

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
M.A. NOS. 2678-2680 OF 2018
IN
CIVIL APPEAL NOS. 8518-8520 OF 2018

CITIZENS FOR GREEN DOON & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 10930 OF 2018

AND

CONTEMPT PETITION (C) NO. 423 OF 2019

IN

CIVIL APPEAL NO. 10930 OF 2018

O R D E R

Having heard Mr. Sanjay Parikh, learned Senior Advocate and Mrs. Pinky Anand, learned ASG, we are of the view that the judgment and order of the National Green Tribunal dated 26.09.2018 be modified only to the following extent.

We constitute a High Powered Committee (HPC) consisting of the persons who are mentioned in para 54 of the said order. However, the Committee is to be headed by Prof. Ravi Chopra, who will replace Justice U.C. Dhyani, and will be the Chairman of the Committee. In addition to this, we add a representative of the Physical Research Laboratory, Department of Space, Government of India, Ahmedabad; a representative of the Wildlife Institute of India, Dehradun; a representative of MoEF&CC, Regional Office,

Dehradun; and a representative of the Ministry of Defence dealing with Border roads, not below the rank of Director. We direct MoEF&CC to constitute the High Powered Committee within two weeks from the date of this order. The HPC may co-opt member(s) for effective discharge of its functions. The MoEF&CC shall provide venue and secretarial assistance to the HPC, who will make decisions by majority voting. This Committee will now have the following Terms of Reference:

- I. The Committee shall consider the cumulative and independent impact of the Chardham project on the entire Himalayan valleys and for that purpose, the HPC will give directions to conduct EIA/rapid EIA by the Project Proponent/MoRTH.
- II. The HPC, with the help of the technical body and engineers of implementation agency (MoRTH) should consider whether revision of the full Chardham project (about 900 Kms) should at all take place with a view to minimize the adverse impact of the project on environment and social life.
- III. The HPC shall identify the sites in which work (i.e. hill-cutting) has started and the stretches in which the work has not yet started. As far as the sites in which work has started, the High Powered Committee should recommend the measures which are required for stabilizing the area where hill-cutting has taken place, among others, the environmentally safe disposal

of muck which has been generated so that it does not adversely affect the flora and fauna of the catchment area of the river.

- IV. As regards the stretches where work has not started, the HPC will review the proposed project and recommend measures which will minimize the adverse impact on environment, social life and bring the project in conformity with the steep valley terrain, carrying capacity, thus avoiding any triggering of new landslides and ensuring conservation and protection of sensitive Himalayan valleys.
- V. The HPC will assess the environmental degradation in terms of loss of forest land, trees, green cover, water resources, dumping of muck and impacts on the wildlife and will direct the mitigation measures. Specific attention will be laid on protecting wildlife corridors, and rare and endangered flora and fauna.
- VI. The HPC will assess and quantify the impact on social infrastructure/public-life due to triggering of fresh landslides, air pollution, frequent road blocks etc. and will suggest necessary measures for its redressal, including preparation of disaster management plans prior to the monsoon season.
- VII. In Bhagirathi Eco Sensitive Zone (Gangotri to Uttarkashi), the HPC will make special provisions in its report keeping in mind the guidelines given under

the Notification of the Bhagirathi Eco Sensitive Zone so as to avoid violations and any environmental damage.

- VIII. The HPC will also suggest the areas in which afforestation measures should be taken. It will also suggest the kind of saplings which have to be planted in different terrains of Himalayas. A separate Committee be constituted by the Forest Department of Uttarakhand to continuously monitor and report on the website that the saplings which have been planted have survived and grown. In case of non-survival of any sapling, further plantation should be done. Compensatory afforestation should be ten times the number of trees which have been cut. The HPC shall prepare an effective afforestation plan ensuring its proper implementation.
- IX. The HPC will invite experts from different fields and consult local people or hold public meeting in the local areas to take recommendations and suggestions, as it deems fit.
- X. The HPC shall consider giving specific directions to the concerned agencies to put in the public domain the landslide-prone areas, and their treatment by the Project Proponent, the total muck generated, and the places where it has been disposed of in an environmentally sound manner.

The HPC shall submit its report of recommendations within a period of 4 months from the date of this order.

The reports prepared by the HPC with its recommendations shall be given to the project Proponent i.e. MoRTH for implementation.

The HPC shall hold quarterly meetings thereafter to ensure timely and proper compliance of its recommendations. The HPC may suggest any further measure which may be required, in the interest of protection and conservation of environment, after each quarterly review meeting.

Miscellaneous Applications and Civil Appeal are disposed of in the above terms.

In view of the disposal of the Miscellaneous Applications and Civil Appeal, the Contempt Petition also stands disposed of.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SURYA KANT)

New Delhi;
August 08, 2019.

ITEM NO.2

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MA 2678-2680/2018 in C.A. No(s). 8518-8520/2018

(Arising out of impugned final judgment and order dated 27-08-2018 in C.A. No. No. 8518/2018 27-08-2018 in C.A. No. No. 8519/2018 27-08-2018 in C.A. No. No. 8520/2018 passed by the Supreme Court of India)

CITIZENS FOR GREEN DOON & ORS.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 133638/2018 - CLARIFICATION/DIRECTION)

WITH

C.A. No. 10930/2018 (XVII)

(FOR STAY APPLICATION ON IA 162097/2018

FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 162102/2018

CONMT.PET.(C) No. 423/2019 in C.A. No. 10930/2018 (XVII)

Date : 08-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Sanjay Parikh, Sr. Adv.
Ms. Sanjana Srikumar, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Ritwick Parikh, Adv.
Mr. Asney Sail, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Anmol Chandan, Adv.
Mr. Balendu Shekhar, Adv.
Ms. Vanshika, Adv.
Mr. Sumit Teterwal, Adv.
Ms. Saudamini Sharma, Adv.
Ms. Snidha Mehra, Adv.
Ms. Kirti Dua, Adv.
Mr. Hemant Arya, Adv.
Ms. Tanisha S., Adv.
Mr. Chakitan V.S. Papta, Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Namita Choudhary, AOR
Ms. Vanshaja Shukla, AOR

UPON hearing the counsel the Court made the following
O R D E R

Miscellaneous Applications and Civil Appeal are disposed of in the terms of the signed order.

In view of the disposal of the Miscellaneous Applications and Civil Appeal, the Contempt Petition also stands disposed of.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)