

**PRESS RELEASE**

Text of the D.O. letter dated 8.2.2016 of **Selvi J Jayalalithaa**, Hon'ble Chief Minister of Tamil Nadu addressed to **Shri Narendra Modi**, Hon'ble Prime Minister of India:

I write to bring to your immediate attention a matter of grave importance and great urgency to the people of Tamil Nadu and in particular to those residing in the seven Districts of Thirupur, Erode, Coimbatore, Salem, Namakkal, Dharmapuri and Krishnagiri of the State through which the proposed Kochi-Koottanad-Mangaluru-Bengaluru gas pipeline project of GAIL (India) Limited is expected to traverse. The present proposed alignment of the pipeline would cause irreparable damage to the agricultural property of thousands of farmers in these seven Districts. It has led to considerable apprehension and agitation amongst the people who are also concerned about the risks the project poses.

In pursuance of the orders of the Hon'ble High Court of Madras, the Government of Tamil Nadu conducted public hearings at the level of the Chief Secretary to Government in March, 2013. In these hearings, the farmers of the seven Districts represented their detailed objections to the proposed alignment of the pipeline through their lands. In the light of the objections stated in the hearings and based on other relevant material, the State carefully considered all the implications of the proposed alignment of the pipeline. The pipeline would cover 310 kilometres with an affected area of 20 metres width. The project would very adversely affect lakhs of mango, jackfruit and coconut trees which are extensively grown in the project affected areas. It is estimated that more than 1,20,000 such fruit bearing trees would have to be uprooted for laying the pipes. There are binding High Court directions based on which the Government of Tamil Nadu has issued orders for planting at least ten trees in the place of each tree cut to protect the environment. It would be impossible for GAIL to plant 12 lakh trees in the area. Further, the restrictions on excavating any tank, well, etc in the area, would adversely affect agriculture and horticulture. The pipeline band fragments a large number of land holdings rendering them completely uneconomic. I would also like to point out that as per Proviso (a) to Section 7(i) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, it is mandated that no pipeline shall be laid under lands which were used for residential purposes or near such houses or with permanent structures.

The Government of Tamil Nadu duly considered the extensive adverse impact on agriculture and horticulture of the proposed alignment and the risk of devastating accidents similar to the one that took place in Andhra Pradesh recently on a GAIL pipeline. In addition, it is a fact that GAIL has laid the pipelines in Kerala along the highways instead of on private lands. In the light of all these considerations, the Government of Tamil Nadu, on

2.4.2013, advised GAIL to stop the work of laying the pipeline on its present proposed alignment through the agricultural lands and explore ways of laying it along the National Highways.

In this situation, the Hon'ble Supreme Court has held that once the right of use of land is notified, there is no power with the State Government to direct as to how the pipeline is to be aligned and that the appropriate Government under this Act is the Central Government. While the Government of Tamil Nadu respects the verdict of the Hon'ble Supreme Court, it has made preparations to file a review petition in the Hon'ble Supreme Court of India regarding this matter.

As you are aware, the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, is one of the 13 Central Acts which have been exempted from the requirement to carry out Social Impact Assessments under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, enacted during the previous UPA regime. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, is technically not a Land Acquisition Act but only provides for right to use the land for laying pipelines for petroleum products. The quantum of compensation payable is very meagre, which has been recognised by the Hon'ble Supreme Court as well. The impact of laying pipelines for transport of gas and other petroleum products is very wide and affects the life and livelihood of farmers in multiple ways by restricting their usage of land and exposing them to risks. It is particularly so in this project since the Act prohibits planting of trees in the lands taken under the Right of User in Land clauses and fruit bearing trees are the main crops in this region and no crop can be grown adjacent to fruit bearing trees. In this context, it is urged that the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, should be amended to have a specific provision for carrying out a Social Impact Assessment similar to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The Government of Tamil Nadu believes that a re-alignment of the pipeline route along the highways with the least harm to the people and the least adverse impact on agriculture would be the best way forward to speedily implement the project. The Government of Tamil Nadu has already constituted an Expert Committee to examine the possibilities of re-aligning the pipeline along the National Highways and the officials of GAIL can be asked to be part of this Committee so that a mutually acceptable solution can be found in the interest of the poor agriculturists as also the implementation of the project.

In this context, as the Hon'ble Supreme Court themselves have pointed out that the competent Government is the Central Government, I urge you to kindly intervene urgently and take the following actions:-

- Since the competent Government under the relevant Act is the Central Government, the Government of India may rescind the Notifications S.O. 486(E) dated 5.3.2011 issued under Section 3 and all other Notifications issued before or subsequently under the said Section covering all the 7 Districts of Tamil Nadu, S.O. 2832(E) dated

19.12.2011, under Section 6(1) and S.O.12(E) dated 4.1.2012, under Section 6(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User) Act, 1962, of the Ministry of Petroleum and Natural Gas and all other Notifications issued before and after under the same Section for the GAIL pipeline in Tamil Nadu. The Central Government is empowered to withdraw the Notification under Section 93 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, read with Section 18 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

- Direct GAIL India Ltd not to act upon the said Notifications pending a final view in the matter.
- Amend the relevant provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, to provide for the conduct of a Social Impact Assessment under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

In the meanwhile, GAIL may be directed to be part of the Expert Committee constituted by the State Government, for the purpose of exploring the possibility of laying the pipelines alongside the National Highways.

I am confident that this sensitive issue which has huge implications for the farmers and the common people of Tamil Nadu can be resolved through a joint constructive and accommodative approach and a solution can be arrived at to lay the pipelines along the National Highways. I request your immediate intervention in the matter.

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