

Mullaperiyar: A Plea for Sanity

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The safety of the Mullaperiyar dam is not a matter for judicial determination. This dispute is eminently a case for an agreed settlement by amicable talks between Kerala and Tamil Nadu. Talks at the intergovernmental level must be supplemented by civil society moves to bring the people concerned in the two states together.

The Mullaperiyar issue has flared up again, presumably because the empowered committee is likely to submit its report shortly, and the Supreme Court may make a pronouncement. Feelings are running high in both Tamil Nadu and Kerala. Pleas for sanity may well fall on deaf ears, but must nevertheless be made.

An account of the dispute and its history was published in this journal earlier ("Towards Good Sense on Mullaperiyar", 6 January 2007). Without going over the entire ground again, the issue can be succinctly stated as follows. Tamil Nadu wants the flows (from the dam to the beneficiary area in the Vaigai basin) to be maintained and increased, and for this purpose it wants the water level in the Mullaperiyar reservoir to be raised to the design level of 142 ft. Kerala is worried about the safety of the old dam, in particular from the point of view of the people living downstream of the dam, and wants the water level not to be raised above 136 ft, and if possible to be reduced to a lower level.

Issue of Safety

Thus, the issue now is the safety of the dam, or so it appears on the surface, though under it lies a deep, long-standing sense of grievance in Kerala over the 1886 agreement between the Madras Presidency and the princely state of Travancore. Leaving that history aside for the time being, and confining ourselves to the question of dam safety, it is unfortunate that the Supreme Court has allowed itself to be embroiled in it. Dam safety is not a matter for judicial determination. One wishes that the Supreme Court had asked the two state governments to resolve the issue themselves by mutual agreement, or directed the Inter-State Council, a constitutional body, to intervene and bring about a settlement. Instead, the Supreme Court has not merely taken up the matter, but has performed the executive function

of setting up an empowered expert committee, whose report is now awaited.

However, leaving the role of the judiciary aside, let us consider the crucial issue. We are talking about a dam that is 115 years old. Even if the empowered committee pronounces the dam safe, the fears of the people living downstream of the dam and exposed to the risk of its failure may not be wholly set at rest. Those fears get accentuated by the occurrence of tremors in the area, even if these be of relatively small magnitudes. There have been so many reports of earthquakes in various parts of the world that a general sense of nervousness is understandable. The right attitude to these fears is not to belittle them or question their genuineness but to pay due regard to them and allay them. The point that while the benefits of the project go predominantly to people in Tamil Nadu, the risks are borne entirely by people in Kerala, is also not without force.

Minimisation of Risk

A dam that is 115 years old must be presumed to be nearing the end of its useful life. Perhaps it can be kept going for some more years by some strengthening measures, but for how long? Is it not time to start preparing for a planned phasing out of the dam? Meanwhile, it seems wise to avoid unnecessary risk, even at the cost of being overcautious. If ever there was a case for the invocation of the Precautionary Principle, this is clearly one.

Should a new dam be built in replacement of the existing one, as proposed by Kerala? The answer, in this writer's view, should be clearly "No". The existing project itself was a horrendous intervention in Nature of a kind that would hardly receive environmental clearance today. If this were a new project now coming up for approval, it seems very probable that it would have met the same fate as the Silent Valley Project. However, it exists and we have to live with it; but there is no reason why the folly of more than a century ago must now be repeated through the building of a new dam.

What follows? The answer is that the existing dam must be strengthened through

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any measures that the empowered committee may recommend, and must be safely operated with a view to the minimisation of risk. That may require the water storage to be kept at an appropriate level, whatever that may be.

Extent of Adjustment

To what extent will that affect the economic activities and the related prosperity in the beneficiary areas in Tamil Nadu? That question may be answered through a counter question: is water use in the relevant areas in Tamil Nadu at the optimum level of efficiency, with no possibility of improvement? Is it not possible to maintain the existing level of economic activity with less water? Is it feasible to change to less water-demanding activities? Assuming that some supplementing of Mullaperiyar waters is needed, are there possibilities, and have these been studied? It is not clear whether any work has been done on these matters.

Consider the riparian dispute over Cauvery waters (though the Mullaperiyar dispute is not a riparian one). Tamil Nadu, which has a history of irrigated agriculture based on Cauvery waters going back to Chola times, has had to adjust itself to reduced flows in the river because of inevitable upstream development over the years. The argument now is about the extent of adjustment. Is it entirely unreasonable to expect a similar process of adjustment in the areas benefiting from the ageing Mullaperiyar project?

Going beyond the Cauvery case, the general prospect in the country is one of increasing pressure on a finite resource, and all water users, whatever the nature of their use and whatever the source of their water, will have to learn to manage with less water and get more use out of it. Even without reference to the state of the Mullaperiyar dam, the people in the Vaigai basin will have to make a similar effort. Such an effort will ipso facto diminish their dependence on

Mullaperiyar waters. (To cite an international example, Singapore is trying to reduce its dependence on water from Malaysia and become self-sufficient in water through a variety of measures.)

None of the cases cited is an exact parallel to the Mullaperiyar-Vaigai case, but they are illustrative of the possibilities of adjustment to changing circumstances.

This dispute is eminently a case for an agreed settlement by amicable talks between the two states. Talks at the inter-governmental level must be supplemented by civil society moves to bring the people concerned in the two states together, on the lines of the "Cauvery Family" initiative. In the talks, both at the governmental and non-governmental levels, efforts will also have to be made to remove the strong and continuing sense of grievance in Kerala over the 1886 agreement, to which a reference was made earlier. The conflict between the two states cannot be fully resolved without some attempt to assuage that grievance.