

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court.

Case No.: - CCP(D) No. 22/2024
in WP(C) PIL No. 12/2022

Sheikh Shakeel Ahmed

..... Petitioner(s)/Appellant (s)

Through :- Mr. H.A Siddiqui, Advocate
Ms. Supriya Chouhan, Advocate
Mr. Rahul Raina, Advocate

v/s

Sanjeev Verma and ors.

.....Respondent(s)

Through :- Mr. S.S Nanda, Sr.AAG for R-1&2
Mr. Adarsh Sharma, Advocate for R-3

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER(ORAL)
22.04.2025

ARUN PALLI-CJ

1. Vide this petition, the petitioner (Sheikh Shakeel Ahmed) seeks initiation of contempt proceedings against the respondents owing to their willful/intentional defiance of the judgment dated **April 26, 2023**, passed by the Co-ordinate Bench in **[WP(C) PIL No. 12/2022]** titled as *(Sheikh Shakeel Ahmed vs. Union Territory of Jammu and Kashmir and ors.)*
2. Owing to an unfortunate incident [stampede at Shri Mata Vaishno Devi Shrine (Bhawan) in Katra], on the intervening night of December 31, 2021, and January 1, 2022, 12 persons, who were on a pilgrimage, had lost their lives, whereas, several others were injured which led to filing of a petition **[WP(C) PIL No. 12/2022]**. And, the matter was tried by this

Court in public interest, before it was finally disposed of on April 26, 2023, with the following observations:

“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 Shine 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 betterment 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.”

3. In response to the notice issued to the respondents in the present proceedings, statement of facts by Commissioner/Secretary to Government, General Administration Department dated 09.07.2024, was furnished. And, a bare analysis thereof shows that keeping in view the facts and circumstances that led to an unfortunate incident as also the sentiment/sanctity of the devotees visiting the Shrine, the respondents, post issuance of the directions/order dated April 26, 2023, passed by this Court, put in place multiple remedial measures to enhance pilgrim centric facilities:

“i. RFID tagging and tracking: RFID technology based Yatra card for real-time monitoring of yatra introduced and 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, 02 registration counters at

Banganga, Darshani Deodi & Tarakote, Darshani Deodi 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. 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 been 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/standalone 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.

ii. 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.

iii. Joint Command and Control room: 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. 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.

iv. Strengthening of Disaster Management Task Force (DMTF): A unit of State disaster response force has been stationed permanently at Tarakote for mitigating any disaster related eventuality. 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. The disaster management stores located at Bangana complex, Adhkuwari complex, Sanjichhat complex, Bhairon complex, Bhawan complex and Himkoti (alternate track) refreshment Unit are well

equipped with the required equipments to meet out any eventuality. 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.

v. 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.

vi. 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. Two 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 to 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.

vii. Pilgrim facilities and management at 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 has been commissioned and thrown open to the pilgrims on 18th March 2023.

viii. 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 favor of CPWD at a total cost Of Rs.16.00 crores and is expected to be completed in another 6 months.

iv. Remodeling of Parvati Bhawan: To curtail the criss-cross movement of yatris for lockers and bathing spaces at Bhawan area, retrofitting/remodeling 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 retrofitting / remodeling will comprise of 1915 lockers, resting place for pilgrims, with separate waiting area for women and men, 44 Bathrooms, 34 toilets and 10 urinal points. The remodeling of the Parvati Bhawan is likely to be completed in another 6 months.

x.Yatra Management enroute as well as in Katra & surroundings as also beyond: Regular announcements advising pilgrims to leave Bhawan area after darshans, playing of recorded announcements and emergency public /individual announcements are carried out through multipurpose audio system continuously. Apart from the above, 06 video walls are installed on the track and 20 LED Screens have been installed inside the complexes for dissemination of Information/alert to the pilgrims. To ensure decongestion on the track from 'mules carrying material, an Indigenous Bi-Cable Jig Back Double Reversible Material Ropeway has been installed at Siar Dabri, Katra for transportation of material from Katra to Bhawan at a cost of approx. Rs.12.00 crore. It is transporting approx. 15 tonnes of material in 15 to 16 trips per day. 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 along with continuous playing of devotional songs/Aarti.

xi. Extension/Remodeling 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/remodeling of Atka Area and the project is likely to be completed in 02 months. Subsequent to which over 500 pilgrims shall be facilitated with participation in the Atka Aarti every morning and evening.

4. Further, per the averments set out in Para 8 of the response as a result of the initiatives, as also the additional measures taken by the authorities, the Board is well-equipped, in fact, has been able to successfully manage the decade high Yatra footfall of 95.22 lakh pilgrims in the year 2023. And, no untoward incident has been reported. It is also maintained that the Shrine Board is making every possible endeavour to provide the best possible facilities to the pilgrims visiting the holy Shrine.
5. Similarly, an independent statement of facts has also been filed by the Shrine Board.
6. In the wake of the position sketched out above, and after we had heard the matter at length, learned counsel for the parties have reached a consensus: For the directions issued by this Court vide order dated April 26, 2023, have been substantially complied with nothing substantive survives in the matter. Accordingly, it is submitted that the petition be disposed of as having been rendered infructuous. However, if in future, any fresh cause

of action arises, the petitioner, if so advised, would be at liberty to avail such other remedies as admissible in law.

7. In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the proceedings in this petition are closed. The petition is, accordingly, disposed of in the above terms.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU
22.04.2025
AKHILESH