

Item No. 08

Court No. 1

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

Execution Application No. 27/2023
IN
Original Application No. 561/2022
(M.A. No. 54/2023)

Urvashi Shobhna Kachari

Applicant

Versus

Union of India & Ors.

Respondent(s)

Shashikanth Purohit

Applicant in EA 27/2023

Date of hearing: 05.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta, Adv. for
Applicant in E.A 27/2023

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand with Mr. Naresh
Kumar, C.D.O, Rudraprayag, Mr. Abhishek Tripathi, ADM, Chamoli &
Mr. Raza Abbas, ADM, Uttarkashi
Mr. Mukesh Verma, Adv. for UKPCB

ORDER

1. This execution application has been filed seeking execution of order of the Tribunal dated 08.02.2023 passed in OA No. 561/2022. In that OA, grievance was raised in respect of large-scale unregulated violation of environmental norms along the pilgrim tracks of Kedarnath, Hemkund Sahib, Yamunotri and Gomukh pilgrimage centres in Uttarakhand. The allegation was in respect of indiscriminate disposal of plastic and animal waste, unregulated human waste, unregulated equine dung/waste/carcasses. It was noted in that order that around 19 lakhs pilgrims had visited these places and about 20,000 equines were used during the relevant season.

2. On the direction of the Tribunal, the joint Committee had submitted the report which was duly considered by the Tribunal in the order under execution. In the concluding remark, one of the recommendations of the joint Committee was relating to calculation of carrying capacity and the said recommendation is quoted below:

“5. Concluding Remarks and Recommendations:

It is evident from the above observation that solid and plastic waste management is very poor in the pilgrim tracks, viz. Kedarnath, Yamunotri, and Hemkund Saheb. However, Gangotri-Gomukh trek has moderate level of management for solid waste which need to be strengthened. On the track, there was solid and plastic waste as well as mules/equines dung. No proper collection, transportation and disposal system for solid waste, plastic waste and dung was observed. Waste is swept to the side of the track by sweepers working to clean the tracks. The shelter/ghodapadav was found to be in extremely poor condition. In comparison to registered mules/equines, there are fewer and smaller shelters. All four pilgrim tracks have a dung heap at the shelter place. Disposal mechanism of dead body of mules/equines is not defined. Hence, Zila Panchayat, Chamoli, Rudraprayag and Uttarkashi may be directed to comply with following recommendations:

- a. *An initial level carrying capacity assessment of mules/equines on the track path is being done by GBPNiHE using preliminary data provided by the district authorities/agencies (Annexure-2). **However, a socio-ecological criteria based extensive study is required for the carrying capacity assessment of all the pilgrim tracks through reputed govt. Institute and accordingly allow pilgrims to visit. A system for managing and regulating people in pilgrimage locations, especially during peak season, should be developed (April, May and June).***

3. The Tribunal after considering the report had reached to the following conclusion in the said order:

“5. The report shows serious failure on the part of Administration in the State in breach of its Constitutional responsibility for which accountability needs to be fixed and the situation remedied on war footing for protection of environment in fragile eco-system of Himalayas and upholding the principle of sustainable development. This needs to be taken up on priority at highest level in the

Administration in coordination with all concerned. Such important and sensitive responsibility should not be left with Zila Panchayats without serious involvement of District Administration and the State at higher levels.

6. *Accordingly, we allow this application and direct the State to forthwith take effective remedial measures in the matter. A joint Committee of Chief Secretary, Uttarakhand, Additional Chief Secretary, Environment and Forest, Uttarakhand, DGP, Uttarakhand, Director, G.B. Pant National Institute of Himalayan Environment & Sustainable Development, Director, Wildlife Institute of India, Dehradun, District Magistrates, Rudraprayag and Uttarkashi, Chairmen, Zila Panchayats, Rudraprayag and Uttarkashi Districts may meet within 15 days from today to take stock of the situation and prepare road map. The Committee will be free to meet online/offline, to undertake site visits and interact with stakeholders. **The action plan may inter alia include limiting number of vehicles, type of vehicles, number of tourists, number of mules, consistent with the carrying capacity of eco-sensitive area.** It may review and plan infrastructure for waste management, disposal of dead mules and other measures for protection of flora and fauna, safety precautions, installing locations for CCTV cameras, monitoring mechanism, control room, developing an appropriate mobile App, preparing SOP and display boards of do's and don'ts, demarcation of areas where activities incompatible with environment are prohibited/regulated, sources of funds to sustain regulatory measures, traffic management at suitable locations, compliance of environment norms including Water Act, Air Act and EP Act, imparting awareness and education on environmental issues to the tourists, inhabitants and operators. The action plan may also include discouraging use of food and products packed in non-biodegradable packaging material, encouraging depositing waste at designated places, involving citizens – the youth, house-wives and senior citizens in guiding tourists in maintaining cleanliness and hygiene. The taxi drivers and bus drivers may also be involved in creating awareness among the tourists. The execution of action plan may be duly monitored in the light of experience gained, the plan may be revised periodically every seasons or as per need. Waste processing/management facilities for bio-degradable and non-biodegradable waste may be set up at appropriate locations which may be set up on contract basis or otherwise, using best practices on the subject. Requisite funds be allocated at district and gram panchayat level for execution of action plan which may be monitored at District Magistrate level and finally supervised by the Chief Secretary.”*

4. In terms of the said order also, the concerned authorities were required to prepare a road map and action plan and the said action plan was required to include limiting number of vehicles, types of vehicles, number of tourists, number of mules, consistent with the carrying capacity

of eco-sensitive area. Therefore, the entire exercise was required to be done on the basis of the carrying capacity of the area concerned.

5. The reports on behalf of Uttarakhand Environment Protection and Pollution Control Board (UEPPCB) and Secretary, Forest have been filed.

6. On perusal of the report, we find that the facts and figures which are disclosed therein are not in reference to the carrying capacity.

7. Learned Counsel appearing for UEPPCB has fairly admitted that till now no carrying capacity study has been carried out. He submits that the carrying capacity study will now be carried out within a period of two months and a report disclosing the carrying capacity of all the concerned areas under consideration will be filed positively within a period of two months before the Tribunal.

8. The submission of learned Senior Counsel for the Applicant is that till a study relating to carrying capacity is carried out, the carrying capacity of pilgrims at Kedarnath i.e. 13000, Gangotri 8000 and Yamunotri 5000 which was stated in the order dated 13.04.2023 should be treated to be the maximum limit of pilgrims on the basis of assumed carrying capacity. In respect of equines, he has disclosed that at Kedarnath 2250, Hemkund 2375, Gangotri 2250 and Yamunotri 875 was the limit fixed by the State. Therefore, this should be treated as the maximum limit on the basis of assumed carrying capacity.

9. Since the Counsel for State of Uttarakhand has assured the Tribunal that within two months the carrying capacity study will be done. Therefore, at this stage, we do not find any reason to consider the prayer made by learned Senior Counsel for the Applicant.

10. List on 06.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 05, 2024
Execution Application No. 27/2023
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(M.A. No. 54/2023)
DV.