivasan, Rajiv Kumar Singh, and Viji Srinivasan, focussing on the ponds in Andhrathari block of Madhubani district, that the ponds in the area were 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 were the original owners. The Mallahs, somewhere in history, lost their kingdom to the maharajas. The maharaja made way for the zamindars after independence. After a few years of independence, gradually, about three-fourths of the ponds were transferred to the revenue department. In 1980, the Fish Farmers' Development Agency (FFDA) came into the field. Ponds in good condition were placed under the control of the block development office. Ill-maintained ponds were under the FFDA, to be developed and leased out to traditional fisherfolk. However, this did not happen.

For the present, the Madhubani district administration has made it clear that fishing rights for government ponds are leased. The leases are given to fishermen's cooperative societies, which allot ponds to their members. The ponds are to be allotted exclusively for the benefit of the Mallahs, the poor, and the downtrodden. There were twenty fishermen's cooperative societies in Madhubani district and only one could exist at the block level.

These societies being the sole inheritors, ran the show and, in fact, powerful and corrupt nexuses controlled them. As with other government-initiated cooperatives in the state, the organization and management of the fishermen's societies were in deep crisis. In

Andhrathari, there are about two hundred government ponds and nearly four hundred Mallah families, but the fishermen's cooperative society has only seventy-five members. The local rich and the landowners largely control the ponds, even when they are officially leased to a Mallah or Musahar.

The history of ownership of ponds in the region is a contested one. There are many ways to appropriate a pond owned by the government. One is to have it leased out to some individual. The rich and powerful capture it by brute force. Landowners procure a lease, either themselves or on behalf of a relative in connivance with officials of the society and the government agency. But the preferred mode is lease in the name of a Mallah or Musahar who is heavily indebted to the landowner/moneylender. The landowner/moneylender controls everything, from the procurement of the lease to the sale of the produce. The Mallah becomes a worker who is remunerated one-fourth of the catch. Sometimes, a poor Mallah has no option, but to approach a landowner/moneylender, to meet the requirements of government revenue, seeds, food, medicine for fisheries and in the process, he becomes a wage labourer.

With the emergence of the Lok Shakti Sangathan, the dalit villages or *tolas* asserted their rights. Soharai Brahamotar is a village of Mallahs, Musahars and Kumhars in Lakhnaur block of Madhubani district. None of the 250 households possessed any land except their household plot. They survived on wage labour or fishing. The male members also migrated to Punjab, Haryana, and Delhi. Tiwari pond, a government pond measuring seven acres, adjoined the village. The villagers had leased this pond for many years from the cooperative. Then suddenly, in the late 1980s, a landowner with political clout obtained the lease to the pond in the name of an outsider, Ajjij Mia. Ajjij Mia landed up at the pond one day with a clutch of hired thugs and threatened the people against fishing in the pond. They complained to the administration, in vain.

Finally in March 1993, the women of the village took the initiative. An all-women meeting was organized by Somani Devi, Americi Devi, and Fulia. They took a decision to expel, if necessary by force, all outsiders from fishing or undertaking any other activity in the pond. Accordingly, Ajjij Mia and his people were made to discontinue their activities in the pond. Tension prevailed in the village for days together. The landowner came with his henchmen and threatened to eliminate everyone. They fired shots in the air while the labourers responded with abuse.

Unfortunately, in August 1993, floods in the region damaged the western embankment of Kamala river. The entire village was wiped out and the pond was also filled up. The villagers had to begin from scratch. After the houses had been rebuilt, the women of the village considered the issue of the pond. However, the menfolk were not ready for it, in fear of further retaliation. The landowner and his goons were continually threatening them with court cases, arrest, and attacks. 'It was like snatching the food from a tiger's mouth. We were really scared', confirmed Sushil and other villagers. It became so frightening that the villagers decided to boycott Somani Devi for her insistence on action, and even her husband and son went along with this decision.

Slowly, the villagers overcame their fear and in late 1994, they decided to approach the local administration to undertake the measurement and demarcation of the pond. When this was done, the villagers decided on a new course of action: in 1996-7, they worked together for forty days to dig the pond.

Now Sohrai village controlled Tiwari pond, managed by a committee of nine members consisting of both Mallahs and Musahars. A new set of rules was formulated: the committee would decide who would fish and how much would be fished in a season. Those fishing without its permission will be fined Rs 500. Only big fishes were to be caught. Of every Rs 100 from the fishing, Rs 75 were set aside for a village fund while Rs 25 were for the fishermen. Individuals had to pay for any special requirement of fish, for marriages or festivals, etc.

In the pattern of fishing since the new system came into operation, the villagers did the seeding and in April-May 1998, they began fishing. Out of the money this yielded, they deposited Rs 5200 in the village fund. In August 1998, they collected Rs 25 each to buy seedlings from the outside market, so that the fish resources of the pond remained intact.

There are three other government ponds near Sohrai village, which were under the control of big landowners. Two of them—Angaragia and Sohrai—were also filled up, and the landowners are using the area for vegetable cropping. The third one—Durga—is controlled by a forward-caste landowner and its fish catch is exclusively being used for Bhagwati puja.

Sirpur Musahari is a village of Musahars, five kilometres north-east of Jhanjharpur town in Madhubani district. A big government pond—Sirpur—is situated right in the middle of the village. This was under the control of a brahmin landowner of a nearby village for

many years. 'Even our children were debarred from entering the pond. It was so painful to see our children being beaten for doing a little fishing. When the Sangathan was formed in the village in early 1990s, we decided to claim our rights over the pond. First, in 1993-4, we asked the landowner's labourers who used to fish in the pond, to share the catch equally with the villagers. When they refused, we went to the local government officials—the District Magistrate (DM), the Block Development Officer (BDO), the Circle Officer (CO)—and found out that the landowner had no lease over the pond. Apparently he had bribed an official of the society and had been using the pond,' narrated Asharfi Sadai in the village.

Garvi Devi, in the same village, recalled the course of the struggle that followed after they decided to occupy the pond. They warned the landowner's people not to come to the pond. But this did not deter them from fishing. One day all the children and women of the village surrounded the pond and forcibly stopped them from entering. Some altercation took place, but they succeeded. Since 1994-5, Sirpur Musahari has owned Sirpur pond, but legally, the pond has still not been leased to them by the Fishermen's cooperative society. The villagers guarded the pond day and night. They had saved Rs 10,000 from the fishing. In 1998, they had a good harvest, so they saved another Rs 5000. They utilized this money to repair the school building and to purchase a petromax lantern. They also decided that the money saved in the village fund from fishing would be used for the care of the infirm and the elderly.

Only two kilometres ahead of Sirpur Musahari is Harbhanga village where a struggle over the ownership of a 2.5-acre pond continues. Hari Lal Sadai, a Musahar of the village, who took the lead in the struggle, recounted how in 1999 they had to face armed attacks from the landowners. In protest, they blocked the road and resorted to a dharna. The police intervened, but subsequently nothing happened to break the deadlock. In Haithiwadi village in Jhanjharpur block, since 1994, when they formed their own society, thirty-one ponds have been liberated in and around their village under the impetus and inspiration of dalit women.

All the Mallah and Musahar villages complained that there had been no support from the administration in their struggles. This is reflected in the fact that even after the liberation of the water bodies, most of them are still not being leased to dalits. In addition, hundreds of ponds in the region obviously continue to be under the control of landowners or moneylenders, but there is no official intervention.

In Prasad village of Madhepur block in Madhubani district, this issue could have taken a violent turn. Here a waterlogged area of 2700 acres, fed by a natural stream, was extremely rich in fish resources. A Koili tola of Mallahs and Musahars was dependent upon this area all year round. However, the big landowners of the village wanted to gain a stranglehold on the water body. In April–May 1998, several incidents took place at their behest. Surat Sadai and Mongia Devi of Koili tola gave an account of one of these incidents: ‘Dozens of armed people from Prasad village arrived at a fishing spot. They damaged our small boats, looted nets and other equipment, and tried to compel the fishermen to abandon their work. Our people also gathered there, with whatever they could lay hands on, to counter the attack.’ Many such events have been occurring at other places in recent times.

A region with a rich history of ponds, tanks, and other ways of water harvesting witnessed a cry for justice from dalits who wanted these water bodies to be restored to them. The Mallahs–Musahars and their organizations were not only willing to revive the ponds and streams, but also wanted to take possession of them.