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 & M.A. No. 1381/2017)

IN THE MATTER OF:-

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

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER

HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant: Mr. Aditya Singla, Ms. Priyanka Bhajai, Ms.

Ambika Nijjar and Mr. Mohit Pandey, Advs.

Respondents: Ms. Sakshi Popli, Adv. for Ministry of

Ms. Sakshi Popli, Adv. for Ministry of Environment, Forest and Climate Change

Mr. Keshav Thakur, adv for Amarnath Shrine

Board (CEO) Umang Narula

Mr. Gursimarn Singh, Adv (proxy) Mr. Renu

Gupta, Adv,

Mr. G.M. Kawoosa, Adv. for State of Jammu &

Kashmir

Mr. B.V. Niren, Adv. for MoUD and Mr.

Vinayak Gupta, Adv.

Ms. Gauri Mavlikin, Ms. Priyanka Banjni, Ms. Pretti Sinha and Mr. Mohit

Pandey, Advs.

Ms. Renu Gupta and Mr. Umang Narula, Advs.

Date and Remarks	Orde <mark>rs of the Tribunal</mark>
Item No. 18 December	We have heard the Learned counsel appearing for the parties.
December 13, 2017	There are two distinct matters - one relating to the Amarnath Ji Shrine Board dealing with the Amarnath Ji Cave in Himalayas and other relating to Mata Vaishno Devi Shrine Board which deals with the Vaishno Devi Temple. However, both these matters are being taken up together for the purposes of convenience and implementations of the directions. Vide our order dated 13th November, 2017 the Tribunal had passed certain direction with regard to the
	environmental issues pertaining to Shrine Board of Vaishno Devi Ji. This order was assailed in Appeal before

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the Hon'ble Supreme Court of India vide order dated 20th November, 2017. The Hon'ble Supreme Court of India has stayed the direction No. 1 relating to opening of the new passage constructed by the Board primarily for the pedestrian. The proceedings before the Hon'ble Supreme Court of India are pending. As a result of the above it is not necessary for us to now deal with the compliance or otherwise of direction no. 1 as directed by the Hon'ble Supreme Court of India.

Learned counsel appearing for the Board submits that she has already filed compliance report in relation to other directions. However, direction No. 7 to 12 are to be complied by the State Government.

Learned counsel appearing for the State Jammu & Kashmir prays for further time to file the compliance status report. Let that be done positively within two weeks from today.

Learned counsel appearing for the Applicant submits that the rehabilitation plan in relation to horses/mules has not been finalized despite order of the Tribunal. The meetings were held but still rehabilitation plan has not been finalized.

Learned counsel appearing for the State submits that rehabilitation plan approved has been finalized. However it is with different Departments and will be shortly finalized and placed in the public domain. In light of the above, we issue the following directions:-

1. The status compliance report in relation to condition no. 7 to 12 will be filed by the State Government within two weeks as directed.

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- 2. Learned counsel appearing for the Board shall also file compliance report of other directions within the same period.
- 3. The rehabilitation plan should be finalized and put in the public domain within three weeks from today without any further delay.

These directions particularly in relation to the order dated 13th November, 2017 are also subject to the directions that may be passed by the Hon'ble Supreme Court of India.

Amarnath Ji Shrine Board

In furtherance to our order dated 15th November, 2017 the meeting was held by the Additional Secretary Ministry of Environment, Forest & Climate Change, Mr. A.K. Mehta. On 08th December, 2017 certain issues were discussed but by and large the answer to query raised by the Tribunal in its order appears to have been deferred for one reason or the other. We would not make any further observation at this stage particularly keeping in view what the CEO of Amarnathi Ji Shrine Board has submitted before the Tribunal.

In furtherance to the above we pass the following directions:-

- The restrictions in relation to one way queue for Darshana at the holy cave shall be strictly implemented.
- 2. No Pilgrim/devotee/person would be permitted to carry any article from the last stairs leading to the holy cave. It is admitted that every person is subjected to frisking before he can proceed to the

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cave. At the frisking point there shall be provided a space for storage for articles. Nobody would be permitted to carry any article mobile etc. beyond frisking point which is also the practice followed in other religious places.

3. From the end point of stairs and area of the holy cave only shall be treated as silence zone.

The above directions shall be implemented without default and no Committee now Authority/Board will have the right to seat over the implementation of these directions. Learned counsel appearing for the Board and the State both pray further time to comply with the remaining directions contained in the order dated 15th November, 2017 and to file further status report. The CEO of the Board also submit that the Committee is likely to deliberate upon various issues in grater details in the next meeting. Let the next meeting be definitely held before 15th January, In that meetings the matters should be deliberated upon and definite suggestions/recommendations should made particularly in relation to improvement of passages and providing infrastructure which will be ecosensitive. But we make it clear that the direction contained in the judgment and above shall be obeyed and complied with without any default. The Committee should file its report before the next date of hearing.

4. The Board and concerned Authorities shall take all

appropriate steps as directed in the judgement of Item No. Hon'ble Supreme Court of India in relation to 18 healthcare and providing of health care clinics December 13, 2017 enroute in terms of the directions of the Hon'ble Supreme Court of India. We grant liberty to the Applicant to make its submissions before the Committee including with regard to the issues arising of death horses/mules during Yatra period and pollution that is being caused by horses/ mules. Let the suggestions be filed within two weeks from today before the Officer of the Chairman. List this matter on 18th January, 2018. ...,CP (Swatanter Kumar) ..,JM (U.D. Salvi) (Dr. Nagin Nanda)