

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

Original Application No. 93/2023

In re : News item published in Newspaper 'The Hindu' dated 04.02.2023
titled "19 families shifted after houses in J & K village develop cracks"

Date of hearing: 17.02.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. G.M. Kawoosa & Ms. Palak Mittal, Advocates for the UT of J & K

ORDER

1. *Suo motu* cognizance has been taken by this Tribunal in this matter in the light of captioned media report to the effect that damage has taken place to 21 structures in Doda District of Chenab Valley in J & K. Earth started slipping and caused damage to most of the houses in the area which has led to displacement of inhabitants. Geological survey of the area is underway to ascertain the causes of incident.

2. The above facts are a matter of concern calling for stringent preventive and remedial measures inter alia to regulate the locations and nature of constructions in the interest of safety of the inhabitants.

3. The Tribunal has earlier dealt with similar situations in some of the recent orders including order dated 31.01.2023 in O.A No. 51/2023, *In re : News item published in The Tribune dated 16.01.2023 titled "Joshimath disaster a warning for Mussoorie"*.

4. After referring to earlier order of the Tribunal in relation to fragile areas in Himalayan region and other places including Shimla, Kasauli, Manali, McLeod Ganj in Himachal Pradesh and Aravali hill in Rajasthan, the Tribunal constituted a committee of concerned departments and experts to suggest remedial measures to deal with the situation based on which the Tribunal can consider directions under Section 15 of the NGT Act, 2010. Earlier orders include order in OA No. 121/2014¹, *Yogendra Mohan Sengupta v. UoI & Ors.*, order dated 05.10.2018 in O.A No. 218/2017, *Society for Preservation of Kasauli and its Environs (SPOKE)*, order dated 09.03.2022 in O.A No. 178/2022, *In re: News item published in The Hindu dated 27.02.2022 titled "Tourism has brought economic prosperity to the Himalayan region, but the environmental cost has been catastrophic"*, order dated 14.12.2020 in O.A No. 635/2017, *Ramesh Chand v. State of Himachal Pradesh & Ors.*, order dated 10.03.2021 in O.A No. 312/2016, *Dr. Arun Kumar Sharma v. Ministry of Environment Forests & Climate Change & Anr.*, and order dated 17.03.2021 in O.A No. 462/2018, *D.V Girish v. UoI & Ors.*

5. Operative part of the order is reproduced below:-

*"9. In above background, study of carrying capacity of eco-sensitive areas in Himalayan regions in holistic manner appears to be imperative for protection of environment. Without undermining need for study in all eco sensitive areas as already directed, we direct specific study for Mussoorie in the light of apprehensions expressed in above media report. **Such study may cover as to how much constructions can be allowed and with what safeguards, what safeguards be used for existing buildings and all other relevant and associated aspects including vehicular traffic, sanitation management, maintaining ecological integrity in terms of soil stability and flora/fauna. For this purpose, we constitute a nine member joint Committee to be headed by Chief Secretary, Uttarakhand. Other members will be Wadia Institute of Himalayan Geology Dehradun, Govind Ballabh Pant National Institute of Himalaya and Environment, National Institute of Hydrology (NIH), Roorkee, Prof. J.S Rawat, Kumaon University, Almora, Space Application Centre, Ahmadabad National Institute of Rock Mechanics, Bangalore, CPCB and ACS***

¹ (2018) NGTR (1) PB 250

Environment, Uttarkhand who will act as nodal agency for coordination and compliance. ACS, Environment will provide for travel and logistics for members to the extent necessary. Meetings may be held online or offline as may be necessary except for visit to the site. The Committee may suggest remedial measures to prevent environmental damage in the light of carrying capacity, hydro-geology studies, geo-morphological studies and also covering other allied and incidental issues. The Committee will be at liberty to take assistance from any other expert/institution. The Committee may meet within two weeks and complete its studies within two months. It may furnish its report 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 on or before April 30, 2023. The Committee will be free to interact with the stakeholders including the inhabitants/members of civil societies. The Committee may also consider the concerns in the media report. It will be open to the Chief Secretary, Uttarakhand to take preventive and remedial measures found necessary in the light of the media report otherwise.”

6. On above pattern, we direct constitution of a joint Committee to be headed by Chief Secretary, J&K. Other members will be Wadia Institute of Himalayan Geology Dehradun, Govind Ballabh Pant National Institute of Himalaya and Environment, National Institute of Hydrology (NIH), Roorkee, Prof. J.S Rawat, Kumaon University, Almora, Space Application Centre, Ahmedabad, National Institute of Rock Mechanics, Bangalore, CPCB and ACS Environment, J&K who will act as nodal agency for coordination and compliance. ACS, Environment will provide for travel and logistics for members to the extent necessary. Meetings may be held online or offline as may be necessary except for visit to the site. The Committee may suggest remedial measures to prevent environmental damage in the light of carrying capacity, hydro-geology studies, geo-morphological studies and also covering other allied and incidental issues. The Committee will be at liberty to take assistance from any other expert/institution. The Committee may meet within two weeks and complete its studies within two months. It may furnish its report 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 on or before May 15, 2023. The Committee will be free to interact with

the stakeholders including the inhabitants/members of civil societies. The Committee may also consider the concerns in the media report. It will be open to the Chief Secretary, J&K to take preventive and remedial measures found necessary in the light of the media report otherwise.

List for further consideration on 25.05.2023

A copy of this order be forwarded to the Chief Secretary, J&K, Wadia Institute of Himalayan Geology Dehradun, Govind Ballabh Pant National Institute of Himalaya and Environment, National Institute of Hydrology (NIH), Roorkee, Prof. J.S Rawat, Kumaon University, Almora, Space Application Centre, Ahmedabad, National Institute of Rock Mechanics, Bangalore, CPCB and ACS Environment, J&K by email for compliance.

Adarsh Kumar Goel, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 17, 2023
Original Application No. 93/2023
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