

TRUTH BEHIND THE PERIYAR LEASE DEEDS- A CRITICAL APPROACH

Dr.O.C. PROMOD

Assistant Professor of History, St. Cyril's College, Adoor, Pathanamthitta, Kerala, India

The Principal Periyar lease deed was signed between the governments of Madras and Travancore in the year 1886. Common people have no idea regarding the Periyar Lease deeds and provisions added to it. The aim of the deed was to irrigate the barren lands at Madurai, Theni, Dindigul, Ramnad and Sivagangai, which were under the erstwhile Madras state. The Travancore government bargained well with the Madras government as the compensation to give Periyar water of Travancore to the Madras region. Before the deed became signed, an annual amount was fixed for lending the land of 8000 acres to Madras authorities for the period of 999 years. Even though the amount was a huge one on that days, but there was no provision for the revision of annual land-rent for the long 999 years. In many books and documents, it is wrongly mentioned that, the deed was signed during the period of Vishakam Thirunal Rama Varma (1880-1885), but the truth is that, Vishakam Thirunal engaged in many discussion with British authorities, but he had passed away in 1885 and during the time of Sree Moolam Thirunal Rama Varma (1885-1924) the Periyar lease deed was signed in 1886.

Almost 8000 acres of land had been handed over to the Madras state on the basis of Principal Periyar deed signed in 1886 and thus the authority over the wood and under woods were handed over to Lessee for the construction of the Periyar project or its allied works. The right of fishing was also given to the lessee on the basis of Periyar Lease deed of 1886. On the basis of the deed, the lessee should hand over Rs. 5 for one acre (Acreage Rent) and thus almost Rs. 40,000 (Rs.5 x 8000 Acre) to the Lesser, but the amount should be deducted from the tribute from time to time payable by the Lesser to Government of Madras, because Travancore was already signed a subsidiary alliance treaty with British authorities and the rulers of Travancore should remit an annual amount to them.

The main limitation of the Principal Periyar deed is that, there is no provision to rebuild a new dam after a stipulated period of years and no revision of Acreage Rent during the period of long 999 years. But there is a provision added that, If any dispute arose between the lessee and lesser can approach to arbitrators or umpire for the disclose of matter, but the arbitrator should be acceptable to both parties.

Meanwhile, the Madras government generated electricity by using Periyar water without the consent of Travancore government. It was against the norms of Periyar Lease deed and the Principal Periyar deed specified that the water is used only for irrigated the barren lands of Madras region. The Travancore government approached to the arbitrator and the umpire made a judgement that, the Madras government is unlawfully utilizing the

Periyar water. Sir.C.P Ramaswami Aiyar, the then Diwan of Travancore himself argued for Travancore, even though he was a Tamilian by birth. Even though the judgement was against the Madras authorities, they continued to generate electricity neglecting the verdict of Umpire and the strong opposition of Travancore government.

In the year 1947, India got its independence and it is decided that, all deeds and contracts signed in colonial times between two states either cancelled or have to be renewed with the permission of new administrators in the states concerned. But nothing had happened in the case of Periyar lease deed due to the negligence of our political leaders. Moreover, the administrators of Kerala signed two Supplementary Periyar Lease deeds with the Tamil Nadu government in 1970 permitting to generate electricity with the water from Periyar river. But the Keralites argue that, all the deeds before the State Reorganization is invalid and the deed was the product of British colonization in India. Kerala has also put forward some rights in the Indian Constitution giving every Indian, the right to live without fear. But Mulla Periyar is a threat to 35 lakhs of people living in the downstream of Periyar dam. Kerala Assembly Ad-hoc committee find out that, even though the Periyar deed attained validity in 1970 by signing additional deeds, but its validity was lost as it was not renewed after 30 years. The renewal deed should have been signed to renew the deed in 2000, but failed to do so by both states of Kerala and Tamil Nadu.

During the negative verdict of umpire, the Tamil Nadu government began to negotiate with Kerala government for getting sanction to generate electricity. Finally, it happened in 1970 and two Supplementary Deeds were also signed between two states of Kerala and Tamil Nadu. Thus the Periyar Lease deed became renewed and became validated. Even though Kerala recaptured the power of fishing from Periyar catchment area by the Supplementary deed, but when the area became declared as wild life sanctuary, practically it has no use to the state of Kerala. Previously, the Acreage Rent was given to the Madras, governed by the British authorities, but after independence of India, the subsidiary alliance had stopped and there is no provision to get the Acreage Rent to Kerala. On the basis of the said situation, the governments of Kerala and Tamil Nadu made the Supplementary deed in 1970. The Acreage Rent was revised to Rs.30 per Acre and subject to revise the said rent once in every 30 years.

Second Supplementary Deed was based on hydro-electric project signed on the same date of the Supplementary deed No.1(29th May 1970) and by the same parties of Kerala and Tamil Nadu. By the agreement, the government of Kerala had given permission to make electricity by using Periyar water with retrospective effect ie. 13th November 1954. When Tamil Nadu produce electricity does not exceeded 350 Million Units in a year, they should hand over Rs.12 per Kilo Watt year of energy. (KW year=8760 Units of electrical energy). If it exceeded over 350 Million units, the excess amount over 350 million Units, should be calculated with Rs.18 per Kilo Watt year. (10.30 lakhs per year on the basis of electricity & Rs.30 x 8000 Acre=2,40,00. And total of both is 12 lakhs and 70 thousand only).

If any dispute of difference arising between the Government of Kerala and Tamil Nadu on the basis of deed, shall be referred to a single arbitrator to be mutually agreed upon

by both the parties and the arbitrator's decision thereon shall be final and binding on both the parties. Another thing is that, there is no provision for the time bond revision of amount in the Supplementary deed on electricity in anywhere in the deed. But the revision is added to the First Supplementary deed which can be revise in every thirty years.

Impacts of Periyar Deeds (Principal & Supplementary)

(Positive Impacts)

- The barren areas of Tamil Nadu enormously flourished well within the hundred years
- The astonishing development of infrastructure in the project areas in five districts of Tamil Nadu (Madurai, Theni, Dindigul, Ramnadu and Siva Gangai)
- Establishment and developments of educational institutions and banks in the project area
- The threat of flood in Periyar river, especially in Alwaye region has reduced well especially in 19th and 20th centuries.
- Hundreds of employees are permanently working for Periyar project, both in Kerala and Tamil Nadu.(Police, forest, engineering wings etc.)

(Negative Impacts)

- The safety of age old Periyar dam is making threat to thousands of people living both sides of Periyar river.
- Raising of water level in Periyar dam is really a threat to the wild life animals and birds.
- In previous days water was excess in Kerala, but now a days scarce of water in really a threat to every Keralites.
- Tamil Nadu makes developments with the help of Periyar water, but Kerala has not gets adequate return to it. Tamil Nadu collects almost Rs.7250 Million per year by selling electricity by using Periyar water. But the government of Kerala gets only Rs. 1.03 Million (ie.10.30 lakhs) from them per year.
- Frequently developing verbal and physical conflicts between the two states of Kerala and Tamil Nadu is not a good thing in a society. From Sangam age, the Dravidians followed mutual respects to each other, but conflicts on the basis of water is against our tradition.

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