

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 63/2022

Sajad Rasool

Applicant

Versus

Union Territory of J&K

Respondent

Date of hearing: 05.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. Grievance in the application by the applicant Mr. Sajad Rasool is against a group called 'Kashmir Off Road', an associate member of the Federation of Motor Sports Clubs of India, who are using heavy motor vehicles, cars etc., on the green pastures of Nagin Valley, Gulmarg, Tosamaidan, Doodhpathri, Drung etc. It is submitted that movement of these sports cars in the pasture land is disturbing flora, fauna of the area and also causing noise and air pollution.

2. Vide order dated 02.02.2022, the Tribunal sought a factual report from a joint Committee of Principal Chief Conservator of Forest (HoFF), State of Jammu and Kashmir, SPCB, Secretary Tourism-Kashmir, and the District Magistrate of concerned Districts. The report of the joint Committee dated 31.05.2022 is as follows:

“Summary of Factual Position of the Green Pastures of Doodhpathri, Gulmarg, Drung, Nagin Valley and Tosamaidan as observed by the Joint Committee during the Site Visits conducted:

- *No vehicular movement in the green pastures at Doodhpathri, Gulmarg, Drung and Nagin Valley, was observed by the committee during the site visit.*
- *No evidences of disturbance / damage to flora and fauna in the green pastures of Doodhpathri, Gulmarg, Drung and Nagin Valley was observed by the committee during the site visit.*
- *Evidences of minor surface disturbance Tosamaidan were observed.*
- *No incidences of Noise and Air Pollution reported in the green pastures of Drung, Doodhpathri, Gulmarg, Drung, Tosamaidan and Nagin Valley.*
- *Reportedly no permission has been granted to any vehicular movement in the green pastures of Doodhpathri, Gulmarg, Drung, Tosamaidan and Nagin Valley including Kashmir off Road Organisation.*
- *Large portion of green pastures at Drung has been fenced by the forest department in the year 2021 to protect and conserve the green pastures at Drung and due to fencing no vehicular movement is possible in the green pastures at Drung.*
- *A 7 Kms long Trek route from Drung to Danwas has been developed by the Forest Department to promote trekking in the area and the trek route is operational.*
- *Various afforestation measures and Chain link fencing has been done by the Forest Department in the forest areas at Tosamaidan by which the forests are protected from grazing and natural regeneration of Fir and plantation of Deodar and Kail species were observed and appreciated.*

Based on the observation of the Joint Committee made during the Site Visits, the Committee would like to suggest the following:

1. *Enforcing strict regulation of Tourism activities and there shall be no vehicular movement in Green Pasture areas of Nagin Valley, Gulmarg, Tosamaidan, Doodhpatri and Drung.*
2. *Green Pastures of Gulmarg, Drung, Doodhpaptrui, Nagin Valley and Tosamaidan should not be allowed for movement of vehicles and steps be taken to ensure enforcement which may require additional manpower for implementation of any regulation mechanism to be put in place, in this regard.”*

3. In view of above, further remedial action may be taken by the statutory regulators, including the State PCB, Forest Department and Tourism Department, J&K.

The application is disposed of.

A copy of this order be forwarded to State PCB and Secretaries, Forest and Tourism Departments, J&K by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 05, 2022
Original Application No. 63/2022
DV