

Collectorate, Wayanad

Date:#ApprovedDate#.

**Proceedings of the Chairman, DDMA, District Magistrate and District
Collector, Wayanad**

(Present: A.R.Ajayakumar IAS)

Sub:- Disaster Management – preventing disasters -
restrictions on construction, quarrying, mining and land
developing activities at Landslide Prone Areas and other
areas- orders issued- reg.

Ref:- 1. Minutes of the meeting of DDMA dated 19.8.2019 No.
DCWYD/345/2016/DEOC1

2. This office proceedings No. 2014/21178/12/H3 dated
30.6.2015

Wayanad is a hilly district in Kerala with an altitude ranging from 700 MSL to 2100 MSL . It lies in the north eastern part of Kerala at the tip of Deccan Plateau and is a part of the Western Ghats. Geography of Wayanad is largely dominated by the presence of hillocks, valleys and forests. The district witnessed two major floods and landslides in the last two consecutive years .The intensity of rainfall was very high this time which resulted in two major landslides in the district at Puthumala and Muttil in which 12 people lost their lives and 5 people still missing. The ecologically fragile nature of the many vulnerable areas in the district now poses serious threat to the life and property of people living in this area, especially during monsoon.

2. In the above background, a meeting of MLAs, Chairpersons of local Governments and major department officials held on 13.8.2019 to review flood situation in the district, has urged District Disaster Management Authority(DDMA) to bring necessary restrictions and prohibitions to prevent disaster in vulnerable locations in the district .

3. Accordingly the meeting of the DDMA convened on 19.8.2019 discussed the matter in detail and found that it is necessary to regulate and prohibit constructions, regulate land development activities and functioning of quarries in Landslide Hazard Prone Areas and other areas in the district for preventing

disasters in future. This order is issued for authenticating the said decision of the DDMA. The circumstances leading to and incidental to the said decision of the DDMA and this order are detailed here below.

4. During the month of August 2018, the district was hit by flood and landslide disasters, of very high magnitude. The disaster took 11 lives and resulted in a damage of Rs. 2251.12 crores. This year, the disaster repeated during the month of August 2019 which had claimed 14 lives so far and five more persons are suspected to be missing. All the 14 lives were lost because of landslides, this year. A total number of 10 major landslides occurred on 8th and 9th August 2019 at different locations in the district. During the year 2018, a total number of 278 landslides and landslips . All these statistics indicate the vulnerability of the district to landslide disasters.

A three storied building collapsed near to the KSRTC Garage in Kalpetta during the year 2016. Another building, where the Vythiri Grama Panchayat shopping complex was functioning, sunken down completely and collapsed during the month of August 2018. Yet another three storied building, at Thalippuzha, also sunken down on 9.8.2019. A total number of 821 houses were fully damaged in disasters during the month of August 2018 and large number of houses got fully damaged during the month of August 2019, till date.

5.The district is now paying the price for mindless development carried out in recent decades by destroying hills, forests, water bodies and wetlands. Hills have been grotesquely wounded by quarrying. Deforestation and reckless commercial interventions on land have destabilised the environment. When rains of extreme intensity pours down, the precarious hills inevitably succumb, causing casualties and destruction. Going by the past natural disasters that took place in Kurichairamala, Pancharakkolli, Muttill etc in the recent past, coupled with the outrageous speed of environmental destructions, the disaster that took place at Puthumala is a road-sign to future. Rain triggered landslips are likely to increase in the coming years due to climatic change happening across the globe also. Hence it is absolutely essential to bring certain restrictions on the land use pattern especially in landslide prone areas in the district.

6. The Landslide Zonation Map of Wayanad district is available at <http://sdma.kerala.gov.in/wp-content/uploads/2018/10/KL-Landslide.jpg> . This map demarcates the areas which are prone to landslide, in Wayanad district. The Flood Hazard Zonation Map of Wayanad district is available at

<http://sdma.kerala.gov.in/wp-content/uploads/2018/10/KL-Flood.jpg> . These two maps are incorporated in the Disaster Management Plan of the District. Any reference to the term “Landslide Prone Area” in this order shall include the area marked as Landslide Prone Area in the Landslide Zonation Map referred to in paragraph 5 above and all the land coming within 500 meter radial distance from all the boundary points of the said area.

7. It has come to notice of DDMA that,

- i) some buildings are constructed at Landslide Prone Areas;
- ii) some buildings are constructed at lands which form an angle of more than 45 degrees with the horizontal plane;
- iii) some buildings are constructed after cutting and removing ordinary earth at dangerous magnitudes;
- v) quarrying happened in the past at some Landslide Prone Areas;
- vi) some land development activities took place in Landslide Prone areas and other areas, which obstructed the natural flow of water;
- vii) some multi-storied buildings are situated within 500 meter radial distance from the three buildings which were collapsed in 2016, August 2018 and August 2019,

All the points listed above, have the potential to trigger disasters of landslide and building collapse. The areas, which are marked as Landslide Prone Areas, are highly susceptible to landslide disasters. Unless proper action is taken to regulate Land Development, Construction and Quarrying activities in these areas, the landslide disasters will likely to recur in coming years also.

8. While enforcing disaster prevention measures, development needs of the local community cannot be brushed aside and a fine balance has to be maintained between disaster prevention and developmental needs . While regulating the construction of buildings at landslide prone areas, this balancing has to be properly taken care of. The local community that reside in these areas can not be disturbed to construct own residential buildings , buildings for their educational and healthcare needs, small scale industry unit buildings and buildings for their worship . At the same time all constructions with a commercial intent need be

curbed to ensure the safety of the local populace also. With the above objective, the buildings in vulnerable locations are classified as per Kerala Panchayat Building Rules (KPBR) /Kerala Municipal Building Rules(KMBR) as given below.

TABLE 1

Group Residential Building	A: Residential Building shall include any building in which sleeping accommodation is provided for normal residential purposes, with or without either cooking, or dining facilities. They shall include one or multifamily dwellings, apartment buildings or residential flats. Small professional offices or spaces for advocates, doctors, engineers, architects, chartered accountants, beauticians, tailors, photographers, videographers, telephone booth operators, computer professionals, typists electrical or electronic equipment service professionals, not exceeding 50 sq: meters floor area and used as part of principal residential occupancy are also included in this group. (It is made clear that the Lodging Houses, lodging or rooming houses, tourist homes, dormitories, hostels and hotels included in Group A1 as per section 30 of the Kerala Municipal Building Rules and Group A2 as per section 34 of the Kerala Panchayat Building Rules are not permitted in these areas).
Group Educational and Community buildings	B: Educational building shall include all educational buildings or part thereof, used for school, college and institutions of continuous and informal education or research. Community buildings shall include Self Help Group buildings, buildings of Clubs of the local community or other public buildings of the local community not exceeding 100 square meter in built up area. Community buildings shall also include the buildings which are used by local community for religious worship which include Temples, Churches, Mosques etc.
Group Medical Hospital Building	C: Medical or Hospital Building include any building or part thereof used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons. Hospitals, sanatoria, clinic, homes for the aged and the infirm, convalescent homes and mental hospitals.

Group D: Small industrial building	Small industrial building shall include any building or part thereof where products or materials of all kinds and properties are fabricated, assembled or processed by a small scale industrial unit. Note:- 'Small scale industrial unit' means an industrial unit carrying on small scale industry classified as such by government from time to time for this purpose, but does not include an industry included in schedule 1 of the Factories Act, 1948
Group E: Other Constructions	All buildings which are not specified in Group A, B, C or D above

9. There are a lot of Lodging Houses and other buildings coming under the category Group E, operating in Wayanad district. As the district is a tourist destination , the presence of Lodging houses is also required to take care the needs of tourists visiting this place and other casual visitors. However, many of these Lodging Houses are constructed at Landslide prone areas or hilly areas or geographically fragile areas or areas where the slope of land is more than 45 degree. The safety conditions of these Lodging Houses are of particular importance- both for ensuring the safety of visitors and for ensuring the safety of local people from disasters. In this order, the term "Lodging House" will have the same meaning as is given to the term, in section 3(21) of the Madras Public Health Act, 1939; rule 34 of the Kerala Panchayat Building Rules, 2011 and rule 30 of the Kerala Municipal Building Rules, 1999. The term "Lodging house" will include resorts, tourist villas, serviced villas, tourist bungalows, home stays, tourist apartments or the like, which are meant for receiving and for staying of casual guests or tourists.

10. All the causes narrated above in Paragraph 7, are capable enough of triggering disasters. Such disasters have to be prevented, for ensuring safety and security of people residing in the areas. Disaster Risk Reduction is a universally acted principle which envisages the preventive actions to minimise vulnerabilities and disaster risks. It is done with an aim to avoid or limit the adverse impacts of hazards, within the broad context of sustainable development. The UNDP defined Disaster Risk Reduction as *"The conceptual framework of elements considered with the possibilities to minimize*

vulnerabilities and disaster risks throughout a society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development." Disaster Risk Reduction is an integral part of Disaster Management.

The legal provisions, which enable the prevention of such disasters, were examined and the same are enlisted here below.

11. Legal provisions include the following ones,

i) Rule 26(3) of the Kerala Panchayat Building Rules, 2011 and Rule 23(3) of Kerala Municipal Building Rules, 1999 stipulate that

"No land development or redevelopment shall be made or no building shall be constructed in a plot liable to flood or on a slope forming an angle of more than 45 degrees with the horizontal or on soil unsuitable for percolation or on area shown as floodable area in any town planning scheme or in sandy beds, unless it is proved by the owner to the satisfaction of the Secretary that construction of such a building will not be dangerous or injurious to health and the site will not be subjected to flooding or erosion, or cause undue expenditure of public funds in the provision of roads, sewers, sanitation, water supply or other public services."

ii) Rule 2(1)(db) of Kerala Panchayat Building Rules, 2011 and Rule 2(1)(ch) of the Kerala Municipal Building Rules 1999 defines an 'unsafe building' as given below,

'unsafe building' means building which is structurally unsafe, insanitary or not provided with adequate means of egress or which constitute a fire hazard or is otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation or abandonment

iii) As per section 2 (e) of the Disaster Management Act 2005, "disaster management" means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for prevention of danger or threat of any disaster.

iv) As per section 2(d) of the Act, "disaster" means a catastrophe, mishap,

calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area.

v) The Disaster Management Plan, of Wayanad district, which was duly prepared as provided for in Section 31 of the Disaster Management Act, 2005 and approved under the provisions of the Act, clearly specifies that Landslide and Building Collapse are disasters to be cared about, in Wayanad district. So these disasters and hazards are to be prevented, vide provisions of the Disaster Management Act, 2005.

vi) Section 2(e) of the Disaster Management Act, 2005 specifies that, Disaster Management is a continuous and integrated process aimed at prevention of threat of any disaster. So, there shall be a continuous and integrated process to prevent the threat of landslide and building collapse.

vii) Section 30(1) of the Disaster Management Act says that the District Authority shall take all measures for the purpose of Disaster Management in the District.

viii) Section 30(2) (iii) of the Disaster Management Act, 2005 (Act 53 of 2005) empowers the District Disaster Management Authority (DDMA) to take action for ensuring that proper measures are taken for the prevention of disasters.

ix) Section 30(2)(v) further empowers the DDMA to issue direction to different authorities at District level and local authorities to take such other measures for the prevention of disasters.

x) Section 34 (m) empowers the DDMA to take such other actions as may be required or warranted to be taken in a threatening disaster situation or disaster, for the purpose of protecting the community.

xi) Section 34(h) further empowers the DDMA to recommend any authority or body to take such measures as are necessary in its opinion.

xii) Honorable High Court of Kerala held in its judgment in '**Thilakan V/s Circle Inspector of Police and others' dated 23.10.2007 (2008(1) KLT 141)** that

"The concept of sustainable development is now part of our environmental law, in view of various decisions of the Apex Court. The competing claims of the present generation for development and also the claims of future generations to inherit a healthy environment have to be balanced. While exploiting the resources, the capacity of the environment to repair and replace, has also to be taken note of. If a tree is cut and removed, for another tree to grow to the same size, it may take several years. If a bucket of soil is removed, to generate the same, the earth may take a few hundred years. The same is the case of other natural resources also. The length of time only varies. The revenge of mother earth has started displaying in the form of earth quakes, tsunamies, unusually wild cyclonic storms etc. Therefore, it is high time that we think of putting a stop to the defiling and degrading of mother earth.....' .

xiii) In the same judgment the Hon'ble High Court held that the 'Precautionary principle' is part of Environmental legislation in India.

xiv) The Hon'ble Supreme Court of India held, in its judgment in **Vellore Citizens' Welfare Forum vs Union of India ((1996) 5 SCC 647)** that

'Some of the salient principles of 'Sustainable Development' as culled from Burtland Report and other international documents, are Inter-Generational Equity, Use and Conservation of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays Principle, Obligation to Assist and Co-operate, Eradication of Poverty and Financial Assistance to developing countries. We are, however, of the view that The Precautionary Principle and the Polluter Pays Principle are essential features of Sustainable Development'.

The 'Precautionary Principle ' in the context of the municipal law - means :

(i)Environmental measures - by the State Government and the statutory authorities- must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The 'onus of proof is on the actor or the developer/industrialists to show his action is environmentally benign.'

xv) In **N.D. Jayal And Anr vs Union Of India And Ors (2004 (9) SCC 362; AIR 2004 SC 867)** the Honorable Supreme Court observed as given hereunder,

“ Disaster Management :

Disaster Management means all aspects of planning, coordinating and implementing all measures which are necessary or desirable to prevent, minimize, overcome or to stop the spread of a disaster upon the people or any property and includes all stages of rescue and immediate relief. It is a proven fact that lot of human suffering and misery from large number of disasters can be mitigated by taking timely actions, planning and preventive measures. It is possible only through well functioning disaster management framework. This will enable us to minimize, control and limit the effects of disaster and will streamline the disaster management exercises. Our present relief centered re-active approach after the striking of disaster need to be changed into preparedness oriented pro- active attitude. This is the aim of pre-

disaster preparations. Disaster Management Plans has to play an integral role in this exercise. They are blue prints for the management of disasters. The Disaster Management Plans should contain the aspects of disaster prevention and of ways for its management in the untoward occurrence of a disaster. A proper plan will place the disaster management exercise on a more firm foundation.

It is a welcome gesture that the Clearance to this Project contains a condition for chalking out disaster management plan. Disaster Management activities should be integrated with the developmental activities. Incidentally, this is also the resolve of the Yokohama Strategy of the United Nations International Decade of Natural Disaster Reduction, to which India is a party. There is an affirmative obligation on the part of the State to preserve and protect human life and property. This obligation is an integral element in fulfilling developmental endeavors. Therefore, disaster management cannot be separated from sustainable development." (Emphasise supplied)

So, it is evident that any development work or other work or action or process, which can cause or trigger a disaster, should be regulated, proactively to prevent disasters. It is the affirmative obligation of the DDMA to protect human life and property.

12. Nowadays disasters are recurring every year. Unless proper action is taken to prevent disasters, the lives of people will be held at stake. This kind of a situation cannot be permitted.

13. From the points detailed above and the experiences obtained during the disasters that occurred in 2018 and 2019, it is clear that,

- i. The construction of buildings shall be conducted by adopting such safe

- construction methods, which ensures the safety of the building and the safety of the surrounding area.
- ii. Buildings constructed at lands which form an angle of more than 45 degrees with horizontal plane or on soil unsuitable for percolation or on area shown as floodable area in any town planning scheme or in sandy beds, unless it is proved by the owner to the satisfaction of the Secretary that construction of such a building will not be dangerous or injurious to health and the site will not be subjected to flooding or erosion shall be permitted only after rigorously ensuring the safety of the same, in tune with the provisions contained in Kerala Municipal Building Rules and Kerala Panchayat Building Rules. All buildings constructed at such locations need be ensured to be following safety standards. Special care shall be exercised by the Licensing Authorities before issuing construction permit to any such construction of a building coming under the Group E, mentioned in Table 1, and the same shall be permitted, only if the Licensing Authority is satisfied beyond doubt about the safety of the said construction.
 - iii. It shall also be ensured that no unsafe building is constructed for the purpose of functioning of Lodging Houses and buildings coming under Group E. The definition of unsafe building, as given in the Kerala Panchayat and Municipal Building Rules, has a very wide prospect. The term “Unsafe building” is not limited to a building which is structurally unsafe. Unsafe building includes any building which is insanitary or dangerous to human life or constitutes hazard of safety or health. This clearly means that, an unsafe building is capable of triggering a disaster also.
 - iv. A building, which is constructed in a sloppy terrain which has more than 45 degree of angle with horizontal plane or flood prone area or landslide prone area or geographically unstable area, is dangerous to human life. The devastating effects of landslides were clearly demonstrated by nature in all the landslide disasters.
 - v. Cutting and leveling of earth is another factor which can cause landslide disaster. Such cutting and leveling of earth in a land which has more than 45 degrees of slope is highly dangerous which can cause the building constructed in such lands to become unsafe buildings.
 - vi. It is also scientifically proved that the blockage of natural water flow of streams will also trigger landslides in geographically vulnerable locations.

- vii.The structural safety of buildings having more than 5 floors and situate either in Landslide Prone Area or within a radial distance of 500 meters from any of the three building collapse cases reported during the last five years require examination by an Expert Committee, to ensure that these buildings are structurally safe and does not pose the threat of building collapse.
- viii.Quarrying and mining activities has to be restricted within the Landslide Prone Areas. Rampant quarrying in Landslide Prone Areas has changed geography of several regions and affects their eco systems in a dangerous way. The landslide disaster threat caused by quarrying is heavy.

14. The District Disaster Management Authority (DDMA) was duly constituted vide G.O. (P) 303/2008/DMD dated 09.09.2008. The powers conferred upon the District Disaster Management Authority vide Section 30 of the Disaster Management Act are delegated to the Chairman, as per provisions of section 26 of the Act; by the DDMA. Therefore, the Chairman is empowered to take action under the Disaster Management Act.

15. The threat of disaster is imminent and it has shown its ferocious power of destruction during two consecutive annual spells . Such a situation shall be properly prevented, without leaving the safety and security of lives of people at the mercy of hindsight. The DDMA Wayanad resolved in its full quorum meeting to take necessary action for prevention of disaster. Hence it is necessary to issue this order.

Considering the points detailed above and the need to prevent landslide and building collapse disasters, the following orders are hereby issued.

ORDER

16. In the light of the legally affirmative points described above and in exercise of the powers conferred under sections 30(1), 30(2)(iii), 30(2)(v), 34(h) and 34 (m) of the Disaster Management Act 2005, that

- A. The Secretaries of all Grama Panchayats and Municipalities are hereby ordered to ensure that-
 - i. Henceforth, permission to construct buildings shall be allowed in Landslide Prone Area in Wayanad district to those buildings coming under Group A, B, C and D included in Table 1 only.

Height of such buildings coming under this category shall be limited to 8 meters and 2 floor levels. While calculating the height of the building and number of floors, all floors including any cellar or mezzanine floors shall be included; but the stair or lift head room, water tank and parapet wall shall be excluded. The built up area of such buildings shall not exceed 200 square meter. Any building coming under Group B, C and D in the Landslide Prone Area will be permitted based on merits after rigorous scrutiny by the Core Committee constituted vide reference 2, cited.

- ii. No construction coming under the Group E, mentioned in Table 1 above, shall be permitted at Landslide Prone Area, henceforth.
- iii. It shall also be ensured that the construction of those buildings coming under Group B, C and D is compulsorily designed structurally to avoid the disaster of building collapse and to withstand landslide disaster. It shall further be ensured that such constructions will not result in the construction of an *unsafe building*.
- iv. Secretaries of Grama Panchayats and Municipalities shall make sure that the above conditions are fulfilled while issuing building permits. They shall also reconsider the existing permits based on the report of Expert Committee and renew the permits only if it comply with the corrective actions suggested by the Expert Committee constituted here under.

B. The Secretaries of all Grama Panchayats and Municipalities, the Tahsildars of Sulthan Bathery, Mananthavadi and Vythiri Taluks, The District Soil Conservation Officer and the Geologist are here by ordered that,

- i. No quarrying and mining activities shall be permitted at any Landslide prone area. If any such quarrying or mining is happening at any Landslide prone area, the Tahsildar shall get them closed after issuing notice within two weeks after giving them a reasonable opportunity of being heard. In any case, the final decision on the matter shall be arrived at, within one month from the date of this order.
- ii. The Tahsildars and Secretaries of Grama Panchayats and Municipalities shall ensure that no quarry is functioning outside Landslide hazard prone areas without valid permits and licenses. The documents obtained by Quarrying units shall be mandatorily re-examined by the Geologist,

before 20.9.2019 to ensure that all the conditions in the permit are rigorously followed. If any Quarrying unit does not follow the conditions prescribed in license or permit, as envisaged in statutes, then such units shall not be permitted to operate further.

- iii. The Geologist and the District Soil Conservation Officer shall re-assess the probability of landslips or landslides within a radius of one kilometer area of all quarrying units in the district, within 3 months from the date of this order.
- iv. The Geologist and the District Soil Conservation Officer shall thoroughly examine all landslips, landslides and soil piping etc that took place or present in the 1 kilometer radius of quarry area to assess the adverse impact of quarrying on the disaster situation/vulnerability in that locality.
- v. The Geologist shall assess the quantity of minerals extracted, details of explosives used, number of workmen engaged and area under mining with reference to the existing quarrying/ mining permits issued, within one month from the date of this order.

C. The District Geologist, the Secretaries of all Grama Panchayats and Municipalities and Tahsildar, Vythiri/Mananthavadi/Sulthan Bathery are hereby ordered to ensure that-

- i. no mechanised excavation of ordinary earth shall be permitted at any Landslide prone area. In case of removal of ordinary earth fell down as part of any disaster, then the same may be removed with the approval of Tahsildar based on the recommendation of Geologist . No cutting of earth (other than the minimum required for providing the footing/foundation of the building or construction of drinking water well or construction of the necessary sanitary and water supply constructions for the building) shall be permitted in Landslide Prone Area.
- ii. all the constructions are so designed as to avoid cutting and leveling of ordinary earth to the maximum possible extent and without disturbing the natural landscape. Cutting of ordinary earth shall be permitted only in accordance with the relevant provisions contained in acts, rules and orders connected thereto. In any case, the cutting of ordinary earth to a height of more than three meters shall not be permitted, unless proper stepping is provided at each 3 meter intervals

of vertical height. The horizontal measurement of each such step shall not be less than 2 meters.

- iii.D.The Secretaries of all Grama Panchayats and Municipalities are hereby ordered to ensure that-
- iv.all Lodging Houses and other buildings coming under Group E mentioned in Table 1, which are registered under the Madras Public Health Act, 1939 or any other act or rule for the time being in force in the concerned Grama Panchayat or Municipality, comply with all the specific requirements contained therein, in the said rule or act, with respect to ensuring the safety of occupants and community. Any Lodging House or other building coming under Group E mentioned in Table 1, which violates any of the said provisions, shall not be permitted to continue its operation or business, without rectifying the said violation. The Secretary shall issue notice to all such Lodging Houses or other Building coming under Group E, which do not comply with such specific requirements, within two weeks positively and decide the case after giving them a reasonable opportunity of being heard. In any case, the final decision on all such cases shall be arrived at within a period of three months from the date of this order.
- v. all Lodging Houses and other buildings coming under Group E mentioned in Table 1, which are not registered with the Grama Panchayat or the Municipality, as the case may be, are reasonably presumed to be not taking such registration, for the reason that they are not complying with the safety provisions enlisted in various statutes like the Madras Public Health Act, 1939; the Kerala Municipal Building Rules, 1999; the Kerala Panchayat Building Rules, 2010 etc. So the functioning of such un-registered Lodging Houses, can trigger disasters. Therefore, action shall be taken to close down such un-registered Lodging Houses forthwith. They shall be permitted to restart their functioning only after complying with all provisions and obtaining valid registration from the Grama Panchayat or Municipality. The Secretary shall issue notice to all such Lodging Houses within two

- weeks positively and take final decision on all such cases within a period of three months from the date of this order, after giving them a reasonable opportunity of being heard.
- vi. No lodging house or other building coming under the Group E, mentioned in Table 1 above, shall be permitted to operate in an Unsafe Building, as defined in rule 2(1)(db) of Kerala Panchayat Building Rules, 2011 and Rule 2(1)(ch) of the Kerala Municipal Building Rules 1999.
- vii. Any construction proposed for a building in a land which constitute an angle of 45 degree or more with the horizontal plane or on soil unsuitable for percolation or on area shown as floodable area or in sandy beds shall be permitted only after rigorously ensuring the conditions stipulated in rule 26(3) of the Kerala Panchayat Building Rules, 2011 and Rule 23(3) or Kerala Municipal Building Rules, 1999.

E. The Secretaries of all Grama Panchayats and Municipalities are hereby ordered that ,

- A. It shall be ensured that no construction or land development is done in such a way as to disturb the natural flow of any water course except the ones which are meant for disaster management operations and those which are permitted under the Kerala Irrigation and Water Conservation Act, 2003.
- B. All artificially created water storage units created by blocking or altering the natural flow of water, except the ones used by the public or used by the local Self Government Institutions for water supply schemes, constructed at any Landslide Prone area shall be safely drained and demolished. No further water storage will be permitted in such artificial water bodies. It is made clear that this will not be applicable to drinking water wells and natural water bodies.

Any reference to the term “Water Course” in this order shall mean a river, stream, spring, channel, lake or any natural collection of water situated both in a private land and government lands and includes any tributary or branch of any river, stream, spring or channel.

- F. Any reference to the term “Landslide Prone Area” in this order shall include the area marked as Landslide Prone Area in the Landslide Zonation Map referred to in paragraph 6 above and all the land coming within 500 meter radial distance from all the boundary points of the said area.
- G. Order is issued under section 28 of the Disaster Management Act, to the following effect,
- i. All existing buildings of Group B,C,D,E and Buildings in Group A with more than 200 square meter area situated in Landslide Prone area and Buildings having more than 5 floors and situate within either the flood prone area or Landslide Prone area or within 500 meter radial distance from any of the building collapse cases reported during the last five years shall be scrutinised by an Expert Committee, to see whether these structures pose any serious threat of disaster. The Expert Committee is hereby constituted under section 28 of the Disaster Management Act, 2005 with the following members,
 - H. CEO, DDMA & Additional District Magistrate (Chairman)
 - I. Civil Engineering Expert from National Institute of Technology, Calicut
 - J. Expert from the CWRDM, Kozhikkode
 - K. Expert from the NCESS, Thiruvananthapuram
 - L. District Town Planner, Wayanad
 - M. District Soil Conservation Officer (Convener)

The Committee shall submit its report within 3 months from the date of this order. A detailed terms of reference for the Expert Committee, will be issued separately. Those buildings, which are found to be posing any serious threat of disaster, will have to take the corrective steps recommended by the Expert Committee within 3 months from communication of the same to them.

The Secretaries of Grama Panchayats and Kalpetta Municipality shall make available the list of all such buildings, which are to be inspected by the Expert Committee as per this order, before 2.9.2019.

17. i) The Secretary of the Grama Panchayat or the Municipality, as the case

may be, shall give notice in writing to the owners of all Lodging Houses and Group E buildings, coming under the jurisdiction of the Grama Panchayat or Municipality, specifically demanding them to comply with these regulations, within a period of three months from the date of this order.

ii) The District Police Chief shall communicate a copy of this order to all Station House Officers.

iii) Tahsildars shall communicate a copy of this order to all Village Officers.

This order will take effect from the date of order.

Sd/-

Chairman, DDMA; District Magistrate &
District Collector, Wayanad

To

1. The District Police Chief, Wayanad (through email)
2. Tahsildar, S.Bathery/Mananthavadi/ Vythiri (through email)
3. Secretary of all Grama Panchayats (through email)
4. Secretary of all Municipalities (through email)
5. Environment Engineer, Kerala State Pollution Control Board, Kalpetta, Wayanad (through email)
6. All Station House Officers of Police, through the District Police Chief
7. Geologist, District Office of Mining and Geology, Wayanad (through email)
8. District Town Planner, Wayanad (through email)
9. The Director, National Institute of Technology, Kozhikkode (through email)
10. The Director, CWRDM, Kozhikkode (through email)
11. The Director, NCESS, Thiruvananthapuram (through email)
12. District Soil Conservation Officer, Wayanad (through email)

Copy to

1. All Members of the DDMA (through email)
2. The Sub Divisional Magistrate and Sub Collector, Mananthavadi (through email)
3. The Deputy Collector (LR), Collectorate, Wayanad (through email)
4. Deputy Collector (LA), Collectorate, Wayanad (through email)
5. Executive Engineer, PWD, Buildings, Wayanad (through email)
6. Executive Engineer, LSGD, Wayanad (through email)

7. Deputy Director of Panchayats, Wayanad (through email)
8. The District Industries Officer, Wayanad (through email)
9. The Deputy Director of Tourism, Wayanad (through email)
10. The District Information Officer, Wayanad (through email- for publishing through media)
11. The District Informatics Officer, Wayanad (through email- for uploading in the district website)
12. Junior Superintendent, H/L Sections in office
13. The Stock File/ KMS

*This is electronically approved by **AJAYAKUMAR A R, DC DCWYD, O/O DC WAYANAD** on 21/08/2019. Hence it does not require signature in ink.*