

## FINDING MITHILA BETWEEN INDIA'S CENTRE AND PERIPHERY

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*The linguistic region of Mithila in north Bihar has been one of India's many cultural 'Others'. Part of the erstwhile Presidency of Bengal, Mithila's intellectual identity was largely subsumed by larger cultural region of Bengal. Before the Indian independence in 1947, Mithila's local intellectuals demanded its sovereignty citing inadequate attention to specific issues like the floods of North Bihar. After the Indian independence this demand diminished into a call for a separate province/State. Such demands for a cultural self-determination, the authors argue, originate from an intellectual Othering or alienation. A sense of pride in one's intellectual history, culture, language and literature create a linguistic identity as with Bengal, and Tamil, among numerous others, and it drives one's cultural self-esteem. It often results in demands for a political separation within or without a nation. This article studies the case of Mithila and unearths some of its intellectual currents though it does not advocate the*

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*political viability of a separate Mithila state. In the process it uses Levi-Strauss' study of myth to find an instance of Mithila's early feminism.*

## I. INTRODUCTION

November is an important month in the history of Indian States. On November 1, 1965, *the States Reorganization Act*, an act instrumental in the post-independence division of the States in India, was passed. The State of Jharkhand, India's twenty-eighth State, was born on November 15, 2000, the birth anniversary of Birsa Munda, the leader of *Santhal* rebellion.<sup>1</sup> Subsequently, by the *Constitution (Ninety Second Amendment) Act of 2003*, *Santhali*, the language spoken by the largest tribal population of Jharkhand, was included in the "Eighth Schedule" of the Indian Constitution as evidence of further recognition of the new State's language.<sup>2</sup> Exactly eleven years later, again on November 15, 2011, "just months ahead of the Uttar Pradesh Assembly elections," the State Cabinet, presided over by Chief Minister Mayawati, "approved the division of the State into Purvanchal (eastern region), Bundelkhand, Avadh Pradesh (central region) and Paschim Pradesh (western region)".<sup>3</sup> However, the decision still needs to be approved by the Government of India. The Congress party leaders at the Centre are considering setting up a "State Reorganization Commission" on the issue.

### A. Indian Constitution And The Reorganization Of States

All alteration to the territory of India, including reorganization of States, is governed strictly by the dictates of the Constitution of India. Amid the political outburst that

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<sup>1</sup> See Kalyan Chaudhary, *The Day of Jharkhand*, FRONTLINE, Nov. 25 - Dec. 08, 2000, <http://www.hindu.com/fline/fl1724/17240320.htm>.

<sup>2</sup> See INDIA CONST., Eighth Schedule.

<sup>3</sup> See Atiq Khan, *Maya Splits U.P. Poll Scene Wide Open*, THE HINDU, Nov. 15, 2011, <http://www.thehindu.com/news/national/article2629650.ece?homepage=true&css=print>.

the announcement by Ms. Mayawati has caused, therefore, the Uttar Pradesh government has found it necessary to issue caveats. The Uttar Pradesh government has pointed out that under Articles 3 and 4 of the Constitution, it is not legally binding on the Centre to constitute the "State Reorganization Commission". The State government argues that such a commission that the Centre is mulling over, "had no role in the formation of Uttarakhand, which was carved out of Uttar Pradesh under the Uttar Pradesh Reorganization Act, 2000".<sup>4</sup> Given that two different political parties rule the State and the Centre, both the sides would have an eye on the political outcomes of the choices made.

In Article 3, under part one titled "The Union and Its Territory", the Constitution of India talks about the "Formation of new States and alteration of areas, boundaries or names of existing States".<sup>5</sup> The Indian Parliament may by law—

*"(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;  
 (b) increase the area of any State;  
 (c) diminish the area of any State;  
 (d) alter the boundaries of any State;  
 (e) alter the name of any State."*<sup>6</sup>

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<sup>4</sup> See Atiq Khan, *Not a Poll Gimmick, says Mayawati*, THE HINDU, Nov. 17, 2011, <http://www.thehindu.com/todays-paper/article2634545.ece>.

<sup>5</sup> See INDIA CONST. art. 2.

<sup>6</sup> *Id.* (Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

While most people see this as a political gimmick, one might as well ask when such divisions have not been political. Like the State of Bihar's reorganization to create Jharkhand, Uttar Pradesh was already divided before to carve out Uttarakhand. State reorganization, as the Constitution spells out, is certainly legal and if the Constitution provides for such a possibility, it is only natural that the states would exercise this from time to time. For the purposes of this article, we would move a little east of Uttar Pradesh, Bihar, which successfully made such a demand for division of the State seen in the formation of Jharkhand. In the past soon after the Indian independence, a movement to create a Telugu-speaking state out of the northern portion of the Province of Madras gathered strength. Eventually in 1953, the 16 northern, Telugu-speaking districts of Madras State became the new State of Andhra Pradesh.

In the period that followed, numerous small alterations were made to State boundaries particularly between 1950 to 1956. For example, Bilaspur was merged with Himachal Pradesh on 1 July 1954, and Chandernagore, a former enclave of French India, was incorporated into West Bengal in 1955. In December 1953, Jawaharlal Nehru appointed a States Reorganization Commission under Justice Fazal Ali to prepare for the creation of States on linguistic lines. Govind Ballabh Pant, who served as home minister from December 1954, oversaw the Fazal Ali Commission's efforts. The commission drafted a report in 1955 recommending the reorganization of India's States.<sup>7</sup>

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*Explanation I.*—In this article, in clauses (a) to (e), "State" includes a Union territory, but in the proviso, "State" does not include a Union territory.

*Explanation II.*—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory).

<sup>7</sup> See Mian Abrar, *Pakistan Needs a Roadmap for New Provinces*, PAKISTAN TODAY, Aug. 12, 2011, <http://www.pakistantoday.com.pk/2011/08/pakistan-needs-a-roadmap-for-new-provinces/?printType=article>.

### B. Legal Groundings Of Mithila's Demand

Figure 1: BIHAR'S MAP



[http://india.gov.in/knowindia/st\\_bihar.php](http://india.gov.in/knowindia/st_bihar.php).

Having recounted the history of State reorganization in India, *Mithila's* early movement for a separate State in early part of the 1950s, though fairly political, is not unfounded. It's grounded in reasoned arguments and expresses the will of "We, the people of India",<sup>8</sup> in many ways. *Mithila*, a part of North Bihar, presents a compelling case on the issue of cultural periphery, law and the modern nation state. Sir Roper Lethbridge's *The Golden Book of India* discusses *Mithila* as a subject adequately and accurately.<sup>9</sup>

<sup>8</sup> See INDIA CONST., Preamble.

<sup>9</sup> See ROPER LETHBRIDGE, *THE GOLDEN BOOK OF INDIA* 107-110 (1893).

*Mithila* is a cultural region situated a little east of *Vaishali*, south of Nepal, north of *Magadha* and west of West Bengal. Some of the districts that Lakshaman Jha, an avid demander of a separate *Mithila* state in the 1950s, had demarcated were Darbhanga, Madhubani (known for *Mithila* paintings), Samastipur, Mujaffarpur, East Champaran, North Munger, North Bhagalpur and Purnea.<sup>10</sup> His claims were supported by the mandate of the Constitution of India; the States Reorganisation Act of 1956 reorganized the boundaries of India's states along linguistic lines.<sup>11</sup> The case of a separate *Mithila* State has been in the forefront ever since the Government of India accepted language, culture, geography etc. as the proper basis for a new State.<sup>12</sup>

In this article our treatment of the subject is decidedly Nandysque. The terms *Mithila* and North Bihar will be used interchangeably for obvious reasons. We seek to build on Nandy's personal storytelling as a methodology to his psychoanalysis of Western prototype modernism in India. We use his psychoanalytic technology to point at his studied silence on the issue of Damodar Valley Corporation's (DVC) other side of the story that is woven

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<sup>10</sup> LAKSHMAN JHA, *MITHILA STATE* 7 (1957). His other books on Mithila are: JHA, *MITHILA WILL RISE* (1955); *MITHILA AND INDIA* (1953); *MITHILA A SOVEREIGN REPUBLIC* (1954); *THE NORTHERN BORDER* (1955), *THE WEALTH OF MITHILA* (1956) and *THE WORLD UNION* (1956). Darbhanga's Sudhakar Press published all these booklets under the aegis of Mithila Mandal.

<sup>11</sup> In December 1953, the then Prime Minister Jawaharlal Nehru designated the responsibility of forming the Indian states and union territories solely on a linguistic basis to the "States Reorganization Commission". The fruit of this commission resulted in the *States Reorganization Act*, 1956 that came into being as on 1st November 1956. See *States Reorganization Act*, *ENCYCLOPAEDIA BRITANNICA* (2011), <http://www.britannica.com/EBchecked/topic/564039/States-Reorganization-Act> (last visited Dec. 25, 2011).

<sup>12</sup> *Id.*

into present day's floods in North Bihar.<sup>13</sup> Among other things, using Levi-Strauss's theory of myth the paper establishes the ability of peripheral cultures in educating the so-called central cultures.

Notably, the *Maithil* movement has been Brahminical in nature. One of the reasons why this movement failed was due to its elitist Brahminical underpinnings that did not gather popular support from all the castes and sections of the region. In a way, in its failure the *Mithila* movement stood for India's socialist success. Whereas most of the regions in India faced the dilemma of linguistic essentialisation in the demands for a State on linguistic lines, the people of *Mithila* defeated its Brahminical-linguistic movement that came clothed in a linguistic cloak.

Sadly Dr. Lakshamn Jha and other leaders of this movement failed to connect the cause of a separate *Mithila* State with its entire population. Clearly, the language based call for a separate *Mithila* state did not stand the test of the caste-based pluralism that the region enjoys. Very clearly the Dalit and other communities that have been victim of the age old Hindu orthodoxy and ossified *Brahminism* distanced themselves from such *Maithil* identification. But, as discussed in what follows, the failure of the movement did harm the region in some ways. The article connects Bihar's present day flood-led destruction and the subsequent migration of people to the industrialised States of the country to the failure of *Maithil* movement. Thus, instead of seeking to ignite the movement on the urges of Sanskritic-Brahminical elitism, the *Maithil* leaders should have generated a socialist-linguist movement as the grass-root level in favour of legitimacy.

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<sup>13</sup> A. Nandy, *The Scope and Limits of Dissent: India's First Environmentalist and His Critique of the DVC*, in *BONFIRE OF CREEDS* 394 (2010).

## II. INDIA, BIHAR AND MITHILA

Hari Shankar Parsai, Hindi's most prolific satirist from Madhya Pradesh, was so compelled by these floods, poverty and politics in Bihar that he wrote a scathing masterpiece in the 1970s.<sup>14</sup> In his piece Parsai goes on to write the manifesto of a corrupt party in Bihar.<sup>15</sup> One can understand what must have been the situation then. He writes about the former King of Darbhanga who, after having lost his princely status, was sitting uncomfortably with the changing politics of North Bihar and New Delhi.<sup>16</sup> But as many scholars acknowledge today, *Mithila* indeed was a cradle of scholarly traditions in the past continuing to the modern times. Nandy in particular has identified many modern day Bengali intellectuals who actually were affiliated to *Mithila* in myriad ways.

### A. *The Loss Of Self*

Discussing India's first environmentalist and his critique of the DVC, Nandy notes how such projects were an exercise in arousing technocratic nationalism whose projections as the role models for the India's post-independent wayward youth served to facilitate, as it were, the march of linear history.<sup>17</sup> However unlike Nandy, we think that this project was useful and much needed but misplaced due to DVC's national politics in relocating the project to Bengal. It was moved from North Bihar, the nest of Nandy's characters in his India's first series, to Bengal. Among other firsts, Nandy has argued for India's first environmentalist and India's and even non-west's first psychoanalyst like Kapil Bhattacharjee of Katihar<sup>18</sup> and Girindrasekhar Bose from Darbhanga,

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<sup>14</sup> Hari Shankar Parsai, *Ham Bihar Me Chunav Lad Rahe Hain* [I am contesting elections in Bihar], in TIRCHEE REKHAYEN 102 (4<sup>th</sup> ed., 2000).

<sup>15</sup> *Id.* at 110.

<sup>16</sup> *Id.* at 109.

<sup>17</sup> Nandy, *supra* note 13, at 395.

<sup>18</sup> *Id.* at 400.

respectively.<sup>19</sup> In *Savage Freud* Nandy discusses world's first non-Western psychoanalyst, Girindrasekhar Bose, who in 1931 began psychoanalysing Bhagwad Geeta's *Karma* lessons.<sup>20</sup> Nandy inks: "His childhood memories of Bihar occasionally emerged in later years in the form of rustic wisdom laced with wit, and provided a part-comic but robust counterpoint to urbane *babus* in his works of fantasy".<sup>21</sup>

Nandy both links Bose's intellectualism to *Mithila* and delinks *Mithila* from Bengal when he says that Bose "spent most of his formative years outside Bengal, in North Bihar" i.e. in *Mithila*.<sup>22</sup> His father was a Maharaja of Darbhanga's Diwan. Nandy's is an example of separating Bengal from other similar regions in a way imparting Bengal a distinct cultural sovereignty based on its traditions and language.

There are examples that are exactly opposite to Nandy's demarcation of Bengal from its neighboring cultures; in fact Tagore's example shows Bengal subsuming all the subcultures around it. In his autobiography Paramhansa Yogananda recounts his invitation from Rabindranath Tagore, the poet of *Geetanjali* and the Nobel laureate from Bengal.<sup>23</sup> The yogi recalls Tagore telling him that the "works of Vidyapati, a popular fourteenth century poet", has chiefly influenced him.<sup>24</sup> Tagore, unlike Nandy, did not care to specify the geographical location of Vidyapati. Can this be labeled the cult of cultural subsumption where Bangla subsumes *Maithili*?

Had it been Gandhi, we would have read this as a larger nationalist overtone for India's fight against British colonialism,

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<sup>19</sup> See A. Nandy, *The Savage Freud*, in *BONFIRE OF CREEDS* 346 (2010).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> PARAMHANSA YOGANANDA, *AUTOBIOGRAPHY OF A YOGI* 261 (3<sup>rd</sup> ed., 2006).

<sup>24</sup> *Id.*

but with Tagore, the epitome of High Sanskritic culture and bourgeois Bengali intellectualism, one is tempted to think otherwise.<sup>25</sup> Thanks to the maintained silence on the issue, many take Vidyapati to be a Bengali poet.<sup>26</sup> Between Tagore and Nandy we see an opposing trend but the trends are consistent in the result it produces. Also notable is the fact that the period to which Nandy's *Savage Freud* refers to is early twentieth century; a time when geographically Bihar and Bengal had recently separated. From the 1765 Battle of Buxar to 1912, Bengal and Bihar were one as Bengal Presidency.

As far as Tagore is concerned, it is highly unlikely that the composer of "*Amar Shonar Bangla*" did not see Bangla as a culture distinct from other regions like *Mithila* and when

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<sup>25</sup> See A. NANDY, *THE ILLEGITIMACY OF NATIONALISM: RABINDRANATH TAGORE AND THE POLITICS OF SELF 2* (2000).

<sup>26</sup> The *States Reorganisation Act of 1956* amended the Indian Constitution to replace the three types of states, known as Parts A, B, and C states, with a single type of state. Some argue *Mithila* to be a wrong example of cultural subsumption. Vidyapati's inclusion as a Bengali poet however does represent a case of de-recognising *Maithili* as a language. Only in 2002 the government of India listed *Maithili* in its eight schedule of the Indian constitution along with Dogri and Santhali. While Dogri is spoken in Jammu part of J&K, Santhali's recognition corresponds to the formation of Jharkhand. One may then argue that *Maithili's* recognition is an important first step in the direction of a separate *Mithila* state. Some argue that region of Bengal or of *Mithila* is never fixed and throughout history, Bengal's borders have changed. For instance, pre independence Bengal used to constitute present Bangladesh and parts of present Bihar, Jharkhand and Orissa. Hence, according to some, the assertion that Tagore did not care to specify the geographical location of *Mithila* is erroneous. Here one may refer to the grounds on which provinces/states in India were drawn out; the formation of Andhra Pradesh is only an example. A particular number of inhabitants speaking a proper language (and not a dialect) were some of those grounds. Although additional changes to India's state boundaries have been made since 1956, the *States Reorganisation Act of 1956* remains the single most extensive change in state boundaries since the independence of India in 1947.

Tagore invoked Vidyapati, he knew that Vidyapati didn't pen in Bengali even though before independence both Bangla and Maithili shared a common script.

A court poet in King Sivsimsa's reign in Madhubani district of Bihar, Vidyapati penned in *Maithili*. Throughout the paper, we will endeavour to prove that the larger anthropological omission of *Mithila's* intellectual and cultural self-determination by dominant Bengali writers and intellectuals has had profound political and social effects for *Mithila* after the Indian independence. Had it not been for the adverse social effects due to loss of land, drop in crop productivity, and migration due to floods for example, we would not have penned this article merely for the lyrical melody of cultural narcissism. As Bengal's history aptly demonstrates, cultural recognitions have profound impact on demography, migration and development. They are more acute in materially poor regions such as *Mithila*.

### **B. Loss Of The Maithil Self And The Floods In Bihar**

Simply put, had the funds for flood protection under Wavell Plan, a plan much despised by Nandy in hindsight of DVC's devastating effects on tribal minorities in West Bengal, not diverted to Bengal by Nehru, North Bihar would not have become the breeding ground of India's cheap labour force and migration today. Why couldn't this be stopped? *Mithila* was not culturally self-determined enough to create enough political opposition to put her foot down in an issue that stood between her life and death.

North Bihar was handed down the makeshift plan while the larger funds were reallocated to DVC and Bhakhara Nangal. This loss was both anthropological and sociological, as today North Bihar's flood hit regions have become sites for annual suffrage. Dinesh Kumar Mishra's *The Bihar Flood Story* is the only historical study on the subject with illuminating insights telling how undesirable such an

embankment plan actually was.<sup>27</sup>

*“[The officials of the Government of India organized Calcutta Flood Conference] to discuss the damages due to floods in the Kosi basin in past two years and suggest means to tackle them but the discussion could not go beyond the building of short length of embankments to protect isolated tract exposed to its floods. As a result many embankments sprang up all over north Bihar and were constructed mainly by the local authorities or the indigo planters and later records show that they never allowed the promoters to live in peace.”<sup>28</sup>*

It also points to the grim reality of a marginalized issue even though loss of life and livestock in North Bihar due to floods is well known and documented. The British government thought embankment to be a bad idea, as it would lead to increased destructions and thus high cost of rehabilitation. Post-Independence Nehru reversed the plan under political showmanship of the Congress party's rule in Bihar. Half-baked planned embankments served to render *Mithila* a region known for migration, displacement and disastrous floods.

### ***C. Locating Mithila In History***

Upendra Thakur authored an informative book in 1956 titled “History of Mithila” where he chronicles its intellectual trajectory.<sup>29</sup> Today *Maithili* language has been listed in the Eight Schedule of the Constitution of India thereby partly conceding to the old demand. Vidyapati's, as discussed in section II, is an

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<sup>27</sup> Dinesh Kumar Mishra, *The Bihar Flood Story*, 32 (35) ECO. & PL. WEEKLY 2206 (1997).

<sup>28</sup> *Id.* at 2217.

<sup>29</sup> UPENDRA THAKUR, *HISTORY OF MITHILA* 4 (2<sup>nd</sup>ed., 1988).

example of cultural subsumption. This would not matter much if this were an aberrational case in the history of *Maithil* subculture of India.

According to D. Bhattacharya, by far the greatest contribution that *Mithila* has made to the Indian philosophy is in *Nyayadarshan* or applied logic.<sup>30</sup> Many cite *Yajnavalkya* without knowing that he was born in *Mithila*.<sup>31</sup> This is evidenced by the fact that not only were such works inked in Darbhanga and Madhubani districts of Bihar, but two major schools of *Mimamsa* i.e. Kumaril Bhatta's and Prabhakara's which deal with the elaboration of Vedic sentences and grammar geographically originated in *Mithila*. Also four of the six orthodox systems of Indian philosophy, *Nyaya*, *Vaisesika*, *Mimamsa*, and *Sankhya*, were developed here during 1,000 B.C. to 600 B.C.<sup>32</sup>

In more recent times Sir Ganganath Jha contributed immensely to the development of Hindu personal laws. He started his career as librarian of Darbhanga Maharaj's library but due to personal issues moved to Varanasi. A Doctorate in literature by 1900, *Mahâmahopâdhyâya* in 1901, vice-chancellor of Allahabad University (then Prayag University) in 1923, and Knighted later, by 1920s, Jha was at the centre of Indian philosophy and Sanskritic wisdom as seen from the references to his works by the likes of F. W. Thomas<sup>33</sup> and

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<sup>30</sup> DINESH CHANDRA BHATTACHARYA, *HISTORY OF NAVYA-NYAYA IN MITHILA* 1 (2<sup>nd</sup> ed., 1987).

<sup>31</sup> Some of the major works on ancient Hindu laws were done in and around Darbhanga by Yajnavalkya, Mandan Misra, Bhavbhuti, and more recently Sir Ganganatha Jha (1871 - 1941). See JHA, *supra* note 10, at 1.

<sup>32</sup> See SURESHWAR JHA, *POLITICAL THINKERS IN MITHILA* 7 (2005).

<sup>33</sup> F. W. Thomas, *Indian Ideas of Action and Their Interest for Modern Thinking: Proceedings of the Aristotelian Society*, 18 NEW SERIES 138, 147 (1917-18). Also notable is *Shri Ganganath Jha Research Institute* that was established in 1943. It was taken over by the *Rashtriya Sanskrit Sansthan* as one of the constituent units on Apr. 1, 1971. It is a Deemed

Benoy Kumar Sarkar<sup>34</sup>. Sir Jha was a colleague of P.V. Kane, an eminent Sanskrit scholar who Derrett rates lower than Sir Jha.<sup>35</sup> Sir Jha was not only the new wisdom of Hindu personal law but also its language as the translator of major untouched titles.<sup>36</sup> *Mithila* educated many generations of scholars, which is not duly credited today. Even so, what is more regrettable is the step-motherly treatment that is meted out to Bihar and *Mithila* by the centre after India's independence.

Today, much of *Mithila's* contribution remains wrongly footnoted or even unacknowledged. One may even draw its parallel to Shahrukh Khan's movie *Ashoka*, an epitome of pure fantasy invoked in the name of periodic –historical productions, where till the end viewers do not find any reference to *Ashoka's* original place of rule. Scholarship however cannot make this blunder. Why is such a cultural misappropriation important to those who live at the

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University; see <http://www.sanskrit.nic.in/main/vidyapeethas.htm>. Even the *Journal of the Ganganatha Jha Kendriya Sanskrit Vidyapeetha* has been published for some time now.

<sup>34</sup> Benoy Kumar Sarkar, *The Theory of Property, Law, and Social Order in Hindu Political Philosophy*, 30 INT'L J. ETHICS 311, 319 (1920) (citing Ganganath Jha's Shabara Swami's Commentary on Jaimini's Mimamsa in the Indian Thought for 1910 (Allahabad)).

<sup>35</sup> Duncan Derrett, *The Administration of Hindu Law by the British Comparative*, 4 STUD. SOC'Y & HIST. 10, 35 (1961) (at footnote 111 of his article, Derrett compared Sir Jha and Kane). He says Ganganath "Jha, whose work c. 1930 contributed much to the understanding of Hindu law from the Sastri's angle, is almost entirely ignored". But in his Preface to vol. ii of *Hindu Law in its Sources* (Allahabad, 1933), p. v. [Jha] says; "... all unbiased lawyers will... see how necessary it is to study Hindu Law, and along with it... the *Purva Mimamsa*. Of course, only if the personal law of the Hindus is regarded to be worthwhile preserving. Rather than go on tinkering with it by means of spurious references to ancient authorities, it would be much fairer and straighter to discard it altogether as 'antiquated' and 'out of date'. ...there is still some ground for hoping that Hindu Law will be properly and unbiasedly studied by our lawyers." See *Id.* at 37.

periphery of cultures? Modernity after all is associated with centre and backwardness to periphery. What if under the British imperialism, Bengal captured all the imagination and the entire scholarly works in *Maithili*, its language, were liquidated to be clubbed later as Bengali literature? After 1960s Bihar went down in terms of economic developments. This drove final nail into *Mithila's* cultural coffin.

### III. MITHILA: A DEMAND FOR A SEPARATE STATE TO A STATE WITHIN INDIA

*Mithila* presents an example of a controlled intellectual and politico-cultural self-determination on the periphery of India.<sup>37</sup> However, in due course of time, the intellectual and the cultural one outlived the political. Nonetheless, the forces that such movements have released need to be studied corroborating it with the larger context. Today the Indian State is facing one of the toughest resistances from the periphery in its history. Interestingly, there are many kinds of peripheries on display some of which are geographical, religious and anthropological to identify but a few.

The Niyamgiri-dwelling *DongariaKondh* tribal people<sup>38</sup> living not very far away from *Kolkata*, Muslims (minority in

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<sup>36</sup> See Ganganatha Jha (1871 - 1941), *der gelehrteÜbersetzer von MedhâtithisManukommentar*, in Dharmashastra: Einführung und Überblick8. Manu IX: Sitte und Recht von Ehe und Familie 2. Manu IX, 1-55, <http://www.payer.de/dharmashastra/dharmash082.htm> (last visited Dec. 25, 2011) (a German source on this subject).

<sup>37</sup> As noted above, during the Bhartiya Janata Party's rule, *Maithili* was finally included in the 8<sup>th</sup> schedule by amendment in the Constitution of India as approved by the Lok Sabha. Other languages included were *Santhali*, *Bodo* and *Dogri*. See *Inclusion of Maithili Hailed*, THE TIMES OF INDIA, Dec. 24, 2003, <http://timesofindia.indiatimes.com/city/patna/Inclusion-of-Maithili-hailed/articleshow/378590.cms>.

<sup>38</sup> The tribal peoples' exploitation, invasion of their privacy and loss of their choice and cultural autonomy exposes the deficiency of international law in appreciating cultural, psychological and emotional aspects of

India) fighting for independence in *Kashmir*,<sup>39</sup> and Maoists (ideological) in West Bengal<sup>40</sup>; these all put together present a picture of resistance against the Indian State and its laws from the “internal” Others. Regular riots and demonstrations in Manipur in the North-East India presents another case of resistance against the *Armed Forces (Special Powers) Act, 1958*,

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liberalism and market materialism. International law, in the name of scientific objectivity, should not ignore the psychological and emotive aspects of its application. *See generally*, Prabhakar Singh, *Indian International Law: From a Colonized Apologist to a Subaltern Protagonist*, 22 LEIDEN J. INT’L L. 79, 87 (2010).

<sup>39</sup> In the year 2010 alone about 200 lives were lost in the Kashmir valley while protesting against the rule of army and the implementation. It always has been a bone of contention between India and Pakistan. The public for taking Kashmir issue to the United Nations has always condemned Nehru, the first prime minister of India. Recently Pakistan reminded India pointing out that Kashmir was an international dispute and subject of several United Nations Security Council resolutions, which obviously did not go-down well with India. In January 1948, the Security Council adopted resolution 39 (1948) establishing the United Nations Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. In April 1948, by its resolution 47 (1948), the Council decided to enlarge the membership of UNCIP and to recommend various measures including the use of observers to stop the fighting. The military authorities of India have lodged no complaints since January 1972 and have restricted the activities of the UN observers on the Indian side of the Line of Control. India, however, continued to provide accommodation, transport and other facilities to United Nations Military Observer Group in India and Pakistan. *See, UNMOGIP Background*, UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN, <http://www.un.org/en/peacekeeping/missions/unmogip/background.shtml> (last visited Dec. 25, 2011).

<sup>40</sup> From abducting policemen to derailing passenger trains killing hundreds of people, the Maoists have been active in West Bengal, Bihar, Jharkhand, Andhra Pradesh, and Nepal. Interestingly, one can find a “resume of a rebel” at <http://naxal.jharkhand.org.uk/2009/06/naxalbari-to-lalgarh-my-life-made-me.html>, where the writer tells us how he turned into a gun-wielding Maoist against the Indian state and its police. *See* Suranjita Ray, *Developmental State and People’s Struggle for Land Rights*, XLVIII (29) MAINSTREAM (2010), <http://www.mainstreamweekly.net/article2191.html>.

whereby the army has powers, specially granted, to arrest without warrants.<sup>41</sup>

In India, different groups are now increasingly demanding separate states based on ethno-cultural-linguistic lines: demands for *Gorkhaland* in West Bengal<sup>42</sup> and *Telangana* in Andhra Pradesh<sup>43</sup> are only some of the example of how today a process of Othering is turning into an administrative problem for India. The State wants to pierce the veil suspecting individual political ambitions behind such movements but the demanders decry about state-sponsored terrorism through the army. The question is, can the issue of the Others be solved within the confines and jurisdiction of state's internal laws? The answer is not that obvious.

#### **A. Dr. Lakshman Jha's Role In The Movement**

Given the political trends for a separate state based on language, *Mithila* presents a case worth a look. In the early

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<sup>41</sup> Anil Kamboj, *Manipur and Armed Forces (Special Power) Act 1958*, 28 STRATEGIC ANALYSIS (2004), available at [http://www.idsa.in/strategicanalysis/ManipurandArmedForcesSpecialPowerAct1958\\_akamboj\\_1004](http://www.idsa.in/strategicanalysis/ManipurandArmedForcesSpecialPowerAct1958_akamboj_1004) (On July 11, 2004, the alleged rape and killing of Thanjam Manorama, suspected to be a cadre of the People's Liberation Army, sparked agitations throughout Manipur for the withdrawal of the *Armed Forces Special Powers Act* 1958 (AFSP) from Manipur. Due to the disturbance and insurgency in the state, the Government of India promulgated the AFSP in Manipur State. Since 1980, the whole of Manipur has been a "disturbed area" under the Act. Vide this Act, the security forces have been given some extra powers so as to operate against the insurgents in the disturbed areas. Later a group of Manipuri women protested naked. This presents another case of the "Other", the naked body of protesting Manipuri women, inviting the army to rape them. By such an act, these peripheral women used their bodies as a tool of protest against the Indian State).

<sup>42</sup> Udaya Pradhan, *A Case for Gorkhaland, The Socio-Economic Perspective*, THE GORKHALAND CHRONICLE, Aug. 20, 2008.

<sup>43</sup> K. Vidyasagar, *Telangana State: A Case of Undemocratic Response to a Democratic Demand*, XLIV (51) MAINSTREAM (2006), available at <http://www.mainstreamweekly.net/article75.html>.

1950s, Dr. Lakshman Jha was the leading demander of *Mithila* as a separate country. A doctorate in history from the University of London completed on the grant of state scholarship, Dr. Jha came back to India in 1949 after turning down a teaching position in London. He wanted to serve the cause of *Mithila*. During his doctorate he travelled to Germany and Italy and other parts of Europe; he was certainly influenced by both these countries, which showed up in his pre-1952 separatist sentiments. He was known for his radical views about *Mithila's* political and cultural sovereignty. History has it that his claims for political sovereignty was unsustainable and it turned into a wholesale advocacy for cultural sovereignty. Author of about fifty unpublished manuscripts in English, Sanskrit, Hindi and *Maithili*, Dr. Jha was a socialist and a colleague of Dr. Ram Manohar Lohia, the socialist, and Jay Prakash Narayan; the Gandhi of the seventies.

He retired from active politics after losing the first general election in Independent India in 1952 to a congress candidate. He decided to work on the grass-root level by social activism. He went on to become the vice-chancellor of the Mithila University only to resign after his socialism began suffocating under the pro-congress majority in university politics. He had dreamt about a separate state of *Mithila*. The *Mithila* region has been on a down-the-hill path since the 70s; nothing signifies the irony of *Mithila's* debacle than the very fact that Dr. Jha kept all his unpublished manuscripts close to his chest and refused to publish it or donate it to the L.N. Mithila University's library. Perhaps, he had no readers left. However, he had rightly anticipated that *Mithila* would soon become the periphery of India. An avid supporter of *Mithila's* intellectualism he led many protests against the policies of central and state governments that did not benefit *Mithila*.

### **B. Can Mithila Go The Jharkhand Way?**

There is no collective planned scheme in such cultural self-determinations (when demanding a different province

inside India) and separatist movements operating across national borders (Kashmir/Pakistan and Maoists/Nepal) in India. Had this happened back in time in 1857, the nationalists would have written it as nationalist movement against the British. The Birsa Munda led *Santhal* rebellion, as mentioned in the opening paragraph of the article, in the state of Jharkhand—a tribal province by political mandate created in 2002—was also read into the nationalist history.

Clearly this was done to create a critical mass of smaller movements to project a grand movement of national liberation against British colonization. A micro-historical reading of the *Santhali* tribal rebellion will tell us, some of the subaltern historians have even attempted this, how isolated that single rebellion was. The tradeoff for Birsa Munda, the Santhal leader, was his elevation to the ranks of the Gods—*Bhagwaan Birsa*—in a nation of Hindu majority where several discriminatory caste structures exist.<sup>44</sup> his instance puts forth an example of how the identified Other(s)—in this case the tribal Other(s)—are assimilated for the benefit of a grand narrative that history is.

As noted in the opening paragraph, *Santhali*, the language of tribal population of Chottanagpur plateau, was included in the “Eighth Schedule” of the Constitution in 2003, immediately after the formation of the State of Jharkhand. *Mithila* clearly cannot go the Jharkhand way. In the case of Jharkhand, first the State was recognized and then its language was listed in the Eight Schedule of the Constitution of India. *Maithili* is already recognized and listed. Also, the nature of political movement in Jharkhand was tribal, whereas the *Maithil* movement is decidedly Brahminical and elitist.

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<sup>44</sup> See Singh, *supra* note 38.

#### IV. MITHILA, RĀMĀYANA AND FEMINISM

Drawing on Levi-Strauss' theory of mythology's structures being as rigorous as that of science<sup>45</sup> and Nandy's experiments with mythical knowledge; we will use the cultural region of *Mithila* to contextualise myth-knowledge-history discourse to a definite geography.

*Ram*, the hero of the Sanskrit epic *Rāmāyana*, was the prince of the Kingdom of *Ayodhya*; an archaeological site about 400 miles from New Delhi to its East. Etched in the memory of the Hindus, *Ayodhya* turned into a site for political contestation when in 1992 a mob of Hindu activists demolished the *Babri* Mosque. However, we will go back into the myth of the situation keeping the politics aside for now.

*Ram* married *Sita*, the princess of *Mithila* with capital in *Janakpur*. *Mithila* existed across the current borders of India and Nepal. As *Rāmāyana* elaborately describes it, *Sita* had a very unhappy married life. She suffered two exiles. The first exile came in *Sita's* efforts to match up to the reputation of *Ram*, the ideal man or *Maryadapurushotamma*. The wife had to accompany her husband to the jungle to set an example to the rest of the female world. At the end of the exile, *Ram* embraced her only after her chastity was put to test before the victorious army of *Ram* and the defeated army of *Ravana*, the learned demon King who had abducted *Sita* resulting into the war with *Ram*. As if one test was not enough to insult the chastity of *Sita*, she was next exiled by the royal decree of *Ram* after he overheard comments, which called her purity into question.

For *Mithila*, *Ram* was not the same anymore as it was to the rest of Hindu India. *Ram*, hailed as the Avtaar of Vishnu,

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<sup>45</sup> Claude Levi-Strauss, *The Structural Study of Myth*, 68 J. AM. FOLKLORE 428, 444 (1955).

was *Milthila's* heartless son-in-law. The ideal man for the rest of the Hindu world was a failed husband to *Mithila*. Responding to *Ram's* disrespect for *Sita* (or Women) *Mithila* heralded a tradition akin to feminist movements. The *Mithila*-dwellers stopped giving away their daughters to grooms who lived towards their geographical West; from *Mithila*, *Ram's* Kingdom was towards its West.<sup>46</sup>

This is all mythology. Nonetheless this story marks the emergence of *Mithila's* feminist resistance and the dislike for anything West(ern). This also marks the convergence of myth, custom and history in *Mithila*; a bridge that has kept the pangs of "Otherness" alive in the memory of the *Maithils* till today.

#### ***A. How Myth Leaked Into History?***

During 1960s, in the backdrop of embankment induced floods, many families in *Mithila* found themselves in the midst of poverty. They sold their land, rendered less usable by annual floods from temporary embankment project of post-independence India, to solemnize the marriage of their daughters. Radha Raman Singh's was one such family. A

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<sup>46</sup> The only vernacular commentary on this aspect of *Ram's* rejection is available in the satirical works of philosopher writer Harimohan Jha (1908–1984) of the department of philosophy, Patna University, Bihar. His collection "*Pranamy Devta*" and some other works deal with this issue. Maithilisharan Gupt's "*Saket*" makes Urmila the heroine of *Ramayana* and thus it's a comparable work directed in the direction of finding *Ramayana's* subaltern characters. Harimohan Jha's is the only work in *Maithili* on this issue. Other works on *Ramayana* by historian Ramanujan do not refer to *Mithila's* this particular tradition. And given the recent withdrawal of Ramanujan's essay *Three Hundred Ramayanas: Five Examples and Three Thoughts?* from Delhi University's history syllabus, one can understand how anything *Ramayan-Mahabharata* in India does not subject itself to secular gender and feminist critiques. On this issue, see also Kumkum Roy, *Beyond Ramanujan and the Ramayana*, 56 (46) ECO. & PL. WEEKLY 14 (2011).

resident of village Benta, in the district of Darbhanga, his village was just a little shy of being engulfed by river Kareh, a tributary of Gandak in the floods after 1947. He had to give away his two daughters to the same family to his west in Budhkara, a village in Mujaffarpur; another taboo that *Mithila* practised as all of *Sita's* sisters were married to *Ram's* brothers. *Urmila*, *Sita's* sister did not even get the fame (or defamation) that *Sita* received on account of her two exiles. Married to *Lakshman*, *Ram's* brother who accompanied him in the exile, *Urmila* has been less than the subtext of the *Râmâyana*.<sup>47</sup>

Mr. Singh, a simple riverside farmer, did not have enough money to marry his daughters to his East. Surreptitiously, myth had leaked into history, as this story unfolds, and even today 90-year-old Mr. Singh carries the guilt of his engagement with the West. In a way, to him East represented tradition whereas West a break from that tradition. To this present date, many families in *Mithila* do not give away their daughters to their West. How does one classify this act? An act shrouded in utter primitiveness or backwardness or an act of *Mithila's* commitment to feminism putting it on the forefront of postmodernity. Through the lens of history, this act might be stamped as one of backwardness. However, taking Levi-Strauss' teachings about the structures of mythology seriously, we will see how postmodern this act is. Here the postmodernity stems from mythology and not history.

But one has to also note that *Mithila's* "look east" can have an alternative explanation. In another example of *Mithila's* elitism, its "look east" policy is based on its admiration for Bengal as a culturally superior region. The *Mathils* found

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<sup>47</sup> There are no works of this nature in English or other languages. Maithilisharn Gupt, one of India's national poets, wrote "Saket" where he takes up this subject of *Urmila* and *Râmâyana's* indifference to her sacrifices. See MAITHILISHARN GUPT, *SAKET*, (2005). Sahitya Sadan re-published this work in 2005.

themselves closer to Bengal and thus their subsumption was partially contributory; they asked for it. By the same token they considered regions and languages to its west culturally inferior. No doubt, there was every reason to look-up to Bengal; under the British colonialism Bengal with Calcutta and Dhaka as its centers, was a model for growth to all of Indian hinterlands, including *Mithila*.

Ironically one comes to realize that recognizing or de-recognizing a particular culture is only a moment in history, which is in a state of constant flux. In the long run, the inspiration becomes an admirer and the admirer becomes the inspiration. This is also true for cultures. Thus the relationship between *Mithila* and Bengal is also of the same nature. Little surprise then that Indian culture puts destiny at the center of its existence; everything is fixed and happens according to a plan. At this point the argument turns regressive and exploitative when applied, for example, to support caste-system.

In the current narrative, *Ram*, *Sita* and *Mithila* respectively represent the positive state, *Sita* its subject and *Mithila* the periphery that houses subalterns like *Urmila*. Such feminism is without a parallel in other regions of India yet one does not associate *Mithila* with the birthplace of ancient feminism in India. Today it's a region known for floods, poverty and the supplier of cheap labour to the industrial part of India. Dwellers of *Mithila* along with the rest of Bihar are often looked down upon as a low cultured Indians, the address *Bihari* outside Bihar remain an insult.<sup>48</sup>

#### V. MITHILA, SIR JHA AND HINDU PERSONAL LAWS OF INDIA

The modern commentaries on Hindu personal law jurisprudence from *Mithila* developed in the background of

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<sup>48</sup> Indu Bharti, *The Bihar Crisis*, 24 (6) ECO. & PL. WEEKLY 284, 286 (1989).

such sentiments. Two people stand out as the stalwart of *Maithil* intellectualism. They are Sir Ganganath Jha and Dr. Lakshaman Jha, both not related to each other by blood. While Sir Jha was a Sanskrit scholar, Dr. Jha was socialist in his attitude and advocacy. Sir Jha was a generation older to Dr. Jha. Sir Ganganath Jha—a *Maithil* and the ex-vice chancellor of the Allahabad University wrote about 30 insightful commentaries to elaborate the field of Hindu personal laws.<sup>49</sup> During his time and even after him most of the commentators on Hindu law did not find it a worthwhile exercise to attempt a serious translation of major titles in Sanskrit, which he himself did.

As such, a plethora of speculative opinions abounded their works; all in the name of Hindu personal laws and myth that fathered it. Nonetheless, Sir Jha painstakingly translated volumes that were never attempted before. Talking about him, Duncan Derrett has said “Jha whose work c. 1930 contributed much to the understanding of Hindu law from the Sastri’s angle, is almost entirely ignored”.<sup>50</sup> Jha unearthed and translated many Sanskrit works to inform Hindu law. His strength lies in the commentaries he made and not just in the translation of lapidary insights hidden in those texts. Derrett writes:

*“The contrast between Jha on the one hand and Mayne, Mulla, Raghavachariar, Gupte, Gour and even Kane, on the other is very striking. Jha’s feelings on the relation of Anglo-Hindu law to sastra would be evident merely from his attempts to make available in English the views of the principal authorities (many of whom remain elsewhere untranslated) on vyavahara (practical) matters. His posthumous translation of Vachaspati-misra’s [sic] Vivada-*

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<sup>49</sup> See HETUKAR JHA, GANGANATH JHA 82 (1992).

<sup>50</sup> Derrett, *supra* note 35, at 37 (particularly, footnotes 110 and 111 of his article).

*chintamani (Baroda, 1942) is a splendid memorial*".<sup>51</sup>

Sir Jha's conviction stems from his *Maithil* background and his desire to save Hindu personal laws from "spurious references to ancient authorities".<sup>52</sup> He, in wake of a series of Hindu law scholarship originating from *Mithila*—for example the works of *Yajnavalkya* and *Vachaspati Mishr*, assumed a duty to provide a worthwhile English translation for judicial clarity of those norms. His efforts acquire mammoth significance after Kishwer's observations about the codification of Hindu laws: while curtailing the "growth of custom, the reformers were putting an end to the essence of Hindu law".<sup>53</sup> But understandably it is the apparent satri tone of Sir Jha's work and his refusal to engage with the contemporary secular literature from the West that made his work irrelevant after the Indian independence.

The 1956 *Hindu Marriage Act* drove the final nail into Sir Jha's scholarship when Hindu personal law took a much-needed turn to feminism by recognizing divorce for married Hindu women. Also, due to a modernist reading of Hindu personal laws and the absence of subsequent editions of his works, Jha's scholarship on family law was gradually pushed aside by other textbooks. Not surprisingly, today the gap between Sanskritists and a broader humanities culture is very wide. As P.B. Mehta says, we are in a university system where

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Madhu Kishwar, *Codified Hindu Law: Myth and Reality*, 29 (33) *Eco. & Pl. WEEKLY* 2145, 2145 (1994) (Kishwar's is an expression of sentiments similar to Rajendra Prasad's). *See also* SHASHI THAROOR, *NEHRU: THE INVENTION OF INDIA* 171 (2003). Tharoor notes that when "President Prasad sought directly to send Parliament his objections to the Hindu Code Bill (an attempt to reform Hindu Personal law that Jawaharlal was strongly promoting), Nehru told him this would be an unconstitutional interference in the work of his government and threatened to resign over the issue. Prasad backed off." *See Id.*

even historians of ancient India struggle with Sanskrit, and Sanskritists cannot think beyond their ossified paradigms.<sup>54</sup> Mehta's mooring about the condition of scholarship in Indian education system is noteworthy:

*"[Such texts] interrogated us as much as we interrogated them. But in Indian universities that culture was soon replaced by the most deadening reductionism. The minute you pronounced a text feudal or bourgeois you no longer had to read it, in any serious sense of the term reading. More than anything, the liberal arts were killed by reductionist votaries who had no space for the central aspiration of liberal arts: to produce more sophisticated and enlightened forms of selfknowledge... Classicism was not about glorifying the past or scholastic pedantry, it was a fundamental resource to be deployed, reworked, deconstructed, and sometimes even lampooned in the process of a deeper understanding."*<sup>55</sup>

Unexpectedly, any kind of nationalist motives at the base of such revivals was absent in Sir Jha's work though the inspiration for his works came from his beliefs in Sanskritic wisdom of the Vedic India. Thus the interrogations by such texts aside, the Sanskritic moorings of Sir Jha's intellectual writings led to its demise in the modern times. At best, he was only an accurate translator without any socialist concerns for the role of such laws in secular India. Quite interestingly, in Pakistan today where Hindus are the largest minority, the Government and the Hindu leaders have been unable to break their deadlock "over the divorce clause in" Pakistan's "Hindu Marriage Act."<sup>56</sup>

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<sup>54</sup> P.B. Mehta, *A Century of Forgetting*, THE INDIAN EXPRESS, June 16, 2009, <http://www.indianexpress.com/news/century-of-forgetting/476998/>.

<sup>55</sup> *Id.*

<sup>56</sup> See Zahid Gishkori, *Divorce Remains Sticking Point in Hindu Marriage Act*, THE EXPRESS TRIBUNE, Oct. 12, 2011, <http://tribune.com.pk/story/272193/divorce-remains-sticking-point-in-hindu-marriage-act/>.

## VI. MITHILA AND FLOODS TODAY

In Floods Situation Report Number 7 of 2008, the World Health Organization reports the damage details in the State of Bihar.<sup>57</sup> These figures repeat annually. Due to regular floods induced by the centre-periphery politics of the government of India, *Mithila* is a poor region today.<sup>58</sup> For about half a century, annual floods have ravaged it. This causes a large-scale migration of farmers to other parts of the country as daily-wages labourers. The Flood Management Information System, a joint project of the Bihar government and the World Bank, has monthly observed for floods in the area from *Burhi Gandak* River in the west to *Kosi* River in the east in North Bihar that is most flood prone in the State.<sup>59</sup> It consists of 11 (administrative) districts namely East Champaran, Sheohar, Sitamarhi, Madhubani, Supaul, Saharsa, Muzaffarpur, Darbhanga, Samastipur, Begusarai, and Khagaria. These are the districts that constitute Mithila.

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<sup>57</sup> See UNDAC Situation reports for Aug. and Sept. 2008, *Emergency and Humanitarian Action: India – Bihar Floods*, WORLD HEALTH ORGANISATION, <http://www.searo.who.int/EN/Section1257/Section2263/Section2409/Section2542.htm> (last visited Dec. 25, 2011) (As of 22 September, 2008, population affected – 4,634,000, Number of human lives lost – 216, Number of districts affected – 18, Number of villages affected – 2,528, Cropped area affected (in ha) – 337,000, Number of houses fully damaged – 319,569, Number of livestock lost – 787).

<sup>58</sup> WORLD BANK, Bihar: Towards a Development Strategy (Report) (June 2005), [http://siteresources.worldbank.org/INTINDIA/Resources/Bihar\\_report\\_final\\_June2005.pdf](http://siteresources.worldbank.org/INTINDIA/Resources/Bihar_report_final_June2005.pdf).

<sup>59</sup> See *Observation in Burhi Gandak*, FLOOD MANAGEMENT INFORMATION SYSTEM, BIHAR, available at <http://fmis.bih.nic.in/statistics.html> (last visited Dec. 25, 2011) (In the figure below W.L. = Water Level and D.L. = Danger Level. From July to September the areas are completely submerged).

**Table 1: Years of Flood: Observation done for 1996-2006**

| Month     | Lalbeghiaght  | Sikanderpur          | Samastipur                    | Rosera                     | Khagaria                         |
|-----------|---------------|----------------------|-------------------------------|----------------------------|----------------------------------|
| June      | W.L<D.L       | W.L<D.L              | W.L<D.L                       | W.L<D.L                    | W.L<D.L                          |
| July      | 1998,02,03,04 | 1993,1998,02,03,04   | 93,96,02,03,04,98,99,         | 93,96,98,99,02,03,04,06    | 2000,01                          |
| August    | 1998,01,05,   | 93,98,99,01,02,03,05 | 93,95,96,98,99,01,02,03,04,05 | 91,94,96,98,99,01,03,05,06 | 91,94,96,98,99,01,03,05,06       |
| September | 1994,01,05    | 94,98,99,01,05       | 93,94,96,98,99,01,03,05       | 93,94,98,99,01,03,05       | 91,92,93,94,95,96,98,99,01,03,05 |

Source: FMIS, Bihar.

### ***A. Dams As Sights Of Modernist Intervention In India***

Nandy paints the mood of North Indian rivers with striking colours. Quoting Amal Home, Nandy psychoanalyses the use of the word 'wayward' for Indian rivers and the ensuing logic that came from it to legitimise dam building projects in India. Note the use of the term wayward, Nandy points out, "It is perfectly compatible with the image of some of the larger, more turbulent rivers in folk-tales and memories in eastern India, where rivers are revered as powerful demonic mothers with a touch of wayward, insane violence".<sup>60</sup>

Under the Wavell plan, the British government had allocated funds for the flood protection of rivers in Bihar (province in which *Mithila* falls). After the Indian independence in 1947 and with New Delhi as the capital, that fund was diverted to Punjab and West Bengal for Bhakhra Nangal and DVC; both central to the new federal politics of the Indian Government. *Mithila* and other regions of Bihar were handed down a makeshift solution for floods i.e. temporary embankments to stop the floodwater.<sup>61</sup> Nandy has offered a

<sup>60</sup> Nandy, *supra* note 13, at 395.

<sup>61</sup> N. K. Singh, *River of Scandal*, 8 (37) Eco. & Pl. WEEKLY 1673, 1674 (1973).

novel and insightful anti-modern critique of dam *versus* embankment.<sup>62</sup>

*"The native embankments [on Damodar river] were "controlled use of floods—and dams—was managed by the peasants collectively; the state did not play much part in it. So the peasants did not pay any tax or levy for their privilege; their gain was seen as part of nature's bounty."<sup>63</sup> [Its] maintenance was stopped in the eighteenth century, when Maratha raids became frequent in Bengal. Afterwards, when the Raj was established, the British did not understand the importance of maintaining these bunds and their proper use. They presumed they were only checks against floods, and that the canals were only a means of water supply."<sup>64</sup>*

Thus what Bengal had for centuries was built in North Bihar, Kosi Project, to compensate for diverting the funds to DVC; what Nandy wanted for Bengal was gifted to Bihar and what Bihar needed was shipped to Bengal. Essentially, what Nandy argues is that the modern state should have continued to look at the traditional and largely sustainable idea of development and disaster management with respect and appreciation. The seeds of prosperity, the argument goes, are hidden in face-lifting the traditional structures and not in the imported, pseudo-secular, progressive developmentalism presenting the population at the doors of Nehru's clichéd "temples of modern India". Torn and devastated by the war Britain, Bhattacharjee thought, British "planned DVC within the framework of imperial self-interest."<sup>65</sup> The DVC thus embodies

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<sup>62</sup> Nandy, *supra* note 13, at 411.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 412.

<sup>65</sup> *Id.* at 405.

double jeopardy. First it was an imperial self-interested project of the colonizers, and, after independence, Nehru government used this project in Congress's self interest.

After generating a little employment, the embankment project did more harm than good. The Congress party rule in both New Delhi and Bihar ensured the provincial government's silence, much less a demand for permanent solution. The division of India in 1947 had created a whole new line of periphery. The new geographical periphery of Punjab and West Bengal was central to the Indian politics. Dr. Rajendra Prasad, the rather passive first president of India, did little to find a solution for his home province, Bihar.<sup>66</sup>

Even the subsequent non-Congress rule did not take the issue seriously as Bihar gradually degenerated into a site of caste-based politics. A report by a Patna based institute, though with fairly low level of sophistication, has noted that Jawaharlal Nehru talked the people of Kosi into believing that embankments were better than the dam ordered by Lord Wavell, Viceroy of India then.<sup>67</sup> Reportedly, "work on Kosi dam

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<sup>66</sup> Even though he was India's first president, Dr. Rajendra Prasad sat uncomfortably with Nehru as the prime minister. Prasad belonged to the Patel camp. Shashi Tharoor recounts how Prasad, influenced by Patel's nationalistic sentiments, stood against the codification and passing of the *Hindu Marriage Act* 1956. However, after Nehru refused to relent, Prasad could hardly do anything. See also THAROOR, *supra* note 53, at 171 (Nehru largely ignored Prasad and he was left with little political muscle to meaningfully voice his concerns specific to North Bihar).

<sup>67</sup> Jyoti Singh, *Tennessee Valley Authority (USA) Pattern Wavell Project or Kosi Project (1945)*, DR. L.N. SINHA INTERNATIONAL INSTITUTE OF ECONOMIC GROWTH, HUMAN RIGHTS, INFORMATION TECHNOLOGY & RESEARCH (1999), <http://www.biharonline.com/lnmodel/kosiproject.htm> (The author's crude presentation of the Kosi Project is however the only online available report on the subject. The State of Bihar has not conducted much investigation into this either, a typical problem with poor states in India. The Institute is named after Dr. L.N. Sinha, the only scholar to have completed his doctoral studies under Dr. Lakshman Jha, Mithila's leading separatist leader. Interestingly enough, Dr. Jha had nominated Dr. Sinha

was in progress when Nehru stopped it and transferred the money to Bhakra Nagal and Damodar Valley Corporation".<sup>68</sup> In wake of the era of displacement that such projects led to in India, many think of Nehru's decision as lucky for India. But readers must note that the original fund for North Bihar was meant not for dam construction but permanent flood protection. The fund diversion without any protest from the State government in Patna only exposes Central government's indifference to *Mithila* while modernizing parts of India.

## VII. CONCLUSION

The separatist basis for *Maithil* movement was language-based; much like Bengali, *Maithili*, on account of its rich and old tradition, flourished with a strong regional flavour. But the nature of the movement remained strongly *Brahminical*, influenced heavily by Sanskritic scholasticism of the past. After all *Mithila* was a centre for Sanskritic learning and philosophy. Compared to other languages of Bihar like *Bhojpuri* and *Magahi* (without a particular script), *Maithili* remained elitist in its content and attitude toward other sub-languages. For example, regions in Bihar where *Bhojpuri* is spoken, people of all castes and religions speak it. With *Maithili* this is not the case. Interestingly, existence of *Maithili* as a language might be the reason for this. While dialects are not subject to grammatical purity, a language is. *Maithili* was born along with other languages like *Pali*, *Prakrit*, *Magahi*, and *Bhojpuri*. But it was written in the same script as Bangla.

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as the Prime Minister of his dream *Mithila* State and had partially drafted its Constitution as well. See his book, LAKSHMAN JHA, *MITHILA: A SOVEREIGN REPUBLIC* (1954). Dr. Jha was lucky to have not received much attention as such publications clearly go against the State with the possibility of treason charges. The Indian Law Commission's forty-third report has noted that the law of treason in India is scattered all over the place and Dr. Jha's book could have attracted one of such laws). See also LAW COMMISSION OF INDIA, *OFFENCES AGAINST THE NATIONAL SECURITY* (1971), at 1.

<sup>68</sup> Singh, *Id.*

Though its vocabulary remained largely Sanskritic its syntax did develop distinctly. A combination of a separate grammar, script, syntax, and vocabulary galvanized it from it becoming the language of the masses. Today, it just remains the language of the Brahmins of *Mithila* while other so-called upper castes Hindus and Muslims at best try to imitate for its purity. Thus the purest form of *Maithili* as the language of the masses exists only in the northeastern region of Bihar, that too spoken by the upper caste Hindus. Albeit in some of the regions of Nepal, *Maithili* is spoken.

Therefore *Maithili* based movement did not translate into a successful political movement for a separate state. It lacked grass root legitimacy as the region of *Mithila* is populated not only by *Maithili* speaking upper caste Hindus, mostly Brahmins, but other religious groups such as Muslims, who while speaking *Maithili* did not identify with *Maithil* nationalism like the way the people of Bangladesh envisaged in Tagore's "Amar Shonar Bangla".<sup>69</sup> When India became free, under the changed priorities of the new Congress leadership at the centre, *Mithila*, a failed movement by now, got a raw deal. Instead of a long-term plan, it was handed down a makeshift plan. Ever since, as though by stroke of destiny, Bihar has been the cradle of cheap labour for all of India.

*"In spite of the rise of investment in volatile flood control sector, the flood-prone areas and the flood damage in Bihar are on the increase. The reason for this paradox lies in the short-sightedness exhibited by the expert technical opinion which*

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<sup>69</sup> *Amar Shonar Bangla* (My Golden Bengal) is a 1905 song written and composed by Rabindranath Tagore, the first ten lines of which were adopted in 1972 as the Bangladeshi national anthem. Tagore has the rare distinction of having authored national anthem of two nations India and Bangladesh. See Ananda Lal, *Adoration and Ignorance*, THE TELEGRAPH, Aug. 13, 2011, [http://www.telegraphindia.com/1110813/jsp/opinion/story\\_14371227.jsp](http://www.telegraphindia.com/1110813/jsp/opinion/story_14371227.jsp).

*has taken diametrically opposite stances in pre- and post-independence period. It opposed construction of embankments during the British rule, as the colonial rulers desisted spending on rehabilitation operations. While in independent India, the technical opinion, under the political compulsion to do welfare of the people, has wholeheartedly supported construction of embankments and big dams. As a consequence, not only have flood control projects not performed according to the initial expectations but have in fact created a worse scenario.”<sup>70</sup>*

Since the days of Nehru's mistake and indifference to Bihar, floods have been annual guest to *Mithila*. One may ask what made Nehru divert the funds for North Bihar to Bengal and Punjab; perhaps the stronger cultural assertion of Bengal and Punjab and a toothless Rajendra Prasad who belonged to the Patel camp, without much say before Nehru.<sup>71</sup> As a non-Maithil President Rajendra Prasad was hardly interested in the *Mathil* movement either. The only way he could have been convinced to act was to draw his attention to the plight such temporary arrangements for negotiating floods would bring to the region. Perhaps, as the history suggests, it was too much to ask him. Replying to the then Chief Minister of Bihar Sri Kirshna Sinha's letter about the grave flood situation in the North Bihar region, Dr. Prasad advised him to “send a request to the Prime Minister, giving him all the details.”<sup>72</sup> “I can only express my regret that I am unable to share with you your anxieties”<sup>73</sup> is what he remarked.

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<sup>70</sup> Mishra, *supra* note 27, at 2206.

<sup>71</sup> THAROOR, *supra* note 53, at 171.

<sup>72</sup> Rajendra Prasad, *Letter of 13 August 1954*, in DR. RAJENDRA PRASAD: LETTERS AND SELECT DOCUMENTS 64 (Valmiki Chaudhary ed., 1992).

<sup>73</sup> *Id.*

Perhaps, had the cultural sovereignty of *Mithila* been as recognised as Bengal's or Punjab's, North Bihar's poor population would not have been initiated into the political cult of numerous Nehruvian mistakes? Therefore the readers should not assess the article as an exercise in hollow cultural and intellectual indulgence into the alleged Hindu past of *Mithila*. *Mithila* was first robbed of her intellectual treasure trove by cultural subsumption, which had a strong bearing on the floods that ravaged her rendering her materially poor. Therefore the article seeks to make a case for recognition of *Mithila's* cultural sovereignty that has a liberating potential for millions of its people.

India is a country of a million cultural mutinies. Today non-secular *Sanskrit* Pundits are the worst obstacles to the understanding the richness of the resources on which they sit, *Mithila's* example provides a fresh perspective on epistemological self-determination vis-à-vis a political one. The dominant view within a State must connect to a richer body of Others' texts with emerging needs of social self-knowledge. A combination of texts and a tradition flowing from *Mithila*, for example, can be put together to build a micro-historical perspective on justice, the Others and the periphery. Often the glory of *Mithila* is consigned to Mythology but, as we discussed above, a kind of postmodernity emanates from *Mithila*. Political inaction must not consign the larger intellectual heritage of *Mithila* into a demand for Hindu obscurantism. After all, right wing obscurantism and looking into ones intellectual history, now branded as Hindu past, are not even nearly identical.

After independence, the Indian State discriminated old periphery from the new ones created by the partition of Punjab and Bengal. No doubt, these new peripheries bled like no other periphery, demanding immediate first aid, some attention to the old periphery *Mithila* was equally important. While the chaos at the new Punjab-Bengal periphery was

spectacular due to Hindu-Muslim-Sikh riots, *Mithila's* death in installment was sepulchral, attracting lesser attention or even indifference. This indifference was good so far at it did defeat the *Brahminical* nature of the project, but the same indifference was suicidal for the Agrarian set-up of *Mithila*. It simply put it in a limbo; having to choose between declining agrarian benefits and the impossibility of industrial job opportunities. Due to floods agriculture was not possible like before, and industrialization was neither a priority of the State nor the Central government. The situation hasn't changed in 2011 and the region continues to supply labour force to feed the industrial side of India with continued job related migration.