

## **Revisiting The Mahanadi Water Dispute Discourse: A Reflection of Diverse Perspectives**

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### **Abstract**

The original character of the Mahanadi River loses its sight with incessant interventions in it by construction of dams and barrages. Barrages are perfectly conducive for industries, but a hindrance for irrigation. The Mahanadi is now at the grip of pollution owing to the disposal of industrial and urban waste. Water conflicts provide fertile grounds for political parties to plant seeds for electoral advantages. What Mahanadi stands in need of is ecological revitalization and not dam building for lands and rivers give sustenance to our lives.

**Keywords:** Ecology, Industrialization, Electoral gains, Tribunal, Rejuvenation

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## **Introduction**

The Mahanadi's water is of immense significance for both the farmers and industries of Odisha and Chhattisgarh. The conflict between the states came to surface when Chhattisgarh's drew up a plan to build barrages over the river. The argument of Chhattisgarh government behind the construction of the barrages was to put a break on the flood water that runs to the sea without effective use and not to play havoc with the natural flow. But the Odisha government was in opposition tooth and nail in respect of building of dams and barrages on the Mahanadi in Chhattisgarh making reference to farmers' welfare for its justification. As a matter of fact, both governments point to farmers and their crops as grounds for the face off whereas in reality, it is not the farmers in these states but the industries that consume the major share of water (Purohit, 2016). The inter-state water dispute is being brought to focus by these political parties to turn away the notice of people from the basic issue. The crucial matter is that Odisha and Chhattisgarh governments equally are treating the Mahanadi as a commodity to benefit the industries that in fact negates the advantages in respect of farming community in particular and the people in general. The entire Mahanadi River basin stands in front of extensive ecological decline by mining, other industrial practices and rapid urbanization. But neither state uses to emphasize it (Panda, 2016). The Mahanadi is now privatized in both states completely. The issue of privatization has made the river a breeding ground of exploitation by private interests. The political parties are least concerned about the original form of the river and environmental flow. With incessant interventions in the river by constructing dams and barrages, the original character of the river loses its sight. Barrages are perfectly suited for industries, not for irrigation. In Odisha, major share of water is meant for use in industry from the Hirakud dam and its downstream delta region. As a consequence of which, the means of securing the basic necessities of life of fishing community and cultivators growing crops in the channel in which a river flows are adversely affected. The rising level of pollution also puts negative impacts on the drinking water, irrigation and the plants and animals living in the river to a large extent. (<https://www.soppecom.org/pdf/press-note-english-version.pdf>).

## **Shadow Of The Past**

In accordance with the deliberations conducted on 27th April 1983 at Bhubaneswar attended by Sri Arjun Singh, Chief Minister, Madhya Pradesh Sri Janaki Ballabh Patnaik, Chief Minister, Orissa and Sri Niranjan Patnaik, Minister of State for Irrigation & Power, Orissa along with the officials of the two states, the various agreements were reached between them such as IB Project (Orissa Project, Sarnai Project (Madhya Pradesh project), Kurnala Project (Joint Project), Upper Jonk Project (Orissa Project), Lower Jonk Project

(Joint Project), Ong Project (Orissa Project, Jira Project (Orissa Project), Sahajbahal Project ( Joint Project), Lower Kolab Project (Joint Project), etc. Madhya Pradesh and Odisha consented to set up a Joint Control Board to make assessment regarding the progress of survey, investigation, planning, execution and operation of Joint Inter-State Irrigation and or Power Projects from time and again and to talk about and decide every issue arising there of. The blueprint of the dam was planned by renowned engineer M. Visvesvaraya and later the project was backed by two experts-A.N. Khosla and M.S.T. Iyengar. The dam was an engineering miracle-one of the biggest earthen dams. Both Odisha and Madhya Pradesh had accorded their consent on the project remaining aware of the 83,000 square Kilometers of its catchment area. After successful accomplishment of Hirakud Dam Project, many Irrigation projects have been built by Government of Madhya Pradesh obstructing the continuous stream of water to the Hirakud Reservoir. Added to the above projects, a few projects are under progress and a number of fresh proposals are on the anvil for realisation in coming days.. Setting up of the joint control board was recommended in the agreement on even distribution of the Mahanadi water but the proposal was kept in the cold storage for years together (Government of Odisha, 2004).

### **Rising Industrialization and Urban Sewage**

Both Chhattisgarh and Odisha make huge investments in power and steel sectors in order to meet the needs of the water guzzling industries in their respective states. The Odisha government had experienced vociferous protests from the farmers over showing preference for the private industries by supply of water to it at the expense of agriculture sector. The hidden interests of industries in the two states have gained ascendancy over the conflict. The Chhattisgarh Government has inked a memorandum of understanding (MoU) for establishing power plants with a capacity of 49,000 MW. On the other hand, the Odisha Government has signed a MoU for setting up power plants with 60,000 MW potential. Both regimes are pulling out all the stops to provide water from the Mahanadi River for these projects. The Chhattisgarh Government has constructed nearly 50 masonry check dams in different tributaries of the Mahanadi and two major hydro projects over main stream of Mahanadi are now under progress. This would certainly result in ecological imbalances not only in Odisha State, but also within the State of Chhattisgarh itself. It is a matter of surprise that how the Union Ministry of Environment, Forests and Climate Change officially allowed the State Government of Chhattisgarh to proceed with the projects which would infact amount to widespread ecological destruction in the true sense of term (Kanungo, 2016). In 2008, farmers in Odisha who were dependent on the Mahanadi water came together at Hirakud Dam and erected a 'Chasi Rekha' (line of farmers), It is a border wall inside the reservoir beyond which industrial units would not be not permitted to

take water from it. For farmers, allocation of water to industries is the major cause for water deficit in the basin. However, both the states have been treating Mahanadi as a water surplus river to pull to investments into thermal power plants and other industries for which they have not shown any sign of interest in problems faced by the river which is actually at present a water deficit one (Orissabarta Bureau, 2016). In Chhattisgarh, people can neither use water for drinking purposes nor fishing for their livelihood. Gone are the days, when to construct dams was to supply with water to farmland, but now the hidden goal is to provide water to industrial units. A number of private ownership of other rivers have come to surface. Accordingly, the Kelo, Kurkut, Shabri, Kharun, and Maand rivers have been handed over to private companies in a continuing series to receive monetary advantages from it (Putul, 2007). The purposeful attempt by the Chhattisgarh government is to hoodwink the rules and to encourage the development of industries on an extensive scale by having recourse to dishonest exploitation of rivers against the interests of the farming communities living in the basin areas.

The welfare and prosperity of both states is dependent on 'Living and Healthy Mahanadi' but this runs contrary to their hidden agenda of showing undue favour for extractive industries. The states are in great need of industries but not at the cost of irrigation and farmers. Industrial houses from both the sides are enjoying the advantage of the Mahanadi water. Haphazard planning of water extraction has increased drought, farmer suicides, aggravate flood devastations and increase disasters in the Bay of Bengal. Both the governments are putting up water flow and balance analysis based on old and fragmented data in order to pursue privatisation of the river water. The absence of coordination between both the states on water flow data and flood management is deadly for people downstream. At present, Hirakud dam's safety is also at critical stage. Mahanadi and most of its tributaries are in severe water stress now. Coal fired power plants have caused the death of the Mahanadi river. Both Odisha and Chhattisgarh have become power centres with coal energy at the cost of the river. Mahanadi is already a water deficit basin and confronting serious challenges. The Mahanadi is now at the grip of pollution owing to the disposal of industrial and urban waste. It appears that urban people are becoming insensitive and indifferent in a gradual way about how rivers are subject to tension. Water affected by human use from city areas contains elements like grit, debris, suspended solids, pathogens, organic wastes, nutrients, and a combination of around 200 known chemicals. The contaminated rivers bear diverse perilous effects, starting from health hazards to extinction of some species; from health of aquatic and terrestrial organisms to health of economy. Liquid waste flowing out of a factory into the river bears an effect on fishery market, tourism revenue and a large number of related sector of the economy relying on rivers.

The absence of regulations to prevent dumping waste into the Mahanadi provides opportunities for such collective pollution. Rivers play a vital role in shaping the ecology and civilizations have socio-economic and cultural relationships with them. Cities can no longer destroy the essential quality of the rivers at their wish for the simple reason that they have more money power and political influence in comparison with the rural areas and the ecology itself (Panda, 2017). Fifteen large industries are found in the Mahanadi basin, aluminium and thermal power plants at Hirakud, charge chrome and power plant at Chowdwar, paper industry in Jagatpur and two fertiliser plants in Paradeep which let out liquid waste into the Mahanadi openly. A sum of industrial wastages discharged into the Mahanadi at Sambalpur, Cuttack and Paradeep from the larger units are 736 KLD, 2,780 KLD and 5,280 KLD respectively (Jena, 2008). The undue utilisation of Mahanadi river water by the inhabitants and industrial units set up near Mahanadi Basin causes a feeling of worry in decades to come. The continuous and high degree of human interference in the river basins bears potential implications not only the soundness of the river, but also poses a stupendous threat to the environmental sustainability. Both Odisha and Chhattisgarh governments treat the water of Mahanadi as a sole source to garner benefits for industrial sake which runs counter to the interests of the farming community and the people at large. While both the state governments are insistent enough for increasing the water allocation to industries, they are less serious about making water available to agriculture and to meet basic domestic water needs (Water Conflict Forum, 2016).

### **Political Mileages**

The Mahanadi river basin extends over 27 parliamentary constituencies consisting of 13 in Odisha, 11 in Chhattisgarh and one each in Jharkhand, Maharashtra and Madhya Pradesh. Going by the parliamentary numbers, the political stakes are undoubtedly very high for every single political parties and particularly the ruling BJP in Chhattisgarh and BJD in Odisha. It is not only a conflict between two states with respect to farmers welfare but also political battlefield between BJP and BJD to reap political benefits out of it (Pruseth, 2016). The political parties are engaged in identifying mistakes with the each other just to secure political returns. While the ruling BJD is charged with pushing aside the Chhattisgarh's act of constructing barrages in the initial period, BJP leaders claim that Odisha Government was though well informed but lackadaisical on the subject of the neighboring state's activities. The Congress on its part holds both BJD and BJP responsible for the upsetting situation. The BJP, on the other hand alleged that the BJD is trying to cause the issue political in character keeping in view panchayat polls ahead. But the fact is that both central government and Chhattisgarh governments are ruled by one political party which is not favorable to Odisha's positions for the easy solution of the conflict. The

political parties even within the same state view matters in the light of repercussions on their political support base. Water disputes provide breeding grounds to political parties for electoral benefits. Water politics is clearly visible on Mahanadi issue. In Chhattisgarh, Janata Congress stays afloat itself on the Mahanadi political wave, an excellent chance to gratify public taste to make popular. Chhattisgarh ruling BJP (Bharatiya Janata Party) has assumed a strong stand to defend for its own province and Chhattisgarh opposition parties are in favour of their Government. From another point of view, multiple political activities begin to grow on Odisha land and the State Government is not taken a determined policy so far on method of solution, after it left the CWC meeting at Delhi. Odisha Chief Minister has delivered an exciting talk to struggle for the Mahanadi river up to the last period of his life. In Odisha, the present ruling party (Biju Janata Dal), first took a political designed work on Mahanadi issue by raising voice in the premises of district Collectors' offices to create an impression in the minds of people that it is contending with the cause of the Mahanadi. BJD played a pioneering role in bringing the matter into limelight, possibly to check its competitors from eking out political benefits from the conflict and to deflect public notice from other accusations of Opposition parties. Subsequently, BJD dispatched a team to Chhattisgarh to examine the state of affairs while waiting to take a stand after observing carefully all positions of the Opposition. BJD, though did not react to the call for an all-party meeting called by the Leader of Opposition, it possibly has kept open the likelihood of an all-party committee in the Assembly. Odisha BJP has assumed a position of nitpicking the state government's activities, charging it of inactiveness and giving misleading information to shift condemnation. Odisha Congress encountered serious inner squabbles while involving in the Mahanadi water politics. While OPCC (Odisha Pradesh Congress Committee) declared to form a team and visit Chhattisgarh, Congress Legislature team visited Chhattisgarh without waiting for the declaration of PCC (Pradesh Congress Committee), perhaps realising the importance of the situation. The Congress MLA and the Leader of Opposition, called an all party meeting on August 3 where all opposition leaders took part. A wide divergence of views came to the surface between PCC and CLP (Congress Legislature Party) on the process. On August 10, the Leader of Opposition again led a delegation of all opposition parties and civil society members to present corresponding grievances to the Governor and sent a memorandum to the President of India. In 2018 and 2019, the Bharatiya Janata Party (BJP) in Chhattisgarh and the Biju Janata Dal (BJD) in Odisha will be fighting tough elections. To survive anti-incumbency is a feasible alternative for them as both have long years of experience of governance. Both calls for new grounds for political mobilisation, and the Mahanadi dispute is a nice opportunity for them. The governments cannot afford to be seen as compromising their respective

States' interests. On the other hand, parties in opposition find it more fruitful to charge the governments of compromising the States' interests (Chokkakula, 2018). Time will say how much benefits various political parties and individual political leaders will garner from this river dispute. Politicians may be accomplishing a desired result in elections by seizing an opportunity of such fights for interests of the state, but the Mahanadi, the people and biodiversity that directly depend on it may be badly affected to a large extent. Truly speaking, the political parties' interests gain an edge over the real interests of the farmers and river.

### **A Social Rift**

The Mahanadi brings together both the states socially and culturally. The Mahanadi river constitutes life line of people of Chhattisgarh and Odisha. The Mahanadi too is respected one in the same way as all other rivers. It plays a most important role in life of people and is inseparable segment of all the foremost religious occasions. The water of Mahanadi is considered to be sacred and auspicious for any incident - be it good or bad. It is accepted as true that the water of Mahanadi is endowed with the power to turn evil into good. The river Mahanadi in fact bears a great religious importance. Many Shiv temples are located on the bank of the river. People of both states take water from the Mahanadi and pour it in the shivling with devotion. Again people belonging to lower castes and tribal category use Mahanadi water as holy Ganga to immerse funeral ashes of their deceased forefathers for heavenly abode and sanctity of the departed soul. The Mahanadi is closely related with Jagannath cult. The deity Nilamadhav worshipped by Biswabasu was carried along this route by boat. The historians are of the opinion that Sabanarayan shrine is believed to be the same place where Biswabasu worshipped the lord Nilamadhab. People of both states have an emotional, cultural and organic bond with the Holy Mahanadi River. It remains unforgettable in folklore and legendary singers singing a song of praise to its glory. People are closely related with nature and environment. The same tribes live on both sides of boundary wall of the states concerned. People live in one state and work in another state.

For people, both Odisha and Chhattisgarh governments are equally responsible for the tussle over Mahanadi river water. Normal life was hampered in most parts of Odisha for voicing disapproval in respect of the construction of dams on the upstream of the Mahanadi river in Chhattisgarh. The sorry incident of halting the car of Nitin Dubey, a famous singer of Chhattisgarh, at Jharsuguda on the way of his return journey to Chhattisgarh and harassing him by putting question on the construction of barrages on Mahanadi has in fact embittered the relationship between the artists and general public in the plea of Mahanadi water dispute. A break in interconnectedness in respect of people to people relation and people with nature has begun to surface in some quarters in respect of emerging water dispute between two neighbours.

### **Delatory Process**

The demand for stoppage of dams on the Mahanadi's upstream in Chattisgarh was also too late from the side of Odisha government. The BJD government was initially on denial mode saying Chattisgarh projects would have no impact on Odisha. Further, setting up a tribunal, long demanded by Odisha government to resolve issues pertaining to the sharing of the Mahanadi river water was ultimately cancelled by the Centre on the ground of inadequate information and reliable data in support of its claim. Even if the Centre feels satisfied in constituting a tribunal, the legal wrangling over river water would have stretched over decades. In India, eight river dispute tribunals have been formed so far, but the verdict given by the tribunal has been accepted by the states only in three cases. The very inordinate delays have come about mainly on account of adjudication process characterized by conflict and litigation delay (**Das & Sharma, 2017**). The Tribunal for Cauvery water dispute is the glaring example of it which took seventeen years to give its final award. The recent decision by the Central government to set up a single, permanent tribunal to decide all interstate water disputes cannot also serve the purpose. However, in the permanent tribunal the deadline of three years for the resolution of such disputes is a fine step. But this objective of resolving the dispute in a span of three years time does not appear to be attainable due to the backlog cases and also impending cases, particularly by one single institution. A single institution cannot be able to address all cases of civil, political, legal and administrative. The protracted proceedings and extreme delays cannot be ruled out in this case also. The law for a permanent tribunal is yet to be enacted. The delay is costing Odisha dearly because the neighbouring state is completing various projects in a quick manner taking advantage of the situation. Now water has turned into a political issue. The award given by the tribunal may be bitterly contested due to competing political interests. In addition to this, as in some cases the decisions of the tribunal might be called into question in the Supreme Court thereby slowing down the implementation process and giving rise to long legal battles. The unwillingness and delay of the Centre in the formation of a tribunal may be attributed to varied causes. There is a lurking suspicion on the part of the Centre that the tribunal may go deep into the root of the every aspect of the Mahanadi water dispute and drag the Centre into the arena of judiciary. The tribunal must ascertain whether the projects built so far are meant for minor irrigation projects or for the use of industry and thermal power plants.

### **The Way Ahead**

What Mahanadi stands in need of is ecological revitalization and not dam building for lands and rivers give sustenance to our lives. In the context of a virtual institutional vacuum, fragmented state level policies and absence of a democratic and transparent mechanism

around water allocation, increasing suspicion and conflicts between the two states are inevitable outcomes. The political will of the riparian states as well as the impartial approach of the Centre also is of utmost importance in this state of affairs. A broad-based river basin organisation with active stakeholder participation needs to be higher priority. The flow regulation from dams, barrages, anicuts and other diversion structures have caused changes to a noticeable degree in the seasonal flow patterns in the natural hydrograph of the streams in the Mahanadi River Basin (Samuel, Bhagat & Joy, 2017). Let noble thoughts dawn upon the current generation of politicians not to defile the river which flows for millions of years. Governments have to create river-friendly policies on the utilisation of the water keeping in view the interests of local communities. Alternative energy sources are suitable options for the both. Both the states should evolve a combined innovative plan to make the river basin drought proof which can provide clean drinking water and save livestock and wildlife. The lack of a proper river policy has in fact kindled into a dispute, as both the states are in the process of signing a number of MoUs with industries for maximum utilization of river water, which signals an imminent danger to the very existence of the river. The urgent need is to start political dialogues at the political executives' level. The people of both the states of Odisha and Chattisgarh should come to the fore and bring out the real issues of the Mahanadi water distribution to the forefront and help both the state governments in resolving the issue amicably without becoming politicized and bringing in bitterness.

Waging a war around river waters would only set hurdles in the matter and draw away from any sustainable solution. Instead of being at loggerheads over it, the states should come out with a fresh plan to use the water sensibly and devise a clear roadmap on what needs to be done. Defiling the pristine water of a river depriving river water dependents is unwholesome and unethical on the part of the government. Hence, it is hopeful for the governance of two states meditate on the issue to find out sustained action without sticking to their own stance. A peaceful solution is therefore the only way forward. The Mahanadi is an exemplification of dilapidation by both state governments for years together. No doubt water sharing bears a topic of crucial significance, but the gradual decay of the river will figure a looming challenge for both Odisha and Chhattisgarh in decades to come. Instead of being entangled in a legal battle over water sharing, both should be instrumental for its rejuvenation which is the need of the moment. A defined allocation of water with a national consensus over it is the key for successful resolution of the dispute.

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