



The Mahanadi River Water Dispute Discourse: An Amalgamation of Politics, Power and Privatisation

Mukti Sahu*

E-mail: muktisahupolsc@gmail.com

Ph.D. Research Scholar, P.G. Department of Political Science and Public Administration, Sambalpur University & Lecturer in Political Science, Boudh Panchayat (Degree) College Boudh, Odisha, India.

Abstract

In India, Inter-state water disputes are characterized by complexity and resentment for the reason that these disputes get entangled in party politics. These are complex because of the unfriendly relationship between Centre and the federal units. The Mahanadi River water conflict started owing to the shortage of water in the middle or tail part of the river due to the privatization of the water on one hand and the continuation of the major dam projects in the upper part of the river. The privatization of the water of the Mahanadi River is the main cause of the conflicts between Odisha and Chhattisgarh. To invite more investment from the water of the Mahanadi River, both Odisha and Chhattisgarh have committed themselves to diverting water to industry and its various sectors. This diversion of water leads to the shortage of flow of water to the lower part of the river. In addition to this, in the continuation of the dams projects carried out by Chhattisgarh, Odisha is severely affected in terms of water shortage to fulfill the local agricultural demand and make available as natural resources for the people of Odisha. This issue is not confined to the industrial sector and developmental side. In contrast to this, the second area of issue is the politicization of the water by the political leaders and its ruling parties. The Mahanadi River water conflicts largely demonstrate a 'Political Game' from which the political actors gain political mileage one way or other way. The political leaders of the disputant states also used the Mahanadi water issue to demand vote banks and to strengthen the political constituencies. So as to save the water of the Mahanadi River from Privatization and Politicization, the water activists started 'Mahanadi Bachao Andolan' in staging silent 'Jal Satyagraha' over the Mahanadi River Water Dispute. Now, the river loses its original character by reason of continual interventions in the form of dams and barrages by the upper riparian state. This research paper tries to put an inquiry into the amalgamation of 'politics, power, and privatization' in the Mahanadi River water dispute between Odisha & Chhattisgarh. This paper also offers some possible points to resolve the disputes in a constitutional framework. Along with this, ecological revitalization of the river is the prime need of the hour to save the life of the River.

Key words: Mahanadi River, Privatisation, Politics, Jal Satyagraha, Mahanadi Bacchao Andolana

Introduction

The Mahanadi River water dispute is one of the burning issues in the long list history of the inter-state river water disputes in India. It is the longest river among the ones in east-central India. The Mahanadi River water dispute started between two riparian states – Odisha and Chhattisgarh owing to the

construction of a series of water projects in the form of dams and barrages in the waterline of the Mahanadi particularly in the upper part of the river by Chhattisgarh, where Chhattisgarh is the upper riparian state and Odisha is the lower riparian state. The River is commonly treated as a 'lifeline' of both Odisha and Chhattisgarh. The Mahanadi River is a seasonal river following in the water territory of east-central India. The basin area of the Mahanadi River spread out over the states of Chhattisgarh and Odisha and a somewhat smaller segment of Madhya Pradesh, Jharkhand, and Maharashtra. The total drainage area of the River is 1, 41,589 Sq.km. Further, its drainage area covers state-wise i.e. in the state of Madhya Pradesh, it is 75136 Sq.km, in Odisha, it is 65580 Sq.km, in Jharkhand, it is 635 Sq.km and in Maharashtra, it is 238 Sq.km. Put it differently, if we put side by side this drainage area of the river with the total geographical area of the country, then it would be 4.3% (India-WRIS, 2021). The Mahanadi River starts off its journey from a Pool, 6 km from Farsiya village of Dhamtari district of the state of Chhattisgarh. From origin to its outfall, the total length of the Mahanadi River is about 851 Km. It finally falls into the territory of the Bay of Bengal. The River basin area extends for the most part through the state of Chhattisgarh and then to Odisha. It also partly extends its water territory over the states of Madhya Pradesh, Jharkhand, and Maharashtra (Patnaik, 2018).

The inter-state conflict over the allocation of water from the Mahanadi River is said to have started between Odisha and Chhattisgarh in July 2016 when the state of Odisha objected to the construction of a series of dams and barrages carried out by the Chhattisgarh Government in the upstream of the Mahanadi River. Odisha is the lower riparian whereas Chhattisgarh state is the upper riparian state. In this matter, the lower riparian state of Odisha alleged that due to the construction of ongoing water projects in the upper catchment of the river, Odisha would deprive of its legitimate share of water of the Mahanadi River and will dry up the River downstream and have an effect on farmer communities, industrial sectors and ecological environment of the Odisha (Prava, 2021). In this matter, DS Mishra, the Spokesperson of the Odisha Government alleged that the 'indiscriminate' building of bonds of dams and barrages in the upper catchment of the River by Chhattisgarh has ended all opportunity of the state of Odisha getting its legitimate share of water from the Mahanadi River. To reply to the statement of the Mishra, top officials of the Department of Water Resources of the Chhattisgarh Government contradict that "the Mahanadi River originates in Chhattisgarh and it is very important for the survival and sustenance of the crores of people of our state. So, it is necessary in our part to singularly claim that we have first right over its water. It is superior to utilize the water of the Mahanadi River than to let it flow unused into the tail end i.e. Bay of Bengal as Odisha does" (Soni, 2016).

Furthermore, the Odisha Government alleged that the BJP Party-led Chhattisgarh Government trying to divest the legitimate share of the water of Odisha on the water of the Mahanadi by building dam projects in the upper part of the river. Responded to the statement of Odisha, Chhattisgarh said that the construction of water projects in the form of dams and barrages was well within its right to widen irrigation facilities for the farmer communities of the state. While the Odisha Government is blaming Chhattisgarh for the stumbling block of water for the dams and barrages on one hand and diversion of water to the industries, it may be noted from the fact that the Chhattisgarh Government treats Mahanadi River water as a personal commodity, not as a natural resource or ecological entity. The main objection of Odisha against the Chhattisgarh is that the Chhattisgarh Government wanted to store more water in the upper part of the River by constructing dams and barrages meant for industries than for the farmer communities (Sahu, 2018).

The Hirakud Dam has been the root cause of the conflict between Odisha and Chhattisgarh. It has colonized the water of the river Mahanadi to attract a number of industries and power plants. Being the lower riparian state, Odisha has offered Hirakud water to industries and its sub units and invited them to invest more in it. At the same time, in the upper part of the river, the Chhattisgarh Government has also constructed several water projects in the form of dams & barrages. In this matter, the Odisha Government is complaining about the matter of diminution of the flow of water into the Hirakud Dam that would impact developmental plans and communities (Panda, 2019). Ranjan Panda, popularly known as the 'Waterman of Odisha' said that the inter-state water dispute between Odisha and

Chhattisgarh over the allocation of the Mahanadi river water centered on the reduced flow of water at the Hirakud Reservoir for the reason that the dams and barrages constructed in the upstream of the river. He further added that the cause of the dispute is different but both Odisha and Chhattisgarh trying to blame each other. They are not serious about the water issue. They did not come to the front for discussion. It is a matter of the fact that both states have committed themselves to divert the water of the Mahanadi to industries in the name of the 'development' and have been supporting the River Mahanadi as a 'water surplus river' (ibid). This commitment of both states is the main cause of the dispute between Odisha and Chhattisgarh.

The Mahanadi River is the helping hand of the people of both Odisha and Chhattisgarh in terms of lives and livelihoods. But over the last five years, some of the political parties in both Odisha and Chhattisgarh have been trying to produce a situation of dispute and conflict over the sharing of the Mahanadi River waters. The common people of both states also expressed a deep concern that unnecessary stresses are being formed by political parties of both Odisha and Chhattisgarh over the rights of the Mahanadi River waters. Actually, the main issue in the dispute is looking at the Mahanadi River as a resource that especially benefits the industries which is totally against the interest of the farmer communities. They are too busy in selling the water of the Mahanadi River to the 'corporate sector'. Further, the common people raised another critical question in this matter that why both Odisha and Chhattisgarh on one hand and BJD and BJP political parties on the other are not concerned about the original form of the river and the ecological entity of the river basin? They are not serious about the availability of the water to the agricultural sector, especially to the farmer communities (Water Conflicts Forum, 2016). Ranjan Panda of Water initiative Odisha said that there is an endanger-ness of Mahanadi ecological wealth owing to the activation of the dams and barrages in the upper catchment of the river basin. As a researcher, he visited many basin areas of Mahanadi in Odisha and Chhattisgarh and found that the Mahanadi River's ecology was under threat. According to Nandiya Chand Kanungo (2016) who is a senior officer and an environmentalist, if the water of the Mahanadi River is arrested at several points for commercial purposes by the BJP led Ramana Singh Government, especially in the upper part of the river, the fortune of Odisha cost is doubtful & would lead to an ecological disaster. This dispute now turned into a political fight between Odisha and Chhattisgarh.

Literature Review:

According to Ratha (2019), the Mahanadi River water has been a major element not only for the interest of the farmer community and industrial benefit but also a prevailing political discourse between Odisha and Chhattisgarh. He further argues that the Mahanadi river water dispute came to the surface when the upper riparian state activated a number of water projects in the form of dams and barrages upstream of the river. The political parties of disputant states are engaged in identifying mistakes with each other just to secure political advantages and for the personal benefit of the states. Furthermore, Ratha added that these inter-state water conflicts give fertile grounds for political parties of both states to plant seeds for electoral returns. To save the life of the river, there is need of ecological revitalization.

According to Ratha and Mahapatra (2017), the Mahanadi River is the helping hand of both the state of Odisha and Chhattisgarh. The water of the river Mahanadi is the main element for the lives of the farmer communities, they solely depend upon their livelihoods. It fulfills the agricultural needs of the four and a half crore people of Odisha. In the water line of the Mahanadi, the Hirakud Dam was constructed for the purpose of the supply of hydroelectric power, flood management, water-storing, etc. Now, this development of Odisha is a great challenge, when the upper riparian state Chhattisgarh made a strong argument by constructing dams and barrages in the upper part of the river devoid of the prior permission of the lower riparian state (Odisha). Now, the policy agencies and tribunals that are established are still under question whether they will be able to resolve the inter-state water dispute or just maintain the status quo by simply making it political in nature.

According to Samuel et al (2017), the Mahanadi River basin is facing a serious crisis for the last half-decade. The important theme may be sharing of river water in the two filed i.e. Agricultural

and Industrial sectors; River basin management; and Rising conflict among the competitive parties of interest. Therefore, to resolve this inter-state issue and the private & capital interest of the parties or the stakeholders, the Integrated Water Resource Management (IWRM) was established. This would provide ample scope to take the edge off private and political dimensions of the issue & for developing an integrated approach for just, democratic and sustainable management of the water resources of the Mahanadi River.

According to Ranjan Panda (2018), the Mahanadi River is popularly known as the sixth-largest river in the Indian peninsula. It is an interstate river between Odisha and Chhattisgarh. Now, this river is in the stage of decline stress, and crisis. It is declining on a massive scale as the river water is hugely exploited by the industries and its various sub-units for the private interest. Panda further added that due to the illegal construction of the dams and barrages by Chhattisgarh, the water issue is the front page of the media. The issue started in the month of July 2016, when the upper riparian state started water projects in the upper part of the river. There is the ecological degradation of the river due to the mismanagement of the river and for the private interests of the stakeholders.

According to Mohanty (2021), the construction of dams and barrages by the Chhattisgarh government has choked the inflow of water to the lower riparian state (Odisha). In an assembly speech, the Water Resource Minister of Odisha- Raghunandan Das said that the Government of Chhattisgarh has constructed 516 barrages in the upper catchment of the Mahanadi River resulting in the diminution of water inflow to the river by 37 percent between 2005 and 2016 in the non-monsoon time. Since 2016, both Odisha and Chhattisgarh are locked in a bitter clash due to the construction of the 6 industrial barrages- Kalma, Saradi, Basatpur, Mirauni, Sheorinarayan, and Samoda. These barrages are the main cause of the dispute between the two states on one hand and decreased inflow of water to the lower part on the other.

According to Sahu (2018), the coal-fired power plants are the real cause of the conflict in the inter-state Mahanadi river water dispute. The diversion of water to the private sector is the main cause of the dispute between Odisha and Chhattisgarh. There is a clash between the farmer's interests & industrial interests. The Mahanadi River is a water-stressed river and rampant industrialization in both Odisha and Chhattisgarh had made the issue worse. Ranjan Panda, 'Water Man of Odisha' has raised the issue of ecological and environmental degradation of the Mahanadi River. He furthermore said that there is water scarcity in the lower riparian state by reason of indiscriminate industrialization and contentious dam projects. It has also a great impact on the people living along the basin, especially farmer communities, fisher folk, and other indigenous groups.

Research Questions:

The following are the research questions in the study of my research:-

- A.** What were the contextual factors that caused the dispute over the distribution of Mahanadi River Water?
- B.** How did the Mahanadi River water become Politicised?
- C.** How did the Mahanadi River water become Privatized?
- D.** Who were the principal actors involved in the Mahanadi River water dispute and what position did they take?
- E.** How did the federal relationship between Chhattisgarh and Odisha in the Mahanadi River water dispute affect the Power Relations & Strategic Options?
- F.** What are the roles of the Mahanadi Bachao Andolan in staging the Silent 'Jal Satyagraha' over the Mahanadi River water dispute?
- G.** What is the Political strength of the interests of both Odisha and Chhattisgarh governments still involved in the Mahanadi River water Dispute?

Methods

Research Design

This research work is an endeavour to study the various implications of Mahanadi River water disputes between Odisha and Chhattisgarh on Indian federalism. In brief, this study tries to comprehend various mechanisms, assumptions and the government initiatives over maintaining & sustaining federal system at the same time as dealing with the inter-state water sharing conflicts between Odisha and Chhattisgarh over the water of the Mahanadi River. This research is mostly qualitative in nature and based on a case study method. So far as the data collection is concerned, this proposed research work makes use of the 'library research method' for the collection of primary data, i.e. various legal documents on Mahanadi River and its water allocation in the agricultural and industrial sector and 'content analysis for the collection of secondary data.

Data Collection and Analysis

For the purpose of data interpretation in the research work, the proposed research depends on the legal and institutional approach. For this study, the primary data was collected in the form of Government reports, study reports of various research organizations on water conflicts in India, the role of the India Water Initiative, Judgment of the water tribunal & Research Papers. Secondary data for this research include- Journals, Periodicals, Books, Articles, Newspapers, etc. Both Primary and Secondary data have been systematized, analyzed, and interpreted on the basic principle of water sharing and distribution between Odisha and Chhattisgarh over the Mahanadi River Water.

Results

In order to better understand the Mahanadi River water dispute between Odisha and Chhattisgarh, it is necessary to discuss two areas of the dispute in the study, (1) the Privatization of the Mahanadi River water dispute by the industrial sector of both states and politicization of the water by the political parties of both disputant states. In addition to this, the proposed research work also discussed a silent protest entitled 'Jal Satyagraha' over the Mahanadi river water dispute to save it from its discriminatory nature.

The Privatization of Inter-State Water: A Study of the Mahanadi River Water Dispute:-

In the words of Mohanty (2020), Odisha is largely an agriculture-based state. Its maximum population always depends upon agriculture for their lives and livelihoods. The Mahanadi River runs through at least 20 districts out of 30 distinct of Odisha which it is close to fuels the state's economy and agriculture. To full fill the dream of Odisha's agricultural-based economy, the Government of India for the first time adopted the 'policy of developmentalism' in the form of the dam project. To control the floodwater, irrigation, navigation on one hand and for the production of Hydroelectric power for the state of Odisha on the other, the Hirakud Dam project was started in the year 1946 and completed in the year 1953 near the Burla of Sambalpur district of Odisha. Previously, there was no bipartite accord between Odisha & Chhattisgarh (erstwhile Madhya Pradesh) over the make use of the Mahanadi River water. It is a matter of fact that Odisha started an industrial policy much earlier than Madhya Pradesh (presently Chhattisgarh); the Odisha Government was free to consume water from the Mahanadi River & enjoy supremacy to divert the water to the industrial sector and their sub-units without any problems from the neighbours (Purohit, 2016).

But, when Madhya Pradesh directly opposed the supremacy of Odisha over the water of the Mahanadi River, as a result, the second phase of the conflict started between Odisha and Chhattisgarh, though the first appeared in dates back to 1957, after the inauguration of dam by Jawaharlal Nehru, first Prime Minister of India. Both Madhya Pradesh and Odisha have fought severely over the Mahanadi water they contribute to. As per the Report of the Central Water Commission (1997), a Memorandum of Agreement was entered into amid the state of Madhya Pradesh and Odisha on 28 April 1983 at

Bhubaneswar to overcome the inter-state water dispute between Odisha and Chhattisgarh on the Mahanadi River water issue. The meeting was attended by the Shri Janaki Ballabh Patnaik, Chief Minister of Odisha, and Shri Arjun Singh, Chief Minister of Madhya Pradesh to find out a possible solution on the Mahanadi issue. The officers present in the meeting from Madhya Pradesh were: N. K. Krishna, (Secretary Energy & Secretary to CM), V.M. Chitale (Secretary Irrigation), Matin Ahmad (Chief Engineer and Special Secretary to CM), A.S Dhagat (Chief engineer irrigation Mahanadi basin), S.C. Sahani (Superintending Engineer) & U.B Singh (Superintending Engineer). From the officers of Odisha, the members present were: Niranjana Patnaik (Minister for state for irrigation and power), Ghyana Chand (Chief Secretary), P.C Hota (Commissioner cum secretary, irrigation and power Department), S.B Mishra (Secretary to CM), S.C Tripathy (Consultant), K.T.Subudhi (Engineering in Chief, irrigation), A. Panda (Chairman, Odisha state electricity Board), K.C Mohapatra (Deputy Secretary, Irrigation and power), R.K Mishra (Deputy Secretary, Irrigation and power), M.L. Lath (Superintending Engineer, Technical Unit), J.C.Pati (Executive Engineer planning), S.N. Mishra (Executive Engineer, Sundargarh Irrigation Division), C.R. Mohapatra (Executive Engineer, Padampur Irrigation Division), S.N. Mohanty (Executive Engineer, Kalahandi Irrigation Division) & A.R Satapathy (Assistant to Engineer-in-chief, irrigation, Odisha). In the meeting, three decisions have been taken: (1) To study the backwaters from Hirakud Dam for the period of high flood & submergence caused in the Raigarh area, (2) Agree to set up a Joint Control Board to re-examine the progress from time to time of survey, investigation, planning, execution and operation of the Joint inter-state irrigation and/ or power projects, (3) To examine & study the inter-state river water dispute between Odisha and Madhya Pradesh on the Mahanadi River water from time to time (ibid: 29-32).

However, the Board never got materialised and the states go on with to manage the river in their own ways. After the bifurcation of Madhya Pradesh and the emergence of Chhattisgarh as a new state in the year 2000, the scenario of the Mahanadi inter-state River water issue has totally changed to a great extent. Before the pre-liberalization period, the use of the water of the Mahanadi in the field of the industrial sector was nominal. But, it has increased gradually over time, when both riparian states (Odisha & Chhattisgarh) were too busy in selling up of water of the Mahanadi to the private sector. According to Ratha (2019), both riparian states make huge funds in the power and steel segment to meet the requirements of the water-guzzling industries in their respective states. The Memorandum of Understanding among different industrial sectors is the preliminary point of the disputes between Odisha and Chhattisgarh. However, the Government of Chhattisgarh has taken place a Memorandum of Understanding (MoU) for the purpose of setting up power plants with a capacity of 49,000 MW in which the water of the river Mahanadi is highly required. On the second hand, the Government of Odisha has signed a Memorandum of Understanding (MoU) for establishing Power Plants with 6,000 MW potential (ibid:105). Along with this, the Government of Odisha has also signed more than 100 MoU with the industrial sector. Thus, the over-allocation of water to the industries and its sub-units has affected irrigation negatively and has led to conflict between industries and farmer communities on one hand and Odisha and Chhattisgarh on the other.

Recently, many experts on Water Conservation gathered in Raipur to discuss the various issues in inter-state river disputes in India. In their deliberations, they have stated that the building of a series of barrages on the Mahanadi River on the one hand and the diversion of water to the industries and its various sub-units on the other has resulted in the inter-state river dispute between Odisha and Chhattisgarh. Lingaraj Pradhan, Convenor of the Paschim Odisha Krishak Sangathan argued that both Odisha and Chhattisgarh are intentionally fuelling the controversy to weaken the lives of the farmer communities. Further, Pradhan added that both governments are totally responsible for selling the excess water of the Mahanadi River to industrial units. The diversion of Hirakud Dam water to industries is in the private interest of the Government of Odisha as it is weakened the natural flow of the river water. "In the midst of the inter-state dispute over the allocation of the Mahanadi River, there is also the issue of river pollution. No governments are serious to talk about how the Mahanadi River is dying for the reason that of diversion of its water to industries on a large scale", as stated by Shripad Adhikari, the Water Conservationist (Soni, 2016). Alok Shukla, Convenor of Chhattisgarh Bachao Andolan assumed that the most important issue in the Mahanadi River water dispute between Odisha

and Chhattisgarh is the “selling of river water to the corporate sector”. He pointed out that the Government of Chhattisgarh intends to build power plants with a total capacity of 70,000 MW in the state. Theoretically, both Odisha and Chhattisgarh governments have signed a couple of MoUs for building power plants, but in reality, they have not worked appropriately for the supply of water of Mahanadi to power plants. They have used the Mahanadi River as a commodity, not as a natural resource (ibid).

It is a matter of fact that the federal relations between Odisha and Chhattisgarh are not so good as a result of conflicts between these two states over the waters of the Mahanadi River since 2016. Both states are at loggerheads over a dying river. The Mahanadi River is totally dying due to interference by the private sector. There is a consistent degradation of the level of water in the lower part of the river as it is privatized by both governments in the matter of selling of water to the corporate sector. However, water experts believe that the continuation of the water projects in the form of dams and barrages affects the natural flow of water. The First party of the dispute, i.e. Chhattisgarh desires to increase its revenue generation by taking benefit of the Mahanadi River for industrial purposes. The Chhattisgarh Government continues to privatize, colonize and put up for sale the water of the Mahanadi River industries and its various sub-units instead of utilizing it for the benefits of the irrigation and drinking facilities. The Second party of the dispute, i.e. Odisha also shares out the water of the Mahanadi from the Hirakud project with industries (Ratha, 2019). To express strong objection to this interference, about 25000 farmers had formed a Human Chain and run 18 Km around Burla near Sambalpur in October 2006. The farmer communities argued that if this development would continue then there is a possibility of a shortage of water for irrigation and other purposes. The farmer communities will struggle for their survival which finally leads to ecological degradation (ibid).

To invite more investment in the water of the Mahanadi River, both Odisha and Chhattisgarh governments have committed themselves to mine and industrialization. Both states claim it for the purpose of development in the context of power plants, mines, and industries and have been encouraging the River Mahanadi as ‘Water Surplus River’. In the words of Lalit Mohan Patnaik, an engineer from Odisha, the state of Chhattisgarh has 10 percent more catchment area than Odisha in the Mahanadi River basin. It is around 30,000 MCM (Million Cubic Meter) water harvest in Chhattisgarh and 27,000 MCM in Odisha. In this issue, the lower riparian state- Odisha takes into question that when all the 2000 dams & barrages in the upper part of the river will start functioning collectively, the lifeline of Odisha (Mahanadi River) will be converted into a stretched out pool with storage potential of 829 MCM of water throughout the non-monsoon epoch (Prava, 2021). Furthermore, he clarified that due to this intervention of the Chhattisgarh Government, the percentage of the flow of water to the Hirakud Water Reservoir commonly known as the heart of Odisha has been reduced by 1/3rd during the non-monsoon period & when all the water projects in the form of dams and barrages will start working singularly, the inflow of water to the Hirakud Reservoir will be reduced to approximately zero. Thus, it can be said that while conflict is centered on the reduced flow of water, at the same time, looking towards the industrial sectors and harvesting more from it, Odisha and Chhattisgarh have signed roughly 120 MoUs with different industrial units that required enormous amount of water from Mahanadi. The major Thermal Power Plants in Chhattisgarh (Raipur) are Jindal Steel & Power Limited (JSPL) and DB Power whereas in Odisha (Jharsuguda) Odisha Power Generation Corporation (OPGC) and Vedanta are the major water guzzlers sounding Hirakud Reservoir. This has been the most important cause of the disputes especially the privatization of River water of the Mahanadi (Ibid). Odisha Government argued that Chhattisgarh government activities on the construction work of dam projects are not meant for irrigation fields, but a large amount of water has already been transformed into the corporate sector for the benefits of the state. The Chhattisgarh Government singularly constructed the dams and barrages without taking any consent of the lower riparian state of Odisha. To counter the claim of Odisha, Chhattisgarh alleged that we have the first rights over the water resources of the Mahanadi because the river originates first in the state of Chhattisgarh and then flows to the Odisha & finally meets the Bay of Bangle. Further, Chhattisgarh stated that surplus water may be used by the Odisha if required by the state (Sahu, 2022:17).

The Politicization of Inter-State Water: A Study of the Mahanadi River Water Dispute:-

The first sign of Political tussles was started between Odisha and Chhattisgarh over the allocation of water in the Indian parliament when the BJD Parliamentarian Dillip Tirkey raised a strong voice to the construction of dams and barrages by the upper riparian state in the upper catchment of the river. He proclaimed that BJP led Chhattisgarh Government illegally constructing a series of dams lacking the prior permission of the lower riparian state (Odisha). Since then, the Mahanadi River issue has grown quickly into a major political battle between Odisha and Chhattisgarh on one hand and BJD and BJP on the other hand. However, the Government of Odisha started two-way fights in opposition to the Chhattisgarh Government; the first one at the official level and the second at the political level. At the official level, the Odisha Government had sent many official letters to the Chhattisgarh Government to stop the construction works of the dams and barrages and release water to the lower part of the river on one hand & Centre to instruct the Chhattisgarh Government to halt the ongoing projects over the Mahanadi River (Panda, 2019). At the Political level, Odisha Government started a Political March and campaign against the BJP-ruled Chhattisgarh Government's illegalities in the construction works of dams and barrages in the upper part of the River. Along with this, Odisha Government also started the Mahanadi Bachao Andolan in staging Jal Satyagraha near the Mahanadi River particularly in Cuttack and Sambalpur (ibid ibid).

In this matter, the Government of Odisha has alleged that the BJP-led Central Government has favoured the same ruling party Government in Chhattisgarh to do illegal activities in constructing the dams and barrages in the upper riparian state. In order to resolve the dispute, the BJD leader cum Odisha CM Naveen Patnaik wrote a special official letter to PM Narendra Modi which reads: "I strongly recommend for instantaneous constitution of a tribunal and reference of complaint dated 19.11.2016 for intercession". Further, Patnaik said that "Being the leader of the federal system in India, I also support for your good self, to mediate in the Mahanadi River issue by instructing the upper riparian state of Chhattisgarh to bring to a standstill the construction work of barrages on Mahanadi River and to unlock the gates of Kalma barrage and other barrages to continue the free flow of water to the downstream which is a rightful claim of my state (Odisha) and its habitants" (Odisha Diary Bureau, 2017). To react to the statement of CM of Odisha, Raman Singh, CM of Chhattisgarh said that "the claim of Odisha is shameless and not reasonable, it is a non-issue, but BJD led Odisha Government trying to make it into an issue for the benefits of the state politics. Singh did not give the thought to being in a mood for engaging any claim of Odisha & threw the ball into Odisha's court (ibid). Rabindra Jena, Rajya Sabha MP (BJD) from Balasore (Odisha) said that "there is a close connection between Government of India and Chhattisgarh over the Mahanadi River water issue as both states are run by the BJP party where Odisha is run by a non-BJP party i.e. BJD a regional outfit. He further argued that party favouritism makes the Mahanadi issue a controversial one. The Government of India is not serious about the claim of Odisha and supports the illegal activities of the Chhattisgarh Government in the construction work of dams and barrages in the upper catchment of the river" (Singh, 2018).

Now, the Mahanadi dispute has become a political tussle between Odisha and Chhattisgarh governments on one hand and BJD and BJP on the other. However, the Government of Odisha-led BJD party sought to bring into play the Mahanadi water issue to describe the BJP Party as being 'anti-Odisha & pro-Chhattisgarh'. Both Center and Chhattisgarh Governments are running with the same political party. Odisha Government is not getting any justice over the Mahanadi River water issue due to the ruling of the non-BJP party in Odisha, while the Chhattisgarh Government tries to acquire support from the ruling BJP at the Center (Prava, 2021). Environmentalists and Civil society organizations uphold that both governments are fighting with each other for the personal benefits of the state politics by using Mahanadi River water as their personal commodity, not as a natural resource or ecological entity. They further said that both Odisha and Chhattisgarh are neither doing justice to the riparian communities of their concerned states nor for the river or for its environmental rejuvenations.

When a blame-game started over the Centre's negative response to form a tribunal for the adjudication of the dispute between Odisha and Chhattisgarh over the sharing of the water of the

Mahanadi River, Dharmendra Pradhan, former Union Minister for Petroleum and Natural Gas said that Odisha Government should be ready to open the space of negotiation with the neighbouring state Chhattisgarh on the Mahanadi issue. Further, Pradhan points the finger at the BJD party in Odisha that CM Naveen Patnaik seems to be more engrossed in politicizing the Mahanadi River issue than finding a solution (The Indian Express, 2017). Again, Amar Agarwal, Industries Minister of Chhattisgarh expounds that the issue of the Mahanadi River dispute is not a new development, but now the Odisha Chief Minister & BJD leaders were politicizing the issue to give the wrong impression about the Mahanadi issue to the people of Odisha. Slamming the Government of Odisha for raising the Mahanadi River water issue nowadays, Agarwal said that the dam projects were taken up many years ago in Chhattisgarh, BJD regional outfit in Odisha trying to politicize the Mahanadi issue owing to the face losing of popularity in Odisha, and in view of upcoming Bijepur by-elections. Counter severely to the avowal of Agrawal, BJD Vice-President Prasanna Acharya alleged that “the Chhattisgarh’s activities in the construction work of water projects over the Mahanadi River were “arbitrary and illegal”. The Chhattisgarh Government always uses the double standard faces & makes the paradoxical statements on the Mahanadi River water issue” (Financial Express, 2017).

According to Ratha (2019), the BJP leaders in Chhattisgarh alleged that the Odisha-led BJD Government has taken up the Mahanadi River water issue as a major plank. In this matter, BJD has raised two issues: (1) Regionalism and Parry favouritism, and (2) the Centre’s negligence to resolve the issue. Firstly, to full fill the regional feeling and sentiments of the local people, the Chhattisgarh Government used the Mahanadi River issue as a political agenda and blamed the Odisha and created the regional feeling. The same BJP party in the Centre & Chhattisgarh engaged themselves in the Mahanadi issue and allows the Chhattisgarh Government to continue the dam projects. Secondly, the BJP-led Government of India is not serious about the Mahanadi River settling dispute being the leader of the federal system of India. To counter the report of the BJD regional outfit in Odisha, Chhattisgarh Government alleged that BJD Government in Odisha already turned the Mahanadi issue into a poll issue through the rallies, Jal Satyagraha, and padayatras in Cuttack and Sambalpur. Furthermore, Ratha proclaimed that both Odisha and Chhattisgarh used the Mahanadi issue as their election manifesto in the field of electoral politics. Achieve Electoral advantages is the main objective of both states without treating the Mahanadi river issue as an ecological entity. The BJP and BJD in Chhattisgarh and Odisha respectively are too busy in identifying blunders with each other just for secure political returns. The Mahanadi River water issue provides an opportunity to the political parties in Odisha and Chhattisgarh for electoral advantages. Inter-state water politics is clearly perceptible in Mahanadi River water disputes due to the ‘less water, more conflicts’ (Ratha, 2019:108).

Jal Satyagraha: A Silent Protest over the Mahanadi River Water Dispute:-

In the midst of the Mahanadi River water dispute & ahead of C’garg Chief Minister Raman Singh's scheduled programme for the Panchayat Election in Odisha, the ruling party BJD announced to start a protest programme under the headship of Mahanadi Bachho Andolan. The protest is commonly well-known as ‘Jal Satyagraha’ or water protest. It is a silent protest against the Chhattisgarh government’s illegal activities in the matter of construction of dams and barrages in the upper part of the river. To make it more understandable, Sashibhusan Behera, the Chief Spokesperson of the BJD party said that “Jal Satyagraha will be held in Cuttack & Sambalpur during the Chhattisgarh’s Chief Minister campaigning in Odisha. He further stated that our party members and activists (BJD) will stage the protest against Singh’s visit to Odisha at Sambalpur and in the evening time we will carry out ‘Sandhya Alati’ (evening Puja). This programme will be a peaceful and silent protest”. Furthermore, Behera argued that the Central Government is in favour of the Chhattisgarh Government in the matter of construction activities of the series of water projects in the upper catchment of the Mahanadi River in spite of Odisha being the lower riparian state opposition both politically and officially. To act in response to the statement of Behera, Dharmendra Pradhan, Union Petroleum Minister alleged that the BJD Government is not favouring to the Central Government in the Mahanadi River water issue and trying to suppress the voice of the opposition (BJP) ahead of the Panchayat Election in Odisha (Business Standard, 2017).

Sashibhusan Behera, BJD Spokesperson said that the Chhattisgarh Government doing an injustice to Odisha for the reason of constructing dams on the Mahanadi River, which in turn is reducing the flow of water to the Odisha. Behera stated that letters exchanged between Odisha and Chhattisgarh will not help to resolve the Mahanadi issue, but there is a need for Protest Marches, and Slogans raised that will provides justice to Odisha. Considered Mahanadi River as the lifeline of Odisha, it has a direct and indirect influence on the life and livelihood of people and framer communities in 16 districts out of 30 districts of Odisha. But, water dispute is predominantly pertinent to Hirakud Reservoir near Sambalpur where life turns around the Mahanadi (Pradhan, 2019). To make it more apparent, Sasmit Patra, another BJD Spokesperson expounds that the Mahanadi River is the life and livelihood of four and a half crore Odiya's people. The BJD party will never ever fail to deal with the Mahanadi River water dispute till it arrives at a logical conclusion and Odisha gets its rightful share. Patra further added that "our Government (BJD) fight on the Mahanadi River issue is on the right way. We will go on with fighting for the dispute till our state (Odisha) gets water justice" (ibid).

Furthermore, Sashuibhusan Behera explicates that "C'garh CM Raman Singh is a person who is anti-Odisha. We are not concerned to allow him to begin his election campaigning in Odisha because who is not in favour of the interest of Odisha? He is trying to block the lifeline (Mahanadi River) of Odisha". Janardan Pati, Leader of CPI (M) alleged that CM Raman Singh is a person who one-sidedly constructed a series of water projects in the upper part of the Mahanadi River leading to a smaller amount of flow of water to the lower riparian state (Odisha). Along with this, the state unit of the Samajwadi Party & Odisha Chhatra Yuva Sangathan has also launched several protests throughout the state opposing Raman Singh's election campaigning in Odisha (The Indian Express, 2017). Ahead of PM Narendra Modi's visit to Cuttack in a Party meeting, Sudarsan Das, the Convenor of Mahanadi Bachao Andolan along with its members staged a silent 'Jal Satyagraha' & made a special application to the PM Narendra Modi to instruct the BJP- led Raman Singh Government in Chhattisgarh to unlock the gates of Kalma Barrage and discharge the Mahanadi water to Odisha. Further, Das added that the Mahanadi River is the helping hand of the Odiya people who is in a dire state. It is now dying a slow death as a result of the blockage of the gates of Kalma Barrage by the upper riparian state (The Indian Express, 2018).

Along with the Mahanadi Bachao Andolan, several activists have resorted to a protest in knee-deep waters in quest of an early solution to the longstanding dispute regarding the Mahanadi River water dispute between Odisha and Chhattisgarh. Eminent water conservationist Rajendra Singh announced to stage the silent Jal Satyagraha at Gadagadia Ghat near Cuttack with the help of Padyatra (foot march). He further announced that "We promise ourselves to defend the water of the Mahanadi River. We would save from harm and preserve and conserve it at any cost". Convenor of Agami Odisha, Sudarsan Das stated that "We have launched the Padyatra from Gadagadia Ghat near Cuttack. The main objective of our march is to save the Mahanadi River from the illegal activities of the Chhattisgarh Government in the form of the construction of a series of dams and barrages over the Mahanadi River. We will do it at any cost" (Sambadenglish, 2017).

Addressing a press Conference, Sashi Bhusan Behera, Spokesperson for the BJD Party said that "the Chhattisgarh Chief Minister Raman Singh stood in opposition to the interests of Odisha since the inception of the Mahanadi River water controversy. Even after frequent requests by the Odisha Government led by Naveen Patnaik, Singh Government has not stopped a single barrage in the upper part of the river which reduced the flow of water to the lower riparian state. It is discriminatory in nature and against the true character of the federal system of governance. It also violates the water rights in the water federalism". Reacting to the statement of the Behera, Dharmendra Pradhan, Union Petroleum Minister alleged that "In the Mahanadi River water controversy, neither I nor my party (BJP) has anything to say on it. Both Governments have their claim and democratic rights to protest over the Mahanadi River water dispute. Our CM Naveen Patnaik is not serious about the Mahanadi River issue. He is trying to politicize it for the benefit of state politics. He also using the bureaucracy to fight the opposition party in Odisha and vested interest in the Mahanadi River issue" (Ommcomnews, 2017).

According to Bimal Prasad Pandia (2018), the BJD Party President cum Chief Minister of Odisha Naveen Patnaik will start a special programme on May 16, 2018 popularly known as the 'Save Mahanadi Campaign' against the illegal obstruction of the waters of the Mahanadi River through dozens of barrages by the upper riparian state- Chhattisgarh. Just four days ahead of that event, Principal Secretary to the Water Resources Department, Government of Odisha had confirmed that the Government of Odisha would build at least seven barrages across the River Mahanadi specifically in the middle part or tail end of the river or downstream of the Hirakud Water Reservoir. This declaration of the Odisha Government is totally discarded by the Chhattisgarh Government and assumed that "planned barrages in Odisha by the running BJD Government will unquestionably not affect Chhattisgarh Government in any way. This announcement of the Odisha will not help in the Mahanadi River water issue. This is a non-issue, but the BJD Government trying to make it an issue for the benefits of the state". To react to the affirmation of the Principal Secretary to the Government of Odisha, keen observers stated two important relevant questions: (a) if the building of barrages across the Mahanadi River particularly in the upper catchment area is "illegal", then how the decision of the Odisha Government in the construction of seven barrages in the downstream of the Hirakud Reservoir be "legal" in Odisha, (b) If the constructions work of Chhattisgarh in the form of barrages are "killing" the waters of the Mahanadi and destroying its ecological environment, then how do the barrages "save" the Mahanadi River, if the constructions work of the barrages would continue in Odisha? (ibid).

Discussion

Based on the research findings, the research work suggests some important points to resolve the disputes as well as to save the life of the Mahanadi River from its indiscriminate nature. There should be a provision for an inter-state Cooperation Framework for the management of the Mahanadi River basin to resolve the water issue. Riparian communities and tribunals should work properly to rejuvenate the ecological entity of the Mahanadi River. Water laws should be brought to the notice at the national level to provide water justice to the riparian states & rights of communities over the river. The governments of Odisha and Chhattisgarh should move beyond the conflict and work in a cooperative manner to tackle the inter-state water issue if they in actuality would like to solve the Mahanadi River water dispute. Both governments should work properly to preserve & conserve the river basin of the Mahanadi. Odisha and Chhattisgarh could do with to be proactive and go for a joint mechanism of cooperation, by moving beyond conventions to save the dying river and its communities from the indiscriminate nature of the Mahanadi. There should be an open space for the Chief Ministers of Odisha and Chhattisgarh to discuss the various issues on the Mahanadi River water dispute. The way of cooperation must be opened in the matter of discussion on Climate Change, Drought, and Crop failure, Passing out Coal, and Paving way for Green Energy. Both Odisha and Chhattisgarh governments should be aware and come forward to save the Mahanadi River water from Politicization and Privatization. Both Odisha and Chhattisgarh should guarantee the right of the river to survive and stay healthy. In addition to this, they should bring and maintain the availability of water to the local communities for their lives and livelihood. Both states should make conscious of the illegal use of the Mahanadi River water, especially in the field of industry & must make provisions for the availability of water in the field of agriculture. There should be a very clear and transparent policy on the use of the Mahanadi River water by the riparian state by taking the cooperation and advice from the local communities. River pollution is the prime concern of the hour. So for this reason, there is an instantaneous stop to the water pollution caused by the industries in both states.

Conclusion

From the above discussion, it can be said that the Mahanadi River water dispute is a new dispute in the long list of inter-state river water disputes. This dispute is a great challenge for the federal governance in India. Despite various meetings, debates, and discussions on the Mahanadi River water issue, there is the continuation of the political dispute and legal fight between the Centre, Odisha, and Chhattisgarh. However, both Odisha and Chhattisgarh governments should play a significant role in a combined manner in inflaming the water crisis in the Mahanadi River water conflicts. The river should be treated as a natural or ecological entity without diverting its water to the industries. Both Odisha and

Chhattisgarh are required to construct the space of inter-state cooperation framework to deal with the issue. They should be ready to open the space for dialogue, not busy in politicizing the issue at their state level for the benefit of state politics. Joint strategy action is highly required for the management of the water of the Mahanadi River. Provision for the data collection on the Mahanadi issue is highly essential to provide water justice to the riparian states on the basis of the cardinal principles of water federalism. The Mahanadi inter-state River water disputes need to be depoliticized and both states should respect the guiding principles of federalism. The inter-state River water disputes (Amendment) Bill Act, 2017 should be implemented appropriately to constitute a tribunal to resolve the dispute in a timely manner.

It may be noted into consideration that in a country like India, inter-state river disputes are a major issue. These issues are personally surrounded by the selfish interest of the engaged political parties. In many disputes, it can be visualized that disputant states are too busy in selling the water of the river to the corporate sector on one hand and using the water issue for their electoral gains on the other. In the Mahanadi River water dispute, it may be taken into consideration that both BJD and BJP in Odisha and Chhattisgarh respectively are too busy on the battlefield of politics to use the Mahanadi issue as their party agenda for the victory of state politics. The distribution of power on the theme of water falls within the boundary of the state list, but the inter-state water falls with the jurisdiction of the Union List. So, there is a contradiction between the federal units with the Government of India. This behaviour really disturbed the equilibrium of the federal principles. With the personal request of the CM of Odisha, the Government of India constituted the 'Mahanadi River Water Tribunal' on dated 12th March 2018 to resolve the inter-state Mahanadi River water dispute between Odisha and Chhattisgarh. The Tribunal has not given yet any final pronouncement. The highest Judiciary of India has accepted that the right to use flowing water is Public Juris and universal to all the riparian proprietors. Nonetheless, it is an absolute and exclusive right of all the riparian states to use the water of the inter-state river for the development of the states, but when any stumbling block would give rise in the middle part or lower part of the river, the inter-state river water disputes started between and among the riparian states. As the head of the federal system of India, the Central Government should play a significant role in the intermediate of the inter-state river water disputes and must resolve the dispute immediately as per the provision of the constitution.

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