

Towards Good Sense on Mullapperiyar

The Mullapperiyar dam is one of the oldest dams in service in the world. The current dispute between Tamil Nadu and Kerala is not over water but over the safety of the 111-year-old dam. What steps can be taken to resolve this dispute?

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A new case has now been added to our list of river-water disputes. Feelings are running high on the Mullapperiyar issue in both Tamil Nadu and Kerala. The dispute shows signs of becoming intractable. Wisdom is needed to avoid a serious deterioration of the relations between the two states. The present article is an attempt to set forth the nature of the dispute briefly, and then indicate the lines on which it may be useful to proceed.

First, it must be noted that this is not a riparian dispute. Tamil Nadu derives its rights over Periyar waters, not as a riparian but as a (successor) party to an agreement of 1886 between the former Madras presidency and the former princely state of Travancore. Under that agreement, the Mullapperiyar dam, now 111 years old, diverts west-flowing Periyar waters eastwards into Tamil Nadu for the benefit of certain chronically water-short areas (mainly in the Vaigai basin) in that state. The dam is in Kerala. The land on which the project is located stands leased by Travancore (now Kerala) to Madras (now Tamil Nadu) for 999 years, and is operated by Tamil Nadu for Tamil Nadu. Kerala gets lease rent (which was very low to start with but was revised substantially upwards in the 1970s) and some concessional electricity. It is quite an unusual arrangement, and quite a remarkable

instance of interstate cooperation. If we reflect on the general attitude of most state governments in the matter of sharing of river waters with other states, the exceptional nature of this case will become clear. That remark applies not only to the Mullapperiyar Project (MP) but also to the post-independence Parambikulam Aliyar (PA) Project. (Kerala is dissatisfied with both agreements but we shall come to that shortly.)

It also needs to be noted that both these projects are striking examples of hubristic engineering of a kind that now stands discredited. Today, we talk in terms of minimal intervention and least environmental impact as criteria in assessing projects, whereas these two projects were examples of maximalist intervention. They treated the rivers cavalierly, twisted and turned them around and cut them and joined them as if they were pipelines. What harm they did to the environment and ecology, what distress they caused to wildlife, what impact they had on people (if any) living in the areas concerned, cannot now be established with any certainty because such concerns and studies were unknown at the time. These cases are often cited as old and successful examples of inter-basin transfers and as strong evidence in support of the interlinking of rivers project but they can perhaps be regarded with greater justification as bad examples that should caution us against similar projects in the future. It seems fairly clear to this writer

that if these were new projects now being proposed for approval, they are very unlikely to pass muster. Be that as it may, the dams exist and waters are flowing into Tamil Nadu, supporting economic activity and income-generation. That history cannot now be re-written. Even if the people in the beneficiary areas had no natural or riparian rights to these waters initially, they have now perhaps acquired some rights of established use. That is not a legal statement but merely a recognition of the prevailing reality.

If the transfer of Periyar waters had not been approved in the 1890s, what alternatives were available to the water-short areas concerned in Tamil Nadu? That question should have been asked before the decision to build MP was taken. Only hypothetical answers are possible now. All that one can say is that local answers should have been explored. Local answers have been found in other areas of low (or even lower) rainfall – Ahmadnagar district of Maharashtra, Alwar district in Rajasthan, etc – and have enabled those areas to cope with three or four successive droughts. The same methods may not be replicable elsewhere but other locally feasible ways could have been (and can even now be) explored. Perhaps the level of “development” achieved would have been more modest. We must accept that differently endowed areas will have different kinds and patterns of development. What we have been trying to do is to introduce the same kind of irrigated agriculture everywhere – for instance, the Punjab-Haryana type of irrigation (questionable even in those areas) in Rajasthan – by bringing in external water. We need to re-examine the rightness of this approach. Moreover, supply generates demand: irrigated agriculture of a kind not suited for water-short areas takes root and has not only to be maintained but extended further under the imperative of economic growth. This generates a continuous and unsustainable demand for more water and still more water. We must get away from this treadmill.

It may be felt that environmental concerns are a piece of hindsight and have not figured prominently in the interstate discussions. Ignoring that aspect, can we at least celebrate these as shining examples of interstate cooperation? Yes, partially so but we must take note of the fact that in Kerala they are regarded as one-sided and unfair. In that state there is a strong and long-standing sense of

grievance and injustice in respect of the MP agreement: it is perceived as a hegemonic imposition on a relatively weak princely state by a more powerful Madras presidency which was part of British India. It is interesting that a similar sense of grievance exists even in relation to the post-independence agreement on the PA project. Several questions arise in this context. (a) Was the maharaja of Travancore so weak that he could be bullied into signing an agreement that was patently unfair to his state? Perhaps he could not have said "no", but could he not have driven a harder bargain? What were the compelling (or persuasive) circumstances that forced him to sign the 1886 agreement? What internal advice did he receive? (b) When the agreement was reviewed in the 1970s and the lease-rent was raised, could not Kerala have insisted on a more comprehensive revision and a fairer sharing of benefits? (c) Whatever the old history of the MP project might have been, what prevented Kerala from saying "no" to the PA agreement in 1958? Answers to those questions will need a good deal of study but the fact remains that both these agreements are strongly resented in Kerala. It seems to this writer that that feeling is not entirely unreasonable but leaving that aside as a personal view or prejudice, it has to be noted that the feeling, rational or irrational, exists, it is strong, and it is widespread in the state. This must be recognised. That history forms the background to and colours the current controversy.

Nature of the Dispute

Whatever the understanding of past history, the MP agreement stands, and water from the project continues to flow into Tamil Nadu and sustain water-based activity and prosperity in certain districts. What then is the dispute about? It is about raising the water-level in the reservoir behind the MP dam from 136' to 142' (which is within project design) for the purpose of providing some more water to the beneficiary areas. Kerala expresses concern about the safety of the dam in the event of the water-level being raised. Tamil Nadu says that it is perfectly safe to do so, and that this has been certified by experts. Kerala is reluctant to accept that assurance. It had an act passed by the state legislature enabling it to deal with the safety of all dams in the state. Tamil Nadu challenged the validity of that act in court. It also got

the Supreme Court to take note of the expert certification of the safety of the MP dam, and objected to Kerala trying to get the dam checked by naval divers. The Supreme Court eventually asked the two governments to talk to each other and resolve the issue. Talks between the two governments at the level of chief ministers have not been successful. There is a report that Tamil Nadu proposes to go back to the Supreme Court. Meanwhile, Kerala has now cited an old letter from the late M G Ramachandran which (according to Kerala) had agreed to maintain the water-level at 136'. Either government naturally puts forward only its own case and faults the other. The people in either state tend to accept the respective government's position and take a partisan view. The result is that there is much anger in both states.

In Tamil Nadu, the anger arises from the fact that the farmers in the water-short areas concerned feel that they need the extra water from a higher water-level for maintaining and increasing economic activity and incomes, and are upset that it is not readily being made available. They accuse Kerala of not wanting to give water to Tamil Nadu, and many argue that the concerns expressed by Kerala are not genuine but are political in origin. Kerala denies that it is refusing to give water to Tamil Nadu, says that it has raised no objections to providing additional water, but states that it is genuinely concerned about the safety of

the structure and is unconvinced about assurances given by Tamil Nadu or the expert certification obtained by that state which is an interested party. It points out further that while the benefits under the project go overwhelmingly to Tamil Nadu, it is Kerala that bears the risks and that safety should be given primacy over economic gain. That summary of the positions of the two states is based not only on official statements but also on comments received by this writer (from both sides) through e-mails and in discussions. Unfortunately feelings are strong on both sides and hinder rationality, and the issue has been heavily politicised in both states.

Possible Solutions

Is there any real basis for anxiety on the safety aspect? The personal view of this writer, offered hesitantly, with due respect for experts and subject to correction, is that we cannot be as confident about a 111-year-old dam as we might be about a 20-year-old or even a 40-year-old dam. Engineers in Tamil Nadu may point to other equally old structures in the state but a dam that is over a 100 years old must be presumed to be nearing the end of its useful life. Perhaps it can be strengthened and made to work for a further 10 or 20 years but we must now begin to consider the phasing out of the project over a period of time. This needs careful advance planning, and

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that process must begin now. But if MP were to be phased out, should a new dam be built in its place? That suggestion has been made by some. Assuming that such a course is technically feasible, that a site is available, and that there will be no further adverse impacts or consequences (environmental or social or human), this writer would still say: "For heaven's sake, don't do it". As argued above, the MP project, if proposed for the first time now, is unlikely to obtain a clearance from the environmental angle. If indeed the idea of a phasing out of the MP project finds acceptance, then it would be an opportunity to rectify a historic blunder and to restore the river to its original natural form and flow.

Meanwhile, the old dam is in operation, and it may be prudent not to subject it to any avoidable strain. Is it really necessary to raise the water-level to 142'? Why not let the status quo remain, and put this entire controversy to rest? Does Tamil Nadu really need more water? Are the water-users of the areas in question using water with the utmost efficiency? Is it impossible to get more out of the available water? Has this aspect been examined at all?

Some in Tamil Nadu would ask: "How can Kerala raise the issue of safety when it has been certified by experts?" The answer to that question is that it is not for Tamil Nadu to say to Kerala: "You are safe". It is for Kerala to accept that it is safe. Tamil Nadu must try and reassure Kerala on this matter. Perhaps a joint committee with experts nominated by or acceptable to both sides, including dam-break specialists of repute, should be set up to examine the matter. As mentioned earlier, a sense of historic injustice underlies the current controversy. Tamil Nadu must try and do its best to remove or reduce that grievance, and make Kerala feel that it is a fair sharer in the benefits. That would provide a more congenial atmosphere for further discussions on safety or anything else.

Proceeding from analysis to conclusions, what should be done now? This writer would suggest the following: (i) People in either state (that includes the general public, politicians, engineers, administrators and the media) must stop demonising the people in the other state. (ii) Civil society initiatives of the kind attempted by the Madras Institute of Development Studies in the Cauvery case must be tried. (iii) The two state governments should continue to talk to each other and refrain from going to the Supreme Court. Dam safety is not a matter

for judicial determination. (iv) The two governments must re-discuss the MP and PA agreements and arrive at settlements that seem manifestly fair and acceptable to both sides. (v) Preferably, the water-level in MP should not be raised above 136'. Accepting that position, Tamil Nadu should seriously examine the possibilities of promoting better water management in the areas in question, with a view to getting more out of the available water. (vi) If it is considered necessary to raise the

water-level to 142', the two governments should set up a joint expert committee (including dam-break experts) to arrive at an agreed finding on the safety of the MP dam (even at the existing water-level), and the risks, if any, in raising the water-level. (vii) The two governments should begin the process of examining the eventual phasing out of the MP dam and exploring alternatives. **EPW**

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