

COME OUT WITH 'RULE CURVE' FOR MULLAPERIYAR: SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Contentious spot: Tamil Nadu blamed Kerala for delaying the finalisation of the 'rule curve' for the 123-year-old dam.

The Supreme Court on Tuesday said the Tamil Nadu Chief Secretary will be "personally responsible" and "appropriate action" will be taken on failure to give information on the 'rule curve' for the Mullaperiyar dam to the Supreme Court-appointed Supervisory Committee.

The 'rule curve' in a dam decides the fluctuating storage levels in a reservoir. The gate opening schedule of a dam is based on the 'rule curve'. It is part of the "core safety" mechanism in a dam.

After a nearly day-long hearing, a Bench led by Justice A.M. Khanwilkar directed the Supervisory Committee to issue directions or take steps to address the three core safety issues — the monitoring and performance of the instrumentation of the dam, finalising the 'rule curve' and fixing the gate operating schedule — and submit a compliance report in four weeks.

"We find that the three core issues are directly concerned with the safety of the dam and will have a cascading effect on persons residing in the nearby areas," the court noted.

T.N. blames Kerala

During the high-voltage hearing, the Tamil Nadu government blamed Kerala for delaying the finalisation of the 'rule curve' for the 123-year-old dam.

"Right from the beginning, Kerala has adopted an obscurantist and obstructive stand... Kerala government is somehow not comfortable with Tamil Nadu operating the dam. Kerala has made consistent efforts to obstruct Tamil Nadu from operating the dam. Kerala is preventing the finalisation of the 'rule curve'. We are not able to access data which is in their terrain. There is no road built, the power supply has not been restored, though we had paid for it... How do we function?" senior advocate Shekhar Naphade, for Tamil Nadu, said.

"First you give the information on the 'rule curve' to the Supervisory Committee... Trees and roads do not immediately concern the safety of the dam," Justice Khanwilkar told the Tamil Nadu side.

'No politics'

The Kerala government, represented by senior advocate Jaideep Gupta, has accused Tamil Nadu of adopting an "obsolete" gate operation schedule dating back to 1939.

However, the court sharply intervened to stop Kerala from making any politically-coloured statements in court. Justice Khanwilkar said the court was not the place to make political speeches to the masses. "Local politics between States should not be played out in the Supreme Court," Justice Khanwilkar remarked.

The court was hearing a petition filed by Dr. Joe Joseph and the office-bearers of the Kothamangalam block panchayat in Kerala, expressing their apprehensions about the lack of proper supervision of water levels in the dam located along the Periyar tiger reserve.

“Meetings are held just for attendance. The instrumentation scheme, safety mechanism, etc., have not been finalised for the past six years. The sub-committee was formed by the Supervisory Committee without informing the Supreme Court... We are seeking a continuous *mandamus* from the Supreme Court to control and monitor the work of the Supervisory Committee,” senior advocate Gopakumaran, representing the petitioners, said.

The court listed the case for hearing on April 22.

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