

PRESS RELEASE

Text of the letter addressed to Dr. Manmohan Singh,
Hon'ble Prime Minister of India by Selvi J Jayalalithaa,
Hon'ble Chief Minister of Tamil Nadu on 29.7.2011

I am constrained to bring to your kind notice certain provisions of the Dam Safety Bill, 2010, currently referred to the Parliamentary Standing Committee on Water Resources, which are detrimental to the interest of Tamil Nadu.

Sub-clause 26(1) of the Bill states that without prejudice to the provisions of this Act, all specified dams shall fall under the jurisdiction of the State Dam Safety Organisation or State Dam Safety Cell, as the case may be, of **the State in which the dam is situated** in matters related to dam inspections, analysis of information, reports or recommendations regarding safety status and remedial measures to be undertaken to improve dam safety; **and in all such matters full co-operation shall be extended by the concerned Non-State Dam Safety Organisation or the Non-State Dam Safety Cell and the owner of the specified dam.**

The wording in the clause viz: "**the State in which the dam is situated**" makes it explicitly clear that any specified dam will fall under the jurisdiction of the Dam Safety Organization (SDSO) or the State Dam Safety Cell of the State in **whose territory the dam is situated.**

I wish to point out that these provisions will directly interfere with the safety and functioning of the Dams owned, operated and maintained by a State Government, in a situation wherein the same dams are located in the territory of another State.

Four Dams namely, Mullai Periyar Dam, Parambikulam Dam, Thunakadavu Dam and Peruvuripallam Dam are owned, operated and maintained by Tamil Nadu, whereas these Dams are situated in the territory of Kerala State.

In the event of the Dam Safety Bill, 2010, being passed in Parliament it will be detrimental to the interests of Tamil Nadu, since the control of these four Dams will automatically go to Kerala State in whose territory these Dams are situated though they are owned by Tamil Nadu State. This will create a number of practical problems for the safety, operation and maintenance of the Dams.

In view of the above problems, the following modifications and additions are suggested for incorporation in the Dam Safety Bill, 2010.

Sub-Clause- 26(1) should be revised as :

"without prejudice to the provisions of this Act, all specified dams shall fall under the jurisdiction of the State Dam Safety Organisation or State Dam Safety Cell, as the case may be, of the State **owning the dam and under whose control the dam is operated and maintained** in matters related to dam inspections, analysis of information, reports or recommendations regarding safety status, and remedial measures to be undertaken to improve dam safety".

Similarly **Sub-Clause 26(2)** should be revised as :

"The authorized representative of the Central Dam Safety Organization, concerned State Dam Safety Organization or State Dam Safety Cell as the case may be, **in respect of dams referred to in sub-clause 1 above**, for the purposes of making any inspection or investigation necessary for the implementation of the provisions of this Act, may enter upon any part of the specified dam or its site as and when required and apply such investigation methods as may be considered necessary."

Similar modifications will have to be made in **sub-clause 26(3) and sub-clause 26(4) and Clause 13.**

A new **Sub-clause 26(6)** is suggested to be added to the Bill to ensure proper maintenance of Dams without interference as follows:

"Notwithstanding anything contained in any other law, the Dam maintenance officials / personnel shall have the right to enter into the Forests and Wild Life sanctuary area to carry out dam safety, maintenance and rehabilitation measures".

I, therefore, request you to kindly give directions to the concerned Ministry to carry out the above said modifications/ additions in the Dam Safety Bill, 2010, so that the interests of Tamil Nadu State are protected.

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