

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 18844/2017

SHRI MATA VAISHNO DEVI SHRINE BOARD

Appellant(s)

VERSUS

GAURI MAULEKHI & ORS.

Respondent(s)

WITH

C.A. No. 4050-4052/2018 (XVII)

(FOR	STAY	APPLICATION	ON	IA	54750/2018
FOR	STAY	APPLICATION	ON	IA	79255/2018
FOR CLARIFICATION/DIRECTION ON IA 86144/2018)					

Date : 26-11-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Ms. Renu Gupta, Adv.
Mr. Mishra Saurabh, AOR

J&K Mr. Maninder Singh, Sr. Adv.
Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.
Mr. Prabhal Bajal, Adv.
Ms. Kanika S. Dian, Adv.

For Respondent(s) Mr. Krishnan Venugopal, Sr. Adv.
Mr. Uday Rathore, Adv.
Ms. Priyanka Bangari, Adv.
Ms. Varsha Poddar, Adv.
Ms. Supriya Juneja, AOR

J & K Mr. Maninder Singh, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Ms. Ashita Chawla, Adv.

UOI Mr. A.N.S. Nadkarni, ASG
Ms. Shraddha Deshmukh, Adv.
Ms. Suhasini Sen, Adv.
Ms. Liz Mathew, Adv.
Mr. Gurmeet Singh Makker, AOR

MVDSB Ms. Renu Gupta, Adv.

Mr. Ashok Mathur, AOR

UPON hearing the counsel the Court made the following

O R D E R

It is submitted by learned counsel for the respondents that four issues arise in these cases. These four issues are as follows:

1. Solid Waste Management

It is submitted by learned counsel for the respondents that there are more than about 4,200 mules carrying pilgrims from Katra to Bhavan. There is a problem of dung being generated.

It is submitted that the provision for Solid Waste Management made by the Mata Vaishno Devi Shrine Board (for short 'the Board') does not have adequate resource to deal with the quantity of dung generated. The dung is therefore either thrown into *Ban Ganga* or burnt or destroyed in some other manner.

2. Reduction in the number of mules:

According to the Report prepared by the Sub Committee of the State Advisory Council, it is proposed to reduce the number of mules, horses and other four legged carriers taking pilgrims from Katra to Bhavan from about 4200 to 2500 over a period of ten years. It is stated by Mr. Maninder Singh, learned senior counsel that this figure is not cast in stone and it may change in future.

In this context, it is submitted by learned counsel for the respondents that it would be advisable if the number of mules are reduced to nil over a period of ten years and an alternative is

provided to the mule owners.

3. Radio Frequency Identification of Mules:

It is submitted by learned counsel for the respondents that as far as he is aware out of about 4200 mules, tags have been put on all the mules. It is also submitted that tags are neither tamper proof nor are they Radio Frequency Identification tags. It would be worth considering whether tamper proof tags and Radio Frequency Tags can be put on mules so that there is no possibility of replacing one mule with another.

4. Death of mules:

It is submitted by learned counsel for the respondents that as far as he is aware mules which are apparently of no use to the mule owners are thrown down from the track or are otherwise left to fend for themselves and they suffer an agonizing death.

This is denied by learned counsel for the Board as well as by learned counsel for the State of Jammu and Kashmir. This is a matter of concern that will have to be looked into.

We are of the view that it would be appropriate if the Central Empowered Committee looks into these four issues so that there is some finality attached to the proceedings. Certain issues cannot be decided on the basis of affidavits and that is why we are of the view that the CEC should look into the matter.

The CEC will be entitled to the assistance of the Ministry of Environment, Forests and Climate Changes and its authorities and the State of Jammu and Kashmir and its authorities as well as the

Mata Vaishno Devi Shrine Board.

The respondents can also give their point of view before the CEC. The CEC will give its report within eight weeks on the four issues mentioned above and any other issue that the CEC may feel appropriate to record.

List the matters on 4th February, 2019.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**