

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

APPEAL NO. 43 OF 2022

In the matter of:

Ratheesh Karattu & Another ---Appellants

-VS-

Ministry of Environment, Forest and Climate
Change and ors.

----Respondent(s)

**REPORT FILED BY STATE DISASTER MANAGEMENT
AUTHORITY/6TH RESPONDENT**

Index

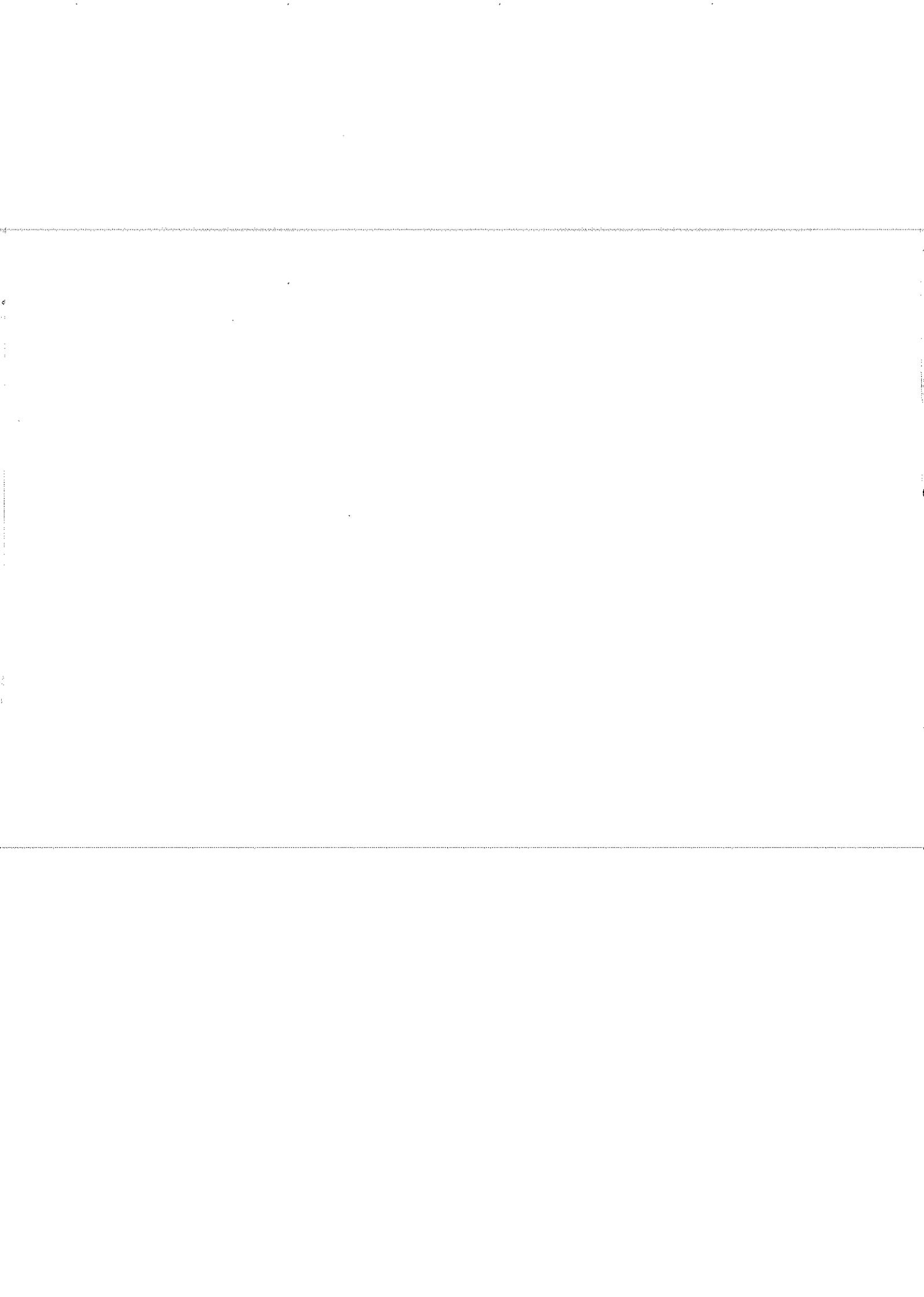
S.No	Particulars	Page No.
1.	Report	1-2

Dated at Chennai on this the 01st day of July, 2024.

*For G. Govind
17/7/24.*

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench



①

Report furnished on behalf of 6th respondent in National Green Tribunal
Appeal No.43/2022

The Statutory document in which State Disaster Management Authority has laid the Landslide Risk Reduction measures to be adopted are Section 3.21.1 of the State Disaster Management Plan deals with the Landslide Risk Reduction measures to be adopted by various authorities in the State. The provisions of these sections are to 'be treated as a direction under Section 22 (2) (b) and strict directions for compliance shall be issued to concerned departments and local self-governments under Section 30 (2) (v) failing which actions under Section 51 (b) shall be initiated against those who are unwilling to comply'. State Disaster Management Plan is approved vide GO (Rt) No. 3667/2016/DMD dated 9th September 2016 and GO (Rt) No. 399/2018/DMD dated 18-7-2018 and is laid under Section 23 (1) (2) and (3) of the Disaster Management Act, 2005 (Central Act 53 of 2005).

The section contains the following:

- Developmental activities in the high-hazard zones as marked in the district wise landslide hazard susceptibility map shall strictly be regulated and restricted
- An example of restrictions that could be imposed for construction in such high-hazard zones can be found in the Proceedings of the Chairman, DDMA, Wayanad No. 2014/21178/12/H3 dated 30-06-2015 (Annexure 8). Hon'ble High Court of Kerala upheld this proceedings excluding the 'retrospective effect' part of the proceedings in order WP(C) No. 24873 of 2015 (H) dated 3rd November 2015
- Landslide SOP as given in ESFP, 2015 shall be complied with
- Creation of rain pits in slopes greater than 20 deg will increase the probability of landslides and hence shall be banned
- In the high-hazard zones, quarry blasting is known to increase the probability of triggering landslides. DDMA's of Kerala shall ensure that permission is not granted for quarry blasting in the landslide high-hazard zones as given in HSAK, 2014. In moderate hazard zones as given in HSAK, 2014, quarrying shall be permitted only after getting the approval of the district level crisis management committee for mining constituted vide G.O (Rt) No. 542/14/ID dated 26-05-2014



Dr. Sekhar L. Suresh
Dr. Sekhar L. Suresh
MEMBER SECRETARY
State Disaster Management Authority

- Quarry blasting shall temporarily be banned if there are two consecutive days of rainfall in the respective village until a completely rain free day occurs. Village Officers are specifically delegated for ensuring the implementation of this. This shall be in effect throughout the monsoon season

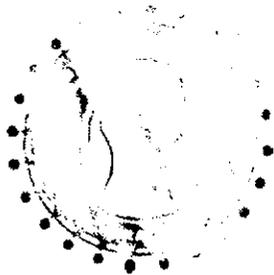
Further, vide Section 5.11 - State Environment Impact Assessment Authority, the following direction is also issued to SEIAA.

- Ensure that disaster management plans and hazard susceptibility maps are consulted and adequate risk reduction measures are incorporated into project proposals, prior to issuing environmental clearance

Thus, the approved stand of KSDMA is clear from the specific sections laid in the State Disaster Management Plan.

In addition, the following sections of the Disaster Management Act 2005 (Central Act 53 of 2005) may also be brought to the attention of NGT before pronouncing any orders in relating to KSDMA, DDMA or other delegated Disaster Management entities.

Section 71. "Bar of jurisdiction of court. No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act" and Section 72. Act to have overriding effect. - The provisions of this Act, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.




Dr. Sekhar L. Kuriakose
MEMBER SECRETARY
Kerala State Disaster Management Authority
Thiruvananthapuram

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

APPEAL NO. 43 OF 2022

In the matter of:

Ratheesh Karattu & Another

---Appellants

-VS-

Ministry of Environment, Forest and
Climate

Change and ors.

----Respondent(s)

**REPORT FILED BY STATE
DISASTER MANAGEMENT
AUTHORITY/6TH RESPONDENT**

E.K. KUMARESAN,

**Standing Counsel for Government
of kerala**

No.6, Indian Chambers (SICCI)

Annex Building, Ground Floor,

Esplanade, Chennai - 600 108.

Cell No: 94443 98701

