

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

Wednesday, the 8th day of October 2025 / 16th Aswina, 1947
WP(C) NO. 28509 OF 2024(S)

IN RE: PREVENTION AND MANAGEMENT OF NATURAL DISASTERS IN KERALA

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
2. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI, PIN - 110 003.
3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. THE DIRECTOR, DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM PALACE P.O., THIRUVANANTHAPURAM, PIN - 695 004.
5. THE SECRETARY, MINISTRY OF MINES SHASTRI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110 001.
6. THE STATE POLICE CHIEF, KERALA STATE POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 010.
7. THE COMMISSIONER (*CORRECTED), OFFICE OF THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, OBSERVATORY HILLS, VIKHAS BHAVAN P.O , THIRUVANANTHAPURAM *R7 IS CORRECTED AS "THE KERALA STATE DISASTER MANAGEMENT AUTHORITY, VIKAS BHAVAN P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, KERALA, 695 033, REPRESENTED BY ITS MEMBER SECRETARY" AS PER ORDER DATED 09/08/2024 IN WP(C).
8. THE SECRETARY, NATIONAL DISASTER MANAGEMENT AUTHORITY, NDMA BHAWAN,A-1, SAFDARJUNG ENCLAVE, NEW DELHI, PIN - 110 029.
9. JAMES VADAKKAN, MANAGING TRUSTEE, CENTRE FOR CONSUMER EDUCATION KP 6/699 VADAKKAN BUILDINGS, MUNDANGAL.P.O, PALA, KOTTAYAM, PIN - 686 575.

ADDITIONAL R10 TO R14 IMPLEADED

10. GEOLOGICAL SURVEY OF INDIA, REPRESENTED BY ITS DEPUTY DIRECTOR GENERAL, HAVING ITS LOCAL OFFICE AT 4TH FLOOR, C BLOCK, KENDRIYA BHAVAN, SEAPORT-AIRPORT ROAD, KAKKANAD, KOCHI, KERALA 682 037.
11. NATIONAL CENTRE FOR EARTH SCIENCE STUDY, REPRESENTED BY THE DIRECTOR, AAKKULAM, THIRUVANANTHAPURAM, POST BOX NO.7250, KERALA 695011.
12. THE SURVEY OF INDIA, REPRESENTED BY THE SURVEYOR GENERAL OF INDIA, OFFICE OF THE SURVEYOR GENERAL OF INDIA, HATHIBARKALA ESTATE, DEHRADUN-248001
13. THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, K.S.R.T.C BUS TERMINAL COMPLEX, 4TH FLOOR, THAMPANOR, THIRUVANANTHAPURAM - 695 001

14. THE COASTAL ZONE MANAGEMENT AUTHORITY, THAMPANOR, KSRTC BUILDING, 4TH FLOOR, OVERBRIDGE, THAMPANOR, THIRUVANANTHAPURAM, KERALA 695 001. *ADDL. R10 TO R14 ARE IMPEADED AS PER ORDER DATED 09/08/2024 IN WP(C).

ADDITIONAL R15 TO R19 IMPEADED

15. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-110001.

16. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, SECTOR 10, DWARAKA, NEW DELHI – 110075, REPRESENTED BY ITS CHAIRMAN.

17. CENTRAL WATER COMMISSION, 3RD FLOOR, (SOUTH, SEWA BHAVAN, RK PURAM, SECTOR-1, NEW DELHI – 110066, REPRESENTED BY ITS SECRETARY.

18. INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS), "OCEAN VALLEY", PARAGATHI NAGAR (B0), NIZAMPET(S0), HYDERABAD - 500090, TELANGANA, INDIA, REPRESENTED BY ITS DIRECTOR.

19. NATIONAL REMOTE SENSING CENTRE, DEPARTMENT OF SPACE, GOVERNMENT OF INDIA, HYDERABAD – 500 037, TELANGANA. *ADDL.R15 TO R19 ARE IMPEADED AS PER ORDER DATED 16/08/2024 IN WP(C).

ADDITIONAL R20 IMPEADED

20. THE KERALA STATE LEGAL SERVICES AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, HIGH COURT COMPOUND, ERNAKULAM, 682 031. ADDL.R20 IS IMPEADED AS PER ORDER DATED 04/10/2024 IN WP(C).

ADDITIONAL R21 IMPEADED

21. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY THE PRINCIPAL SECRETARY, NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI - 110 001. ADDL.R21 IS SUO MOTU IMPEADED AS PER ORDER DATED 25/10/2024 IN WP(C).

ADDITIONAL R22 TO R33 IMPEADED

22. BANK OF BARODA, REGIONAL OFFICE, ERNAKULAM, 5TH FLOOR, MG ROAD METRO STATION COMPLEX, KOCHI, KERALA – 682 035.

23. CENTRAL BANK OF INDIA, COCHIN REGIONAL OFFICE, GEO TOWERS, 2ND FLOOR, SAHODARAN AYYAPPAN ROAD, PALLIMUKKU, KOCHI, ERNAKULAM, KERALA – 682 016.

24. CANARA BANK, CIRCLE OFFICE, TC 26/173, M.G. ROAD, SPENCER JUNCTION, THIRUVANANTHAPURAM, KERALA – 695 001.

25. INDIAN OVERSEAS BANK [IOB], REGIONAL OFFICE, IOB BUILDING, M.G. ROAD, THIRUVANANTHAPURAM – 695 001.

26. INDIAN BANK, ZONAL OFFICE, VALANJAMBALAM, ERNAKULAM, KERALA.

27. STATE BANK OF INDIA [SBI], LOCAL HEAD OFFICE, POOJAPPURA, THIRUVANANTHAPURAM – 695 012.

28. PUNJAB NATIONAL BANK [PNB], CIRCLE OFFICE, 40/7365, MULLASSERY CANAL ROAD, ERNAKULAM NORTH, KOCHI – 682 108.

29. UNION BANK OF INDIA, REGIONAL OFFICE, ERNAKULAM, 2ND FLOOR, VANKARATH TOWERS, NH BYPASS, PALARIVATTOM, KOCHI – 682 024.

30. BANK OF INDIA, KERALA ZONAL OFFICE, KALOOR TOWERS, KALOOR, KADAVANTHRA ROAD, COCHIN, ERNAKULAM - 682 017.

31. FEDERAL BANK, HEAD OFFICE [REGISTERED HQ], P.B.NO.103, FEDERAL TOWERS, ALUVA, KERALA - 683 101.

32. SOUTH INDIAN BANK LTD., CORPORATE/HEAD OFFICE, T.B. ROAD, MISSION QUARTERS, THRISSUR – 680 001.

**33. KERALA GRAMIN BANK [KGB], HEAD OFFICE, KGB TOWERS, AK ROAD, UP HILL, P.O. MALAPPURAM – 676 505.
ADDL. R22 TO R33 ARE IMPEADED AS PER ORDER DATED 08/10/2025 IN WP(C) 28509/2024.**

This Suo motu writ petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 10/09/2025 and upon hearing the arguments of SRI. K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SRI. C.E. UNNIKRISHNAN & SRI. V. MANU, SPECIAL GOVERNMENT PLEADERS for R1, R3, R4, R6 & R7, SMT. O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R2, R5 & R15, M/S. JOHNSON MANAYANI, BENHUR JOSEPH MANAYANI & JEEVAN MATHEW MANAYANI, Advocates for R9, SRI. M.P. SREEKRISHNAN, STANDING COUNSEL for R13, SRI. PRAKASH M.P., STANDING COUNSEL for R14, SRI. SALIL NARAYANAN K.A., Advocate for R16, SRI. V. RAMKUMAR NAMBIAR, Advocate for R20, SMT.S.KRISHNA, Advocate for R8, R10 to R12, R17 to R19 and of SRI.RENJITH THAMPAN (SENIOR ADVOCATE), AMICUS CURIAE, the court passed the following:

P.T.O.



**DR. A.K.JAYASANKARAN NAMBIAR, J.
&
JOBIN SEBASTIAN, J.**

W.P.(C).NO.28509 OF 2024

Dated this the 8th day of October, 2025

O R D E R

Dr. A.K. Jayasankaran Nambiar, J.

After seeking many adjournments from this Court to revert with a decision on the issue of waiver of bank loans outstanding from the victims of the devastating landslide at Wayanad, the Union Government has finally submitted an affidavit, affirmed and signed by an Under Secretary in the Ministry of Home Affairs, Government of India. After referring to Master Directions issued by the Reserve Bank of India in 2018 as regards relief measures to be adopted by banks in areas affected by natural calamities, it is stated as follows at paragraphs 4 to 7 of the affidavit:

"4. It is submitted that the RBI directions on Relief Measures by Banks in Areas Affected by Natural Calamities provides effective ways to redress grievances and to grant relief to the affected people in order to ameliorate the difficulties the borrowers may face due to the calamity, but there is no provision of loan waiver. However, on any shortcomings being noticed in the implementation of the said guidelines, DFS may take corrective measures by issuing necessary directions to the Banks.

5. It is further stated that the Department of Financial Services, Ministry of Finance oversees the administrative matters related to Public Sector Banks and only provides policy support. Banks are independent commercial organizations accountable to their shareholders for their commercial decisions which are taken as per their Board-approved policies and as per RBI guidelines.

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6. It is reiterated that the measures/directions issued by the RBI through its Master Direction in 2018, are comprehensive enough to provide necessary relief to the affected parties in the Calamities/Disasters. It is also brought to notice that in January 2015 during Gyan Sangam, conference for banks and financial institutions in India, organized by the Ministry of Finance to advance reforms in the banking and financial sector, it was decided that the Government will not interfere in the commercial working/decisions of the Banks. Hence it is humbly submitted that the decision to grant loan waiver is beyond the administrative powers of the Department of Financial Services, Ministry of Finance.

7. The Ministry of Home Affairs is the nodal ministry for issues pertaining to Disaster Management, relief and rehabilitation. Therefore, in view of the inputs provided by the Department of Financial Services, Ministry of Finance and based on the RBI's Master Direction -Relief Measures by Banks in Areas Affected by Natural Calamities Directions, 2018 in the matter, it is submitted that there is no provision for providing any kind of loan waiver as far as Natural Disasters are concerned. Further, it is submitted that mechanism/measures to deal with the relief measures have been adequately elaborated in the Master Direction -Relief Measures by Banks in Areas Affected by Natural Calamities Directions, 2018 by RBI dated 17.10.2018."

2. It has become quite apparent to this Court, therefore, that the Union Government does not intend to exercise its discretion to direct the banks concerned to waive the repayment of the loan amounts in question, and that is indeed unfortunate. Notwithstanding the averments in the affidavit filed by it before this Court, we cannot accept the stand taken by the Union Government that it is powerless to act in a situation such as this. Article 73 of the Indian Constitution makes it abundantly clear that the executive power of the Union shall extend to matters with respect to which the Parliament has the power to make laws. It is also significant that the Parliament's legislative powers include the residual power to legislate over all matters, including taxation, not

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specified in any of the lists under the seventh schedule to the Constitution. As the repository of such vast powers, we would have thought that the Union Government would have considered itself constitutionally obliged to act in a responsible manner to protect the fundamental right to life of the hapless victims of a natural disaster that the Government itself categorised as “Severe” for the purposes of the Disaster Management Act, 2005. This is more so when we find from a news report in the Hindu daily today [8.10.2025] that the Union Government has approved Rs.707 crore in aid, by way of additional central assistance to the States of Assam and Gujarat which were affected by flood and landslides during 2024. The monetary relief sought in the instant proceedings through a loan waiver is merely a fraction of the figures indicated in the news report referred to above. Unfortunately, the submissions hitherto made before us, based on the affidavit referred to above, demonstrate an unwillingness on the part of the Union Executive to come to the aid of the victims of the Wayanad tragedy.

3. Part III of our Constitution obligates the State to protect the fundamental rights of our people. The term “State” under the Constitution refers collectively to the governing machinery that includes the legislative, executive and judicial wings of the Union,

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the States and the Union Territories, that together constitute India, that is Bharat. The federal principle envisaged under the Constitution does not allow for a differential treatment being meted out by the Union Government to citizens in any particular state. Party politics cannot negate the constitutional guarantee of protection of the fundamental rights of the people in a democratic republic. In the instant case, what is at stake is the fundamental right of the landslide victims of Wayanad to a life with dignity. Having lost their lands, and their means of livelihood, in the devastating landslide, they are now being called upon to repay the loans availed by them for agricultural and related purposes when the very property that they had offered as collateral security while availing those loans has ceased to exist. This is nothing short of an affront to their dignity which has been recognised as an aspect of their fundamental right to life under Article 21 of the Constitution. By refusing to exercise a power that they have, in a situation that calls for the exercise of that power, we are of the view that the Union Government has virtually failed the landslide victims of Wayanad.

4. Exasperating though the situation may be, our commitment to constitutional morality obliges us to respect the principle of separation of powers envisaged under the Constitution,

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and thereby to defer to the decision of the Union Government on a matter of economic policy. We therefore refrain from issuing any directions to the Union Government regarding the manner in which they ought to exercise their discretion. However, as an integral part of the "State" under the Constitution, and as a guardian of the fundamental rights of the people, we cannot remain mute spectators to the Shylockian methods resorted to by the banks concerned to recover the loans advanced by them. We believe that we can certainly consider the legality of the recovery action initiated by them against the backdrop of the circumstances under which such action is initiated. Fairness in state action being one of the cardinal features of the rule of law that is recognised as a basic feature of the Constitution, we cannot presently permit the banks and financial institutions concerned to ride rough shod over the fundamental rights of the landslide victims at a time when they are struggling to restore normalcy in their lives. We therefore issue the following directions:

(i) The following banks are impleaded as additional respondents in W.P.(C).No.28509 of 2024. The Registry shall issue notice to the said additional respondents and also serve a copy of this order to the said additional respondents:

1. Bank of Baroda, Regional Office, Ernakulam, 5th Floor, MG Road Metro Station Complex, Kochi, Kerala -

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682035.

2. Central Bank of India, Cochin Regional Office, GEO Towers, 2nd Floor, Sahodaran Ayyappan Road, Pallimukku, Kochi, Ernakulam, Kerala - 682016
3. Canara Bank, Circle Office, TC 26/173, M.G. Road, Spencer Junction, Thiruvananthapuram, Kerala - 695001
4. Indian Overseas Bank [IOB], Regional Office, IOB Building, M.G. Road, Thiruvananthapuram - 695001.
5. Indian Bank, Zonal Office, Valanjambalam, Ernakulam, Kerala.
6. State Bank of India [SBI], Local Head Office, Poojappura, Thiruvananthapuram - 695012.
7. Punjab National Bank [PNB], Circle Office, 40/7365, Mullassery Canal Road, Ernakulam North, Kochi - 682108.
8. Union Bank of India, Regional Office, Ernakulam, 2nd Floor, Vankarath Towers, NH Bypass, Palarivattom, Kochi - 682024.
9. Bank of India, Kerala Zonal Office, Kaloor Towers, Kaloor, Kadavanthra Road, Cochin, Ernakulam - 682017.
10. Federal Bank, Head Office [Registered HQ], P.B.No.103, Federal Towers, Aluva, Kerala - 683101.
11. South Indian Bank Ltd., Corporate/Head Office, T.B. Road, Mission Quarters, Thrissur - 680001.
12. Kerala Gramin Bank [KGB], Head Office, KGB Towers, AK Road, Up Hill, P.O. Malappuram - 676505.

(ii) Recovery action, if any initiated by the additional respondent banks, against the landslide victims in

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Wayanad shall be kept in abeyance pending final disposal of this writ petition.

(iii) It shall be open to the additional respondents to move for a modification of this order after filing their counter affidavits in these proceedings. The counter affidavits shall state clearly -

- (a) whether the respondent banks are willing to waive, either wholly or partially, the loans availed by the landslide victims in Wayanad, or
- (b) if not, their justification, with reference to the terms of loan agreements for seeking repayment of loan, together with interest, during the pendency of these proceedings.



Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
JOBIN SEBASTIAN
JUDGE

prp/8/10/25