

DALIT RIGHTS

Whose Ponds? Who commands?

Many ponds, rivers and rivulets in Bihar are captured by the rich. Sometimes the Dalits are able to assert their rights. Mukul Sharma profiles the ongoing struggle.

WHO controls water? This is a critical issue in north Bihar today. It is the forward caste landlords and moneylenders who capture the thousands of ponds, rivulets and waterlogged areas in Madhubani, Saharsa, Darbhanga and Supaul districts, and exploit the resources to their advantage.

The Mallahs, a traditional fisherfolk community, and the Musahars, the lowest among the Scheduled Castes, and other Dalits living near these water resources, are fighting to claim their legitimate rights.

Control of water

The yields from traditional waterbodies here are as much an expression of social relations and conflicts as they are of societal achievement. Even the best structures of ponds and tanks on their own cannot guarantee results and performance for the majority of society and their wrong management is a guarantee for friction and frustration.

Water control is also recognised as important enough for governments to increase and sustain their spread. Thus, the Bihar Government owns ponds built on its land. And the fishing rights in these ponds, as well as in rivulets and waterlogged areas, are to be legally given exclusively to Mallahs

and their fishermen cooperative societies or to Dalit villages located near these water bodies.

These waterbodies, traditional or government-owned, are not only for water harvesting, but also for fishing and other uses. Whether located in towns or villages, they are targeted, accumulated and exploited by the rich and the powerful in a variety of ways.

Initiating struggles

"A situation was hitherto unknown and unheard of where Mallahs, Musahars and other poor 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 32 government ponds near their villages in the last year. The ownership and use of over 100 ponds in this particular block are under contest. We need not only land reforms, but water reforms too," says Mr. Deepak Bharati of the Lok Shakti Sangathan, a social organisation of Dalits. The organisation was founded in 1992 based on the ideals of the late socialist legend Jaya Prakash Narayan and is initiating struggles over a number of land and water issues.

Northern Bihar, especially the region locally called Mithilanchal, is full of ponds, streams, rivers



A water logged area in Bihar that is rich in resources.



Mallahs in Madhubani District in front of a pond.

and their tributaries. In Madhubani district alone, there are more than 1,500 ponds, small and big. As this region is flooded every year, the water that collects in ponds and rivulets is available in abundance for fishing almost the whole year.

Also, the shift in the courses of the Kosi, the Kamala and the Bagmati is a recurring feature which converts different patches of land into a deep sheet of water, full of fish. This region supplies fish to Bihar and other States like West Bengal and Assam.

For the present, the Madhubani district administration is clear that fishing rights for government ponds are allocated by leases. The leases are given to the Fishermen's Cooperative Societies, which allots the ponds, with the revenue fixed by the Government, to its members. The ponds are to be allotted exclusively for the benefit of the Mallahs, the poor and the downtrodden. There are 20 Fishermen's Cooperative Societies in Madhubani district and only one can exist in each block. Like all other government-organised cooperatives in the State, the organisation and management of the fishermen's societies faces a deep crisis.

In Andhrathari, although there are about 200 government ponds, only 75 of the nearly 400 Mallah families are members of the Fishermen's Cooperative Society. The ponds are, by and large,

controlled by the local rich and landowners, even when they are officially being leased to a Mallah or Musahar.

There are many ways to appropriate a pond, says Mr. Hari Narayan Harsh, a social activist. The powerful continue to capture a pond with brute force, as they do the surplus land, despite it being owned by the Government or being leased to somebody else. The landowner takes the lease in his own or his relative's name with the connivance of the society's officials and the Government agency.

But the most common mode is to take the lease in the name of a Mallah or Musahar who is heavily indebted to a landowner/moneylender. It is the latter who controls everything, from granting the lease to selling the produce. The lease holder works as a water worker and, in return, gets a quarter of the catch.

Sometimes, a poor Mallah has to borrow from the landowner/moneylender, so that the costs of government revenue, seed and feed for the fisheries can be met. In the process, he becomes a wage labourer.

An official of the Fisheries Department in Madhubani says candidly: "Today the Mallahs do not benefit much from the cooperatives. There is a cooperative caucus operating here in the name of the

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fishermen. The Mallahs' poverty, illiteracy, indebtedness and landlessness lead to situations, where they are mostly losers in spite of heavy production and sale of fish in the local and outside market."

Villagers fight back

The Lok Shakti Sanghatan has started questioning and confronting this situation. The dalit villages at *tolas* are asserting their rights. Soharai Brahamotar is a village of Mallahs, Musahars and Kumhars in Lakhnaur block of Madhubani district. All the 250 families of the village are landless, except the land on which their houses stand. Mrs. Somani Devi, an agricultural labourer, says, "We survive on wage labour or on fishing. The males migrate to Punjab, Haryana and Delhi."

Tiwari pond, a government pond measuring seven acres, touches the village on one side. The villagers were using this pond for many years, through a lease from the cooperative. In the late 1980s, a landowner with a lot of political clout got the lease in the name of an outsider, Mr. Ajjij Mia. "One day he came with many people and told us to stop fishing. We stopped, but our children would go there for small fish, swimming and playing. One day they were beaten badly. We complained to the administration, but nothing came of it," recollects Mrs. Americi Devi.

In March 1993, the women of the village took the initiative. It was an all women meeting, organised by Mrs. Somani Devi, Mrs. Americi Devi and Mrs. Fulia. They decided that outsiders and their labourers would be stopped forcibly from fishing or any other activities in the pond. So, Mr. Ajjij Mia and his people were stopped in the following days. A killing tension prevailed for days. The landowner

and his armed henchmen threatened the villagers, fired in the air and the labourers from outside abused them.

Unfortunately, the floods in August 1993 damaged the west embankment of the Kamala. The entire village was wiped out and the pond was filled. The villagers had to start all over again. After they built their houses, the women took up the issue of the pond. But the men were not ready for fear of further retaliation.

The landowner and his men threatened the villagers with court cases and arrest. "It was like snatching food from the tiger's mouth. We were really scared," confirmed Mr. Sushil and some other villagers. There was so much fear that the villagers decided to boycott Mrs. Somani Devi for her repeated defiance and even her husband and son went along with this decision.

Slowly, the villagers came out of their fear and, in 1994, they decided to approach the local administration to measure and demarcate the pond. After this was done, the villagers decided on a new course of action. In 1996-97, they worked for 40 days to dig the pond.

Reaping rich rewards

Now Soharai village controls Tiwari pond. A committee of nine, consisting of Mallahs and Musahars, takes decisions regarding the pond. A new set of rules exist. The committee will decide who will fish and how much will be fished in a season. A person who fishes without the committee's permission is fined Rs. 500. Only big fish are caught. Three-quarters of the money goes to the village fund and the balance to the fishermen. Individuals have to pay for their special needs for fish, on marriages or festivals.

The villagers say that, for the first time, after the renovation – in September-October 1997 – they seeded the pond and in April-May 1998, they were



An activist, Mrs. Americi Devi, of Soharai Brahamotar

Michael Sharma

able to go fishing. They have deposited Rs. 5,200 in the village fund. In August 1998, they collected Rs. 25 each to buy seedlings from outside, so that the pond's fish resources remained intact.

There are three more government ponds near Soharai village, which are controlled by big landowners and their stooges. Two of them – Angaragia and Soharai – are also full, but the landowners use the area for vegetable cropping. The third one – Durga – is controlled by a forward caste

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landowner and its catch is exclusively used for Bhagwati puja.

Sirpur Musahari is a village of Musahars, 5 km. north-east of Jhanjharpur town in Madhubani district. Here a big government pond – Sirpur – is situated right in the middle of the village. This was controlled by a Brahmin landowner from a nearby village for many years.

Claiming their rights

"Even our children could not enter the pond. It was painful to see our children being beaten for a little bit of fishing. When the Sanghatan was formed in the village in early 1990s, one of the first things we decided was to claim our rights over the pond. First, in 1993-94, we asked the landowner's labourers, who used to fish in the pond, to share the catch on an equal basis with the villagers. When he refused, we went to all the local government officials and found that the landowner had no lease over the pond. He had paid money to the society's official and was using the pond," said Mrs. Asharfi Sadai in the village.

Mrs. Garvi Devi remembers the course of the struggle that followed. "We decided to occupy the pond and told the landowner's people not to come. But they would not listen. One day we, children and women, surrounded the pond and forcibly stopped them from entering. Some physical alteration took place, but we succeeded."

Since 1994-95, Sirpur Musahari owns Sirpur

pond, but the pond has still not been leased to them legally by the Fishermen's Cooperative Society. The villagers guard the pond, day and night. They have saved Rs. 10,000 from the earnings from fishing. In 1998, they had a good harvest, so they have saved another Rs. 5,000. They are utilising this money to repair the school building and to purchase a Petromax lamp. They have also decided that the money saved in the village fund from the fishing will be used for sick and older people.


No support

It is to the credit of the Dalit women of Haithiwadi village in Jhanjharpur block that since 1994, when they formed their own society, 31 ponds have been liberated in and around their village. "These ponds are 7-11 acres in size and spread over six villages of Mallahs and Musahars. The local rich amassed much wealth all these years by using the ponds illegally."

All the villages of Mallahs and Musahars complain that there has been no support for their struggles from the administration. This corresponds with the fact that even after the liberation of the water bodies, most of them have still not been leased to Dalits. Hundreds of ponds in the region continue to be controlled by landowners or moneylenders, but there is no official intervention.

The benefits of traditional water resources in terms of production and income are obvious. However, the organisational conditions under which those water resources are used have much to do with the benefits of that water. Where and when the physical and social aspects of water control are not integrated, the rich will find means to appropriate the traditional system.

Yet, many environmental organisations working for the conservation of the traditional water harvesting systems, have frequently overlooked this. The Dalit experience in North Bihar amply shows that this benign neglect results in benefits forgone to the wider society. Such neglect places a heavy burden on the weak and the poor, who are crying for their share in conservation.


Mukul Sharma is a free-lance journalist who writes on environmental issues.