

## Mullaperiyar Dispute – Urgent Action required

### New Dam is not the only Option

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River conservation groups, environmental NGOs, independent thinkers and experts all over India have come together to make a joint appeal to the Chief Justice of India, the Ministry of Water Resources, the Ministry of Environment and Forests and the Kerala and Tamil Nadu Governments to take immediate steps to **'decommission'** the 116 year old Mullaperiyar dam given the grave threat to people and environment below the dam. The appeal also states that the **proposal to build a new dam put forward by the Kerala Government just downstream of the present one is not the only option to resolve the dispute.** A replacement dam will repeat the present day threat after another few decades. The solution has to be a long term one that addresses the problem and does not let it recur in a few decades. The Treaty still has a life span of nearly another 875 years whereas the lifespan of the new dam will be much lower. The groups while acknowledging that the water needs of Tamil Nadu have to be respected and honored by the state of Kerala as per the Treaty, strongly recommend considering **'alternate options to water management'** for Tamil Nadu in the place of the status quo dam option.

The series of tremors measuring upto 3.4 on the Richter scale since July 2011 have become the wake up call for taking immediate steps to mitigate the looming catastrophe of a dam failure. The 116 year old dam has been the focal point since 1979 when leaks and cracks in the structure led to the lowering of the water level to 136ft of the 155ft high dam. Presently the dispute is before the Supreme Court Empowered Committee.

The **'Precautionary Principle'** and **'Principles of Intergenerational equity'** upheld by the Supreme Court of India need to be applied in the efforts towards an amicable and long term solution. Against the background of the grave threats posed by the Mullaperiyar dam, the fundamental **'Right to Life'** and **'Right to a Clean Environment'** to support the cause of decommissioning are also espoused. The location of the new dam site which is within the Periyar Tiger Reserve is not desirable.

Internationally, there is increasing realization that dams have a lifespan beyond which they become unsafe. In most cases 40 – 50 years is considered the viable active life span of a dam after which it is prone to be unsafe and turns less productive by the years. The costs of maintaining the dam starts outweighing its benefits. Many nations are now facing the manifold downstream impacts on ecology, economics and livelihoods created by dams and diversions. **Dams are being decommissioned fully or partially for restoring the flows, fisheries and reviving river dependent livelihoods.** Even building the cost of dam removal into the cost of the dam project is turning into a norm.

There are at least 100 large dams that have crossed 100 years life span and around 400 large dams between 50 – 100 years in India. **The country is yet to have clearly defined, legally binding accountability mechanisms in case of dam failures or unsafe dam operations and for determining what is to be done with old dams that become a threat to lives, livelihoods and environment.**

The disaster preparedness of Kerala in eventuality of a dam failure is criticized. Though the threat to safety has been discussed for the last several years, Kerala is yet to carry out a dam break analysis, map the possible course the water would follow if the dam breaks, the impacts on the downstream including the downstream

dams etc. ***The demand for a new dam seems to outweigh the disaster management plan and everything else.***

Issued by

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\* We can make available the copy of the letter to CJI if needed.