

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

WP(C)PIL 12/2022

Sheikh Shakeel Ahmed

.....Appellant/Petitioner(s)

Through :- Mr. H. A. Siddiqui, Advocate and
Ms. Supriya Chouhan, Advocate
Petitioner present in person.

v/s

Union Territory of J&K & ors.

.....Respondent(s)

Through :- Mr. D. C. Raina, Advocate General with
Mr. Raman Sharma, AAG for R-1
Mr. Arjun Pandoh, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG for R-2,
3,4,5,7,8&9
Mr. Adarsh Sharma, Advocate for R-6

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

JUDGMENT

26.04.2023

PER : WASIM SADIQ NARGAL-J

BRIEF FACTS OF THE CASE

01. The present petition has been filed, in public interest, by the petitioner, who is a practicing lawyer in this Court and also claims to be a public spirited person and has been highlighting the issues of public importance by taking resort to Right to Information Act, 2005 and has represented the cause of public in much publicized Public Interest Litigations.

02. The petitioner through the medium of present petition, is seeking appropriate directions to the respondents to make public the Inquiry Report of 03 Members Committee constituted vide Govt. Order No.01-JK(GAD)

of 2022 dated 01.01.2022 to look into the unfortunate incident of stampede at Shri Mata Vaishno Devi Ji Shrine (Bhawan) in Katra (Reasi) in the intervening night of 31.12.2021 and 01.01.2022 which resulted into the death of 12 devotees and several persons were injured. Besides, the petitioner is also seeking appropriate directions against the respondents to fix accountability of the delinquent officers/officials in the matter so that such like incidents do not occur again as it is the duty of Shri Mata Vaishno Devi Shrine Board and its officers to ensure safe and proper performance of worship at the Shrine and also to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Shrine and the convenience of the Pilgrims.

ARGUMENTS ON BEHALF OF THE PETITIONER

03. The short submission which has been projected by learned counsel for the petitioner in the present petition is that under Section 5 of the Jammu & Kashmir Shri Mata Vaishno Devi Shrine Act, 1988, the Administration, Management and governance of Shri Mata Vaishno Devi Shrine and the Shrine Fund shall vest in a Board comprising a Chairman and members not more than 10 members. The said Act provides that for the efficient discharge of the functions assigned to it under the said Act, the appropriate Board may appoint a Chief Executive Officer (CEO) and under Section 14 of the aforesaid Act, such other officers and servants as it considers necessary with such designations, pay, allowance and other remuneration and pre-requisites as the Board may determine from time to time.

04. Learned counsel appearing on behalf of the petitioner submits that during the intervening night of 31.12.2021 and 01.01.2022, unprecedented number of yatris were allowed to reach at Bhawan and because of huge rush of the pilgrims coupled with sheer mismanagement and lack of supervision, a stampede took place which claimed 12 innocent lives and several persons were injured. In view of the aforesaid unfortunate incident and keeping in view the seriousness of the matter, the Chairman of the Board, the Hon'ble Lieutenant, Governor Union Territory of Jammu & Kashmir, with a view to instill people's confidence in Rule of Law and to ascertain the causes/reasons behind the tragic incident and to point out the lapses and fix the responsibility thereof with a view to suggest the appropriate SOPs and safety measures for preventing the re-occurrence of such incidents in future, ordered the Constitution of a High Level 03 Members Committee headed by Principal Secretary to Government of J&K, Home Department, Additional Director General of Police, Jammu Zone and Divisional Commissioner, Jammu. The said order dated 01.01.2022 is reproduced as under:

**“GOVERNMENT OF JAMMU | AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT
Civil Secretariat, J&K**

Subject: Constitution of a Committee to look Into the incident at Katra.

**Government Order No.01-JK(GAD) of 2022
Dated:01.01.2022**

A high level three member Committee, headed by Principal Secretary to the Government, Home Department, is hereby constituted to ascertain the reasons behind the tragic incident at Shri Mata Vaishno Devi Ji Shrine in Katra, Reasi on 01.01.2022.

The Committee shall comprise of the following:

1. Principal Secretary to the Government, Home Department.
2. Additional Director General of Police, Jammu.
3. Divisional Commissioner, Jammu.

The Committee shall:

- (i) Examine in detail the causes/reasons behind the incident.
- (ii) Point out the lapses and fix the responsibility thereof.

- (iii) Suggest the appropriate SOPs and measures for preventing recurrence of such incidents in future.

The Committee shall submit its report within a week's time to the Government.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Manoj Kumar Dwivedi) IAS
Principal Secretary to the Government

No.GAD-GAD-SERV0IAS/182/2021-04-GAD

Dated:01.01.2022

Copy to:

1. Financial Commissioner (Additional Chief Department. Secretary), Finance Department.”

05. Learned counsel for the petitioner has vehemently argued that the Committee was under an obligation to have submitted its report within a week's time to the Government as envisaged in the aforesaid Government order but needful was not done within the aforesaid period. Accordingly, the petitioner has filed a representation before respondent No. 2 with a view to impress upon the said respondent to make public the report of the Committee so constituted. That despite the receipt of the aforesaid representation alleged to have been filed by the petitioner, nothing was done in pursuance of the issuance of aforesaid Government order and feeling aggrieved of the same, the petitioner was constrained to file the present petition in 'public interest' and has sought the following reliefs:-

- (i) Commanding the respondents to make public the Inquiry Report of 03 members Committee constituted vide Govt. Order No.01-JK(GAD) of 2022 dated 01.01.2022 to look into the unfortunate incident of stampede at Shri Mata Vaishno Devi Ji Shrine (Bhawan) in Katra (Reasi) in the night intervening 31.12.2021 and 01.01.2022 which resulted into the death of 12 devotees and several injured, which was to be published in one week;
- (ii) Commanding the respondents to fix accountability of the delinquent officers/officials in the matter who remained remiss in performance of their duties so that such incidents do not occur again as it is the duty of SMVDSB and its officers to ensure safe and proper performance of worship at the Shrine;
- (iii) Commanding the respondents to disclose the action initiated pursuant to the inquiry by 03 members Committee into the matter against the delinquent officers/officials whose negligence in the

performance of their duties resulted into the death of 12 pilgrims at Shri Mata Vaishno Devi Ji Shrine;

- (iv) Commanding the respondent No.6 to produce before this Hon'ble Court the 'Standard Operating Procedure' (SOP) devised by the respondent No.6 for regulating the smooth conduct of Yatra particularly on special occasions viz. Navratras, Festivals/New Year and in case there is no such SOP, then appropriate directions be issued to respondent No.6 to frame such SOP so that in future the incidents like 31st December, 2021/1st January, 2022 do not occur; AND
- (v) Commanding the respondents 7 to 9 to produce before this Hon'ble Court the outcome of investigation carried so far with regard to the stampede incident of the night intervening 31st December, 2021/1st January, 2022 which resulted into ' the death of 12 pilgrims and several were injured.

ARGUMENTS ON BEHALF OF RESPONDENT NO. 6

06. Record reveals that vide order dated 22.09.2022, a month's time was granted to Mr. Raman Sharma, learned Additional Advocate General, Mr. K. D. S. Kotwal, learned Deputy Advocate General and Mr. Adarsh Sharma, Advocate to seek instructions and, if necessary, to file comprehensive reply.

07. No reply was filed on behalf of the other contesting respondents except respondent No. 6 by Mr. Adarsh Sharma, learned counsel appearing on behalf of respondent No. 6 (Shri Mata Vaishno Devi Ji Shrine Board). As per the stand of respondent No. 6, a meeting was convened with regard to the aforesaid unfortunate incident under the Chairmanship of Hon'ble Chairman (Lieutenant Governor, J&K) and in pursuance to the directions of the Board, the following safety measures were, accordingly, put in place for effective yatra management from Katra onwards upto the holy cave:-

“SHORT TERM MEASURES

a) Yatra Registration:

Registration of yatra is being done in both online and offline mode depending upon the footfall for the better management of crowd at Yatra Registration Counters

b) Curtailed Atka Aarti:

Duration of attka aarti has been curtailed both during morning & evening, thus adding, some extra time in a day for accommodating more pilgrims for darshans.

c) Beat System:

Beat system has been introduced at various locations of Bhawan by deploying the joint teams comprising of the SMVDSB Staff, JKP & CRPF to avoid rush and for better crowd management. Moreover, QRT's have been deployed and trained for immediate response in case of any exigency.

d) Group System:

For regulating the darshans at Gate No. 3, group system was introduced for effective management especially on peak rush days, wherein, group number is allotted to each and every visiting pilgrim. The Regulation of groups is managed under the overall supervision and control of SDM/Tehsildar, Bhawan.

e) Halting Points:

Various halting points have been identified at strategic locations in order to accommodate the pilgrims during rush such as Manokamna Bhawan, Passenger Ropeway ticketing area (during night hours), Adhkuwari Hall, Sanjichhat complex etc.

f) Extension of the track in the Bhawan:

As an immediate step to decongest the area, a length of around 35 mtrs. have been widened on upside of the Manokamna Bhawan to facilitate quick decongestion in Bhawan area in times of heavy rush.

g) Bifurcation of lockers:

To decongest the Bhawan area, 120 lockers have been shifted to roof top of Manokamna Bhawan to cater the pilgrims arriving from Sanjichatt area. This has also curtailed to and fro movement of Yatris to some extent.

MEDIUM/LONG TERM MEASURES

a) Durga Bhawan:

The school of Planning and Architecture (SPA) has drafted a master plan for the Bhawan area and the same is under implementation in a phased manner for facilitation of pilgrims and queue management. Accordingly, Durga Bhawan is under construction which once complete will accommodate over 3000 pilgrims per day and around more than 1000 pilgrims at a given point of time. The Durga Bhawan consists of G+4 floors comprising of 70000 Sq. ft. area equipped with the facilities like Blanket room, Electrical Room, Locker Room, Service Room, Common Toilet, Lounge area, Dormitories, Kitchen, Rooms with attached toilets, Open hall etc. Besides, 04 lifts are being installed for convenience and en-masse movement of pilgrims. The building shall be commissioned and thrown open to the pilgrims in the forthcoming Chaitra Navratras falling in the month of March 2023.

The broad salient features of the Durga Bhawan is as below :-

1	Number of floors	G+4 RCC framed structure with terrace connected with the track. Ground floor is of double height.
2	Covered Area	70,000 sq.ft. (approx.)
3	Design capacity	>1000 yatris at a given time
4	<u>Facilities</u>	

Ground Floor	<ul style="list-style-type: none"> • Electrical Room - 01 No. • Locker Room - 01 No. • Server Room - 01 No. • Service Room - 01 No. • Common Toilets & Bathrooms • Toilet for specially-abled
First Floor	<ul style="list-style-type: none"> • Open Area • Dormitories - 9 Nos. • Common Toilets & Bathrooms • Toilet for specially-abled
Second Floor	<ul style="list-style-type: none"> • Suites - 16 Nos. • Dormitories - 8 Nos. • Pantry / Dinning hall • Housekeeping Store • Common Toilets & Bathrooms • Toilet for specially-abled
Third Floor	<ul style="list-style-type: none"> • Free Dormitories- 14 Nos. • Common Toilets & Bathrooms • Toilet for specially-abled
Fourth Floor	<ul style="list-style-type: none"> • Free dormitories- 13 Nos. • Blanket Store • Common Toilets & Bathrooms • Toilet for specially-abled
Terrace	<ul style="list-style-type: none"> • TriptiBhojanalaya • Reception & Enquiry • Lounge area • Manager's Office • Staff toilet
Lift	<ul style="list-style-type: none"> • 04 Nos.

Detail in respect of common toilets and washrooms

S. No.	Floor	Male			Female	
		Shower	WCs	Urinals	Shower	WCs
1	Ground	-	5	5	-	4
2	First	8	5	5	12	4
3	Second	8	5	5	12	4
4	Third	10	7	5	14	6
5	Fourth	10	7	5	14	6
6	Fifth	-	-	-	-	-
Total:		36	29	25	52	24

b) Yatra Queue Management (SKY WALK) at Bhawan:

To overcome the problem of the multidirectional flow of yatra and as per master plan prepared by School of Planning & Architecture, New Delhi, a detailed survey was conducted and a comprehensive proposal has been prepared for the construction of a "Yatra Queue Management (Sky Walk) at Bhawan" having a total length of 200 m approx. and width of 2.5 m with 02 Rescue areas. Being constructed as a pedestrian flyover with an average elevation of 20 feet above track level, Sky Walk shall have waiting halls with chairs for senior citizens, specially-abled and ladies waiting in queue. As per the approval of Competent Authority, the project and

the work has been allotted in favour of CPWD at total cost of Rs. 16 crore, and is expected to be completed in another 6 months.

c) Remodeling of Parvati Bhawan:

- i) To curtail the criss-cross movement of yatris for lockers and bathing spaces at Bhawan area, retrofitting / remodelling of the Parvati Bhawan has been taken up. Provision of facilities like lockers, washrooms, Toilets in one building will facilitate all pilgrims arriving via Himkoti Route and will channelize the yatra towards upcoming Sky Walk.

The broad salient features of the Parvati Bhawan is as below:

S.No	Floor	Proposal	Proposed Facilities
1	Ground Floor	315 open lockers with resting place for 250 persons.	➤ 1915 lockers ➤ 45 Washbasins
2	1 st Floor	1600 lockers with congestion free movement area.	➤ 44 Bathrooms ➤ 02 Waiting Lounges
3	2 nd Floor (Exclusively for women)	Waiting Lounge Washbasin – 22 Nos. Bathroom – 22 Nos. Toilet – 20 Nos.	➤ 34 Toilets with dual plumbing for reuse of STP treated water.
4	3 rd Floor (Exclusively for gents)	Waiting Lounge Washbasin – 23 Nos. Bathroom – 22 Nos. Toilet– 14 Nos. Urinal Point - 10 Nos.	➤ 10 Urinal Points ➤ Resting Place for 250 persons

- ii) The retrofitting / remodeling will comprise of 1915 lockers, resting place for pilgrims, with separate waiting area for women and men, 45 washrooms, 34 toilets and 10 urinal points.
- iii) The remodeling of the Parvati Bhawan is likely to be completed in another 6 months.

d) RFID based Yatra Access Cards:

In compliance to the directions of the Board at its Special Board Meeting held on 02.01.2022 at Raj Bhavan Jammu, various active remedial measures have been initiated for regulating the yatra in an efficient manner besides crowd management on the track and at all strategic locations. One of the measures included introduction of RFID technology based Yatra card for real-time monitoring of yatra.

The RFID project is successfully functioning since September 2022 onwards, playing a key role in regulating the yatra. Cards are being issued at 31 registration counters established at Jammu & Katra from 5 AM to 10 PM every day and for the ease of pilgrims registered through online mode, 03 registration counters at Bus Stand, Katra remain operational round the clock. In addition to the basic credentials of the pilgrims like name, address, gender & age, photograph of every pilgrim is being digitally recorded for a tamper proof verification system.

The RFID Readers/Scanners are placed at the entry/exit points of all the strategic locations viz. Banganga, Adhkuwari, Tarakote, Himkoti Marg, Sanjichhat, Bhairon

Ji and Bhawan sectors on the track for generating the headcount of the pilgrims which helps in managing the flow of pilgrims on the track strictly as per the holding capacity of the area.

The entire system is an amalgamation of RFID based registration of pilgrims, establishment of Radio Frequency Network connecting registration counters, antennas, verification counters and CCTV Cameras. Moreover, for immediate feedback/communication with different units/establishments a SIP phone setup has been provided at 11 locations. RFID readers stands established at 22 different locations on the track for validation of pilgrims, besides 80 CCTV cameras for the purpose of crowd management and surveillance. The system is capable of tracking pilgrims all along the track through RFID technology and generates reports on real time basis.

A Main Switching Centre (MSC) has established at Tarakote which is connected with all registration and verification counters, receives CCTV surveillance and headcount data of pilgrims on real time basis. Besides, all security check posts on the track enroute Bhawan have been equipped with verification mechanism through hand held readers for verification of RFID Cards and ensuring access only to registered pilgrims.

In addition, the complaints with regard to tracking of missing pilgrims are being promptly addressed with RFID tracking on real time basis. The RFID Cards which are being made available free of Cost to every pilgrim.

e) CCTV / PTZ Cameras:

CCTV cameras have been installed at various locations on the track for effective and real time monitoring of yatra. An additional 50 cameras have been recently installed at strategic locations for tracking pilgrim movement taking the overall number to 534. Monitoring is being done jointly by the security agencies and Shrine Board officers. Moreover, the tendering for installation of additional 186 CCTV Cameras is under process which will enhance the overall capacity of CCTV Cameras in Shrine Area to 720. Monitoring of the CCTV Network is being done at 2 Control Rooms, one each at Katra & at Bhawan.

f) Strengthening of Disaster Management Task Force (DMTF):

- i. A unit of State disaster response force has been stationed permanently at Tarakote for mitigating any disaster related eventuality.
- ii. Disaster Management Task Force (DMTF) of the Shrine Board comprising of 124 members has been reconstituted to cater to all strategic locations like Banganga Adhkuwari, Sanjichhat, Bhawan, Bhairon Ji on the track enroute Bhawan. Regular mock drills and training programmes are conducted by the Master Trainers of SMVDSB.
- iii. The disaster management stores located at Bangana complex, Adhkuwari complex, Sanjichhat complex, Bharion complex, Bhawan complex and Himkoti (alternate track) refreshment Unit are well equipped with the required equipments to meet out any eventuality.
- iv. For quick response in case of any disaster, an Emergency Control Room has been made functional at Bhawan which is under the control of SDM, Bhawan to provide immediate medical / disaster related support in case of any emergency.

g) Fire Safety measures:

In order to mitigate any the fire incidents in Shrine Area, a network of fire hydrant systems have been installed by Shrine Board on the track from Bhawan to Adhkuwari via Himkoti Marg upto Devi Dawar. A total of 60 Nos. fire hydrants have been installed on the track at different locations, Moreover, for the safety of pilgrims, a fire safety audit of Shrine Board establishments was conducted by Sh. U.S. Chillar, Director General, Institute of Fire Engineer, New Delhi and suggested remedial measures which are being implemented. Fire fighting vehicles equipped with modern equipments related to fire fighting system have been kept standby 24x7 at Bhawan to deal with any fire related incidents.

h) Slope Stabilization:

In order to minimize the adverse impact of the landslides and shooting stones, slope stabilization has been taken up in three phases for safety of the pilgrims on the track. 2 phases of the slope stabilization has been completed and third phase is underway, whereby rock-fall barriers, wire mesh with high tensile strength and other safety features are being installed. An expenditure the tune of Rs. 38.70 cr approx. has already been incurred by the Board till date. The work of third phase is being executed at an estimated cost of Rs. 17.42 Crore approx.

i) Exit Track :

The work on another alternate track for exit of yatrics at Bhawan is also under consideration as per the Master plan. This shall be taken up after the completion of Durga Bhawan and once completed this will further avoid criss-cross movement of yatrics and help in smooth flow of yatra.

j) Construction of Passenger Ropeway between Tarakote Langar and Sanjichhat

A Passenger Ropeway from Tarakote to Sanjichhat is being conceived by the Board. M/s RITES Ltd., Gurgaon have been engaged by the Board as 'Consultant'. M/s RITES Ltd. has floated tender for the same.

k) Extension / Remodelling of Atka Area at Bhawan

Around 250 devotees attend the Atka Arti at Bhawan being conducted twice a day in the morning & in the evening. There has been a constant increase in the flow of Yatra accompanied with a persistent demand from the devotees to augment the existing capacity of the Atka Area. Accordingly, the Board in its 70th Meeting held on 12.12.2022 at Raj Bhawan, Jammu accorded in-principal approval to the extension / remodelling of Atka Area and the project is likely to be completed in two months. Subsequent to which over 500 pilgrims shall be facilitated with participation in Atka Aarti every morning and evening.

OTHER MEASURES**1. Regular Deployment of Yatra Officers:**

The senior Officers of the Shrine Board are being deployed as yatra officer on a daily basis to manage the yatra. (**Annexure A-C**)

2. Joint Enforcement Team:

A joint team comprising of enforcement staff of SMVDSB, JKP & CRPF patrol Bhawan area in order to ensure pilgrims do not prolong their stay at Bhawan after darshans and make way for the arriving pilgrims at Bhawan.

3. Announcements/video walls:

Regular announcements advising pilgrims to leave Bhawan area after darshans, playing of recorded announcements for carried out through emergency public / individual announcements for carried out through multipurpose audio system continuously. Apart from the above, 06 video walls are installed on the track and 20 video walls are being installed inside the complexes for dissemination of information / alert to the pilgrims.

4. Medical support to the pilgrims:

- i) Seven fully functional dispensaries with modern medical equipments are operational at all strategic locations to cater for any medical exigencies Round the Clock. Medical Officer and Para Medical Staff are available in the dispensaries to attend to the medical needs of the pilgrims.
- ii) Standby ambulances are available 24x7 at Bhawan and on the track for immediate shifting of patients to CHC Katra / Naryana Hospital.

5. General facilities being provided to the pilgrims

- a) Shrine Board offers free as well as rented accommodation at Jammu, Katra and at various locations along the Holy Track.
- b) Free Hall accommodation available for yatrics provided Adhkuwari, Sanjichhat & Bhawan.
- c) Medical Aid Centre, Toilet Blocks, Bhojanalayas & Catering facilities are also available on the Holy Track as well as Katra & Jammu
- d) Facilities like heli services, Battery Car services, Accommodation and Arti can be availed through online mode as well.
- e) During days of heavy rush, free accommodation is also made available at Katra in the Niharika Complex. Accommodation in the form of sheds is also made available near the Yatra Parchi Counter II (YRC-II)
- f) Rented Accommodation is also available on various locations at Jammu (Kalika Dham, Vaishno Dham & Saraswati Dham, at Katra (Niharika, Shakti Bhawan, Aashirwad Bhawan, Spiritual Growth Centre & Trikuta Bhawan).
- g) Bank and ATM facilities available at Bhawan, Katra for convenience of Yatrics.
- h) Whole track is covered with shelter sheds in saving Yatrics from shooting of stones, Rain, Sun, Snow and other adverse weather conditions.
- i) Free Clock Room Facilities available at Jammu, Katra, Adhkuwari & Bhawan.
- j) Multipurpose Audio System facility is available on whole track on Maa Vaishno Devi Ji.
- k) Prepaid counter System for booking of pony, Pithoo available on holy track.
- l) Water ATM facility is also available on holy track.

m) Souvenir Shops facilities available for yatries who wish to carry with them mementos of the great pilgrim made of Shri Mata Vaishno Devi Ji available at Vaishnavi Jammu, Spiritual Growth Centre, Near Yatra Registration Counter, Trikuta Bhawan & Bhawan.

Recently introduced Panchmewa Prasad is available at Bhawan, Banganga, Tarakote and at all establishments of the Board at Jammu and Katra.”

08. The further stand of respondent No. 6 is that after taking over the management of the shrine coupled with the sincere efforts of the Board to provide basic facilities to the pilgrims, yatra has been increased many fold. The respondents with a view to fortify their claim, have placed on record the facts and figures which clearly depicts that the yatra has increased many fold over the year commencing from 1986 to 2022.

09. Learned counsel appearing on behalf of the respondents further submit that this hallmark change in almost every sphere relating to the dignity, growth, infrastructure and development could be possible only because of the efforts and steps taken by the Board in this regard which finds mention in the comprehensive report filed by respondent No. 6. This was the precisely the reason that the Shrine Board has been awarded “Best Managed Religious Destination” Award, for three consecutive periods for 2011, 2013 and 2015 in the aforesaid category, besides being conferred other awards which finds mention in the detailed reply filed by the respondents.

10. Respondent No. 6 while filing the detailed reply have also highlighted the activities undertaken by the Board through its administration and Operations Wing with regard to the **Establishment of Yatra Registration Counters, Helicopter Services, Battery Operated Vehicle Services, RFID Registration of Mules & Potters, Call Centre,**

Prasad Management Unit and Disaster Management Task Forces/Stores.

11. The learned counsel for respondent No. 6, Mr. Adarsh Sharma, also submitted that various projects have also been completed by the Shrine Board for better management and facility of pilgrims which are as under :

I. SPIRITUAL GROWTH CENTRE AT KATRA

Considering the need to promote spiritual growth of the answering respondent's employees as well as adding an intellectual dimension to the pilgrimage to the Holy Shrine of Vaishno Devi Ji, development of a Spiritual Growth Centre (SGC) was approved by the answering respondent at its 33rd Meeting, held on 23.01.2001.

The Spiritual Growth Centre was built at an estimated cost of Rs. 8.93 crore.

This Centre comprises of the following:

- i. An Auditorium with a seating capacity of 460 persons
- ii. A Library where spiritual books, journals and other literature on Hinduism and relating to the Holy Shrine are available
- iii. Amphitheatre
- iv. Exhibition Halls
- v. Audio-Visual Room
- vi. Conference Halls
- vii. Meditation Hall & Prayer Hall
- viii. Art and Craft Exhibition Areas
- ix. Prayer Rooms
- x. Food Station
- xi. Guest Rooms and Dormitories
- xii. Parking space
- xiii. Facility of 40 dormitory beds and 03 suits / rooms for accommodating the Yatris
- xiv. Fire Fighting System
- xv. Heating Ventilating and Air Conditioning System.

The Spiritual Growth Centre was inaugurated by the then President of India in November 2011.

II. YATRIS ACCOMMODATIONS

It is the endeavour of the answering respondent that any pilgrim visiting the Shrine should be provided every facility possible on his journey. For this purpose, a complete network of requisite infrastructure, like accommodation, electricity, water, good sanitary conditions, dispensaries, telephones etc., below is a glimpse of some of the important existing facilities:

- i. Near the Railway Station Jammu, there are three huge complexes namely, **Vaishnavi Dham (77680 sft area), Kalika Dham (727887 sft area) and Sarswati Dham (47368 sft area)** which not only provides luxury accommodation in form of 70 suites / rooms, but also provides dormitory accommodation of about 1300 beds, besides running Bhojnalayas on no profit no loss basis. **The Vaishnavi Dham Kalika Dham and Sarswati Dham have been constructed by the Board at an estimated cost of Rs. 3.5 crores, Rs. 14.80 crores and Rs.15.00 crores respectively.**
- ii. At Katra there is a **Niharika Complex** consisting of 90 two/four Bedded rooms, **Shakti Bhawan** consisting of 357 dormitory beds, **Trikuta Bhawan** consisting of 690 dormitory beds, **Ashirwad Bhawan** having a Capacity of 538 beds and at **Spiritual Growth Centre** there is facility of 40 dormitory beds and 03 suits / rooms for accommodating the Yatris.
- iii. At Adhkuwari, a five storeyed Dormitory Complex namely **Shailputri Bhawan**, has been constructed by the answering respondent with a capacity of 416 beds. Besides this, at Sharda Bhawan there are 09 rented rooms and 02 halls for accommodating Yatris free of cost and 02 more halls (free accommodation) at Bhagwati Bhawan.
- iv. At Sanjichhat, the answering respondent has constructed a 10 bedded dormitory and 8 rooms for accommodating the Yatris.
- v. At Bhawan, there is an overall accommodation of approximately 90 rooms at **Main Bhawan, Gouri Bhawan and Vaishnavi Bhawan** and covered **areas/halls** for the general public. The Complexes namely the **Parvati Bhawan, Manokamna Bhawan Phase-I** have also been constructed by the answering respondent that offers dormitory accommodation at very affordable rates and contains 326 Beds. Moreover, a free accommodation complex namely **Manokamna Phase-II** has also been constructed that contains 392 beds. These complexes have been equipped with bhojanalyas, for providing food at very reasonable prices to the Yatris, and a blanket store and laundry.

III. CONSTRUCTION OF TARAKOTE MARG

The progressive increase, from year to year, in the number of the pilgrims visiting the Holy Shrine, necessitated the answering respondent, inter alia, for the provision of new / additional facilities for the pilgrims and to meet the emerging requirements of the pilgrimage.

This has also been done as the existing track between Banganga and Adhkuwari, which is used for both human and animal movements, poses a serious capacity constraint, despite efforts made to widen it at several places.

Therefore, in order to provide comfort and convenience to the on-foot Vaishno Devi pilgrims, Tarakote Marg has been built by the answering respondent, besides, a 1.5 km link road has also been constructed to connect the traditional Banganga Marg to the new Tarakote Marg.

Further, to ensure safe, smooth and pleasant Yatra on the Tarakote Marg, various facilities have also been created, which include

Slope Stabilization Works, Darshani Deodi, Frisking Points, Bhoajanalayas, Dispensary, Ultra filtered drinking water points, Welded Mesh all across the track, Modular Shelter Sheds, Illumination of the Marg through LED lighting, Toilet blocks and Viewpoints. **The entire Tarakote Marg including the link road has been completed at an approximate cost of Rs.80.00 Crores.**

The said track was opened for the Yatris after being inaugurated by the Hon'ble Prime Minister of India Shri Narendra Modi on 19.05.2018

Recently, the answering respondent has also started Langar Facility (community kitchen for free meals) for the Yatris on 09.05.2019 on the Tarakote Marg.

IV. **CONSTRUCTION OF TEMPLE COMPLEX ADHKUWARI:**

At its 26th Meeting (held on 29th November 1997), the answering respondent had accorded in-principle approval for undertaking the remodeling of Adhkuwari Complex consisting of various components to be taken up in a phased manner. As a part of the above project, the construction of a double storey Temple Complex at Adhkuwari (including the Queues with steel pipes & railing and Waiting Hall) was also taken-up for the facilitation of the pilgrims. **The project completed at an approximate cost of Rs.228 lakh.**

The renovated Adhkuwari Temple Complex consists of the following:

- i. **Temple and Yagyashalla** with a total area of 12000 Sft. Approx
- ii. **Queue Complex and Waiting Hall** on 1st floor having an area 7200 Sft approx. for smooth flow of Yatris with safety from all weather conditions.
- iii. **Queue line with stainless steel railings** to the length of 350 sft approx. to control and streamline the flow of Yatris to the Garbh Joon cave.
- iv. **Entry & Exit Gates** having area of 400 sft approx. with Temple shape dome to give an aesthetic look to the complex.
- v. **Open area around the old temple** of 675 Sft approx. around the old Temple for comfortable Darshans for the pilgrims.
- vi. **Frisking Point** for frisking of Yatris by the security personnel.
- vii. **Waiting area** for GarbhJoon of Size 70 Ft x 10 Ft and waiting hall for temple of Size 35 Ft x10 Ft for facilitation of the Yatris
- viii. **Additional platform** having an area of 16000 Sft has been created for the free movement of Yatris.

V. **EMERGENCY HELIPAD NEAR PANCHI STAFF COLONY**

The answering respondent had constructed a Helipad at Sanjichhat, which is being utilized for the private helicopter service contracted by the answering respondent for the benefits of the pilgrims. This Helipad, located at a distance of about 2.5 Km. from Bhawan, is

well located/ accessible for the evacuation of Yatris travelling on the Lower Track between Adhkuwari and Bhawan or those who may need to be evacuated from the Bhawan in case of any emergency.

Further, in emergency situations (a serious accident involving a large number of Yatris, critical illness, serious physical injury etc.), a Yatri is carried to the Inderprastha Bhojanalaya (near Adhkuwarl) in a Battery-Operated Car and then brought down to Katra on a stretcher carried by Safai-Karamcharis.

This arrangement resulted In the injured/ sick person receiving the required urgent medical attention after over 3 hours. Incident of medical emergencies had been progressively growing in number, necessitating the answering respondent to consider provision of speedier arrangements.

With a view to particularly ensuring prompt / timely evacuation of Yatris travelling between Adhkuwari and Bhawan, the answering respondent, at its 49th Meeting held on 01.12.2010, approved the construction of a new Helipad near Panchi Staff Colony. And thus the new Helipad near Panchi Staff Colony was completed on 04-7-2014 and made functional **at an estimated cost of Rs. 87.95 lakh.**

The execution of work was started on 10.07.2011 and the project was completed on 04.07.2014 at a total cost of Rs. 2.42 crore approx.

The Panchi Emergency Helipad was inaugurated by Lt. Shri Pranab Mukherjee Hon'ble President of India on 02.09.2014 when he landed there in the State Government's Augusta helicopter.

VI. **ALTERNATE TRACK HIMKOTI MARG)**

Keeping in view the increased influx of pilgrims and the inconvenience they faced due to the movement of ponies, the sharp gradient at Hathimatha and the congested width of the old track, the construction of a new track with a very gradual gradient was undertaken in the early 1990s. The new track thus constructed is popularly called the Himkoti Marg **was Constructed at an estimated cost of Rs. 650 lacs which** was thrown open to the public in 1999.

This track, on which no ponies are allowed, is shorter and gentler than the old track and has been widely appreciated by the pilgrims and is 500 meters shorter than the old track. This track is much wider as compared to the existing track and is also easier to negotiate because of uniformity of climb and lower gradient.

Two view points, three sales outlet/ refreshment units, drinking water points and water cooler have been constructed/ installed on the Track. A number of Tea/Coffee, Soft Drinks sales outlets have been installed besides a Dosa point at Himkoti Viewpoint.

Adequate number of Toilet blocks have been constructed on the Alternate Track with a view to provide clean public utilities to the visiting Devotees. Sufficient number of Shelter Sheds are also available. A zero-emission battery vehicle is run on this track.

VII. **WATER SUPPLY SCHEMES**

During the rush of Yatris, an acute shortage of water used to be experienced at Bhawan and at water points along the track from Katra to Bhawan. The Yatris, therefore experienced lot of inconvenience in this regard and it was felt that the water supply at the Track especially at Bhawan needs to be augmented on urgent basis.

In this regard, administrative arrangements were made with Jal Shakti Department, J&K and following Water Supply Schemes were implemented:

S. No.	Name of Scheme	Installed capacity (in GLPD)
1.	SiarDabri Tube Well (Ground Water) I	3,00,000
2.	SiarDabri Tube Wells (Ground Water) II+ III	2,10,000
3.	Pai Nallah (Gravity Source at zero state Bhawan)	2,00,000
4.	Samkhal (Gravity source)	40,000
5.	Bhagh-e-WalaGhrat Spring source	1,50,000
6.	DhansarPaiNallah scheme at present water being pumper from it: 3,00,000 GLPD Scheme envisaged for : 6,00,000 GLPD	6,00,000
		15,00,000 GLPD 6.8 million litre per day

Besides this, a systematic network of Reservoirs has been created from Katra to Bhawan for storage of water and its supply at Track. The Water Supply System is being run and maintained by the Jal Shakti Department, J&K on behalf of the answering respondent.

VIII. Toilet Blocks enroute Bhawan

To provide better facilities to the Yatris all the existing toilet blocks on the traditional & alternate tracks have been remodeled and upgraded by the answering respondent.

IX. Passenger Ropeway (Between Bhawan & Bhairon)

Earlier, a lot of yatris faced difficulties to go far Darshans of Bhairon Baba Ji after Darshan of holy deity in view of steep gradient of the Bhawan-Bhairon Ji track. To address the issue, an imported “Bi-cable Jig Back Double Reversible fixed grip Passenger Ropeway with a cabin capacity of 45+1 & hourly capacity of 800 passengers” was setup between Bhawan and Bhairon Temple in December, 2018. This facility is available at nominal price of Rs. 100/per tip and about 7000 to 8000 yatris avail this facility on daily basis.

X. Material Ropeway Project.

To ensure decongestion on the track from mules carrying material, an indigenous Bi-Cable Jig Back Double Reversible Material Ropeway has been installed at SiarDabri, Katra for transportation of

material from Katra to Bhawan **at a cost of Rs.12.00 crore. It is transporting approx. 15 tonnes of material in 15 to 16 trips per Day.**

XI. Multipurpose Audio-Video System and Multipurpose Audio System

The multipurpose Audio - Video System have been installed on the track primarily covering the Live Aarti, Yatra Facilities, Advisory etc. with 06 Outdoor Video Walls and 20 Indoor LED Screens. In addition, 2160 speakers have been installed enroute the track. All vital information is communicated to the pilgrims through this Audio System alongwith continuous playing of devotional songs / Aarti.

C. Various Works (Completed) by the answering respondent under Social and Economic Development Activities

I. Construction of Mahadev Temple at Reasi

Shri Mahadev Temple is a historical and revered temple situated in Ward No. 9 at Reasi Town. A large number of devotees pay obeisance at this Temple round the year. The Temple witnesses a huge rush of devotees, particularly on Mahashivratri and Baisakhi every year.

Shri Mahadev Temple Committee had approached the answering respondent in 1993 with the request for taking over the Temple for proper management and renovation. Considering its importance, the answering respondent had agreed to the request of the local people and the Mandir Committee and a "Release Deed-cum Agreement" was signed in this regard on 23/04-1993 and the total Temple land of 14K 08M was transferred to the answering respondent. After signing of the Agreement, the answering respondent prepared a plan for renovation and development of the Temple Complex, which was renovated and Yatri facilities were created (during 2000 to 2016) **with an estimated expenditure of Rs. 173.23 lakh.**

The renovated Mahadev Temple Complex consists of the following components:

- a) **Main Temple:** The main temple consists of an AapShambu Temple and four smaller temples on all the four corners having the Murties of Maa Vaishno Devi, Shiv Parivar, Santoshi Mata and Hanuman Ji with common corridor / Hall of 29'-0" x 45'-0" in front. All the five temple domes have been cladded with white marble.
- b) **Langar Hall and Dormitory:** A langar hall 50'-3" x 25'-0" alongwith a kitchen, store and pantry in the ground floor and a dormitory of the same size alongwith room, kitchen and a toilet on the 1st floor. The Hall of Dormitory can be utilized for multiple purposes for the facilitation of Yatris as well as local community.
- c) **Yaagyashalla:** A Yagyashalla 24'-0" x 24'-0" have been constructed.
- d) **New Shiv Temple:** A new Shiv Temple has also been constructed for the installation of Shivlingam received from Shri Amarnathji Shrine Board.

Besides this, allied facilities like Toilet Block, Shoe Room, site development of the complex including approach path and landscaping work have also been created for facilitating Yatris and Locals as well.

II. Shri Mata Vaishno Devi Gurukul Charanpaduka

Shri Mata Vaishno Devi Gurukul was conceptualized in the year 2002, as a social responsibility project aimed at providing quality education in Sanskrit and Vedic studies to young students from the region. It has been setup as a fully residential, totally free of cost institution to impart education to the students by giving them lessons in Vedas, 'KaramKand' and Puja rituals, apart from teaching them modern subjects like English, Maths, Science, Computer etc.

- a) **Gurukul Phase-I** : The Phase-I of Gurukul caters classes upto 12th (**Uttar Madhyama**) and its infrastructure consists of Academic complex, Hostel, Acharya Niwas, Temple, Yagyashalla and Basketball Court. The Phase-I works of Gurukul completed at an estimated cost of Rs 4.56 crore. Additional Infrastructure was also created by the answering respondent to address the increasing requirements of the Gurukul. This was commissioned with inauguration by the Chairman on 1st March 2014 (at an overall cost of Rs. 2.71 crore).
- b) **Gurukul Phase-II**: Further, in order to accommodate students for "Shastri" (Graduation) course, and due to consequent increase in faculty, a need was felt for timely creating suitable infrastructure for hostel and residential facilities for students and staff and accordingly the work of the Gurukul Phase-II was taken up. It consists of Hostel Block, Acharya accommodation, Temple and Yagyashalla, **constructed at an estimated cost of Rs. 7.21 Crore. It was inaugurated by the president of India in November, 2011.**

III. Other initiatives taken for social and Economic Development Activities.

The answering respondent, in its endeavour to take care of the interests of families living in Katra and its surrounding areas has been carrying out various social and economic developmental activities for the past several years. The major works executed by the Board, over the years for the welfare of local populace and Baridars as well, are as under:

S. No.	Name of work	Estimated cost (in lacs)
1.	Multi-purpose Sports Stadium in Katra	1520.00
2.	Renovation of various Temples	271.24
3.	Renovation of BhimGarh Fort, Reasi	226.00
4.	Construction/Renovation of School buildings.	175.30

Besides above, various Civic Developmental Works in Katra Municipality and its surrounding areas executed by the Board are tabulated below:

S. No.	Name of Work	Estimated Cost (in lacs)
1	Providing and Fixing of Ornamental Railing and installation of dual lamp LED street Lights on the central verge of the road leading to Railway Station, Katra.	153.23

2	Construction of Circular Road from Hansali via Bhumika Mandir to Panthal Road, Katra alongwith other miscellaneous works	133.41
3	Providing and fixing of Children Playground equipment at Shalimar Park, Katra	13.05
4	Construction of Road/ Drain from Maharaja Hotel towards Pine Land Public School at Ward No.2, Katra	10.80
5	Repair & Renovation of Lane from Saraswati Chowk on link road to Railway Station (J&K Bank Arli) to Hotel Vishal Dharamvir Sarai, Katra	47.01
6	Repair and renovation of existing road from Shalimar Park to Shri Madan Lal Ward No.8 Hansali, Katra	45.99
7	Repair & renovation of Lane and Drain measuring 1205' x 12' by way of laying interlocking tiles from H/o Subash Dry Fruit to H/o Kewal Jogi in Ward No.4, Katra	28.00
8	Providing underground waste collection bin system for Katra town	113.00
9	Construction of Lane and Drain from Matyal Petrol Pump to Darshani Deodi	30.00
10	Construction of Mahadev Temple at Reasi	170.00
11	Construction of 02 Nos. Laboratory Rooms with front verandha in Govt. Girls Higher Secondary School, Reasi	32.47
12	Repair, Renovation and fabrication of shed over pyre area Shamshan Ghat at Nomain, Katra	6.30
13	Fabrication & fixing of chain link fencing of Vishavkarma Temple Natali, Kunderorian, Katra	3.21
<u>Sira Colony Phase-I Works</u>		
14	i) Construction of slabs over the open drains and crossed drain in front of houses of entire colony (100 nos. slabs) ii) Construction of 600 MM open drain in colony iii) Construction of 450 MM open drain in Sira Colony, Kakryal	51.99
15	Construction of compound wall and filling of the depressed portion in Govt. Primary School in Kakryal Colony Katra	9.85
16	Construction of 06 No. Passenger Sheds on Domail to Kakryal & Kakryal to Manthal Road	28.33
17	Construction of Community Hall at Sool Kakryal (including electrification, sanitary fitting and approaches etc.)	71.06
18	Illumination of road from Domail to Kakryal & Manthal to Kakryal	19.20
19	Construction of Toilet Block with Residential Quarter at Sool Kakryal	14.53
20	Plantation along road side from Domail-Kakryal and Manthal-Kakryal	19.46
<u>Sira Colony Phase-II Works</u>		

21	Pavement of lanes by way of laying chequered tiles 75 mm thick over a base of cement concrete flooring 1:2:4, laid over 150 mm thick stone soling.	88.72
22	Construction of footpath and drain in bazaar area in Sira Colony (from DPS School to Gate No. 2 of University).	16.41
23	Construction of one additional room with veranda and pantry in Govt. Primary School, Sira.	9.00
24	Electrification of lanes of Sira Colony by installation of electric lights.	7.21
	Total	1122.23

IV. **Measures for the welfare of the Baridars**

Shrine Board has taken following steps / measures for the welfare of the Baridars since 2002:

- a) **Scholarships to the tune of Rs. 8.45 crores** has been disbursed to the 15379 students belonging to the erstwhile Baridar families from 26.10.2002 till 31.03.2022 and approx. 1.2 crores is likely to be disbursed in the current Financial Year.
- b) **Financial assistance to Baridars daughters:** An Amount of **Rs. 4.34 Crore upto 24.11.2022** has been disbursed to the daughters of 1367 ex-Baridar families at the time of marriage along with 15 nos suit/sarees plus 2 chunnies. An amount of Rs.40.00 lakh (approx.) is being disbursed annually by the Board under the scheme.
- c) **Adoption of Girl Child Scheme:** under this scheme as total of 79 Girl Children of Baridar family have been registered and Rs. 1.00 lacs FDR for each girl child have been kept reserved. Apart from that Rs. 500/- per girl per month is disbursed to the families of the registered 79 Girl Children of Baridar as the maintenance of the Girl.

12. It is not so, even respondent No. 6 has specifically mentioned with regard to future projects which are being conceived relating to the reconstruction of Shankracharya Temple. Even the Board, as a part of social support initiatives, has been undertaking development and maintenance of infrastructure in and around Katra Town, besides providing the financial support to various religious, social and other organizations engaged in charitable activities. Learned counsel for the respondents further submits that the details which have been mentioned in the objections clearly proves beyond any shadow of doubt that the Board has been continuously working towards providing best facilities to the pilgrims

and all the offerings to the Shrine by the pilgrims are put to use for achieving the aforesaid objectives.

CONCLUSION

13. Heard learned counsel for the parties at length and perused the record.

14. After perusing the record and detailed reply affidavit filed by respondent No. 6 i.e., Shri Mata Vaishno Devi Shrine Board, we are of the opinion that the Shrine Board has taken all measures including **short term, medium and long term** with a view to streamline the yatra, beside taking all safety measures and also other measures insofar as the regular deployment of yatra officer, constitution of Joint Enforcement Team and regular announcement/video walls with a view to advise pilgrims to leave Bhawan after Darshan and playing of recorded announcements at regular intervals. Not only this, even the Board has undertaken various activities through its Administration and Operations Wing, the details of which have been referred in preceding paragraphs and the Board has completed various projects for better management and facilitation of pilgrims.

15. We are satisfied with regard to the steps taken by the Board to regulate the smooth conduct of the Yatra, therefore, no fruitful purpose would be achieved to keep the present PIL alive and we deem it appropriate to close the proceedings in the present Public Interest Litigation.

16. Before parting, we would like to emphasize that since the Government in General Administration Department has constituted the high-level 03 members Committee by virtue of Govt. Order No.01-JK(GAD) of 2022 dated 01.01.2022 to examine in detail, the

causes/reasons behind the incident, point out the lapses and fix the responsibilities thereto and to suggest the appropriate SOPs and measures for preventing re-occurrence of such incidents in future and the said Committee was required to submit its report within a week's time. We have not been apprised about the report of the said Committee. However, the learned counsel for the Union Territory assures this Court that appropriate action as warranted in terms of the report will be taken. In light of the assurance extended by the learned counsel for the Union Territory, necessary actions in the matter be taken in terms of the report submitted by the said Committee.

17. Accordingly, we direct the respondents to take effective steps in furtherance of the decision/recommendations of the said Committee so constituted for ensuring safety of the pilgrims and devotees.

18. With these observations, the proceedings in the present Public Interest Litigation are **closed**.

(WASIM SADIQ NARGAL)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

JAMMU
26.04.2023
Ram Murti

Whether the judgment is reportable : Yes/No
Whether the judgment is speaking : Yes/No