

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 473 of 2015
(M.A. No. 10/2016, M.A. No. 296/2017, M.A. No. 490/2017 &
M.A. No. 1067/2017)**

IN THE MATTER OF:-

Gauri Maulekhi Vs. State of J&K & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: **Applicant:** Mr. Venugopal, Sr. Adv. with Ms. Mehak Jaggi, Ms. Ambika, Ms. Priyanka, Mr. Aditya Singla and Mr. Mohit Pandey, Adv.
Respondent No. 3 : Mr. R. H. A. Sikander, Adv, Ms. Sakshi Popli, Adv. for Ministry of Environment, Forest and Climate Change Ms. Manju Pandey, (Joint Sec) and Mr. Gauri Shankar (Dep Sec.) Mr. Krishna Venugopal, Sr. Adv, Mr. Ambika Hivanandani, Mr. Priyanka, Mr. Prety Sinha, Mr. Mohit Pandey, Adv Mr. Renu Gupta, Adv, Yogam Taneja, Adv and Mr. Jitender Kumar Singh Mr. G.M. Kawoosa, Adv. for State of Jammu & Kashmir

Date and Remarks	Orders of the Tribunal
Item No. 07 November 13, 2017	<p>In furtherance to our order dated 10th November, 2017 the CEO, Shrine Board Vaishno Devi, Deputy Commissioner, Riyasi, Joint Secretary, Ministry of Environment, Forest & Climate Change, Prof. Mandeep Singh from School of Planning and Architect, New Delhi, Deputy Secretary of Ministry of Environment, Forest & Climate Change are present.</p> <p>We have heard the Learned counsel appearing for the parties at length.</p> <p>The State of Jammu & Kashmir has placed on record the response of the State on different issues. According to him the State Government would fully concur with the issues that were deliberated upon on the previous date of hearing in relation to infrastructure and other matters relating to route from Katra to Bhawan and</p>

infrastructure thereof and environment protection. The only exception that has been made by the State is with regard to charging the environment fee or compensation from pilgrims who enter to Katra. According to him and upon directions from the Deputy Commissioner, Riyasi present it is stated that the Government will fully take care to maintain environmental protection and cleanliness and maintenance of roads in Katra without any contribution from the Pilgrims who come to pray to the holiness at the Bhawan.

The Officers of the Ministry of Environment, Forest & Climate Change present submit that they would fully support the constitution of the Expert Committee to examine and providing of proper infrastructure and all the beneficial activities for the betterment of Yatra to the holy cave at Amarnath Ji. It is stated that the Joint Secretary present before the Tribunal does not deal with the subject however Joint Secretary, Impact Assessment in the Ministry would be the right Officer to coordinate the functions directed by the Tribunal in regard to Amarnath Ji.

Prof. Mandeep Singh, School of Planning and Architect, New Delhi has stated that they are working with utmost expeditiousness on the projects related to the Vashno Devi Shrine Board. According to them they have already finished survey at the Bhawan and even had discussions with the CEO of Shrine Board. Surveys in relation to the other places like Ardkuari, Katra are under consideration and the entire work will be completed by 31st March, 2018. It is further stated that they are of the

considered opinion that there should not be any new construction raised at the Bhawan except one building which was found to be unsafe for human habitation should be re-constructed for which they have already given an opinion. It is further stated that to facilitate and protect public at large and the environment at the Bhawan, rope way transportation has been suggested which in fact is already under consideration from Bhawan to Bhairav Mandir and other Katra to Bhawan for carrying the material transportation. They are emphasizing more on re-designing the interior and providing better utility services to the pilgrims coming to the Bhawan preferably there should be cap on the pilgrims at Bhawan to prevent and avoid incident which shall not exceed 50,000 daily. They have also studied the stability of the constructed building to examine if there is need of re-strengthening and renovation etc. In principle new heavy constructions should be avoided.

In light of the above, we issue the follow the directions:-

1. The new path/road that has been constructed at the cost of Rs. 40 crores should positively be opened to the public by 24th November, 2017. We make it clear that we will not grant any further time for that purpose and in the event of default we will be compelled to take appropriate action against the concerned Officers in accordance with law. It needs to be noticed that the road is fully constructed and primarily meant for pedestrian and operation of battery cars. Thus, we direct that no horses/mules

would be permitted to ply on this road either for carrying passengers/ pilgrims or any construction or other material. It shall be exclusively used for walking of the pilgrims and the battery cars which also should be timed appropriately so as to cause least obstructions to the pedestrian pilgrims. Any construction work for protection that is proposed to be carried kept simultaneously. Needless to notice here that entire old pedestrian path way is only the existing path from Ardkuari to Bhawan area and sheds were constructed and at no point of time pilgrims were stopped from walking from that path. This position is conceded on half of the Board that passengers at the relevant time were very small and remained so for years together. Present path is stated to be 20 feet wide and work if any on the limited stretch can safely be carried on in any case in the coming period which is not the period of land sliding. Thus these directions should be complied with without default.

2. The School of Planning and Architect, New Delhi shall finalize all the plans and recommendations preferably by 31st January, 2018 and if they require any extension thereof they should move to the Tribunal after giving reasons for such extension. The Shrine Board shall follow the recommendations and implement the programmes as expeditiously as possible for them.
3. Every effort should be made not to raise any new construction at the Bhawan and the

recommendations as stated above with regard to the renovation and re-designing of the existing infrastructure, repairing work providing of rope ways should be carried out in the interest of environment and ecology and public at large. The School of Planning and Architect should also submit recommendations in regard to preparedness for disaster management, if necessary in consultation with any other expert agency.

4. The number of pilgrims at the Bhawan should be restricted to 50,000 per day and excess thereof should be halted either at Katra or at Ardhkuari.

5. The THDCI is hereby directed to complete the work of slope stabilization particularly at the new route and without default and delay. They should submit a compliance report to the Tribunal. The work should be effectively taken by this organization within one week from today. The CEO of the Board and the State of Jammu and Kashmir will inform of this Order to the said Body by tomorrow positively.

6. The State has already agreed that it will provide full force and security on 24th November, 2017 for opening of the new passage and the they will ensure that there is no disturbance and Deputy Commissioner and SP, Riyasi are directed to be present and ensure compliance to this order.

7. There shall not be any parking permitted on the road leading to Asiad Hotel to the Katra Bus Stand and all the shopkeepers should be directed to keep their goods within the area of their shops and not

extend to the walking path and the metaled road. This order shall be implemented by SDM, Katra and CEO Municipal Committee, Katra will also ensure compliance of this order.

8. The CEO of Shrine Board and Deputy Commissioner Riyasi and the SP and CEO of Municipal Committee Katra shall hold a meeting within six weeks and issue clear directions in regard to the collection and disposal of the municipal solid waste particularly in Katra and the Bus Stand of Katra.

9. Appropriate steps would be taken without further delay to repair and beautify the Katra Bus Stand which should be regulated by traffic police. The traffic police is directed to ensure no traffic congestion, proper dustbins should be kept and no shopkeepers near bus stand should be permitted to occupy the walking path or the mettalled roads.

10. All the roads including road leading helipad shall be repaired and maintained in a good condition by the Authority concerned. No littering of waste of any king would be permission whosoever is found to be violating these directions would be liable to environmental compensaton of Rs. 2000 which shall be imposed by the Municipal Committed and the amount so collected shall be utilized for the improvement of the environment in Katra.

11. The State Government and Municipal Council as per their undertaking to the Tribunal will spend all the amount for cleanliness including collection and removal of waste in Katra.

12. We direct the State of Jammu and Kashmir to identify and construct an appropriate landfill site for solid waste management in accordance with Solid Waste Management Rules, 2016 within six weeks from today.

13. Matter in relation to Holy cave of Amarnath Ji and in furtherance to the judgment of the Hon'ble Supreme Court of India in the case of the Court of its own motion Vs. Union of India will be taken up on 15th November, 2017 when the concerned Officers should be present from the State of Jammu and Kashmir, Ministry of Environment, Forest & Climate Change and Shrine Board of Amarnath Ji and CEO Katra Development Authority. All these Officers shall be personally responsible for compliance of these directions that have been issued in the order of the today.

Learned counsel appearing for the Applicant, Mr. Venugopal submit that he will file the Application in regard to the concern issue.

List this matter on 15th November, 2017.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,EM
(Bikram Singh Sajwan)