

PRESS RELEASE

Text of the D.O. Letter dated 13.12.2014 addressed by Thiru O. Panneerselvam, Hon'ble Chief Minister of Tamil Nadu to Shri Narendra Modi, Hon'ble Prime Minister of India is reproduced below:

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"It is seen from the web site of the Ministry of Environment and Forests, Government of India that the Standing Committee of National Board for Wild Life has given consent to the proposal of the Government of Kerala for conducting an Environmental Impact Assessment Study for construction of a new Mullai Periyar Dam in a 10 Kms. radius of the proposed dam site.

I would like to point out in this regard that the 5 Member Constitution Bench of the Hon'ble Supreme Court in its Judgment dated 7.5.2014 in O.S. No.3 of 2006 has held as follows:-

*"213. In this view of the matter for the construction of new dam, there has to be agreement of both the Parties. The offer made by Kerala cannot be thrust upon Tamil Nadu. Issue No.9, therefore, has to be decided against Kerala and it is so held."*

Therefore, the Hon'ble Supreme Court of India had categorically held that the Government of Kerala is prohibited from constructing a new dam.

The Hon'ble Supreme Court in its Judgment dated 7.5.2014 had relied upon the report of the Empowered Committee headed by Dr. Justice A. S. Anand, Retired Chief Justice of the Hon'ble Supreme Court which had held that since the existing dam is found safe, the proposal of the State of Kerala to build a new dam requires reconsideration by the State of Kerala. The Empowered Committee had also found that the Mullai Periyar Dam is hydrologically, structurally and seismically safe to raise the water level in the Dam to 142 ft. initially.

Even when the matter had reached a finality and the Hon'ble Supreme Court of India has since dismissed the Review Petition filed by Kerala, the Government of Kerala has again approached the National Wild Life Board by not revealing the entire facts and the Judgments of the Hon'ble Supreme Court and obtained permission by stealth. The people of Tamil Nadu are, therefore, justifiably perturbed over the clearance given to the Government of Kerala for conducting the Environmental Impact Assessment Study in a 10 Kms. radius for the construction of a new Dam.

In this context, I would like to reiterate the categorical finding of the Hon'ble Supreme Court that the Mullai Periyar Dam is hydrologically, structurally and seismically safe and permitted Tamil Nadu to raise the water level to 142 ft. initially. Therefore, the action of the Standing Committee of National Board for Wild Life, in giving clearance to the Government of Kerala for conducting the Environmental Impact Assessment Study is totally in violation of the Judgments of the Hon'ble Supreme Court both in letter and in spirit.

Under the circumstances, I request you to direct the Ministry of Environment and Forests to withdraw the clearance given by the Standing Committee of National Board for Wild Life for conducting the EIA Study for the construction of a new Mullai Periyar Dam by the Government of Kerala.

The Mullai Periyar Dam is owned and operated by the Government of Tamil Nadu under the lease agreement of 1886. The rights of Tamil Nadu under the agreement of 1886 have been crystallized in the Judgment of the Hon'ble Supreme Court and operates as *res judicata* against Kerala. Further, the plea raised by Kerala relating to the lease deed dated 29.10.1886 and structural safety of Mullai Periyar Dam has been finally decided by the Hon'ble Supreme Court in its Judgments dated 27.2.2006 and 7.5.2014 and Kerala is estopped from raising or re-agitating the issues again. Therefore, any request from the Government of Kerala to the Government of India, Ministry of Water Resources/ Ministry of Environment and Forests regarding construction of a new Mullai Periyar Dam should not be acted upon by any agency of Government of India.

I look forward to your immediate positive response."

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Dated : 13.12.2014