

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

(BY HYBRID MODE)

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

Date of hearing: 08.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

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

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Adv. for UKPCB

ORDER

1. Learned Counsel for the applicant has drawn attention of this Tribunal towards order dated 08.02.20223 passed in O.A. No. 561/2022 where large scale, unregulated violations of environmental norms along with pilgrim tracks of Kedarnath, Hemkund Sahib, Yamunotri and Gomukh pilgrimage centres in Uttarakhand. Such violations inter-alia consist of indiscriminate disposal of plastic and animal waste, unregulated human waste, unregulated equine dung/waste/carcasses.

2. A Committee was constituted by this Tribunal in its Original Application which suggests certain remedial measures and recommendations which is as follows:-

“xxx.....xxx.....xxx

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).*
- b. The agency shall collect all solid and plastic waste, and site-specific mechanisms for its collection and transportation should be devised.*
- c. The agency needs to setup a solid waste processing plant. All solid waste should be properly treated/disposed off as per the Solid Waste Management Rule, 2016.*
- d. Plastic waste should be collected and disposed off through registered recyclers.*
- e. The agency should provide adequate space at ghodapadav/shelter. Dung generated from shelter and track should be cleaned at regular interval and disposed off as per the Solid Waste Management Rule, 2016. Dung at track should be cleaned at regular interval and immediately send to treatment area*
- f. Agency should ensure proper treatment of liquid waste generated from mules/equines.*
- g. The State Government or Agency should provide a team of veterinarians to every pilgrimage site to ensure*

adequate care of mules and horses and to prevent animal abuse.

- h. A system should be established to make sure that the post-mortem and verification of insured deceased mules doesn't take too long, and that they are disposed of in accordance with CPCB guidelines.*
- i. Regular surveillance is required to ensure compliance with the above recommendations as well as proper enforcement of the Solid Waste Management Rules, 2016 and the Plastic Waste Management Rules, 2016, as amended.”*

3. The Tribunal vide order dated 08.02.2023 further observed as follows:-

“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. A direction was issued to the 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 to take further actions in light of report submitted by the Committee and in view of the directions of this Tribunal.

5. According to the applicant, no steps have been taken to take remedial measures by the authorities concerned. Aggrieved by the inaction on the part of the Administrative Authorities, the applicant filed this Execution Application. The contention as raised by the learned Counsel for the applicant shows that the orders have not been complied with and no remedial action has been taken. In view of above, UEP&PCB and District Magistrates, Rudraprayag and Uttarkashi are directed to submit the action taken report in compliance of the order dated 08.02.2023 quoted above within three weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. We further direct Additional Chief Secretary, Environment and Forest, Uttarakhand to furnish status on meeting/review conducted by the Committee under the Chairmanship of Chief Secretary, Uttarakhand in three weeks.

6. List for further consideration on 04.09.2023.

7. A copy of this order be forwarded to UEP&PCB and District Magistrates, Rudraprayag and Uttarkashi by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 08, 2023
Execution Application No. 27/2023
In Original Application No. 561/2022
(M.A. No. 54/2023)
SN