

Babhli Water Conflict: Less Water, More Politics

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Water sharing disputes between states are growing, the latest in the news being the conflict between Maharashtra and Andhra Pradesh over the Babhli barrage. It puts the spotlight on underlying issues like the lack of an efficient mediating mechanism for conflict resolution both within government and the civil society at all levels. The problem is that of evolving shared modalities of dealing with and sharing water surpluses and shortfalls. This is an aspect that the water disputes tribunals provide no guidelines on because they see water only in terms of legal property to be apportioned. There is also no mechanism to ensure equitable water allocation within a state. In fact, areas within Maharashtra and Andhra Pradesh are caught in bitter conflicts, much sharper and much larger in scope than Babhli.

Babhli is in the news again. This time it was triggered off by Chandrababu Naidu, the Telugu Desam Party (TDP) leader from Andhra Pradesh (AP) attempting to “visit” the site of the Babhli barrage in Nanded district, Maharashtra with an entourage of more than 50 MLAs and MPs from his party. They were accompanied by their security personnel giving rise to a chain of events – the Maharashtra government arrested them, Naidu refused bail and continued with his demand that he be allowed to visit Babhli. There were other events that followed: a hartal in AP, the formation of the Babhli Bandhara Action Committee in Nanded and its demand for the immediate ouster of Naidu from Maharashtra and an all-party demonstration at Dharmabad (Nanded district), stoppage of all business in the Maharashtra assembly for a day as a mark of protest, and so on.

Then as an anti-climax, the government of Maharashtra dropped all charges against Naidu and packed him off to Hyderabad in a chartered aircraft, allegedly under the dictate of the Congress leadership in Delhi as they did not want to make a “hero” out of him. And with this the political drama that unfolded on the boundary of Maharashtra and Andhra Pradesh seems to have ended, at least for the time being.

Not by Water Alone

The Babhli issue demonstrates that often water conflicts are not about water alone; water gets enmeshed in other issues and in the case of Babhli the geopolitics of the region seems to be a major player. Now the issue is being projected as “Andhra pride vs Maratha determination”. Reports indicate that Naidu could not rally much support in AP, or for that matter even in the Telangana region whose cause he was apparently espousing. In fact, the perception in Maharashtra is that Naidu has

raked up this issue now mainly with an eye on the forthcoming by-elections in the Telangana region caused by the resignation of the Telangana Rashtra Samiti (TRS) MLAs. There was also a difference of opinion within the ruling coalition in Maharashtra over the issue of arresting Naidu. The Nationalist Congress Party (NCP) was not in favour of it while Chief Minister Ashok Chavan was all for stringent action. Chavan hails from Nanded, as did his predecessor Vilasrao Deshmukh, during whose term the issue erupted in 2007.

This is yet another example of the increasing number of conflicts over water in India. Water conflicts are becoming explosive and politicians, as they are wont to do, are working hard to sustain them over a long period of time. Practically every state in India, particularly in the southern part, has at least one or more conflicts over water distribution with its neighbour. Maharashtra, Karnataka and Andhra Pradesh are at loggerheads with each other over the sharing of the Krishna waters; Karnataka, Tamil Nadu, Pondicherry and Kerala are in conflict over the Cauvery; Kerala and Tamil Nadu are fighting over the 113-year old Mullaperiyar dam. The list could go on. The intensity and periodicity of these conflicts are increasing. Perhaps it will become worse with the increasing uncertainty of rainfall and water availability due to climate change.

The Tribunal Award

The Babhli project, a gated *bandhara* (check dam or weir) on the Godavari river, is located at Babhli village in the Dharmabad taluk of Nanded district of Maharashtra, adjoining Andhra Pradesh. It is 11 metres high, 240 metres long and has a storage capacity of 77.6 million cubic metres (MCM). Babhli is part of a chain of 12 bandharas planned by Maharashtra to store and utilise its share of 1,699 MCM (60 TMC – thousand million cubic feet) of water given by the Godavari Water Disputes Tribunal (GWDT) Award. These structures are planned in the river stretch between the Jayakwadi dam at Paithan and the point where the river enters Andhra Pradesh. The administrative sanction for

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the Babhli bandhara was given in 1995 and later in 2005 the government of Maharashtra decided to construct 11 more structures. In 1995, the estimated cost was about Rs 31 crore and by 2005 when the actual construction began, the cost escalated to Rs 145 crore. Presently, the construction is up to the sill level of 327 metres (bed level of river is 326 metres) and only partially to the length of about 100 metres out of the total length of 240 metres.¹ Ironically, a contractor from Andhra Pradesh has been given the job of constructing this structure!

Babhli would operate more like a KT (Kolhapur Type) weir in which only the post-monsoon flows would be stored. The gates would be put up only after the monsoon, usually by 15 October. The project is supposed to irrigate about 8,000 ha in Nanded district through private/cooperative lift irrigation schemes and also provide drinking water to 59 villages of Nanded, Mudkhed, Biloli, Dharmabad, Naigaon, Umri and Loha tehsils, all in Nanded district.² Central to the controversy is the adherence to the allocations made in the GWDI Award amongst the riparian states that include the erstwhile Madhya Pradesh, Maharashtra, Andhra Pradesh, Karnataka and Orissa. The GWDI, headed by justice Bachawat, was constituted by the government of India in 1969 and gave its award in 1980. In fact, the tribunal incorporated a series of agreements already reached between the states in its award and ordered that these agreements be observed and carried out by all concerned. As per the award of the tribunal, waters available in different sub-basins from the catchments intercepted by major/medium projects proposed on various tributaries by the different states have been generally allocated among the respective states. The tribunal also allowed the states to use certain specific quantities for minor irrigation schemes, industrial and domestic uses, etc. The remaining yield from the free catchment available in different sub-basins, as flowing into the Godavari, is left for utilisation by Andhra Pradesh.

More specifically, the provisions that impinge on the current controversy around Babhli are the following: (1) Maharashtra can use all waters up to the

Paithan dam site (Jayakwadi project) on the Godavari, (2) Maharashtra is entitled to use 1,699 MCM of water below Jayakwadi dam till the Godavari enters AP,³ and (3) Andhra Pradesh can build its Pochampad Project (Sriram Sagar Project – SRSP) with Full Reservoir Level (FRL) at 322 m and is free to utilise all remaining waters up to the Pochampad dam site in any manner it chooses for its beneficial use.

Claims and Counterclaims

Andhra Pradesh contends that the Babhli barrage is being constructed within the water impounded area of the SRSP and so it is illegal and ethically wrong. Though the Babhli dam site is well within the boundaries of Maharashtra, the AP government has paid compensation for the area submerged in Maharashtra under the SRSP. The AP government appealed to the Supreme Court (SC) and though it did not get a stay on the construction itself, a stay order was granted on installing the gates. The case is pending in the SC. Apparently, the Central Water Commission (CWC) has also taken a stand that the Maharashtra government is constructing the barrage on its own and it will have to face the consequences if it is proved illegal. The political parties are promoting much larger fears amongst the farmers: that through the Babhli dam Maharashtra can effectively suck 1,699 MCM of water which is more than half the SRSP's storage and that during critical times there may not be water for irrigation. As a consequence, they claim, the entire northern Telangana might become a desert and this might even spread to the Godavari delta.

Maharashtra's contention is that it is well within its rights to construct the Babhli barrage as it would use only part of the 1,699 MCM of water allocated by the

tribunal. It is a small structure with storage capacity of only about 77.6 MCM and the water would be used for irrigating about 8,000 ha of rabi crops and providing drinking water to 59 drought-prone villages in one of its most backward regions. Maharashtra also claims that such small structures do not require permission from the CWC. It also claims that since there is not much post-monsoon flow in the river, the chances of Babhli getting more than one filling are limited and hence the storage in the barrage could be equal to the total water use. In fact, this has been one of AP's fears, namely, that though the storage at Babhli is only 1,699 MCM the actual water use would be many times the storage as the barrage can get repeated fillings. Also, AP is afraid that Babhli could be a conduit to pump more water as both Babhli and SRSP have a contiguous storage for at least part of the year. Maharashtra's counterclaim to the allegation that Babhli would affect SRSP is that the common storage in Babhli and SRSP is only 17 MCM, which translates into about 0.54% of the SRSP storage of 3,172 MCM, and that after December-January the storage line of SRSP is much below the Babhli structure.⁴ Maharashtra says it is ready to release this 17 MCM of water intercepted by Babhli (which is the common storage of Babhli and SRSP) to SRSP. During the 2007 conflict, Deshmukh had said, "Maharashtra had cooperated with Andhra Pradesh for increasing the capacity of SRSP by 1,841 MCM by allowing submergence of land in its territory". Had this submergence not been allowed at the time of construction of the SRSP, its storage would have been reduced to 1,331 MCM. Why then, it is argued, is such a hue and cry being made about the 17 MCM of water intercepted by Babhli?

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The EPW website has been redesigned with a number of new and interesting features.

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There are many ifs and buts on both the sides and it will take years to prove one or the other right. However, the substantial issue that needs to be addressed is whether Maharashtra would abide by what it claims: that it would not draw more water than allocated by the tribunal. Here AP's fears are not entirely baseless, especially in the absence of commonly agreed monitoring systems and a proper accounting of water that would be lifted from the Babhli storage.

A Possible Way Out

The Babhli issue is not so complex that it cannot be solved by both the states through dialogue and discussion. If India has negotiated several settlements with Pakistan over water with the help of mediators, why should it be so difficult to handle internal conflicts over water? However, there is a lack of an efficient framework and mediating mechanism for conflict resolution, both within the government and civil society at all levels. Since such a mechanism is specified to some degree only for interstate disputes, most generic conflicts often become visible only in terms of conflicts between states, obscuring the underlying issues and the need for a reasoned dialogue on water issues.

There are a number of issues in the Babhli conflict that are generic in nature and need to be seen as such rather than only in terms of Maharashtra vs Andhra Pradesh. For example, it is common for downstream users to distrust upstream dam building and operation, and this kind of conflict exists within states and between regions, at levels ranging from the village to the basin level.

The other important aspect is that our systems are not oriented towards building trust. In fact, very often, the contrary is the case, especially when such conflicts overlap with state boundaries. In the case of Maharashtra, though it may be within its rights to utilise part of its allocated share, the manner in which it has gone about it is hardly conducive to building of trust. If it is well within its rights, why the insistence on the right to bypass the cwc and the unilateral action? Nor has it helped matters that part of the submergence areas overlap and that the dam site cuts into the submergence area of the

downstream AP dam. On its part, it is not clear whether AP is disputing the siting of the dam or Maharashtra's right to the water it will store. On both sides, state as well as civil society actors play the role of litigants, piling legal argument on legal argument in the hope that one will at least find its mark! What is lost is the fact that water is a resource that needs to be shared in a spirit of accommodation and cooperation. This is also the reason integrated river basin management has not come into existence and that the mandated river basin organisations have not even been able to become organisations on paper in most cases. The proper place for issues like Babhli are part of the phase of river basin planning where the issue could have to be taken up before it escalates out of control.

Babhli is also a symptom of the lack of a scientific approach to water management. The science and the policy of dealing with water sharing have both considerably advanced in recent times. Water management in India is stuck in the old concepts, which evolved when water itself was not an issue, but the investment to construct dams was the bigger constraint. Similarly, the approach sees any water flowing into the sea as waste and the effort is to dam and use every drop of water in the river. As a result the river flows have fallen

below regenerative levels and have practically disappeared in many delta regions, leading to salinisation, salt water ingress, reduction in fish catch, reduction in channel induced recharge and numerous environmental problems. Rivers have to flow into the sea if people and the ecosystems on which they depend are to flourish. And since dam construction technology as well as finances no longer face the severe constraints that they did earlier, it has led to a construction race that aims at capturing every drop of water that one is entitled to.

Nor has this been helped by the way the tribunals have approached the issue of interstate allocation. Water is allocated on the basis of flows estimated with 75% dependability. At times the water available is bound to exceed the allocated amount, while at others it is bound to fall short of the estimated flow. This variation can be very large, with very high flows in good years and very low flows in lean years. In peninsular India the problem is acute in the shortage years. The problem is that of evolving shared modalities of dealing with and sharing surpluses and shortfalls, and the tribunals provide no guidelines on this, primarily because they see it in terms of legal property to be apportioned without taking account of the fact that the stability of 75% dependability

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flows is only apparent and that the “property” is actually fluid and dynamic. So, the general assertion that Babhli would result in a desertification of northern Telangana may be wildly off the mark, but the situation in a lean year could be very serious. What we need is clearer basin specific guidelines and agreements for sharing surpluses and shortages.

Moreover, we should also take note of the asymmetry in water regimes between upstream and downstream areas. Upstream processes can affect downstream processes but not vice versa. This creates specific problems with the tribunal allocations. If upstream states create capacity capable of utilising their share of 75% dependability flow, they have the capacity to trap and pre-emptively use a much higher proportion of the lean year flow than is warranted. In lean flow years, then, downstream states are at the mercy of upstream releases and the upstream states’ honouring the commitment to use proportionately less water.

Similarly, when water allocations are made to states, it is assumed that they will, in turn, allocate water equitably within the state. Unfortunately, there is no mechanism to ensure this. In fact, there are bitter conflicts, much sharper and much larger in scope than Babhli which are rocking each of the states. For example, within Andhra Pradesh, the Telangana region is fighting bitterly over “illegal” allocations to other politically more powerful regions and an almost war-like situation exists over Pothireddy Padu, Rajolibanda or Polavaram. In Maharashtra too, there are many such examples. Especially strong is the issue of regional disparity and backlog of water resource development, a contentious and bitterly fought issue between the backward regions of Marathwada and Vidarbha and the comparatively better placed southern Maharashtra. None of these conflicts will go away with the resolution of interstate conflicts. In fact, the latter some time serve to divert attention from the core issues and convert them into an interstate sentiment of conflict.

The complexity of climate change adds another serious dimension to the conflict. While the precise change in periodicity and intensity of the rainfall may be

disputable, all models agree on the fact of the increase of extreme events – extreme surpluses and extreme shortages – precisely the kind of events for which the tribunal awards have no solution to offer. There will be no solution to water conflicts unless there is a change of approach: from an adversarial, legal approach which lays claim to a disputed property to an approach that views it as a shared resource, builds common institutions to manage it in common and displays a spirit of dialogue, accommodation and negotiation. And this needs a certain kind of de-politicisation (of the type of politics we witnessed around Babhli) and de-emotionalisation as an interstate conflict and concentrate on the larger political issues of sharing, allocation and management.

Conclusions

Coming back to Babhli, we would not like to prescribe a solution, but would certainly say that what is needed is the creation of an atmosphere conducive to dialogue based on facts and trust. In fact, this should precede any efforts at political settlements. The first step in creating such a dialogue would be mutual accommodation. The Maharashtra government should assure AP of transparency, in the form of offering a proportionate share in lean years and offering some sort of a joint process of monitoring actual water utilisation and releases from Babhli. Similar arrangements between Karnataka and Andhra Pradesh, for example, for the Tungabhadra have earlier defused conflicts. Andhra is not amiss in voicing its fears because given the progress in long distance water transport and technological capability there is every possibility of masked use. However, this would have to be matched by an accommodation from the Andhra side that Maharashtra is entitled to Babhli as part of its award allocation. Without these two conditions, no dialogue can take place.

In fact Naidu, has unwittingly opened a Pandora’s Box. Is he prepared to grant that any concerned citizen and even more so any citizen likely to be affected – and not only politicians and bureaucrats – should be allowed to visit sites of contestation over water? And using the same logic, would he be open to visits by teams from

Orissa and Chhattisgarh to the Polavaram dam site on the Godavari since both these upstream states have serious reservations about this controversial project? If yes, then it is a welcome step as it would open up more space for transparency, public access to data and information and also for more informed discussions and dialogue. Moreover, the *same* logic needs to be extended internally within the states and any citizen who is apprehensive of a project within a particular region in a state should be allowed to freely visit the project site. Very often, it is not even noticed that intra-state conflicts need the same measures and safeguards as do interstate conflicts.

In the long run the people of Maharashtra and Andhra Pradesh have to live side by side and share the Godavari. Whatever else we might do, we cannot change that. Geographic advantages and disadvantages can only be resolved by negotiation. That is what history tells us and that is what common sense advocates. It is not the Godavari, but the politics of water as an instrument of power that divides us. We need to see the Godavari herself as uniting us, nurturing us, through good and bad years. But for that it is important to rise above partisan politics, and with one present and with the involvement of one ex-chief minister from Maharashtra and an ex-chief minister with the tacit support of the present chief minister from Andhra Pradesh as deeply involved, will that be possible?

NOTES

- 1 Of course this is the official version from Maharashtra. But unofficial sources say that the work on the installation of the gates is also going on. Apparently, prior to Chandrababu Naidu’s recent effort to visit the dam site, a delegation of Andhra Pradesh MPs had visited Babhli and noticed the construction of the gates and the matter has been raised in the affidavit submitted by Andhra.
- 2 According to D M More, a retired senior official from Maharashtra Irrigation Department and who also in a way is responsible for proposing the Babhli project in 1992, the initial idea was to construct three smaller KT weirs at Husa, Ambura and Babhli villages. Realising that these structures may not be able to take the flows in the Godavari, it was later decided to construct one high level bandhara at Babhli instead of the three small ones.
- 3 This was a decision taken by the committee appointed by the chief ministers of Maharashtra and Andhra Pradesh in 1975 for the just distribution of Godavari waters for both the states.
- 4 The web site www.Babhlibarrage.com has tried to simulate the water levels at both SRSP and Babhli and demarcates the common storage of Babhli and SRSP.