

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.181 of 2024 (SZ)

In the matter of:

Tribunal on its own motion SUO MOTU
based on the News Item in 'The Times of India',
Chennai Edition dt: 20.05.2024,
"Work on Checkdam in Kerala
Stokes TN Farmers' fears"

... Applicant(s)

Versus

The Chief Secretary to
Govt. of Tamil Nadu , Chennai and ors

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

DATE: 13.08.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.181 of 2024(SZ)

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Tribunal on its own motion SUO MOTU based on the News Item in 'The Times of India', Chennai Edition dt: 20.05.2024, "Work on Checkdam in Kerala stokes TN farmers' fears".

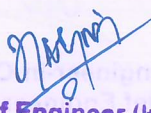
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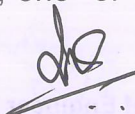
The Chief Secretary to Govt. of Tamil Nadu, Chennai and Ors. ...Respondent(s)

Status Report filed on behalf of Respondent No. 4th, 5th & 6th

I, S.Manmathan son of R.Santhappa aged about 59 years, office of the Engineer-in-Chief & Chief Engineer (General), WRD., Chepauk, Chennai – 600 005 do hereby solemnly and sincerely affirm as follows:-

1. I state that I am the Engineer-in-Chief & Chief Engineer (General), WRD., as such I am well acquainted with the facts of the case from available records and I have been authorized to file this Status Report on behalf of (4th Respondent) Engineer-in-Chief & Chief Engineer (General), WRD., Government of Tamil Nadu.
2. It is submitted that the River Pambar, one of the main tributaries of the Inter State River Cauvery, originates in the Western Ghats in the State of Kerala. It is known as Amaravathi River in Tamil Nadu. Vattavada River, one of its main



Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5



Engineer-in-Chief and
Chief Engineer (General),
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Chepauk, Chennai-5.

tributaries, originates in Kerala and after flowing for about 13 km within the State of Kerala, enters Tamil Nadu where it is known as Thenar. The River Silandhiyar originates in Devikulam Taluk, Idukki District, Kerala and confluences with Thenar. Pambar and Thenar join within Tamil Nadu to form Amaravathi river.

3. It is further submitted that Amaravathi Dam, located in the foot hills of the downstream State of Tamil Nadu, which has a storage capacity of 4047 Million cubic feet, facilitates irrigation supply to a permitted gross area of 54,637 acres of land situated in Tiruppur and Karur Districts of Tamil Nadu. Apart from irrigation supply, the Dam caters to the drinking water requirements of hundreds of villages situated all along the River Amaravathi. The catchment area of the Amaravathi Dam lies in both States of Tamil Nadu and Kerala.

4. Based on the information gathered from the local farmers, Water Resources Department officers of Government of Tamil Nadu inspected the Check Dam across Silandhiyar in Vattavada Panchayat of Idukki District of Kerala on 16.05.2024 and 17.05.2024. During inspection, the locals informed that the construction was being undertaken by Kerala Water Authority (KWA), Government of Kerala to cater to the drinking water needs of the hamlets in Vattavada Grama Panchayat, under Jal Jeevan Mission at a cost of Rs.2.00 Crores with equal contribution from Kerala Government and Central Government, and about 50 % of body wall & Upstream and downstream apron were completed. It was also observed that there are no irrigation sluices.

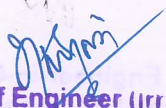

Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5

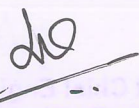

Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

5. It is submitted that the State of Kerala has not informed the Respondent State of Tamil Nadu about the check dam across Silandhiyar in Amaravathi (Pambar) sub basin of Cauvery basin before commencing the construction. When the State of Tamil Nadu came to know of it through the media reports and field visit undertaken by the WRD officials of Tamil Nadu that Government of Kerala was constructing a check dam across Silandhiyar river in Amaravathi (Pambar) sub basin without obtaining necessary clearances, the Additional Chief Secretary, WRD.,

Government of Tamil Nadu in letter dated 22.05.2024 requested the Principal Secretary, WRD, Government of Kerala not to proceed with the work and also sought the details of all Minor Irrigation Schemes in Bhavani and Amaravathi (Pambar) sub basins in Kerala, as the check dam under construction was allegedly for irrigation. A copy of the letter dated 22.05.2024 is marked and enclosed as **Annexure – 1**. It is further submitted that the Hon'ble Chief Minister of Tamil Nadu, to allay the genuine apprehensions of the farmers of Tamil Nadu, in letter dated 23.05.2024 has also requested the Hon'ble Chief Minister of Kerala not to proceed with the construction. A copy of the letter dated 23.05.2024 is marked and enclosed as **Annexure – 2**.

6. It is submitted that the Principal Secretary, Water Resources & CSIND, Government of Kerala in letter dated 25.05.2024 replied that the proposed utilization of 3 MLD (0.0386 TMC per annum) under the above said project (a weir of size 45 m in length and 1 m in height) is to provide drinking water supply to all households in

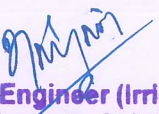

Joint Chief Engineer (Irriga:
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.



Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

Vattavada Panchayat under Jal Jeevan Mission, out of which the consumptive use would be 0.00733 TMC only, and it is well within the allocation of 0.02 TMC towards domestic needs in Pambar sub basin. A copy of the letter dated 25.05.2024 is marked and enclosed as **Annexure – 3**. It is further submitted that the Hon'ble Chief Minister of Kerala, in letter dated 29.05.2024 addressed to the Hon'ble Chief Minister of Tamil Nadu, has replied that the utilisation under the above said project is within its allocated share of 3 TMC in Pambar sub basin. A copy of the letter dated 29.05.2024 is marked and enclosed as **Annexure – 4**.

7. It is submitted that in response to Tamil Nadu's request on Master Plan of Bhavani and Pambar Basin in Annexure – 1, the State of Kerala, vide Annexure – 3, has informed that the Award of the CWDT itself is the Master Plan, which was formulated after studies and deliberations for nearly two decades by CWDT and this has been approved by the Hon'ble Supreme Court and Master Plan over and above in contravention of what has been awarded by the Tribunal for the Basin is not envisaged by the State of Kerala, as it will tantamount to contempt of Hon'ble Supreme Court.


8. It is submitted that the Cauvery Water Disputes Tribunal (CWDT) has allocated a total of 30 TMC of water to the State of Kerala. Out of this 30 TMC, 3 TMC is allocated in Pambar sub basin of Kerala. Project wise allocation as per the Final Order of the CWDT is as under:


Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5


Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

Sl. No.	Name of Project / Purpose	Quantity allocated by CWDT in TMC
1	Thalayar	0.78
2	Chengalar	0.80
3	Vattavada	0.52
4	Chambakkad	0.03
5	Emergency requirement for plantation crops @ 5% of crop water requirement	0.10
6	Pambar H.E.	0.10
7	Reservoir losses	0.18
8	Minor Irrigation	0.44
9	Domestic water supply	0.02
10	Industrial uses	0.01
11	Share in balance water	0.15
	Total	3.13, Say 3 TMC

8. It is further submitted that the Hon'ble Supreme Court in its Judgment dated 16.02.2018 has reaffirmed the Final Order of the CWDT in respect of allocation to the State of Kerala. Hence, I request the Hon'ble National Green Tribunal to instruct the concerned i.e., 2nd respondent (Kerala Water Resources Department


Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.


Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

represented by its Principal Secretary) to furnish the complete details of water utilization (Master plan of Pambar sub Basin with all minor irrigation schemes, Domestic water supply schemes and others) by the State of Kerala.

In view of the above, this Hon'ble Tribunal may be pleased to pass necessary order as it may deem fit.



**Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.**

Before me

Solemnly affirmed at Chennai on this
12th day of August, 2024 and signed
his name in my presence.



**Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.**

Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

Joint Chief Engineer (Irrigation)
O/o. Engineer-in-Chief and
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.

Dr. SANDEEP SAXENA, IAS.,
Additional Chief Secretary to
Government



Water Resources Department,
Secretariat, Chennai – 600009.
Office No : 044 – 2567 1622
Fax No : 044 – 2567 8840
Email : wrdsec@tn.gov.in

D.O. Letter No.3035/C.Spl.1/2024-1, Dated. 22.05.2024

Dear Ashok Kumar Singh,

Greetings from Tamil Nadu.

I invite your kind attention to my letter dated 07.03.2024, wherein I requested to spare a copy of Bhavani Basin Master Plan, said to have been prepared by the State of Kerala, comprising details of all projects, including minor irrigation works in Bhavani sub basin of Kerala. I am yet to get response on that. In the meanwhile, media has widely reported that the Government of Kerala is constructing a check dam across Silanthi river in Amaravathi (Pambar) sub basin of Cauvery basin. However, the Government of Kerala has not provided any details about the above referred work. You may recall that I have raised this issue before CWMA meeting held on 21.05.2024.

The farmers of Amaravathi (Pambar in Kerala) sub basin of Tamil Nadu are very much concerned about the new construction in the upstream of the Amaravathi (Pambar) sub basin. I, therefore, request you to furnish the details of the above work taken up by Kerala across Silanthi river and also furnish a copy of of Bhavani Basin Master Plan as well as Amaravathi (Pambar) sub basin of Kerala, and not to proceed with the work. I request your early response.

Warm regards .

Yours sincerely,

Sandeep
(SANDEEP SAXENA)

To

Thiru. Ashok Kumar Singh I.A.S.,
Principal Secretary to Government of Kerala,
Water Resources Department,
Government Secretariat,
Thiruvananthapuram - 695 001.

M.K. STALIN
CHIEF MINISTER OF TAMIL NADU



SECRETARIAT
CHENNAI - 600 009.

D.O. Letter No.1466/2024, Dated 23-5-2024

Dear Thiru. Pinarayi Vijayan Avargal,

I came across some recent media reports mentioning that the Government of Kerala is constructing a check dam across Silanthi river, which is a part of the Amaravathi (Pambar) sub-basin of Cauvery basin. This has caused apprehensions amongst the farmers of Tamil Nadu that the flows in the Amaravathi river in the downstream would get curtailed significantly. I learn from our officers that the project details of the same have not been provided either to us or to the Cauvery Water Management Authority (CWMA).

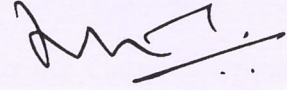
In this connection, the Additional Chief Secretary, Water Resources Department (WRD), Tamil Nadu has already addressed the concerned officers of his counterparts in WRD, Kerala, in his letters dated 08.05.2023, 01.12.2023 and 07.03.2024, requesting them to furnish the complete details of both the existing and ongoing minor irrigation works. In addition, the Master Plan, if any, for the Bhavani and Amaravathi (Pambar) sub-basins of Kerala has also been requisitioned. However, the response for this request is still awaited.

With reference to the construction said to be on going across Silanthi river, our Additional Chief Secretary has addressed the Principal Secretary WRD, Government of Kerala on 22.05.2024, to furnish the details of the above work and also to furnish a copy of the Master Plan, as requested earlier. These are essential for us to study the issue, in the light of the legal positions and take a comprehensive view.

In the absence of the above information, it is very difficult for the Government of Tamil Nadu to understand the impact of the said work and allay the genuine apprehensions of our farmers. Hence, I request your personal intervention to instruct the concerned officers of Government of Kerala to furnish complete details as requested above. Also, to uphold the true spirit of camaraderie between our States, I request you to instruct them not to proceed further with this work till the air is cleared on this issue.

With warm regards,

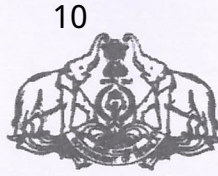
Yours sincerely,



(M.K. STALIN)

To,

Thiru. Pinarayi Vijayan,
Hon'ble Chief Minister of Kerala,
3rd Floor, North Block, Secretariat,
Thiruvananthapuram,
Kerala – 695 001.



DO letter No.ISWC2/20/24/WRD Dated 25.05.2024

Dear *Dr. Sandeep Saxena Ji,*

I would like to bring your attention to your DO Letter No.3035/C.Spl.1/2024-1 dated 22.05.2024, expressing the concerns of State of Tamil Nadu over the construction of Check Dam across Silanthi river in Amaravathy (Pampar) Sub basin of Cauvery Basin by Kerala Water Authority.

In this matter, I would like to bring the following facts to your kind consideration.

The above mentioned construction work is being done as part of the Jal Jeevan Mission Program (JJM) and aims to provide functional household tap connections to 617 households in first phase and subsequently to all households (2850 families) in Vattavada Panchayat. Vattavada Panchayat is lying on the eastern side of Western ghats and there are no perennial rivers/streams across it except the Silandhiyar and the ground water potential is also very low and the area is facing an acute water scarcity through all seasons.

The proposed project area comes under Pambar Sub Basin, where State of Kerala has the right to use 3 TMC of water. The present project is only intended to take 0.0386 TMC annually.

This weir is of size 45m in length and 1.0m in height, across Chilanthiyar, under Jal Jeevan Mission Scheme, for their drinking water supply scheme of 3MLD capacity (0.0386 TMC annually). Hence, considering consumptive use of 20%, the proposed annual utilization is 0.00733 TMC, which is well within the domestic water allocation of 0.02 TMC in Pambar sub basin of Kerala.

As you are aware that, as per Clause XIV of CWDT award, the water diverted from any reservoir by a State for its own use during any water year shall be reckoned as use by that State in that water year.

The measurement for domestic and municipal water supply, shall be made in the manner indicated below:-

"Measurement is by 20 per cent of the quantity of water supply diverted or lifted from the rise any of its tributaries or from any reservoir, storage or canal."

Moreover, I may point out that State of Tamil Nadu may not to raise any objection on the ongoing construction of check dam at Chilanthiyar as the same uses the allotted share of water by CWDT the same of which has been approved by the Hon'ble Supreme Court in 2018.

Regarding the request of State of Tamil Nadu to share the Master plan of Bhavani, Pambar Basins, I would like to point that the award of CWDT is itself is the Master Plan which was formulated after studies and deliberations for nearly two decades by CWDT and which has been approved by Hon'ble Supreme Court. Master plan over and above on in contravention of what has been awarded by the tribunal for basin is not

envisaged by Kerala as this will tantamount to contempt Hon'ble Supreme Court. Hence in this context, I would like to communicate to your good self that any objection raised by Tamil Nadu in this regard is devoid of merit.

with warm regards.

yours sincerely

Asingh

ASHOK KUMAR SINGH IAS

Dr.SANDEEP SAXENA, IAS

Additional Chief Secretary to Government

Water Resources Department

Government of Tamil Nadu-Secretariat

Chennai-600009



GOVERNMENT OF KERALA
Pinarayi Vijayan
CHIEF MINISTER

D.O. No. ISWC2/20/2024/CM, Dated 29.05.2024

Dear Thiru. Stalin Avargal,

I would like to bring your attention to your DO Letter No.1466/2024 dated 23.05.2024, expressing the concerns of State of Tamil Nadu over the construction of Check Dam by Kerala Water Authority across Silanthi river in Amaravathy (Pampar) Sub Basin of Cauvery Basin.

In this matter, I would like to bring the following facts to your kind consideration.

The above mentioned construction work is being done as part of the Jal Jeevan Mission Program (JJM) and aims to provide functional household tap connections to 617 households in first phase and subsequently to all households (2850 families) in Vattavada Panchayat. Vattavada Panchayat is lying on the eastern side of Western ghats and there are no perennial rivers/streams across it except the Silandhiyar and the ground water potential is also very low and the area is facing an acute water scarcity through all seasons. The proposed project area comes under Pambar Sub Basin, where we have a right to use 3 TMC of water. The present project is only intended to take 0.0386 TMC annually. This weir is of size 45m in length and 1.0m in height, across Chilanthiyar, under Jal Jeevan Mission Scheme, for the drinking water supply scheme of 3 MLD capacity (0.0386 TMC annually). Hence, considering consumptive use of 20%, the proposed annual

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“Measurement is by 20 per cent of the quantity of water supply diverted or lifted from the rise any of its tributaries or from any reservoir, storage or canal.”

Moreover, I may also point out that State of Tamil Nadu may not to raise any objection on the ongoing construction of check dam at Chilanthiyar as the same uses the allotted share of water by CWDT the same of which has been approved by the Hon'ble Supreme Court in 2018.

Regarding the request of State of Tamil Nadu to share the Master Plan of Bhavani, Pambar Basins, I would like to point out that Principal secretary, Water Resources department, Kerala has replied to his counterpart in WRD, Tamil Nadu vide his letter dated 2.5.4.2024.

Hence, in this context, I would like to communicate to your goodself that the objection raised in this regard is without any basis, on the basis of the above facts.

With regards,

Yours sincerely,

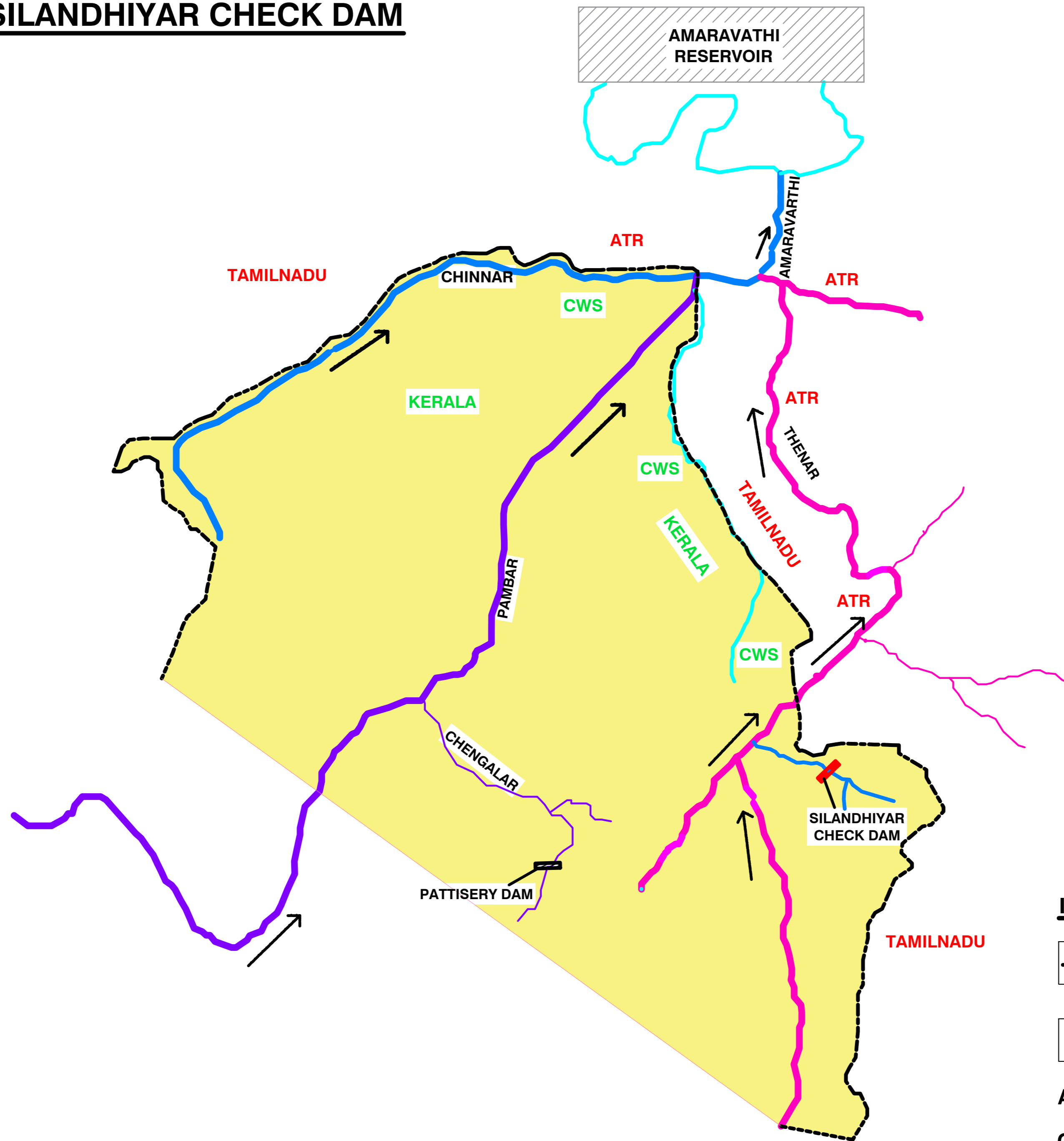
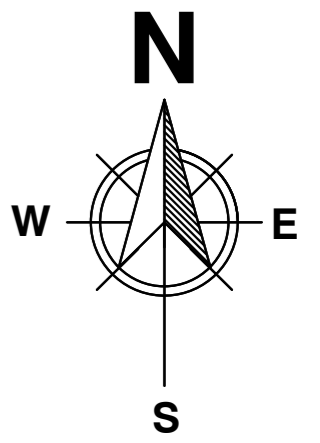


Pinarayi Vijayan

Thiru. M.K. Stalin
Hon'ble Chief Minister of Tamil Nadu
Secretariat, Chennai 600 009.



INDEX MAP OF SILANDHIYAR CHECK DAM



INDEX



STATE BORDER



SILANDHIYAR CHECK DAM

ATR - AANAMALAI TIGER RESERVE

CWS - CHINNAR WILDLIFE SANCTUARY