

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO-MOTU WRIT PETITION (CIVIL) NO(s). 284 OF 2012

COURT ON ITS OWN MOTION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For further directions)

Date: 23/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

By Courts Motion

For Respondent(s)

Union of India

Mr. Sidharth Luthra, ASG
Mr. T.A. Khan, Adv.
Ms. Ranjana Narayan, Adv.
Mr. R. Nedumaran, Adv.
Mr. D. Saigal, A v.
Mr. B. Krishna Prasad, Adv.

State of J& K

Mr. Gaurav Pachnanda, Sr. AAG
Mr. Sunil Fernandes, Adv.
Ms. Vernika Tomar, Adv.
Mr. Krishanu Adhikary, Adv.
Mr. Shodhan Babu, Adv.
Mr. Sidhant Goel, Adv.

Mr. Upinder K. Jalali, Sr. Adv.
Mr. Mishra Saurabh, Adv.
Ms. Vanshaja Shukla, Adv.

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

This matter was directed to be placed before the Court by us for the reason that certain directions which the Court intended to pass were not typed. Thus, in addition to the directions contained in our order dated 20th July, 2012, we issue the following additional directions:-

1. It should be examined by S.H.P.C. in its meeting if a transparent device made of glass, fibre or any other material, which is scientifically permissible, be placed at the Cave where iron grills have been fixed as of now. The iron grills serve no required purpose. Firstly, it obstructs the view of the yatri during Darshan, and secondly, they are not safe and even pass the human heat which results in early melting of the Shivalingam.

2. The visit of the Specially High-Powered Committee should be when the yatra is on and not by stopping the yatra from either of the routes, from Baltal to the Holy Cave.

3. It has also been brought to our notice that within a period of three-four days, death toll has gone up from 84 to 97 which is a matter which should not only concern but worry by the appropriate authorities. Such high mortality rate does not speak well of the management provided for

the yatris.

We must note with appreciation that the learned ASG appearing for the Central Government stated that the Government would provide all medical help to the State Government in this regard.

Consequently, we direct the State of Jammu & Kashmir to ensure that with the help of the Central Government and/or the neighbouring States, they shall depute such number of medical teams as may be necessary to provide healthcare to prevent such high mortality rate in the yatras.

We hope that the Committee would take expeditious steps to ensure compliance of our Order dated 20th July, 2012.

| (DEEPAK MANSUKHANI)
| Court Master

| (M.S. NEGI)
| Court Master

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