

പതിമൂന്നാം കേരള നിയമസഭ

പതിനൊന്നാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നം. 4107

25.06.2014 ൽ മറുപടിയ്ക്ക്

നാഷണൽ കമ്മിറ്റി ഓൺ ഡാം സേഫ്റ്റിയ്ക്ക് അയച്ച കത്ത്

ചോദ്യം

ഉത്തരം

ശ്രീ. ജോസ് തെറ്റയിൽ
ശ്രീ. മാത്യു റ്റി. തോമസ്
ശ്രീ. സി.കെ. നാണു
ശ്രീമതി. ജമീലാ പ്രകാശം.

ശ്രീ. പി.ജെ.ജോസഫ്
(ജലവിഭവ വകുപ്പുമന്ത്രി)

(എ). ജലവിഭവ വകുപ്പിലെ ഇൻവെന്റിഗേഷൻ ആൻഡ് ഡിസൈൻ വിഭാഗത്തിലെ ചീഫ് എൻജിനീയർ 17.02.2014-ൽ കേന്ദ്ര ജല കമ്മീഷനിലെ ഡാം സേഫ്റ്റി ഓർഗനൈസേഷന്റെ ചീഫ് എൻജിനീയർ കൂടിയായ നാഷണൽ കമ്മിറ്റി ഓൺ ഡാം സേഫ്റ്റിയുടെ മെമ്പർ സെക്രട്ടറിക്ക് കത്തയച്ചിരുന്നോ എന്ന് അറിയിക്കുമോ;

(എ) കത്ത് അയച്ചിരുന്നു.

(ബി). എങ്കിൽ പ്രസ്തുത കത്തിന്റെ വിശദാംശങ്ങൾ വ്യക്തമാക്കുമോ;

(ബി) കത്തിന്റെ പകർപ്പ് ഇതോടൊപ്പം വച്ചിട്ടുണ്ട്.

(സി) പ്രസ്തുത കത്തിന് മറുപടി ലഭിച്ചിരുന്നോ എന്ന് അറിയിക്കുമോ; എങ്കിൽ പ്രസ്തുത മറുപടിയുടെ വിശദാംശം ലഭ്യമാക്കുമോ?

(സി) മറുപടി ലഭിച്ചിരുന്നു. കത്തിന്റെ പകർപ്പ് ഇതോടൊപ്പം വച്ചിട്ടുണ്ട്.

Shirshakumar

സെക്ഷൻ ഓഫീസർ

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No. 1680/2013/IDRB/DS3/AD5

Office of the Chief Engineer
Investigation & Design (IDRB)
Vikas Bhavan
Thiruvananthapuram
Dated : 17 /02/2014

From

The Chief Engineer

To

The Chief Engineer (DSO) &
Member Secretary NCDS, CWC
New Delhi.

Sir,

Sub: - Minutes of the 32nd Meeting of National Committee on Dam Safety (NCDS) –
Disagreement on the decision taken on item 32.12.0, NRLD - reg

- Ref: - 1. Letter No.3/19/NCDS/NRLD/DSM/2011/ 534-599 Dt 07.09.2012 from the
Director, DSM Directorate, CWC.
2. Letter No.3/19/NRLD/DSM/COURT CASE/2012/837-840 Dt. 07.11.2012
from the Deputy Director with enclosures of relevant pages of NRLD.
3. No. F4- WP© No.2654/13 dt. 22.11.2012 intimating the decision taken by the
High Court of Kerala on W.P. © No. 2654/2012.
4. Minutes of the 32nd NCDS meeting held on 27.12.2013

This is with reference to the 32nd meeting of NCDS item No. 32.12.0 – National Register of Large Dams where in it is seen that the request of Tamil Nadu for inclusion of the foot note “Mullaperiyar (Periyar), Parambikulam, Thunakadavu and Peruvapallam dams geographically located in Kerala are owned, operated and maintained by Tamil Nadu PWD” in the NRLD table below “State of Tamil Nadu” was accepted.

I may bring to your kind notice that as per reference (1) cited, dams are being listed in NRLD as per their geographical locations. Thus the names of the four dams Periyar (Mullaperiyar), Parambikulam, Thunakadavu and Peruvapallam which were earlier included in the table under Tamil Nadu were brought under Kerala State as requested from this office. This information was conveyed to the Hon. High Court of Kerala vide letter under reference (2) cited on W.P © No. 2654/12 filed in the High Court of Kerala by Sri. P.C.Thomas, Ex. M.P, seeking correction in NRLD 2009 on inclusion of these four dams under the State of Kerala. Taking note of the fact conveyed vide reference (2) cited the Hon High Court was pleased to dispose of the W.P, and as such it is not proper to make further modification in the table.

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The 31st meeting of NCDS held on 13.07.2012 had also decided that the column with the heading "Name of dam owner" be replaced with the heading " Operated and maintained by" vide reference (1) cited. As such there is no merit in Tamil Nadu insisting on making changes in the table included in NRLD or inserting a foot note.

In addition to this I may bring to your kind notice the following by which the request of Tamil Nadu shall be discarded.

(1). An O.S has been filed by Tamil Nadu in the Hon. Supreme Court challenging the validity of "Kerala Irrigation and Water Conservation Amendment Act". The legal validity of the lease deed executed between Maharaja of Travancore and Secretary of State of India (1886) based on which Tamil Nadu claims the ownership of Periyar dam is one among the combined issues proposed by Kerala and Tamil Nadu and the decision of the Apex Court is yet to be pronounced and hence Tamil Nadu could not be considered as the owner of Periyar dam. Any modification made in the existing pages of NRLD to this effect may be subjudice.

(2). Parambikulam, Thunakadavu and Peruvaripallam dams come under the purview of the Parambikulam Aliyar Project Agreement between Kerala and Tamil Nadu executed in 1970 with retrospective effect from 1958 for sharing of waters of Periyar. Bharathapuzha and Chalakudipuzha. The agreement does not stipulate ownership of these dams on Tamil Nadu and all these dams are situated within the land of Kerala territory and hence the ownership will be vested with the land owner.

Considering the above mentioned points it is evident that Tamil Nadu is not the owner of the four dams viz. Periyar, Parambikulam, Thunakadavu and Peruvaripallam. NCDS, which is a high level committee, shall set aside the request of Tamil Nadu to modify the table in NRLD which has no merit at all. Hence the modifications made as per the request from Tamil Nadu shall be deleted and the status-co of NRLD as on 07.11.2012 shall be retained. The information in this regard shall be communicated to this office at the earliest. If it is not adhering, it will be a contempt of court with regards to the disposal of case W.P. © No.2654/12

Encl: Copy of reference letter (3)

Yours faithfully

Copy with covering letter to *the Additional Chief Secretary,*
Water Resources, Kerala

Chief Engineer

True copy

Chithra Lakshmi
07/02/2013 3:22 PM

केन्द्रीय जल आयोग
CENTRAL WATER COMMISSION



भारत सरकार
Government of India
केन्द्रीय जल आयोग
Central Water Commission
बांध सुरक्षा प्रबोधन निदेशालय
Dam Safety Monitoring Directorate



कमरानम्बर) 710 एस (सेवा भवन, रामाकृष्णापुरम, नई दिल्ली
Room No.710(S), Sewa Bhawan, R.K. Puram, New Delhi-110066
Telefax No. 26104104; Email: dam@india2003@yahoo.co.in

No.3/19/NCDS/DSM/32nd Meeting/2014 / 485

Dated: 15 April, 2014

To

The Chief Engineer,
Investigation & Design (IDRB),
Water Resources Department,
2nd Floor, Vikas Bhavan,
Thiruvananthapuram (Kerala).

Sub: Minutes of the 32nd Meeting of National Committee on Dam Safety (NCDS) -
Disagreement on the decision taken on item 32.12.0, NRLD - reg.
Ref: CE, IDRB, GOK letter No.1680/2013/IDRB/DS3/AD5 dated 17th Feb., 2014

Sir,

Please refer to above letters on the subject referring to the acceptance of the request of Tamil Nadu for inclusion of inclusion of foot note "Mulla Periyar (Periyar), Parambikulam, Thunakadavu and Peruvuripallam dams are geographically located in Kerala state are owned, operated and maintained by Tamil Nadu PWD" in the minutes of 32nd meeting in the NRLD. Further, state govt of Kerala has requested in the aforesaid letter to delete modifications made consequent to above. In this context, it is informed that the 32nd meeting of National Committee on Dam Safety (NCDS) held on 27.12.2013, no such objections were raised by representatives from state government of Kerala and accordingly the aforesaid request of Tamil Nadu was accepted. However, changes in foot note of NRLD have been effected with appropriate discretion and circumspection. Being an issue having the inter-state ramifications, it has inter-alia been taken up with the Government of Tamil Nadu through a communication sent by this office very recently and response of Government of Tamil Nadu is awaited. Further course of action on the matter would be taken up after receipt of the replies of the Government of Tamil Nadu in this regard.

Yours faithfully,

(L.A.V. Nathan)
Chief Engineer (DSO)
Member Secretary NCDS

True copy

Signature of L.A.V. Nathan

10/04/2014