HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WP(PIL) No.11 of 2026

IN RE- CLIMATIC JUSTICE IN THE STATE OF SIKKIM

For Petitioner(s)	:	Mr. Sudhir Mishra, Advocate as Amicus Curiae assisted by Ms. Ritwika Nanda, Ms. Petal Chandhok and Ms. Aadya Sharma, Advocates (through VC). Dr (Mrs.) Doma T. Bhutia, Senior Advocate with Mr. Saurav Rai and Mr. Sonam Topden Bhutia, Advocates and Mr. T. R. Barfungpa, Senior Advocate as Amici Curiae with Ms. Parvin Manger, Advocate.
For Respondent(s) R-1 to R-12, R-14 & R-15	:	Mr. Aarohi Bhalla, (through VC) and Mr. Zangpo Sherpa, Additional Advocate Generals with Mr. S. K. Chettri, Government Advocate and Mr. Sujan Sunwar, Assistant Government Advocate.
R-13, R-16, R-18, R-19 & R-21	:	Ms. Sangita Pradhan, Deputy Solicitor General of India with Ms. Natasha Pradhan and Mr. Amit Kumar Sharma, Advocates.
R-17	:	Mr. Rahul Rathi, Advocate.
R-20	:	Ms. Sachina P.Y. Subba, Advocate.

Date : 05/11/2026

CORAM :
HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

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ORDER: (per the Hon'ble Chief Justice)

1. After today's deliberations and hearing the learned Additional Advocate Generals for the State, the learned Deputy Solicitor General for respondent nos.13, 16, 18, 19 and 21 as well as the learned Amici Curiae Dr. Doma T. Bhutia and Mr. T.R. Barfungpa, learned Senior Advocates and Mr. Sudhir Mishra, learned Advocate, we are inclined to take up two issues at this stage for immediate consideration.

2. In the Notification No.72/HOME/2024 dated 11.09.2024 issued by the Home Department annexed to the reply affidavit filed on behalf of the Sikkim State Disaster Management Authority (SSDMA) on 30.10.2026, it is stated that as per the report of National Disaster Management Authority

Sikkim has 40 high risk glacial lakes. The affidavit also reports about studies undertaken on the various lakes in Sikkim as indicated in the accompanying chart (Annexure-R3) thereto. The learned Amicus Curiae Mr. Sudhir Mishra has suggested that keeping in mind the precautionary principle, disaster preparedness and the objective of anticipatory climate resilience, a State Nodal Officer for the protection of glacial lakes should be appointed within the SSDMA to oversee disaster preparedness for the said 40 glacial lakes of critical importance. It is also suggested that four additional Nodal Officers be appointed under the overall supervision of the Nodal Officer, each to be individually in-charge of the ten of the 40 glacial lakes of critical importance. The Nodal Officer should be the single point of contact for early warning measures, disaster preparedness, review of each glacier's movements, the population affected and gathering of critical data from other Departments, Ministries and the Administration. It is further suggested that the Nodal Officer should be an Officer of sufficient senior rank, preferably drawn from the Indian Administrative Service/Indian Forest Service/Indian Police Service having rich prior experience in disaster management and flood control initiatives, with excellent leadership and quick thinking approach. It is suggested that the Nodal Officer would be required to multi-task and address the concerns and the comprehensive threat of GLOFs in the State of Sikkim.

3. While we are in agreement with the suggestion of the Amici Curiae we are of the opinion that the State should be given an opportunity to consider the above suggestion and take pro-active steps if not already taken towards taking control of the high risk and critical glacial lakes at the earliest. The State may file their response by next posting.

4. It is seen that certain Indian States i.e. Himachal Pradesh, Uttarakhand and Bhutan have already installed early warning systems for mitigating GLOF disaster risk. We persuade the State Government as well as the Central Government to immediately take steps towards procuring

and installing such early warning systems to prevent a recurrence of a calamity like the one that struck Sikkim in October, 2023. The State Government may respond to action taken towards the acquisition of such systems by the next posting.

5. The learned Amicus Curiae has also suggested that the Secretary, Ministry of Earth Sciences, Government of India, Prithivi Bhawan, Opposite India Habitat Centre, Lodhi Road, New Delhi-110003 and the National Disaster Management Authority through its Secretary, NDMA Bhawan, A-1, Safdarjung Enclave, New Delhi-110029 to be impleaded as respondents. We implead the above parties as respondents. Let the learned Deputy Solicitor General of India take notice for the newly impleaded respondents.

6. Dr. Doma T. Bhutia and Mr. T. R. Barfungpa, the learned Amici Curiae suggested that while the study undertaken by the State Government is comprehensive and notifications constituting a High Level Steering Committee and a Multi-Disciplinary Task Force, as well as the Sikkim Commission on Glacial Hazards have already been issued, the State should also apprise this Court of the steps taken by these Committees and the Commission. We are inclined to accept this suggestion and request the State to file a response by the next posting.

7. The other issue raised by Mr. Sudhir Mishra in his note dated 31.10.2026 which concerns us at this stage, is the issue raised about in the article published in *The Economic Times* dated 11.10.2026 annexed thereto. According to the article, Sikkim’s cardamom plantation has been failing and Sikkim’s black cardamom production plummeting. It reasons that changing weather has played a major role in the decline of black cardamom plantations while winter becomes warmer and rainfall less predictable which leaves plants vulnerable to disease. According to the report, the Senior Biotechnologist is said to have stated that this is not attributable to a single disease problem but is the result of a complex interaction between climate stress, soil health, and plant genetics microbial

behavior. The report also states that the State Government's *"Mero Alaichi, Mero Dhan"* (My Cardamom, My Wealth) mission aims to change this. We are of the view that climate change would cause many such issues and it should be addressed in right earnest. The learned Amicus Curiae has made several valuable suggestions in his note dated 31.10.2026. Before passing any orders on the issues raised therein, we consider it appropriate to seek a response from the State Government on steps taken by them on their initiative *"Mero Alaichi, Mero Dhan"* as well as to the suggestion made in the learned Amicus Curiae note dated 31.10.2026 by next posting.

8. The status report dated 05.11.2026 has also been filed on behalf of the respondent no.18 indicating activities of Geological Survey of India in the State of Sikkim for Natural Hazards. The same is taken on board and shall be kept for deliberation on the next posting.

9. List this matter on 18.11.2026.

(Bhaskar Raj Pradhan)
Judge

(A. Muhamed Mustaque)
Chief Justice

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