

**BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT SHIMLA**

**CWPIL No. 15 of 2010  
And  
CWP No. 5087 of 2013  
And  
CWP No. 5088 of 2011**

**IN THE MATTE OF**

**Court on its own Motion Vs. State of HP & Ors.  
And  
Durga Dutt & Ors. Vs. State of HP  
And  
Sher Singh. Vs. State of HP**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D.K. ARGAWAL, EXPERT MEMBER  
HON'BLE MR. P. S. RAO, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Petitioner:  
Respondents:**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 2, 21 &amp; 22 July 29, 2013</b>	<p>These cases have been received on transfer from the Hon'ble High Court of Himachal Pradesh.</p> <p>We have heard learned counsel appearing for the parties.</p> <p>It is brought to our notice that the individuals, whose illegally erected shops/dhabas in the forest area were directed to be demolished and removed from the forest, had approached the Hon'ble Apex Court and some of them have been granted interim order of <i>status quo</i>.</p> <p>It is further pointed out that some of the shops have already been demolished and persons dispossessed from the forest area.</p> <p>As the matter is subjudice before the Hon'ble Supreme Court of India, we would not like to deal with this aspect of the case to this extent at this stage. Let the matter await the Order of the Hon'ble Supreme Court.</p> <p>Admittedly, Rohtang Pass besides its geographical status, is a tourist attraction, but, at the same time, its environment and ecology needs to be protected at all costs. It is not disputed that vehicular traffic, littering and excessive human presence in that area does cause</p>

damage to the environment. It has long term impact and affects downstream environment as well.

Consequently, we consider it appropriate to constitute an Expert Committee which should visit the entire valley of Rohtang Pass commencing from Manali. The expert Committee shall consist of the Secretary (Forests), the Director (Tourism), State of Himachal Pradesh, Chief Conservator of Forests, Divisional Commissioner, Mandi and an Expert in Ecology, which shall report to this Tribunal *inter alia* but primarily on the following issues:-

1. What is the extent of littering of plastic waste material in any form and other waste in Rohtang Pass commencing from the Kothi onwards?
2. What modes and methods have been adopted to dispose of litter, particularly to ensure its proper collection and disposal from that area in accordance with Municipal Solid Waste (Management) and Handling?
3. What measures need to be taken to control environmental pollution of that area resulting from vehicular traffic?
4. Complete proposal in regard to eco-tourism should be placed before the Tribunal particularly in light of the order passed by the State Government itself which are subject matter of CWP No. 5087 of 2013 in CWP No. 5088 of 2011, which are even listed today.
5. Most importantly this Committee will examine the revenue records right from the year 1969-1970 onwards and find out as to what was the status of forest in the area from Vashisht to Rohtang Pass and comparatively what is the status as of today. It will also report as to what are the steps the State Government has taken for reforestation of the area during this long period.
6. If the entire area from Vashisht to Rohtang pass is notified to be a forest area and if so, what non-forest activities have been permitted in that area and in that event, to what effect.

If reforestation has not been done in this area, we

expect this Committee to recommend the area upon which reforestation can be done and the period of reforestation and the expenditure needed therefor.

It is pointed out that the High Court of Himachal Pradesh appointed NEERI to submit a report which had been submitted on 12<sup>th</sup> October, 2012.

Let the State Government and all its concerned Departments submit to this Expert Committee appointed by the Tribunal a report as to what steps it has taken to comply with the directions of the High Court as well as the report submitted by NEERI. Let the Committee carry out an inspection and prepare its report as expeditiously as possible, in any case, not later than four weeks from today.

Let copy of this order be sent to the Chief Secretary of the State of Himachal Pradesh who would ensure that the directions issued by the Tribunal are carried out without demur and delay.

The State Government shall also place before that Committee such other notifications which they have issued in furtherance to directions issued by the Hon'ble High Court regardless of whether it formed part of the NEERI's Report or not.

List all these matters for hearing on 16<sup>th</sup> September, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(P. S. Rao)

.....,EM  
(Ranjan Chatterjee)