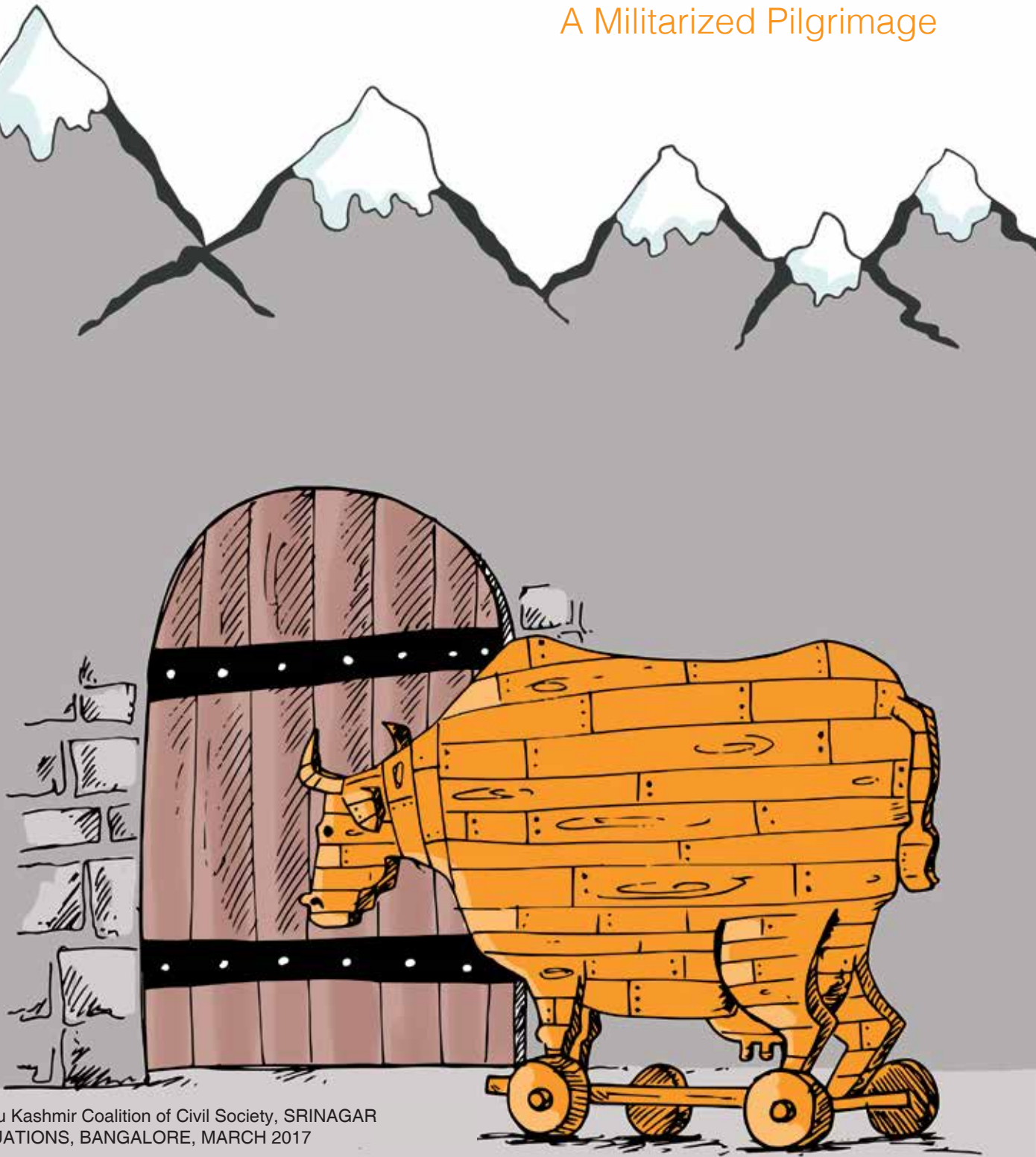


Amarnath Yatra

A Militarized Pilgrimage



Amarnath Yatra: A Militarized Pilgrimage
March 2017

Research and Editing

Kartik Murukutla
Khurram Parvez
Parvez Imroz
Swathi Seshadri

Illustrations

Mir Suhail

Design and Layout

Smriti Chanchani

Printer

National Printing Press, Bengaluru

Soft copies available online

www.jkccs.net | www.equitabletourism.org

For print copies contact

Jammu Kashmir Coalition of Civil Society (JKCCS): khurramparvez@yahoo.com | +91-9419013553 (Srinagar, Kashmir)
EQUATIONS: info@equitabletourism.org | +91-80-23659711 (Bengaluru, Karnataka)

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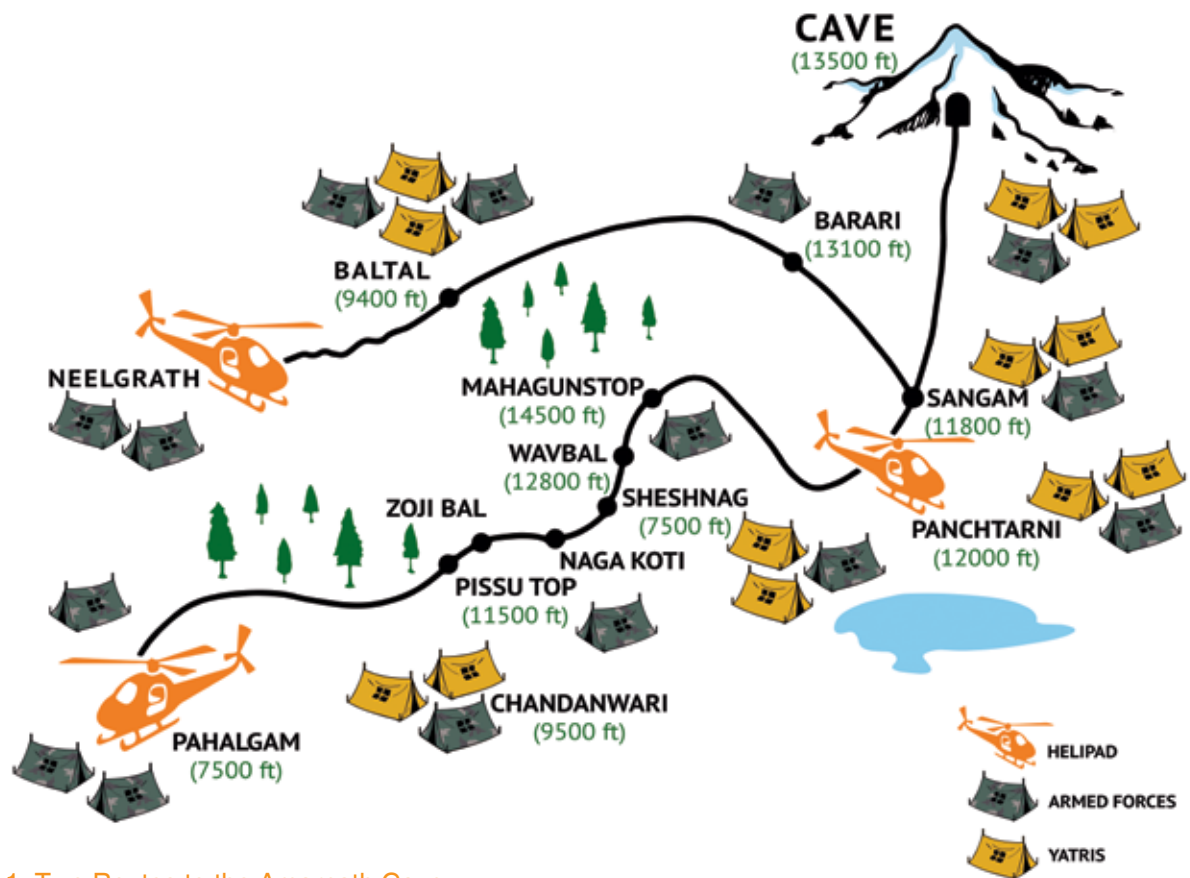
Acknowledgements and Dedication

We would like to dedicate this report especially to the people of Pahalgam and villages around Baltal who have to face all sorts of restrictions in movements, who are subjected to suspicion and scrutiny by the State and whose lives practically come to a standstill during the Yatra period.

We would like to acknowledge and thank all the unnamed people of Jammu and Kashmir who shared their experiences, opinions and thoughts with us, which while providing crucial evidence and data also helped shape the report. People who year after year have been witness to the Yatra being facilitated by the State and the special treatment meted out to the Yatris, while themselves facing stipulations enforced on them.

We acknowledge Santanu Chakraborty who helped with the legal analysis of the Shri Amarnathji Shrine Board Act presented in Chapter 4.

JKCCS and EQUATIONS



1. Two Routes to the Amarnath Cave

Chapter 1: Beginning of a Journey

1.1 Background of the Yatra

Every year for about 40 days between July – August, lakhs of people travel to the Amarnath cave in South Kashmir to pay obeisance to an ice stalagmite, which is believed to be an embodiment of the Hindu deity Shiva. According to mythology, it is here that Shiva narrated the story of eternity to his consort Parvati, from where the cave gets its name Amarnath, meaning God of Eternity.

The ice stalagmite is located in a cave at an elevation of 13,500 feet. At the rear end water drips through crevices which starts freezing as it touches the floor of the cave, thus forming the stalagmite. While several kinds and shapes of ice stalagmites are found the world over, in the case of the one in the Amarnath cave, several such spirals of stalagmites unite to form a solid dome-shaped form of ice. Next to this dome are two smaller ice formations believed to represent Parvati and Ganesh. It is believed that the stalagmites change with the waxing and waning of the moon and it is only in the month of Shravan in the Hindu calendar that the formation is complete. It is also believed that the full moon day in the month of Shravan called the Shravan Poornima is particularly auspicious to pray in the cave.

The Amarnath Cave is situated in the region north of Pahalgam and south of the Zojila Pass in Kashmir. It can be accessed through 2 routes – one from Pahalgam, district Anantnag (Nunwan), to the Cave and the other from Baltal, district Ganderbal. The Pahalgam route is also the traditional one, and since it is 33 kms long it takes yatis 5 days from Nunwan to the Cave and back. Prominent milestones on this route are Chandanwari, Pisu Top, Sheesh Nag, Mahagunus Top, Panchtarni, Sangam. The second route from Baltal is a newer and shorter route of 18 kms which can be completed in a day. Both routes meet at Sangam from where there is a single path to the Cave. (See map on the facing page).

1.2 About this Report

There is a lot of writing on the detrimental environmental impacts of the Yatra through researches on status and health of glaciers and rivers in Kashmir and in newspaper reports. Yet, there has not been a detailed and comprehensive study with the aim of recommending the regulation of the Yatra. Therefore, in 2014 Jammu Kashmir Coalition of Civil Society (JKCCS) and EQUATIONS initiated a joint study on the environmental impacts of the Amarnath Yatra. A team of two from EQUATIONS registered for the Yatra and travelled to Srinagar in July 2014. After meeting members of JKCCS to gain an understanding of issues linked to the Amarnath Yatra, the team spent some days in Pahalgam, visiting the Nunwan camp and meeting people in Pahalgam, especially shop owners in the market and some hotels and restaurants. The team, including a representative of the Pahalgam People's Welfare Organisation (PPWO), set out on the yatra to get an experience of the event and to collect data. The team began its journey at Pahalgam and returned via the Baltal route.

Following was the schedule:

July 3rd: Pahalgam – Chandanwari by road, and then to Sheesh Nag

July 4th: Stayed in Sheesh Nag due to bad weather and collected data

July 5th: Sheesh Nag – Panchtarni (meeting a Chopan family between Posh Pathri – Panchtarni)

July 6th: Panchtarni – Sangam – Baltal – Pahalgam

On return to Pahalgam, the team met the Chief Executive Officer (CEO) of the Pahalgam Municipality. Horse owners and some others involved with tourism were also met. In Srinagar, the team met people with knowledge about the yatra. Several attempts to meet the Secretary, Tourism over the next 1.5 years were all unsuccessful.

Three more visits were made to Kashmir to meet people and collect data:

21st October 2014 – 3rd November 2014

17th – 21st December 2014

13th – 23rd October 2015

Two visits were made to Jammu to understand issues from the perspective Jammu and Kashmiri Pandits in the region:

14th – 16th December 2014

1st – 6th December 2015

As has been detailed in the report, the langars play an important role in the Yatra and it was necessary to understand their perspective and influence on the Yatra. Offices of several NGOs which run the langars are located in Delhi with an office bearer of an association of langar organisations based in Ludhiana. We met with them from 10th – 14th December 2014.

Information from the relevant government departments were sought under the Right to Information Act, 2006.

1.3 Experiences of the Team: Defining the Contours of the Study

After passing by posters and hoardings announcing the Yatra all the way from Islamabad¹ to Pahalgam, as the team approached the Nunwan camp, it came across buses full of people shouting slogans like '*Hindustan mein rehna hai bum bum bhole kehna hai*'. Clearly, for some, the reason to participate in the Yatra was not spiritual alone.

Over the first few days in Pahalgam, the team had heard about the attacks on the yatris in the early 2000s. However, given that there had been no attacks since 2001, the security measures in the Nunwan Camp were alarming.

1. Islamabad city is officially referred to as Anantnag.

On July 3rd, the team left Pahalgam with the objective of reaching Sheesh Nag. The Yatra from the Chandanwari side had started a few days late due to the bad weather, and even on that day the entire eight hour walk was done in slow but incessant rain. After Chandanwari, Pissu Top is one of the two most difficult passes to be traversed during the Yatra. About mid-way, the team encountered a dead horse lying on the side of the path, its belly torn open, and its internal organs spilled on to the path. A little ahead, an obviously agitated couple in their mid-50s were rushing back from Pissu Top, abandoning the Yatra and advising others to also return. At the top of the pass, with a view of the majestic mountains, the team ran into a group of people carrying a sadhu down to Chandanwari on a make-shift stretcher.

On reaching Sheesh Nag Camp, the team was introduced to the issue of the dynamics between the armed forces and Kashmiris involved in the Yatra. For e.g. between the upper camp and lower camp at Sheesh Nag, the path was slippery due to a mix of mud and ice, a consequence of constant movement of people and animals on the path. A horse without a rider had slipped here and frightened a yatri walking on the same path. A member of the of armed forces guarding the path felt this was reason enough to beat up the animal, and the horse owner was physically and verbally abused!



Dead horse half way up Pissu Top

Waste from the langars - free kitchens run by NGOs for pilgrims - was dumped in shallow pits. The bathrooms nearby were also stinking – and this was only the second day of the Yatra. The team could well imagine what the situation would be like in a few weeks, when lakhs of people would have travelled through these mountains, leaving behind more rotting food and toxic litter in the form of plastic.

At the Sheesh Nag camp continuous rains and fresh melting snow had created a mess which was a potential health disaster. Since the ice had not melted yet, langars had cut through it to make spaces on the ground to set up their tents, while shops had been set up on the frozen surface. With so many people and animals walking in and out of the camp and the melting ice, the ground was slippery. Even the tents where yatris and Kashmiris were staying was completely slushy, making movement around the camp a challenge. The rains had caused small rivulets to flow in and around the camp. These rivulets drained into the Lidder river, one source of which is the Sheesh Nag lake, on the banks of which the camp is set up. Yatris contributed to this mess by throwing plastic and other waste around the camp, which was being carried into the river by the rains and the rivulets.



Slush in the tent area due to trampling over melting snow

Significant stretches of the Yatra go over glaciers. Several of the large ones are located on the route between Chandanwari and Panchtarni. In several places the team found that glaciers had either been cut to create paths or had themselves broken away due to being constantly trampled upon by people and animals.



Path for yatris being cut into the snow

Several yatris chant religious slogans as they walk, claiming that it eases the long and arduous journey. On several occasions the team was challenged for not participating in this chanting. While most yatris moved on when the team explained that they did not wish to participate, in some instances, yatris made hostile comments either directly at the team or among themselves.

The team during its travel from Chandanwari to Sangam, encountered several instances where army personnel lashed out at horse owners for not being able to reign in the horses. At one point between Sheesh Nag and Mahagunus Top, there was a stream that had to be crossed, and there were a significant number of people and animals on the track. A tired horse stopped to drink water, which led to the animal being beaten badly by a uniformed personnel. The horse owner had to face verbal abuse, was beaten and accused of holding up the Yatra's progress. All, because the tired animal wanted to drink water!

The team also noticed that the attitude of most of the langars towards Kashmiris was objectionable. The Shiv Shakti Seva Mandal's langar at Posh Pathri, which prides itself in serving more than 100 dishes per day, does not allow Kashmiris to eat at the langar. Instead, the organisation has put up a small counter separately for Kashmiris. According to the sewadar (volunteer) at the information counter, the Kashmiris are dirty, there is a difference between Kashmiris and the yatris and therefore did not allow them in the langar. On being challenged further, his response was, "*Kashmiris anyway do not eat anything other than rice and dal, which is provided at their counter.*" Representatives of the Baba Amarnath Sewa Mandal also admitted that they had separate counters for horse owners so that the yatris are not disturbed.

As the team was leaving the Panchtarni camp to move towards Sangam, we heard that on the previous day, a horse owner was so badly beaten by a personnel of the armed forces, that he had to be flown to Srinagar for immediate medical attention. The news was that some of his rib cage bones had been fractured and that he would be unable to resume his work during the season. This incident happened within the first ten days of the Yatra opening, which meant that the horse owner had lost out on an entire season's earnings.

On its return via Baltal the team was caught in a traffic jam about 2-3 kms. long, at 11000 feet! While people were returning from the cave, there was a deluge of yatris starting the trek from Baltal as they were in a rush to reach the Cave at the earliest so as to return on the same day.

After reaching Baltal, the team hired a taxi from Domail to Pahalgam. Some yatris requested a lift till Baltal, which is 2 kms. from Domail. During the entire ride, the yatris, all men, were trying to communicate to the team from EQUATIONS how dangerous it was for two women to travel on their own in Kashmir since the people of the region could not be trusted. There were two Kashmiri men in the vehicle, the driver and another member of the team. The yatris spoke in Hindi and must surely know that they would be understood. Yet, they believed that no matter what they said about Kashmiris, in their presence, there could be no backlash, confident that they were protected by representatives of the Indian state all around them.

Therefore, while the study was initially to focus on the environmental impacts of the Yatra, based on the team's experiences during the Yatra it was decided to engage with a broader and more comprehensive mandate, by including aspects of the history of the Yatra, its general administration, the role of armed forces, the role and attitude of the State, langars and yatris towards the Yatra and the people of Kashmir. The objective changed from merely reflecting on the need for the regulation of the Yatra, but to uncover vested interests of the State, langar organisations and other socio-religious organisations.

1.4 Structure of the Report

In its earliest years, the pilgrimage, which spanned 15 days, was undertaken primarily by sadhus and few civilians totalling a few thousand people. Over a period of time, and especially from the 1990s, the demographics of the Yatra has changed with lakhs of yatris participating from many regions of India. Today, with the systematic manner in which the Yatra is conducted and with increased facilities, the duration has increased to 40 – 48 days with access from two different routes. The manner in which the pilgrimage was conducted in its earlier days and how it has come to become a Yatra supported by the State has multiple reasons, and is dealt with in Chapter 2 of the report.

Every year there are reports about yatris dying during the Yatra. While the numbers of yatris dying has seen a fall over the years, what is hidden from the public is the large number of people developing serious illnesses as a result of the high altitudes and difficult terrain. Chapter 3 looks the Yatris, who they are and the challenges they face while undertaking the yatra and what the implications for them are.

With the consolidation of the role of the State in the conduct of the Yatra several institutions were either put in place specifically for this purpose, or existing institutions were actioned for ensuring that the Yatra runs smoothly. The Shri Amarnathji Shrine Board (SASB) with the Governor as the Chair was formed in 2000 exclusively to manage the Yatra, and responsibility for the security was given to the Army, Central Reserve Police Force (CRPF) and several other agencies. The state administration was roped in to provide a range of basic facilities including electricity, drinking water supply, maintenance and repair of access roads, communication and others. Some of these institutions are under the central government and some under the State of Jammu & Kashmir. What have been the imperatives based on which responsibility has been allocated, how do power equations play out given the presence of both the centre and the state, who has paid the price for these power dynamics are some of the aspects that Chapter 4 throws light on.

While security and basic amenities are taken care of by the state and central governments, several other functions like transport, labour, food and accommodation are provided by private players. Transportation from the first camp at Lakhanpur in Jammu until Nunwan / Baltal is as good as free if you choose to use government transport. Transportation along the Yatra route includes horse owners, palanquin/ dandi bearers, helicopter operators and taxi owners. Labour is largely in the form of porters who carry luggage for the yatris along the Yatra route. Langars all along the route until the cave provide free food to the yatris. Consequently the few shops selling small food items present along the route, are visited more by Kashmiris than the yatris. The Yatra camps also include shops selling warm clothes, shoes and rainwear.

En route to the cave overnight halt of yatris is permitted only at government run camps. Tents are pitched by licensed tent owners who come from adjoining districts in Kashmir. These tents form the bulk of the accommodation facilities, with the Department of Tourism offering limited accommodation in some camps. Chapter 5 looks at the issues of non-state actors and also attempts to describe the political-economy of the Yatra.

The Amarnath cave and the routes of the Yatra are located in an extremely eco-sensitive environment. Regulation based on environmental impacts of the Yatra has become imperative in such a situation. Under the direction of the Supreme Court a Special High Powered Committee (SHPC) has assessed environment impacts of the Yatra (among other aspects) and made some progressive recommendations. However, as seen in Chapter 6, environment impacts of the Yatra have a spiral effect which cannot be ignored and will need to inform the conduct of the Yatra in the future.

One of the key observations of the team during their travel on the Yatra was the constant undercurrent between the different players. Apart from smaller skirmishes there have been several crucial flareups, some of which have had long term implication on the state as well as wider Kashmiri society. Most popular among them being the Amarnath Land Row, 2008. While this has been the most prominent of conflicts, several others have occurred over a period of time, thus ensuring the continued presence of large numbers of armed forces in the vicinity of the Yatra. Chapter 7 looks at these significant conflicts linked to the Yatra that have occurred since the 2000s.

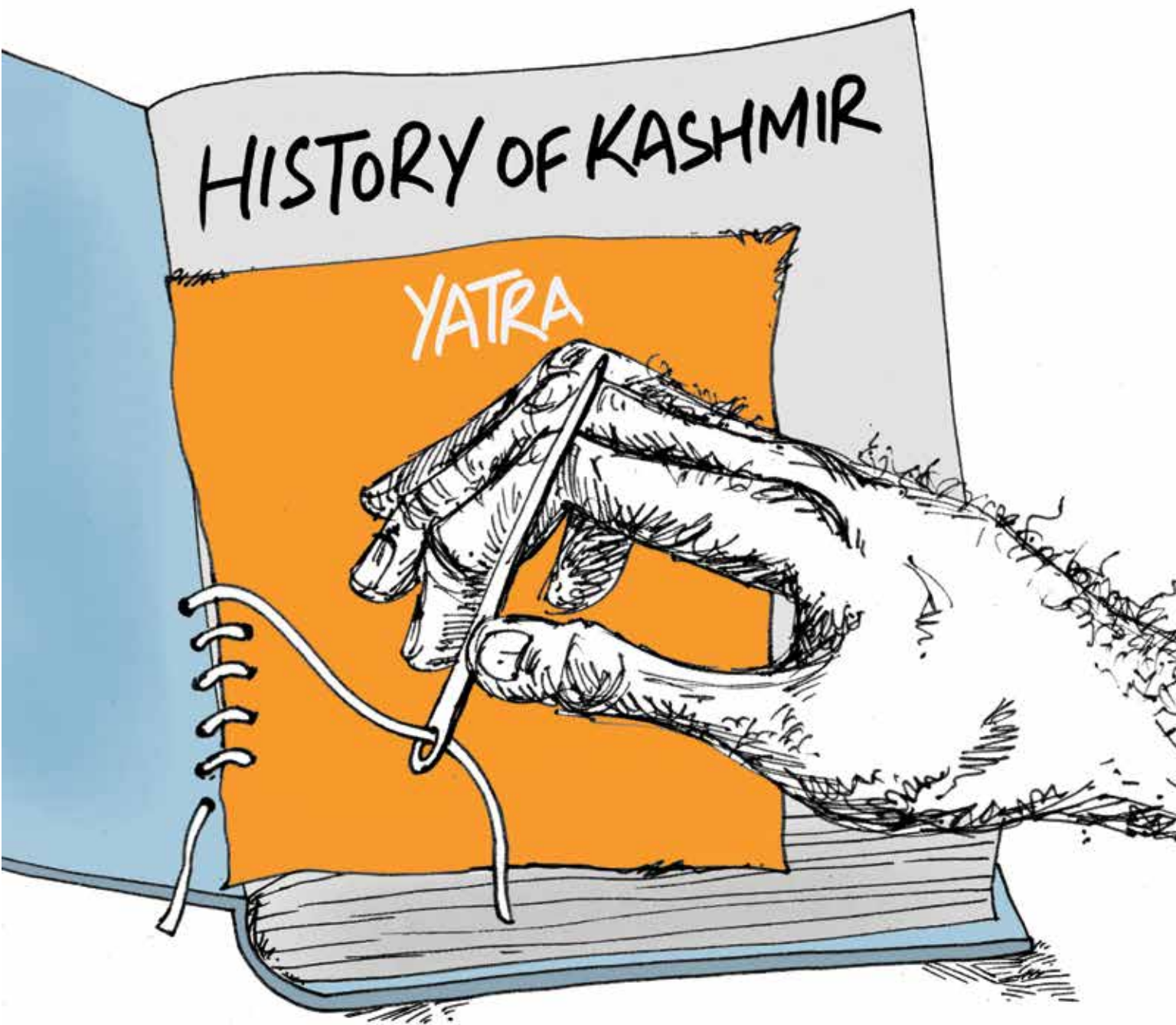
During the course of the study, the team realised that there were several Yatras coming up in different parts of Jammu and Kashmir. These were started by individuals with the expectation that the state would take them under its wing on the lines of the Amarnath Yatra and the SASB. A description of these Yatras is presented In Chapter 8.

The report ends with Chapter 9, bringing together all observations from the preceding chapters including a section on recommendations /demands.

Originally, the report was to be released in July 2016, which had to be shelved due to the heightened conflict in the Valley. A post-script was written after the conclusion of the Yatra in 2016 focussing on specific events that took place during the Yatra and in the context of the violence that Kashmiris were facing.

HISTORY OF KASHMIR

YATRA



Chapter 2: Amarnath Yatra: A History Re-written

When did the Amarnath Yatra start? How has it changed over the course of time? When did the State take over its functioning? How and when did the Yatra become as large as it is today? These are some of the questions that this chapter explores.

It is widely believed that it is particularly auspicious to visit the Amarnath Cave on Shravan Purnima, celebrated by Hindus in India as Raksha Bandhan or Rakhi Purnima, and falling on the full moon day of the month of Shravan, the 5th month in the Hindu calendar. This usually places it between July 15th and August 15th of the English calendar.

For the past century or so, a mace is carried to the cave by the Mahant of Srinagar's Dashnami Akhara,² its presiding priest. Those people of the valley who are now in their mid-50s recall that the arrival of sadhus in the Durga Nag temple, where they stayed in the shade of the two massive chinar trees in the temple's vicinity, was an indication to the people of Srinagar that Yatra would be underway in a few days.

About 10 days prior to Shravan Purnima, the Mahant would bring the mace to the Durga Nag temple, and upon concluding the rituals, would lead an entourage comprising of several sadhus and a few other people, and embark on the journey to the Cave. The sadhus are remembered as being in a state of trance, and merriment, as many were invariably under the influence of bhang.³ The procession would first go around Srinagar before it started its journey to the Cave, and people who intended to go on the Yatra joined the procession along the way. The children of the city would crowd the streets to see this motley group which was received with much amusement. Sadhus joined the procession from Mattan and Pahalgam as well. While most sadhus undertook the pilgrimage on foot, others organised transport until Pahalgam, 98 kms from Srinagar. Up until the 1980s not more than a few thousand people annually made this journey annually. It was only in the late 1980s and early 1990s that there was a visible change in the way the Yatra was conducted, and the number of yatris grew from a mere 2000 in 1980 to 42000 in 1985. This growth has continued, and uncannily shadows events linked to the resurgence of the Hindu right in India.

2. The Dashanami Akharas are the 10 leading arenas of Hinduism.

3. An intoxicant made out of the cannabis plant.

2.1. History of the Yatra⁴

Popular lore is that it was during the Dogra period, around 1850, that a shepherd, Buta Mallik of Batkote, a village near Pahalgam, strayed into a cave while he was up in the mountains with his sheep. He saw the ice stalagmite, described it when he came back, and the Hindus who heard about it concluded that it must be a Shiva lingam. Another legend says that while he had taken his sheep out to graze in the mountains, he met a man near the cave who gave him some coins, and when he came home, he saw that they had turned into gold. When Buta Mallik went back to the spot to meet the man, he instead found the ice stalagmite.

The Cave is way above the tree line and meadows. The last meadows are between Sheesh Nag and Panchtarni and none at all between Sangam and the Cave. What then was a shepherd doing there with his herd? Nevertheless, since then, the role of the Malliks has been acknowledged and they have been given a share of the offerings made at the cave. Socio- religious organisations who back the Yatra do not accept this story, suggesting that there is an attempt to force the Yatra to take on secular hues. Instead, these organisations claim that the Yatra has its roots in ancient times and that Buta Mallik, at best 're-discovered' it.

It is believed that the Yatra first received state patronage after the British sold Kashmir to the Dogra kings in 1846.⁵ The Dharmarth Trust was instituted by the Dogra kings in the same year with the mandate of managing religious institutions under its care. Just four years after the Dharmarth was set up Buta Mallik 'discovered' the cave. The Dogra rulers then invited a representative of the Dashnami Akhara from Varanasi to set up their institution (also called Akhara) in Kashmir, which was instituted in 1870 in Srinagar. During this time the practice of carrying the mace to the cave was also introduced. According to some people in the valley, initially the mace was placed in Amritsar, which today lies in Punjab and it was much later that it was shifted to Srinagar. Institutionalising a Yatra to the Cave, was interpreted as one way for Hindu kings to establish an ancient legitimacy on their Muslim subjects and their lands. It appears that this Yatra has had political compulsions even in the past. The current day rituals and belief of the Amarnath Yatra are therefore only as old as 150 – 160 years, and can hardly be considered to be ancient.

4. Tracing the history of Amarnath and its Yatra are challenging since recorded history of Kashmir does not really shed light on the issue. Several claims are made by socio-religious organisations about this being an ancient Yatra, without them really being able to substantiate them. Some vague references are offered, but none of those make this claim, or get into the details of these references. What emerges then is that everyone is quoting everyone else and the resultant legend gets built around such hearsay. Therefore, the best that we can do is to investigate these different references, and a brief note on this is annexed to the report as Annexure 4.

5. In 1808, regions that were eventually ruled by Dogras came under Sikh rule. Maharaja Ranjit Singh bestowed Governorship on Gulab Singh, the then head of the Dogras. With the purchase of Kashmir, the Dogras became rulers of the princely state of Jammu and Kashmir. This was resisted by the Muslims of Kashmir and in an attempt to establish their legitimacy and supremacy over Kashmir, the Dogras systematically planted markers of their form of Hinduism across the valley. For more details on this read: Hindu Rulers, Muslim Subjects by Mridu Rai. Rai, Mridu. (2004). Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir. Princeton University Press, Princeton, N.J.

However, there has been an attempt to retrace the history of the Yatra to ancient times and to the practices of Kashmiri Pandits. Since 1846, yatris comprised of sadhus and people from the present Punjab and Jammu with only a handful of Kashmiri Pandits participating. According to Prof. Triloki Nath Ganjoo, a scholar based in Srinagar and a Kashmiri Pandit himself, the Yatra was discontinued around 1752 and re-started in 1822 after the region came under Sikh rule. The Nilamata Puran,⁶ believed to be written between 6th – 8th century AD, documents, the geography, history, religion and folklore of Kashmir. In a list of pilgrimage sites of religious importance to Kashmiri Pandits, enumerated by Kanijilal⁷ in his translation of the Nilamata Puran, there is no mention of the Amarnath Cave. Nowhere in recent history do we see a relationship established between the Amarnath Yatra and the Kashmiri Pandits. Several Kashmiri Pandits, some living in the Valley and others living Jammu and Delhi also asserted that while some people from the community do go on the Yatra, it is not religiously significant. They also shared that the day of Shravan Poornima is not celebrated as Raksha Bandhan in Kashmir. According to some of the Kashmiri Pandits interviewed, there has been no specific tradition to visit Amarnath on Shravan Poornima, instead the community visits a Shiva temple in the vicinity of their homes. The resurgence of the Yatra that we see since the 1990s does not see the role of Kashmiri Pandits in it either. Instead, they have at best been used as a protective shield by the Hindus of Jammu, in times of conflict, like during the 2008 Amarnath land row, K.K. Khosa, President, Kashmiri Pandit Sabha, Jammu, said, *“the non-participation of Kashmiri Pandits in the management of the Yatra does not affect the community too much as not many Kashmiri Pandits go on the Yatra.”*

In the initial 140 years or so of the Yatra's existence it seems to have stabilised and became a matter of routine, with not too much of an impact on the people of Kashmir. In 1985, with the resurgence of the Hindu right wing and the Ram Janmabhoomi campaign, several shrines attracted the attention of the Vishwa Hindu Parishad and especially, one of its subsidiary organisations, the Bajrang Dal, which were used to revive a fundamentalist form of Hinduism.⁸

The biggest concern here was the role of the State and its systematic consolidation with religion. This process is starkly visible in the case of the Amarnath Yatra. The state patronage which began with the Dogra rulers saw consolidation post 1985 and especially in the aftermath of a renewed outcry for freedom by the people of Kashmir in the 1990s.

In the case of Amarnath, this consolidation happened in two ways: through institutional support system activated for the running of the Yatra, and the gradual but sustained increase in the duration of the Yatra.

6. Nilamata Puran describes the Kashmir valley in ancient times and enumerates religious sites and rituals for the people of Kashmir.

7. Kanijilal, Ramlal (Ed.) (1924). “Nilamatapuram”, With Introduction, Appendices, Notes, etc. in English. Motilal Banarasi Das, Lahore.

8. Jaffrelot, Christopher (2000). Hindu Nationalist Movement and Indian Politics. Penguin, India. and Basu, T et al. (1993). Khaki Shorts and Saffron Flags: A Critique of the Hindu Right (Tracts for the Times). Orient Longman, India.

2.2 Institutional Support System

Since the establishment of the Dashnami Akhara in 1870, the Yatra was conducted with 4 groups of people playing a critical role: The Mahant of the Dashnami Akhara, Buta Mallik of Batkote, and the priests of Mattan and Ganeshpora. Since the Yatra was limited both in numbers and days, infrastructural needs were also modest. Initially, the Mahant would organise food for most of the yatris en route. People from in and around Pahalgam, which was one of the last big villages on the route, would offer services like horses for transport of material and people. At some point the local people also started setting up small eateries on the way to serve food to the yatris. People of the valley reported that the offerings at the cave were split four ways, with the groups having negotiated among themselves the share that each would receive.

This went on for several years. How consistent the Yatra was, were there phases when it was not conducted, are questions to which we do not have answers. At some point after Kashmir was annexed by India in October 1947, the State started playing a small role in the conduct of the Yatra by providing some basic facilities. What these facilities were and to what extent they were provided is also not clear. The systematic collection of visitation data started only in 1963. At some point, tourism started being projected as a manifestation of normalcy in the valley and the peaceful conduct of the Yatra a representation of secularism and brotherhood between the Kashmiri Muslim and Kashmiri Pandit communities. These could well have been factors that influenced the state government to play a role in ensuring the smooth conduct of the Yatra.

Langars have played an important role in informing people about the Yatra and encouraging them to participate. It is said that the first langar was set up in 1985, by a successful business man from the film industry, Gulshan Kumar, which provided free food for the yatris. Gulshan Kumar was a film and music producer, who had started as a seller of cheap music tapes in Delhi. To counter the high priced good quality audio tapes in the 1970s, Gulshan Kumar started selling similar quality tapes at much lower rates, under the banner of "Super Cassettes Industry". He then moved to Mumbai and started the T-Series in the 1980s. Through T-Series Gulshan Kumar popularised religious music through the sale of cheap and accessible cassettes of Bhajans. He also contributed to spreading of religion by producing religious films and TV shows. Gulshan Kumar was well known for being a shrewd businessman but one who contributed to furthering religiosity through his films, music and even construction of temples. He had already brought the Vaishno Devi Shrine in Jammu to households through the production of tapes and videos with bhajans and the history of Vaishno Devi. He had also started the first langar en route to the Vaishno Devi Shrine and by the mid-80s langars had become a common feature and an important stakeholder of the Vaishno Devi Yatra.

The formation of the Shri Mata Vaishno Devi Shrine Board (SMVDSB) in 1986 changed the discourse of the management of the Amarnath Yatra. Several sections of society, especially the langar and other socio-religious organisations, were putting a lot of pressure to establish a similar Board for the Amarnath Yatra as well. However, it was not until the disaster of 1996, when a sudden change in the weather, and resultant rain and snow caused large number of fatalities, that this suggestion was taken

seriously. With the establishing of the Board we see finally how the State crossed the threshold of patronage into active involvement in religion. While state intervention in the administration of religious sites was already established through the various religious endowment Acts, the difference was in the governance and mandate of the Board, where the State and religion have become inextricably inter-linked.⁹

In Jammu and Kashmir, this trend is being seen across shrines of different religions. The Muslim Auqaf Trust, despite being set up by individuals in the National Conference (NC), was an independent body, set up to manage shrines in the valley. In 2005, the management of the shrines was shifted to the Wakf Board, formally taking it under the wings of the government. There seems to be a pattern visible where private / community administered religious institutions are being brought under the administration and control of the State.

The U.P Shri Badrinath [And Shri Kedarnath] Temples Act, 1939 including its several amendments made until 2002, vests the State with complete control of the functioning of the temples and the income generated from them. While the preamble does mention that the powers of the Rawal or priest and the Tehri Durbar (which had traditional rights in the temples) would be intact, the text of the Act itself vests all powers over the Committee formed under the Act. The reason quoted for the shift is:

*“Under the scheme of 1899 at present in force its management is in the hands of the Rawal, while the Tehri Durbar is invested with certain supervisory power. The defective nature of the scheme has been the source of constant friction between the Rawal and the Tehri Durbar. As a result, supervisions of the temple has suffered, its income has been squandered and the convenience of the pilgrims has been neglected.”*¹⁰

However, in the case of Ajmer Sharif, the responsibilities of the Durgah Committee formed under The Durgah Khwaja Sahib Act, 1955, is restricted to administration including general up keep of the Durgah and its associated properties. Matters of religion, handling of the keys of the Durgah and receiving offerings are conducted by the Khadims¹¹ at the helm.

The formation of the SASB appears to be another example of increasing the role of the state in the functioning of the Yatra. However, this plays out differently in the context of Kashmir as seen in Chapter 4 on State Actors.

9. More on the Shrine Board in Chapter 4.

10. Shri Badrinath Kedarnath Temples Laws U.P Shri Badrinath [And Shri Kedarnath] Temples Act, 1939. Retrieved from http://www.badarikedar.org/downloads/130548970931867500_BKTC%20ACT.pdf in June 2015.

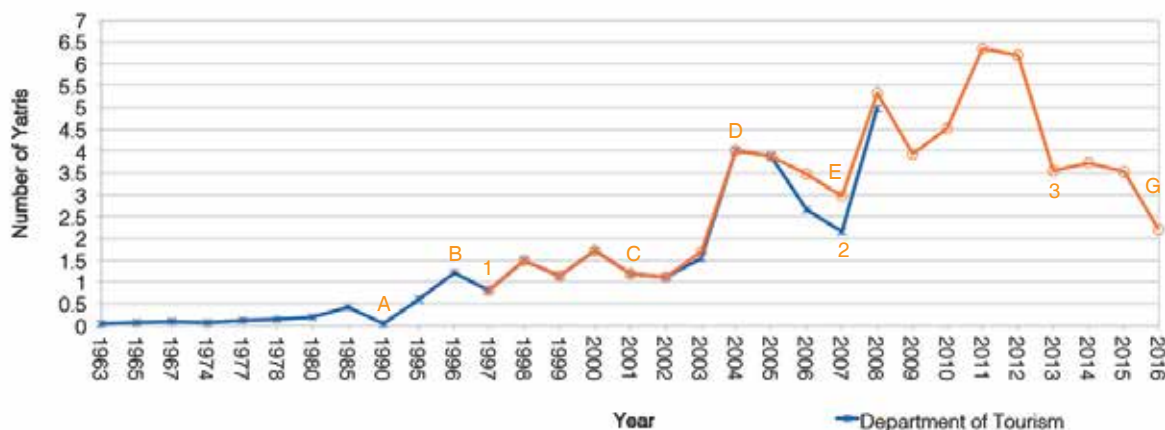
11. Khadims claim to be descendants of the primary disciple of the Hazrat Khwaja Moinuddin Chishty.

2.3 What does the Data say? Some Statistical Interpretations of Number of Yatris who Visited the Cave.

While the period between 1963–1985 shows that the number of people visiting the Cave remained steady, the graph post 1985 can best be described as erratic. According to figures in the Jammu & Kashmir State Action Plan for Climate Change – Revised Final Draft¹² (assumed to be dated 2012), about 4000 people participated in the pilgrimage in 1963. From 1985 we see a 2-fold jump in the number of yatris visiting the Cave, with a dip again almost soon after due to the active and visible conflict situation in the valley, after which another rise is seen in 1995. Below is a graph depicting the number of yatris visiting the Cave from 1963 – 2016.¹³

Several people interviewed as part of the study share that before the mid-80s; approximately half of the yatris were sadhus, significant numbers from the states of Himachal Pradesh and Punjab in India and a few Kashmiri Pandits. On a rare occasion, a few tourists from other states of India would travel on the Yatra after having heard about it upon reaching Kashmir.

2. Number of Yatris Visiting the Cave (1963 - 2015) Figures in lakhs



The following years see spurts in numbers visiting Amarnath: 1985, 1996, 1998, 2000, 2004, 2008 and 2011. While the significant dips were in: 1990, 1997, 2001, 2007, 2009 and 2013. An assessment of events around the spurts and dips shows that there are two primary causes: the socio-political events in Kashmir and India, and environmental issues.

¹². Forest Department. (2012) Jammu & Kashmir State Action Plan for Climate Change. Government of Jammu & Kashmir. Retrieved from <http://www.indiaenvironmentportal.org.in/content/371133/jammu-and-kashmir-state-action-plan-on-climate-change/> in October 2015.

¹³. To be able to get a trend of a longer period of time, 3 sources of data have been used. The data from Department of Tourism (DoT) is taken from the “Jammu & Kashmir State Action Plan for Climate Change”, 2012, Forest Department, Government of Jammu & Kashmir. Retrieved from <http://www.indiaenvironmentportal.org.in/content/371133/jammu-and-kashmir-state-action-plan-on-climate-change/> in October 2015. Under the second set of data (MHA/SASB), Ministry of Home Affairs data was used for the years 1997 – 2001 from “Annual Report 2002 – 2003”, Ministry of Home Affairs. Retrieved from http://www.mha.nic.in/sites/upload_files/mha/files/pdf/ar0304-Eng.pdf in October 2015). Data for the years 2002 – 2014 is data provided by the SASB in response to an RTI filed and year 2015 from the SASB website. Retrieved from www.shriamarnathjishrine.com/DarshanFiguresYatra2015.html in September 2015. There is a 3-year overlap of data from MHA and SASB (2002-2003) and the data was found to be comparable, therefore these were merged into one table. There is a discrepancy in the two sets of data for the following years: 2003, 2006, 2007 and 2008. However, we do not believe that it is detrimental to the analysis that follows the data.

1. Socio-Political Events

A. 1990 – fall in numbers: By early 1990 the conflict between the people of Kashmir and the Indian state was being fought on the streets. This led to the Yatra itself being halted between 1990-1993. During 1994 and 1995, Yatra was conducted under heightened security.

B. 1996 – increase in numbers: In 1995, the Harkatul Mujaheedin announced a ban on the involvement of Kashmiris in the Yatra.¹⁴ In 1996, as a political reaction to the ban, the Bajrang Dal gave a 'Chalo Amarnath' call all over India and were able to mobilise more than 50,000 people, with 21,000 being youth members of the Bajrang Dal.¹⁵ This caused a sudden spurt in the number of yatris from 60,000 the previous year to 1,20,000 in 1997.

C. 2001 – a decrease in numbers: The attack on the Nunwan camp in 2000 and the Sheesh Nag camp in 2001 resulted in a fall in numbers of yatris.¹⁶

D. 2004 – an increase in numbers: According to the Mahant of the Dashnami Akhara, the spiritual custodian of the mace and the Yatra, the year 2004 was unique in terms of the Hindu calendar, which had two months of Shravan instead of one, with different communities in India observing different months. Therefore the Shri Amarnathji Shrine Board (SASB) decided to extend the Yatra from 30 days to 45 days causing an increase in the number of yatris.

Newspaper reports suggest that as on several occasions in the past, in 2004 as well, the Shri Amarnath Yatra Sanghash Samiti (SAYSS)¹⁷ decided to defy the SASB decision to conduct the Yatra for 45 days and informally began the Yatra 15 days prior to its official opening. This could also have lead to increasing numbers in 2004.

E. 2008 – an increase in numbers: In 2008, the Forest Department transferred 100 acres of land to the SASB for a sum of Rs. 1.25 crores, in violation of the Jammu and Kashmir Forests Act, 1987, and led to vehement protests by people of the Kashmir valley. The response of the socio-religious organisations of Jammu and the violent manner in which the Indian State chose to address the protests, ensured that it soon coalesced into the ongoing struggle for self-determination and freedom.¹⁸ Based on writings in blogs and websites of the socio-religious organisations,¹⁹ we believe that there was an effort to ensure that large numbers of people participated in the Yatra in 2008 as a show of their Hindu might.

F. 2009 – fall in numbers: Due to the Amarnath land row in the previous year, curfews were imposed in regions linked to the Yatra in both Jammu and Kashmir during the June – August period. In the months

14. The Harkatul Mujaheedin had on and off announced bans on the Yatra between 1991 and 1996.

15. Rath, Deepak Kumar. (2004). Vishwa Hindu Parishad: A mass movement of Hindu assertion. The Organiser. Retrived from <http://organiser.org/archives/historic/dynamic/modulese098.html?name=Content&pa=showpage&pid=36&page=16> on July 2014.

16. More details in Chapter 7.

17. The SAYSS formed in Jammu in 2008 in response of Kashmir to the transfer of forest land to the SASB at Baltal. More details in Chapter 7.

18. More details in Chapter 7.

19. Vishwa Hindu Parishad. Baba Amarnath Yatra. Retrieved from <http://vhp.org/movements/mov5-baba-amarnath-yatra> in July 2014.

after the Yatra, the issue continued to be reported in the news papers. This might have influenced people from choosing not to undertake the Yatra in 2009.

G. Fall in numbers in 2016: The extrajudicial killing of Burhan Wani on July 8th triggered a spate of violence by the armed forces against protests by the people. The Yatra had already begun on July 2nd and data shows that till July 8th, there is a similar visitation pattern as the previous year.

2. Environmental Issues

1. The fall in numbers in 1997: The increased numbers of Yatris in 1996 also coincided with an environmental anomaly in the month of August 1996. Among the 60,000 odd people mobilised to undertake the Yatra, many were religious fundamentalists who participated with the belief that they were establishing Hindu hegemony over the region, while others were from the villages who had no idea as to the nature of the Yatra, the high altitudes that need to be traversed and extreme weather conditions.

On August 21, 1996 in the late afternoon hours, there was heavy downpour of rain and snowfall all along the Yatra route, right from Khanabal to the Cave. The upper reaches were especially the worst affected with resultant storms and avalanches. This caused about 60,000 yatris being stranded at different points along the route between Islamabad and the Cave. Many hundreds of people were severely affected by exposure to the cold, and other health problems that surfaced from being in high altitudes without adequate protection. There were also some accidents caused by the stampede and jostling since there was wide spread panic among the yatris. 243 people were reported dead out of which 174 people were identified. However, this could not be an accurate figure, as in 1996 registration²⁰ of yatris was not streamlined and no credible records of movement of the yatris were maintained. The actual number of casualties could therefore well be higher than what has been reported. Following this, the Department of Kashmir Affairs, Government of India ordered an enquiry into the happenings of the period August 21–26, 1996 and to suggest measures to be undertaken in the future Yatras. Nitish K. Sengupta was appointed as the enquiry officer under whose aegis a detailed and hitherto path-breaking report with respect to the Yatra was submitted.²¹

2. The fall in numbers in 2007: A few days after the Yatra began, on July 1st, the SASB announced that the ice stalagmite had completely melted. Like in most years, the Yatra in the first few days was affected due to inclement weather and had just resumed when this news was reported in the papers, which immediately led to a fall in yatri numbers.

²⁰ One of the recommendations of the Nitish Sengupta report was that yatris be registered and go through a medical examination to ensure fitness for participating the yatra.

²¹ The contents of the report are discussed in detail in Chapter 4 and Chapter 6.

3. The fall in numbers in 2013: Two causes may be attributed to this. 1. 2012 witnessed the massive destruction of life and property in the Uttarakhand floods which affected thousands of people in the regions of Kedarnath and Badrinath. This would surely have dissuaded several people from embarking on a similarly situated Yatra like that of Amarnath. 2. In 2012, the SASB introduced the pre-registration rule, which was not yet streamlined or known to many aspiring to travel. Several langar organisations reported this to be reason for the low turnout at the Yatra.

While the above factors offer insights into events which defined the Yatra for specific years, criticality lies in answering the question, what caused the seismic nature of the graph post- 1980? And whether the Yatra remains a truly religious event, or if there are other motivators influencing it as well?

2.4. Duration of the Yatra

In 1996, a Public Interest Litigation (PIL) was filed in the High Court of Delhi by Swami Sachidanand S.C.S Purnanand and ORS against the State Government of Jammu and Kashmir asking for the Baltal route to be kept open on a permanent basis on the lines of the Vaishno Devi Yatra. Dissatisfied by the judgement of the High Court, the State Government of Jammu and Kashmir filed an appeal in the Supreme Court which in its 1999 judgement upheld the arguments made by the State Government of Jammu and Kashmir that it would not be possible to keep the road open through the year, firstly since the Yatra is time specific and religiosity is limited to about 40 days and second, that unlike the Vaishno Devi Yatra, the high altitude routes to the Amarnath cave remain inaccessible and covered in snow until July. Only after July when the snow melts, can the route be prepared in time for yatis to travel.²²

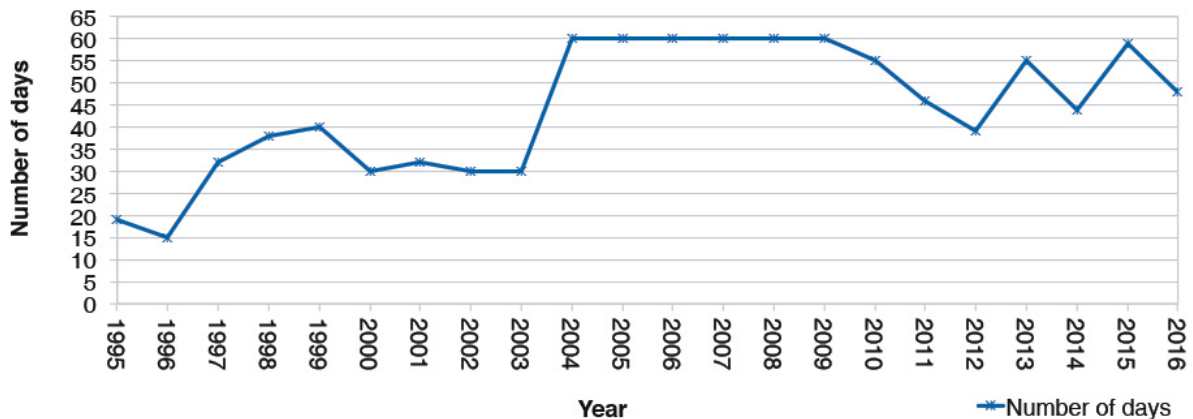
Since the formation of the SASB, the duration of the Yatra has become increasingly contentious, with socio-religious organisations pushing for an increase in the number of days and people of Kashmir asking that it be limited to 30 days. Until 1996, the Yatra was 15–19 days long. One of the recommendations of the Nitish Sengupta report was that the Yatra be spread over a month which would reduce over crowding that takes place in a short time, making it a challenge for the administration to respond to any kind of mishap that might occur.²³

As an outcome of the Nitish Sengupta report, the SASB was formed, which was to be the coordinating body for the Yatra with the Governor heading the Board. The Board was perceived to be more accessible to socio-religious organisations and other groups in India. As a result, ever since, there is a constant demand to increase the number of days of the Yatra even beyond the 30 days. Below is a graph showing how the duration of the Yatra has changed since 1995.

²². Judgement dated 22/02/1999 in the case State of Jammu and Kashmir vs. Swami Sachidanand S.C.S Purnanand and Ors. Etc. Case No. Appeal (Civil) 1045 of 1996.

²³. Memorandum presented to reconsider Shri Amarnath Shrine Board's decision for the duration of Shri Amarnath Yatra. (2011). Retrieved from <http://www.jammu.com/current/1104/20-duration-of-shri-amarnath-yatra-2011.htm> in October 2015.

3. Number of Days Yatra was Conducted



As mentioned above, in 2004, there was pressure from socio-religious organisations to extend the period of the Yatra by 30 days due to the 'extra' month in the Hindu calendar, called the Adhik Maas. The SASB did consult the Mahant, who gave his approval because of the unique situation. The Chief Minister Mufti Muhammad Syed was however not consulted, and soon after Mufti announced a 30-day Yatra, Governor Sinha called for a meeting to discuss this. Akin to a market negotiation, without any logical reasoning, it was decided that the Yatra would be conducted for 45 days since it was a number between 30 and 60.²⁴ Governor Sinha however added that he wanted to perform a formal Pooja (Pratham Poojan) sixty days prior to the close of the Yatra, which is on Guru Purnima. He also successfully negotiated for a 'Service Yatra' to be started 2 weeks prior to the beginning of the normal Yatra, especially for personnel of the armed forces and others government officials deputed for Yatra work. In his book, Sinha also reveals that despite the date of the normal yatra being 45 days prior to Raksha Bandhan, when he went to the cave to do the Pratham Poojan, there were already thousands of yatri and therefore the Yatra went on effectively for 60 days. As is seen in Chapter 4: State Actors, nobody can enter the Yatra area without the permission of the SASB. How then did so many people enter the area when the official period of the Yatra was 45 days and not 60?

Between 2004 -2009, this practice of a 60 day Yatra continued. Apart from the pressure exerted by socio-religious organisations, Governor Sinha too had a role to play. He believed that with the increasing numbers of yatri, the period of the yatra too had to be increased.²⁵

In June 2011, the BABA Yatri Niyas (a Jammu based socio-religious organisation) made submissions to the SASB demanding an increase in the period of the Yatra. Subsequently at the 22nd meeting of the SASB in July 2011, a sub-committee was constituted to look into the matter of the period of the Yatra. The 7-member sub-committee chaired by Sri Sri Ravi Shankar and whose member

²⁴. Sinha, S.K. (2012). *Guarding India's Integrity: A Proactive Governor Speaks*. Manas Publications, New Delhi.

²⁵. Sinha, S.K. (2012). *Guarding India's Integrity: A Proactive Governor Speaks*. Manas Publications, New Delhi.

secretary was the Chairman of the Board, included a religious leader, an academician, two retired servicemen and one representative of the Chamber of Commerce and Industry, Jammu. There was no one representing the people of the Kashmir valley which actually hosted the Yatra every year. Though the Chair of the sub-committee was authorised to co-opt any other person who had knowledge and experience in the area of religious tradition and practice, security management, environment protection, it was a second religious leader who was co-opted. Pertinent is also the fact that Deependra Giri, Mahant of Dashnami Akhara who is the custodian of the traditional Yatra and who has criticised the extension of the Yatra beyond the traditional 15-day period, was not a member of the sub-committee either. **It is clear that religious and economic compulsions were what determined the decision of the Committee.** The Committee met the state government, army, Central Police Organisations (CPOs), BABA Yatri Niyas and langar organisations. The well-known environmentalist Sunita Narain, is a member of the Board, yet the Committee did not think it pertinent to get inputs from her on the issue. A committee mandated with the critical task of fixing the period of the Yatra did not have representation of either the people of Kashmir, where the Yatra takes place, nor environmentalists who could determine the potential impacts of the decision taken.

Like Sengupta, and later the Supreme Court and Special High Powered Committee (SHPC), the pre-occupation of this sub-committee was the comfort of the yatris, rather than the interests of people in Pahalgam, Baltal or the broader environment and economic implications of the Yatra on Kashmir. The Chairman of the Committee, in his opening remarks expressed concern over the large number of deaths during the Yatra and called for improvement of health facilities and enhanced carrying capacity by increasing infrastructure.²⁶

On the issue of tradition, the Mahant of Dashnami Akhara, Deependra Giri²⁷ maintains that the religiosity of the Yatra is limited only to Raksha Bandhan and the 10 days prior to it. Lately, it is being claimed that the Yatra used to traditionally start on Jyestha Purnima (approximately a month before the Rakhi Purnima). In an interview with the Mahant, he said that *“there is no such tradition and it is only being used as a tool to politicise the Yatra. The Yatra is not much else than an economic and political activity and has affected the spirituality of the yatris themselves since nationalist sentiment is often at the core of their reason to come on the Yatra. All this has affected the atmosphere of the Yatra itself.”*

The sub-committee in its 2012 report complicated matters further by suggesting that the Yatra 2012 should commence on Masa Shivratri, a day which never featured in the traditional rituals of the Yatra. Gyaanand, a religious leader and member of the sub-committee signing the report also added the following clause *“I endorse this report on the understanding that the board would try its utmost to commence this year’s yatra from 17 June (Masa Shivratri).”*²⁸

²⁶. Report of the Sub-Committee of the Shri Amarnathji Shrine Board regarding the yatra duration and schedule of yatra from yatra 2012 onwards. Retrieved from <http://www.shriamarnathjishrine.com/ReportbySubcommittee.pdf> in December 2014.

²⁷. According to an interview conducted by the team in December 2014.

²⁸. Report of the Sub-Committee of the Shri Amarnathji Shrine Board regarding the yatra duration and schedule of yatra from yatra 2012 onwards. Retrieved from <http://www.shriamarnathjishrine.com/ReportbySubcommittee.pdf> in December 2014.

During the meeting of the sub-committee formed to fix the duration of the Yatra, the then DGP also deposed that the relevance of the cave was only on Raksha Bandhan and there was no tradition of starting the Yatra on Jyestha Purnima.²⁹ Even Nitish Sengupta in his report, mentions that traditionally, the most auspicious day to visit the Cave was on Raksha Bandhan Poornima and the ten days prior to that.³⁰

In the same meeting the Chairman acknowledged that 90-95% of the yattris visit the cave in the first 4-5 weeks. An analysis of daily visitation at the cave from 2013–2015 available on the SASB website³¹ corroborate this statement and is produced below:

Percentage Visitations	Day 2013 Total Days: 55	Day 2014 Total Days: 44	Day 2015 Total Days: 59	Day 2016 Total Days: 48
80%	22	24	23	16
90%	29	29	31	21
95%	35	34	37	25

Table 1: Analysis of daily visitation to the Cave

The SASB, in its 2013 report presents the following data:

Week	Average daily visitation
1st week	14066
2nd week	14387
3rd week	11088
4th week	5724
5th week	2923
6th week	1562
7th week	545
Till end of Yatra	316

Table 2: Week wise visitation to the cave in 2013

²⁹. Report of the Sub-Committee of the Shri Amarnathji Shrine Board regarding the yatra duration and schedule of yatra from yatra 2012 onwards. Retrieved from <http://www.shriamarnathjishrine.com/ReportbySubcommittee.pdf> in December 2014.

³⁰. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

³¹. <http://www.shriamarnathjishrine.com/DarshanFiguresYatra2013.html>, <http://www.shriamarnathjishrine.com/DarshanFiguresYatra2014.html>, <http://www.shriamarnathjishrine.com/DarshanFiguresYatra2015.html>.

The report also concludes that a longer duration of the Yatra, would not necessarily result in more number of yatris.³²

The rate of visitation to the cave starts falling after about the 24th–25th day of the Yatra. There are 2 reasons for this: the melting of the ice stalagmite and the re-opening of schools and oncoming exams.

To address the issue of the melting ice stalagmite, Gyaanand, member of the sub-committee suggested that the temperature be controlled in the cave and went to the extent of suggesting erecting plastic / fibre glass curtains in front to ensure longevity of the ice formation. It must be remembered that in 2006, the ice formation had melted in early July itself before the first batch of yatris could reach the cave and the Board sanctioned making of an artificial ice formation, which was widely criticised.³³ Even before this, in 2005, the SASB had been toying with the idea of putting in mechanisms to ensure that the ice stalagmite did not melt early, which would allow more people to view the formation for a longer period. Some of the solutions proposed and experimented were: skating rink technique, brine trays, radiant cooking panels, refrigeration and air curtain. The Board had settled on the air curtain technique to be the least intrusive, with minimum power being required. However, there was an on-going case in the High Court regarding several issues of the Yatra including this aspect³⁴ and based on an appeal filed by the state government, the Division Bench had issued interim restrictions disallowing it.

Interestingly, the langar organisations are also in favour of only a month-long Yatra, as the majority of the yatris visit during the initial 2-3 weeks. As per the contract with the SASB, langar organisations cannot wind up until the last day of the Yatra. This is a huge economic drain, since they have to maintain the necessary infrastructure, though there is hardly anyone to feed. They also allege, that during the lean time, the armed forces camped in the region often descend upon the langars and demand that they be fed free food (thus saving their ration allowances). Instead, the langar organisations suggested that the timings of the Yatra be increased. The organisations have already been able to influence the SASB into allowing viewing of the ice stalagmite from 6.00 am to 8.00 pm instead of the earlier 8.00 am to 6.00 pm, which is in itself seen as a compromise since they believe that viewing should be open for 24 hours. This way, they say, the number of yatris would increase without changing the period of the Yatra.

A review of newspapers in the months prior to the Yatra and of websites of organisations like the Vishwa Hindu Parishad (VHP), makes it evident that the duration of the Yatra is politically determined. Leaders of the Hurriyat Conference in Kashmir demand that the Yatra be conducted over one month while the socio-religious organisations of India try to constantly negotiate for as long a Yatra as

³². Shri Amarnathji Shrine Board. (2013). A Report on Shri Amarnathji Yatra.

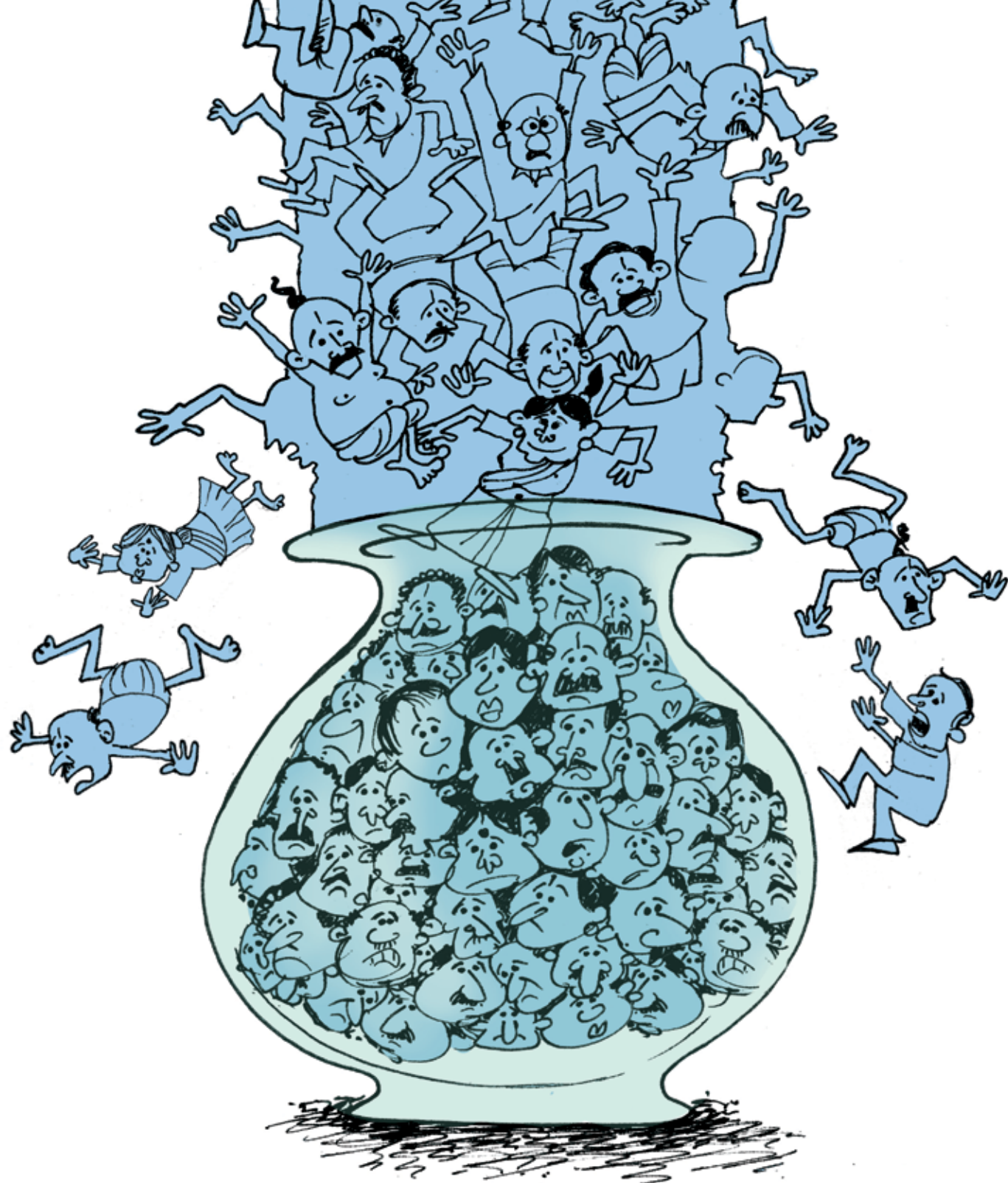
³³. Bhat, Jagdish. (2011). Scientists to study early melting of Amarnath ice lingam. Hill Post. Retrieved from <http://hillpost.in/2011/10/scientists-to-study-early-melting-of-amarnath-ice-lingam/33496/> in October 2015.

³⁴. More details in Chapter 4.

possible.³⁵ For the Hurriyat Conference and people of Kashmir, environmental concerns and the cultural onslaught are the roots for this demand, while for the socio-religious organisations, claiming Kashmir to be a part of Hindu India is at the heart of their involvement and interventions.

While it is widely understood that the Amarnath Yatra is contentious, the reasons and interests behind the Yatra are never revealed to the people of India, and what is seen instead is state propaganda. The subsequent chapters unravel the layers of this dimension, laying bare the grim state of affairs surrounding the Yatra.

³⁵. Refer to the VHP website and articles in Kashmiri newspapers just before the start of the Yatra for both points of view.



Chapter 3: The Yatris

In February of each year, the SASB announces the opening of registration for the Amarnath Yatra. People from across India participate, though the northern states are most prominent among the Yatris. This chapter focusses on the yatris. The registration process, composition and challenges – including (health and others) faced by the yatris, and the facilities made available to them.

3.1 Registration Processes

Since 2012, pre-registration has been made mandatory for anyone wishing to embark on the Yatra. Potential yatris need to provide a Compulsory Health Certificate (CHC), which can be obtained after undergoing the prescribed health check up by empanelled doctors or Registered Medical Practitioners (RMPs) from government health institutions. Yatris then need to register at SASB approved counters in their respective states which include banks and post offices. A sum of Rs. 100 is charged as registration fees. Since 2014 the registration process also includes different coloured passes for different days of week. The date that the yatri will start the Yatra and the point of entry (Baltal or Pahalgam) is mentioned. Yatris registered to travel on one route are not allowed to undertake the Yatra from the other route. However, yatris do not need to inform in advance the route they would take on their return. Recognising that some people decide to go on the Yatra after reaching Kashmir on a holiday or in some instances, yatris from far flung villages are unaware of the need to be registered, spot registration is also allowed as long as the total numbers per day do not exceed the carrying capacity identified. The CHC is compulsory in all instances and the SASB facilitates this by placing doctors at the spot registration counters. However, the Special High Powered Committee (SHPC) noted that medical certificates issued by the RMPs have not been found satisfactory and suggested that there is a need to re-consider the competent authority for the same.³⁶ According to Mr. Ranjan Gupta, Shri Amarnathji Barfani Langar Organisations (SABLO), one of the two associations of the langar organisations operating in the Yatra route, *“there is a lot of corruption in the issuance of CHCs and young but unfit people are still travelling.”*

The review of the 2011 Yatra brought to light that yatris from Gujarat, Uttar Pradesh and Punjab were unprepared for travel in high altitudes and had not paid heed to SASB's advisories. A communication from the SASB CEOs to Chief Secretaries of these states was sent seeking their support in the matter.³⁷

³⁶. Report of the Special High Powered Committee. (2012).

³⁷. Report of the Special High Powered Committee. (2012).

In the same year, there were several instances reported of fake permits being presented. For example several yatris from Valsad, Gujarat, printed their own permits. As a result, the SASB, for 2014 printed the permits at India Security Press, Nasik, which they claim cannot be duplicated.

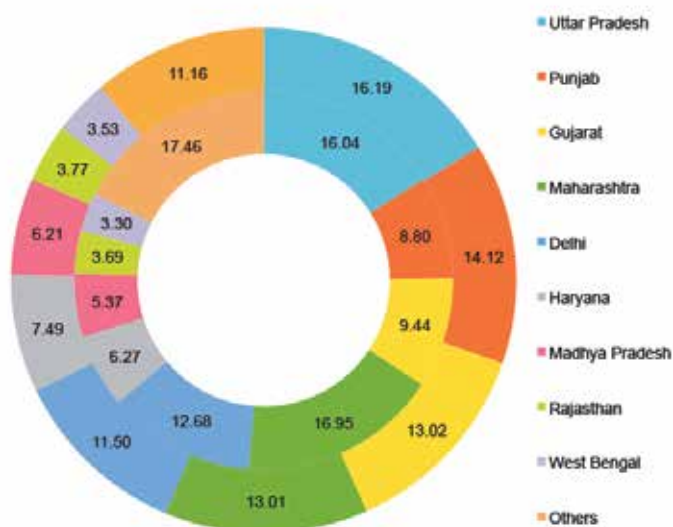
A per day carrying capacity of 18000 people has been established by the SASB in 2012 and implemented in 2013. Of these, 7500 each from the Baltal and Pahalgam route, totalling to 15000, are allowed to start the Yatra on each day. Additionally, 1500 people are allowed to take the helicopter from each side totaling to 3000 yatris.

In 2013, 84% of the yatris used the tracks to travel to the cave, while 16% travelled via helicopters from Baltal – Panchtarni and Pahalgam – Panchtarni. 55.77% of the yatris travelled to the cave via the Baltal route, while 44.23% used the Pahalgam route. For the return journey 91.63% used the Baltal route, while 8.37% used the Pahalgam route.³⁸ Out of the total of 88,998 yatris who travelled by helicopter, 92.32% travelled on the Baltal route and 7.67% on the Pahalgam route. The shorter Baltal – Cave route appears to be more popular, especially for the helicopter, since the Pahalgam – Panchtarni sector is significantly more expensive. Yet, a large number of people still take the Pahalgam – Cave route while using the road since it is the traditional path and therefore considered more authentic.

3.2 Who are the Yatris³⁹

4. Percentage distribution of State-wise Registration Quota Allotted and Utilised (2013)

Outer Circle: Registration Quota Allotted, Inner circle: Registration Quota Utilised.



38. Shri Amarnathji Shrine Board. 2013. A Report on Shri Amarnathji Yatra 2013.

39. Shri Amarnathji Shrine Board. (2013). A Report on Shri Amarnathji Yatra 2013. Note on discrepancy in data available: According to the table in the document a total of 869550 permits were approved to be issued, however, the total quota distributed to the states amounts to only 850330 with a discrepancy of 19250. Accordingly, in the total permits issued there is a discrepancy of 6689 with the total permits issued to the above mentioned states being 314279 but the total permits issued accordingly to the table being 320968. It therefore appears that there have been several lapses in the allocation of quota as well as registering yatris.

In 2013, 70.18% of allotment of quota was made to the 6 states of Uttar Pradesh, Punjab, Gujarat, Maharashtra, Delhi and Haryana. In terms of utilisation of total quota, these same states account for 75.33%. While we cannot assume that all those who registered also undertook the Yatra, it can be safely assumed that this is the broad distribution of yatris since 75% of those who went on the Yatra had pre-registered themselves.

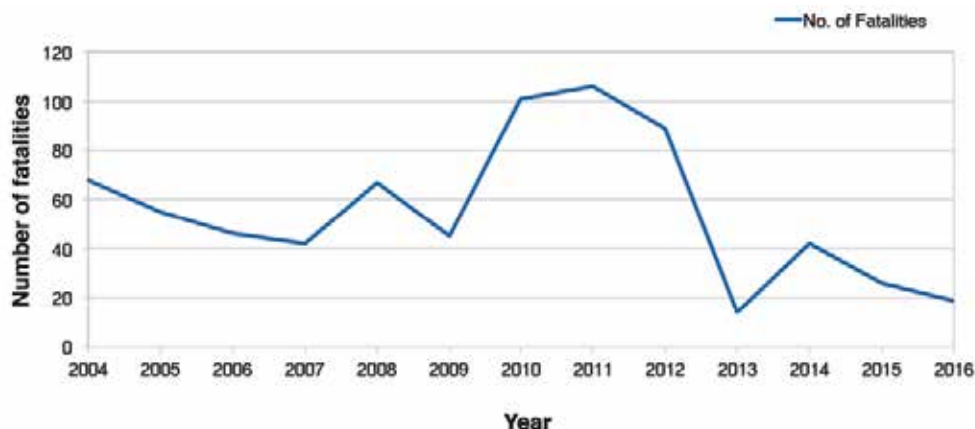
Punjab and Haryana (which formed the erstwhile undivided Punjab) has a complex relationship with Kashmir, which was colonised by the kings of Punjab. As mentioned earlier, even pre- 1980s, a small number of Punjabis would visit the cave and therefore could be a reason for the increasing number of yatris from these 2 states. Interestingly, 84.67% of langars set up in the entire region between Nunwan – Cave – Baltal are from Punjab, Delhi, Haryana and Uttar Pradesh indicating a possibility of the langars also mobilising people for the Yatra.⁴⁰ Interestingly Jammu & Kashmir (J&K) does not feature in the list of states issued quotas. Gujarat and especially Maharashtra have known to be strongholds of socio-religious organisations who have clearly articulated goals of establishing a Hindu Rashtra and it is not surprising that large numbers of yatris are from these 2 states.

3.3 Health Issues of the Yatris

The yatris are largely from the plains, unused to the high mountain paths and glaciers that the Yatra traverses. This makes them prone to illnesses, and often lead to fatalities. Below are the number of fatalities since 2004:⁴¹

The number of fatalities follows the pattern of the total number of yatris. The significant fall in the number of fatalities in 2013 and 2015 may be attributed to the registration and CHC that is necessary for participating in the Yatra.

5. Number of Fatalities (2004-2016)



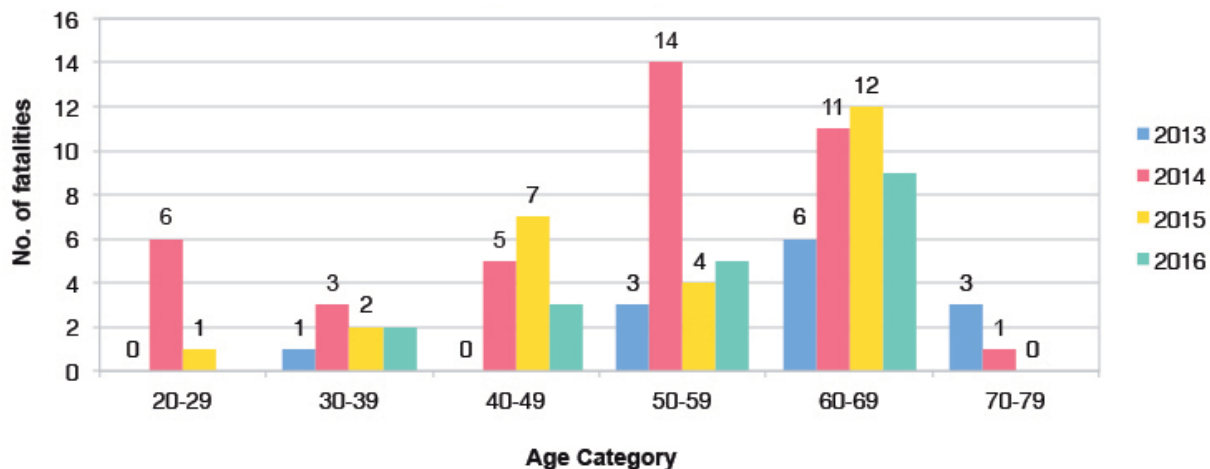
Since 2013, an upper age limit of 65 years has been operational, which has been strictly implemented only since 2014. In the 4 years between 2013 – 2016, the largest number of deaths is of yatris in the

40. The langar organisations are discussed in detail in Chapter 5 on Non-State Actors.

41. Data from RTI response from SASB dated 10.12.2014 and <http://www.shriamarnathjishrine.com/Casualties-Yatra2015.html>. Retrieved from <http://www.shriamarnathjishrine.com/Casualties-Yatra2014.html>, <http://www.shriamarnathjishrine.com/Casualties-Yatra2013.html> in October 2015.

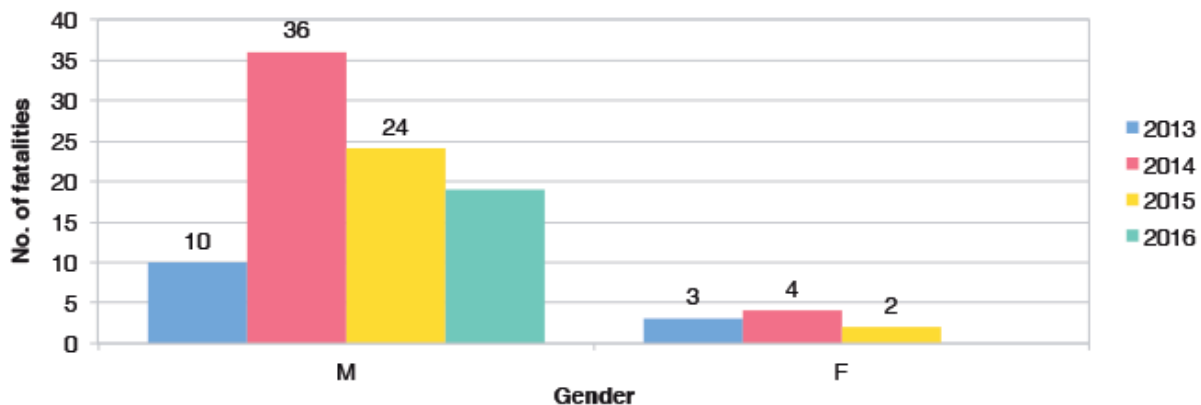
50–69 year bracket.⁴² Clearly, the SASB needs to be more stringent in its application of age limit as well as ensuring that no false health certificates are issued by the RMPs.

6. Age Distribution of Fatalities of Yatris (2013 - 2016)



While the SASB stated that gender-wise break up data is unavailable, our observation during the Yatra was that there are definitely more men than women. This is reflected in the fatalities as well.⁴³

7. Gender Distribution of Fatalities of Yatris (2013 - 2016)



⁴². Data from RTI response from SASB dated 10.12.2014 and data retrieved from <http://www.shriamarnathjishrine.com/Casualties-Yatra2015.html>, <http://www.shriamarnathjishrine.com/Casualties-Yatra2014.html>, <http://www.shriamarnathjishrine.com/Casualties-Yatra2013.html> in October 2015.

⁴³. Data from RTI response from SASB dated 10.12.2014 and data retrieved from <http://www.shriamarnathjishrine.com/Casualties-Yatra2015.html>, <http://www.shriamarnathjishrine.com/Casualties-Yatra2014.html>, <http://www.shriamarnathjishrine.com/Casualties-Yatra2013.html> in October 2015.

The SASB provides for insurance cover of Rs.1 lakh each for yatris, sevadars (volunteers and workers) of the langars and registered labourers (horse owners, porters and dandiwallas).⁴⁴

According to a study conducted by Government Gousia Hospital, Srinagar and Health Services, Kashmir,⁴⁵ out of 1,54,000 yatris who arrived in the Nunwan camp after completion of the Yatra in the 2006, 40,082 yatris (26%) were admitted in the Government Base Hospital Pahalgam. The study assessed the nature of non-trauma surgical conditions. Out of 40,082 yatris, 172 qualified for the study. While 9 patients required surgery, the remaining 163 were treated through medication. Below is a table with rate of incidence of the illnesses that they presented:

Diagnosis	No. (%)
Acute exacerbation of acid peptic disease	69 (42.09)
Ureteric colic	27 (16.47)
Undiagnosed abdominal pain	22 (13.42)
Post acute gastroenteritis pain	16 (9.76)
Acute cholecystitis	12 (7.21)
Severe urinary tract infection	7 (4.27)
Bleeding per rectum	4 (2.44)
Acute urinary retention	2 (1.21)
Upper gastrointestinal bleeding	1 (0.61)
Pancreatitis	1 (0.61)
Total	163 (100)

Table 3: Incidence of illnesses in yatris in 2006

While several yatris might already be suffering from these conditions, many of these illnesses are linked to consumption of excessively fatty food or contaminated water, both of which are a high possibility during the Yatra since the food served in the langars is extremely oily and often deep fried. The water quality in the upper camps is definitely not regulated since setting up the necessary infrastructure is not feasible. Like the study by Mir, I.S. et al points out, another big contribution to some of these illnesses is stress and strain due to the difficult and long journey, which is visible in the yatris as they proceeded higher into the mountains towards the cave. For e.g the couple, possibly in their 50s, who were returning half way from Pissu Top, were extremely agitated and were trying to tell people to return since the path was too tough. They believed that the Yatra would bear fruit only if they were alive at

⁴⁴. Some yatris who cannot walk or sit on horses, travel on a palanquin which requires 6 people to carry.

⁴⁵. Mir, I.S. Mir, M & Ahmed, M. (2008). Profile of non traumatic surgical disorders found in the pilgrims/ trekkers travelling to Shri Amarnath Ji cave. Indian J Med Res 128: 740-743. Retrieved from <http://medind.nic.in/iby/t08/i12/iby08i12p740.pdf> in July 2015.

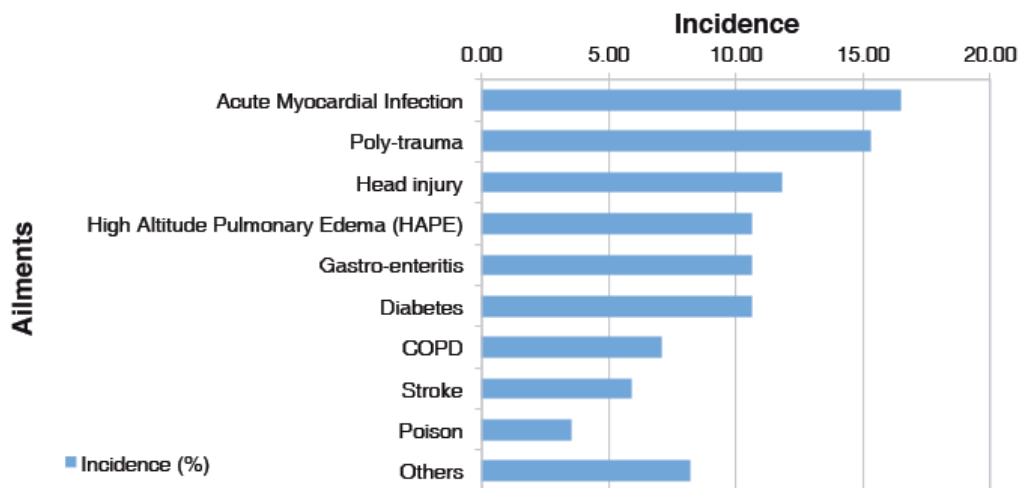
the end of it and not if they were dead. Another group of yatris encountered at the Sheesh Nag said they would never think of coming back on the Yatra, since it is extremely difficult and not what they had expected it to be. Having said that, there was a couple in their 60s who said that they have come on the Yatra 17 times.

Ganie, Mohd Ashraf et al (2012)⁴⁶ suggests that hyper glycaemic emergencies in patients with diabetes is possible due to long, up-hill non-motorable nature of the trek in low-oxygen zones. Since the team did not have access to a baseline, they have been unable to conclude on the rate of incidence. However, they warn that patient education programmes and preparedness for diabetic patients is critical before they embark on the Yatra.

A study by Koul Parvaiz A et al (2013),⁴⁷ conducted in 2011 and 2012 suggests that High Altitude Pulmonary Edema (HAPE) is common in Amarnath yatris, since the yatris are from the plains and are unused to high altitudes. During these two years there were 239 deaths primarily due to cardiac and pulmonary causes. While there were others who fell ill during the Yatra but survived, and were treated at the hospitals in the base camps or the other camps en route. 31 cases of altitude sickness were referred to Sher-I-Kashmir Institute of Medical Sciences (SKIMS), during these 2 years. Of the 39, 28 recovered, but 3 succumbed to multi- organ failure.

According to Yatoo, G.H. (2011),⁴⁸ out of 85 patients admitted in SKIMS, the age of the patients ranged from 15 – 85 years with the majority being in the 45 – 65 year age group.

8. Incidence of Ailements in Amarnath Yatris admitted to SKMIS (2011)



46. Ganie, Mohd Ashraf et al. (2012). Hyperglycemic emergencies in Indian patients with diabetes mellitus on pilgrimage to Amarnathji yatra. Indian Journal of Endocrinology and Metabolism, Vol 16, Supplement: 87-90 Retrieved from http://www.ijem.in/temp/IndianJEndocrMetab16787-7243211_200712.pdf in July 2016.

47. Koul, Parvaiz, A et al. (2013). High altitude pulmonary edema among "Amarnath Yatris". Lung India, 30(3): 193–198. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3775198/> in October 2015.

48. Yatoo, G.H. (2012). Profile of Patients Attending SKIMS Srinagar during 2011 Amarnathji Yatra. Journal of Medical Sciences 2012;15(2):170-73. Retrieved from <http://www.jmsskims.org/Contents/173-19%20YATOO.pdf> in August 2015.

What may be concluded is that the yatris need to be forewarned about the nature of the Yatra so that they are mentally and physically prepared to undertake the arduous journey. Further awareness of pre-conditions which might be worsened due to the Yatra need to be taken seriously and reported during the examination conducted by the RMPs. Several yatris tend to fast during the Yatra, which should be avoided since this causes dehydration and can prove to be fatal at such high altitudes. Further, there is a need for strict adherence of the CHC norm by the RMPs and the yatris.

Apart from tracking deaths and ensuring all facilities are provided to the yatris, it is equally important for the SASB to address the issue of their adverse health conditions as a result of their participation in the Yatra.

3.4 The Camps

There are 2 base camps set up for the Yatra – at Nunwan, Pahalgam spread on 100 kanals of land and at Baltal on 580 kanals.

The camps comprise of tented accommodation for yatris, set up by people of the region around Pahalgam and Baltal. The district administration coordinates with several departments to deliver basic services of water, electricity, road, communication, medical and other services. This includes Public Health Engineering (PHE), Power Development Department (PDD), Public Works Department (PWD), Health, Labour, Animal Husbandry, Consumer Affairs & Public Distribution (CA&PD), Police, Fire & Emergency Services, Information, Forest, Tourism, Bharat Sanchar Nigam Limited (BSNL), India Meteorological Department (IMD), Department of Post, J&K Bank and Jammu & Kashmir Tourism Development Corporation (JKTDC). NGOs from different states in India set up langars which provide free food to the yatris at the camps. Horse owners, dandi-walas and porters visit the camp to find clients for their services.

Nunwan, Chandanwari, Sheesh Nag, Panchtarni and Baltal camps are equipped with medical facilities. On the Pahalgam route, 117 health personnel are deployed in 18 units and on the Baltal route 40 personnel are deployed in 7 units.⁴⁹ Medical personnel include medical officers, pharmacists, x-ray technicians, orderlies and sweepers.

The Yatra is conducted under security from the armed forces – Indian Army, Border Security Force (BSF), Central Reserve Police Force (CRPF), as well as the Jammu & Kashmir Police (J & K Police), with Sashastra Seema Bal (SSB) and ITBP (Indo Tibetan Border Police) playing a limited role.

3.5 Transportation and Other Infrastructure

Before the SASB was formed, the Yatra used to start from the Dashnami Akhara at Srinagar. After the formation of the Board, the Yatra starts at the base camp in Jammu, from where buses hired by the government carry the yatris to either Baltal or Pahalgam. The buses travel in a convoy of about 50–60 vehicles with a security escort of at least 3 CRPF vehicles in each convoy.

⁴⁹. Shri Amarnathji Shrine Board. (2013). A Report on Shri Amarnathji Yatra.

Six community organisations – Sanatan Dharma Sabha (Gita Bhawan), Aggarwal Sabha, Shiv Mandir, Mahajan Sabha, Dogra Saddar Sabha, and Brahman Sabha – offer free accommodation in Jammu, with the Yatri Nivas, the official base camp in the city offering accommodation at subsidised rates. There are langars all along the way from Jammu to Baltal and Pahalgam, which ensure that the yatris have free food and accommodation right from Jammu till the Cave.

SASB camps with all facilities are located at Chandanwari, Sheesh Nag and Panchtarni on the Pahalgam side. Since the Baltal route is a day long, there are no camps except at Domail, where the access control gates are present. There are smaller camps at Sangam and just below the Cave) facilitated by the SASB, since they are situated at a higher altitude and fewer yatris stay at these camps. Yatris are not encouraged to stay in the lower cave camp since night time temperatures are very low as is the oxygen levels in the atmosphere.

Every comfort of the Yatri is assured – food, travel and accommodation. The only expense that the Yatri needs to absorb is travel from their homes to Jammu. That the Kashmiris do not have access to health services similar to what is available in Pahalgam and en route to the Cave during the Yatra, or the lack of government investment in a robust road transport network for the Kashmiris goes unreported. Several yatris were heard saying *“if the state is taking such good care of guests (referring to the yatris), how well must the Kashmiris looked after.”*

YATRA IS BOOST FOR LOCAL BUSINESS
SASB HAS MADE ALL ARRANGEMENTS FOR
FOOD AND STAY



Chapter 4:

State Actors: A Secular Conundrum

The Amarnath Yatra is a well-orchestrated event involving multiple institutions from the state government, with security being coordinated by the Indian government. In this chapter, the role of each arm of the state involved in the Yatra is understood in the context of services they offer and the sway they hold over the Yatra. How the State and religion come together and its implications are also explored.

Since 2001, Shri Amarnathji Shrine Board (SASB) is tasked with the coordination of the Yatra. The Board coordinates between different service providers who aid the Yatra. Every year at the end of the Yatra, a meeting is convened around August / September where government institutions who play a role in the Yatra meet to take stock and to make recommendations. By October, another meeting with the same institutions is conducted to plan the next year's Yatra. Necessary repairs to paths are undertaken before the tracks are completely submerged in snow. Further, all other logistics are discussed and preparation for the next year's Yatra is initiated. Once the Yatra is announced, the SASB calls for tenders to be submitted for various activities, like putting up sheds and the construction of toilets and bathrooms in the camps (and en route to the cave), clearance and management of tracks during the Yatra and other such civil works.

Interestingly, the decision making powers – both in terms of administration of the Yatra and security – have been retained by arms of the central government, through the Shri Amarnathji Shrine Board and armed forces. The role of the state government and administration is subservient to these institutions; they have no real powers to influence decisions, but merely to implement decisions taken either in the Governor's office (SASB) or the Ministry of Home Affairs (armed forces).

Apart from the different Departments of the state government which provide services for the functioning of the Yatra, the following are the key state institutions which play crucial roles:

I. Shri Amarnathji Shrine Board

II. State Administration including the following:

1. District Administration of Anantnag and Ganderbal
2. Pahalgam Development Authority and Sonamarg Development Authority

III. Indian Armed Forces:

Central Reserve Police Force (CRPF), Border Security Force (BSF), Indian Reserve Battalion (IRB), Indo-Tibetan Border Police (ITBP), State Disaster Response Fund (SDRF), National Disaster Response

Fund (NDRF), Mountain Rescue Team (MRT), Anti-Terrorism Squad (ATS), State Police, Traffic Police, Security, Criminal Investigation Department (CID) and Armed Police.

Agency	Responsibility
CRPF	<ul style="list-style-type: none"> • Camp security • Frisking of yatris • Security of Bhandaras (langars) • Yatri convoy escorting • Road Opening Parties (ROP) on National Highway 1A and from Khanabal to Humurrah on KP Road
State Administration including Shrine Board	<ul style="list-style-type: none"> • Overall responsibility for conduct of the Yatra
Army	<ul style="list-style-type: none"> • Area domination along both routes
BSF	<ul style="list-style-type: none"> • ROP from Hutmurrah to Pahalgam • ROP from Sadhu Padav to Holy Cave
Jammu & Kashmir Armed Police (JKAP)/ Jammu & Kashmir Police (JKP)	<ul style="list-style-type: none"> • Maintenance of Law and Order • Assisting CRPF in frisking and access • Control at all yatri camps
Tehsildar (Camp Magistrate)	<ul style="list-style-type: none"> • Yatra / Camp management

Table 4: Division of responsibilities of state institutions ⁵⁰

4.1 Shri Amarnathji Shrine Board

Jagmohan, the then Governor of J & K, in 1986, made the first attempt to form a shrine board for Amarnath, similar to what he had planned and achieved for the Vaishno Devi cave. He saw the imposition of President's Rule in 1986 as an opportunity to accomplish this. Towards this end he travelled to Amarnath making observations for what he thought needed change. On his return he made a blueprint, which included the formation of a statutory board with the constitution and mandate for SASB, such as that of the SMVDSB and which would undertake development works with concerns of the yatris as its focus. The following text from his book on reforms in Vaishno Devi clearly indicates that he did not want the SMVDSB to be bound by constitutional mechanisms in its functioning. Therefore, he envisaged that the Governor be the chairman of the board but not in his constitutional role of the executive head of the state government, thus scuttling all accountability to the state and serving purely the interests of the yatris and the central government. Given that the SASB was modelled along the lines of SMVDSB, it is safe to conclude that he had similar motivations for both boards. In the context of SMVDSB he wrote,

⁵⁰. A powerpoint presentation made by the CRPF to the SASB in preparation of the 2014 Yatra.

"...I had also to ensure that the management was handed over to a wholly independent statutory board, headed by the Governor, who functioned as chairman of the said board, ex-officio, and not as an executive head of the State Government whereby he was required to function on the advice of the Council of Ministers. The State Government had to be kept out.... I had also in mind the functions of the Governor as a Chancellor of the university, whereby he acted as an independent entity, outside the constitutional mechanism of running the state as constitutional head of the State Government."

Some infrastructure development that he had in mind was the construction of stone-cum-steel-cum-glass structures where yatris could rest and enjoy the view! And if the weather took a turn for the worse would offer shelter. He envisaged that these structures would have basements or side rooms where oxygen and medicine supplies could be stored and that the structure itself be heated through indigenous bukharis.⁵¹

The shrine board however was not formed in 1986 since Governor's Rule ended before it could be accomplished. Therefore, until 1996–97 the Amarnath Yatra, was organised by the state government. For six years prior to this, the state was under Governor's rule, and the Yatra had continued for three years between 1990-93. With the National Conference (NC) assuming power in 1996, and the disaster that occurred that year, there was a lot of pressure on the government to form a Board to administer the Yatra on the lines of the Shri Mata Vaishno Devi Shrine Board (SMVDSB). The Shri Amarnathji Shrine Board was formed by an Act passed in the Jammu and Kashmir Legislative Assembly on November 15, 2000, during the Governorship of G.C. Saxena.

The people of the valley do not recall hearing of a discussion in the legislative assembly prior to the decision of passing the Shrine Board Act, and neither did the media report such a debate. The team met Mian Altaf, a senior member of the National Conference and a member of the legislative assembly during the years 2000 – 2001. He said, *"I do not remember what discussion took place, or did not take place, before the passing of the Act."* The formation of the Shrine Board has always been a contentious issue for the people of the valley. That a senior politician, deeply involved in party functioning and politics, and one who in the past has been part of high level meetings linked to the Yatra in his capacity of Minister of Forestry, Ecology and Environment, categorically responds that he does not remember a discussion in the assembly on such a controversial subject, is a clear indication of the manner in which the legislation came about.

According to the Act, the Governor of the state of Jammu and Kashmir would be the ex-officio Chairman of the Board, if Hindu, and if not a Hindu he would nominate an eminent person who is a Hindu and fulfils requirements to be a member of the Board to be the Chair. Of the nine other members, two would necessarily have serviced the cause of Hindu religion and culture, two would need to be women who have also serviced the cause of Hindu religion and culture and additionally have worked towards the empowerment of women, and three persons would need to have achieved

⁵¹. Jagmohan (2010). *Reforming Vaishno Devi and a case of Reformed, Reawakened and Enlightened Hinduism*, Rupa & Co., New Delhi.

success in matters of administration, legal matters and financial affairs, with the final two members being eminent Hindu citizens of Jammu and Kashmir. Despite the Yatra being conducted in a highly eco-fragile environment, there is no mandate for an environmentalist to be a member of the Board. Also, given the sensitive nature of the Yatra itself, and the atmosphere of conflict surrounding it, the Act does not mandate the presence of people with background of the social sciences nor social justice/ human rights.

Prior to the creation of the Board, the state government managed the Yatra with an active role being played by people living in and around Pahalgam in the form of providing facilities including tents, food and transport (horses and dandis) and porters. People who have been thus associated with the Yatra for over two decades speak of a time when their involvement was greater and the earnings better. The rituals at the cave involved the Maliks of Batkote, pandits of Martand (Mattan) and Ganeshpora, and the Mahant of the Dashnami Akhara. Offerings at the cave were also shared between these four claimants.

The state administration played a nodal role of coordinating the line departments to ensure that all basic facilities were made accessible to the yatris. Decision-making was also decentralised, with each player taking decisions regarding their specific roles. For example the tent owners collectively decided rates based on several parameters like expenses incurred and distance from road head. Similarly, the horse owners, porters, food stall owners collectively decided on rates and rotation systems amongst the various vendors, with a fair amount of independence, while the state government ensured that rates were maintained at appropriate levels. Even the sharing of offerings between the four claimants was mutually decided with a minimal role of the state government in the matter.

After the disaster of 1996, the Nitish Sengupta Report's assessment of the situation identified the lack of coordination and preparedness as responsible for the delay in the response of the state to the crises. As a means to address this, the Report suggested the creation of a Board whose sole responsibility would be the Yatra and its arrangements.

However the Report ⁵² which is often cited as the root of the idea of a Shrine Board, in one instance suggested that the Department of Tourism should be responsible for the conduct of the Yatra, and suggested that a High Level Amarnath Yatra Board be instituted which would be composed of representatives of the armed forces and Ministry of Home Affairs and would act as an advisor to the Department of Tourism. Even in the formal recommendations at the end of the Report, Sengupta proposed that a Board headed by the Chief Minister be instituted. Therefore, none of statements or recommendations of the Report took away the control of the Yatra from the state government and handing it over to the central government. However, Jagmohan's book on reforms in Vaishno Devi clarifies the genesis of the board.

⁵². Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

After the calamity of 1996, when the matter was discussed in the Lok Sabha, Jagmohan then a Member of Parliament presented his earlier plan including that of the formation of a shrine board. This seems to solve the puzzle that while the Nitish Sengupta inquiry had suggested a body to be formed under the Department of Tourism of the state government, the board finally formed was an independent body with no accountability to the people of J & K.⁵³

Though the Board was formed in 2001, it flourished under the Chairmanship of S.K. Sinha when he took over as Governor of Jammu and Kashmir in June 2003 while the NDA was ruling at the Centre. In July 2003, in a preparatory meeting for the Yatra, the then Chief Minister quoting better security conditions had proposed that the number of armed forces in the Yatra route be reduced. S.K. Sinha on the contrary, proposed and put in place the 3-tier system of security which is still being followed today⁵⁴ and is explained later in this chapter.

Sinha was keen on creating more facilities for the yatris, which largely comprised of better accommodation and sanitation. Funds for a yatri nivas in Jammu were mobilised from the centre.⁵⁵ For the camps on the yatra route, the plan was to have prefabricated shelters with wooden floors and insulated side panels, prefabricated toilets connected to leach pits, and prefabricated bath shelters with hot water facilities, for which Rs 20 crores was to be raised from non-government sources. Other plans included extending the yatra to two months, the ceiling of 3500 yatris to be removed, operating helicopter services to the cave, and the control of registration be handed over from the J&K Bank to SASB.

4.1.1.Issues with the SASB Act

4.1.1.1 Regarding the absolute powers of the Governor:

Both the Shri Mata Vaishno Devi Shrine Act (section 9) as well as Shri Amarnathji Shrine Board Act (sections 7 & 8), places the board member's dissolution and suppression of the Board at the satisfaction of the Governor alone. This provision of total subjective satisfaction of the Governor as to the competency or functioning of the board and exercising powers of the board, has not been specifically challenged. By placing the Board under the Governor, the Act has effectively taken powers away from the State and handed it over to the Union Government of India.

4.1.1.2 Regarding the activities of the Board, which include:

Activity (a) to arrange for the proper performance of worship at the Holy Shrine and (f) to make a suitable arrangements for the imparting of religious instructions and general education to the pilgrims:

53. Jagmohan (2010). Reforming Vaishno Devi and a case of Reformed, Reawakened and Enlightened Hinduism, Rupa & Co., New Delhi.

54. Sinha, S.K. (2012). Guarding India's Integrity: A Proactive Governor Speak. Manas Publications, New Delhi.

55. How the money was used is not clear. In his book, "Guarding India's Integrity: A Proactive Governor Speaks", Sinha writes that the state government had building constructed for accommodation at Qazi Gund and that later when Ghulam Nabi Azad became Chief Minister the state government constructed a yatris nivas at Jammu. However, since the money was raised by the SASB and construction by the state government, it is doubtful that constructions at Qazi Gund and Jammu were built using those funds.

Firstly, under Art. 26 of the Constitution every religious denomination or any section enjoys the freedom to manage its own affairs provided they adhere to public order, morality and health.

The State can also regulate by law, the economic, financial, political or other secular activity which may be associated with religious practice, moreover state can also in a limited capacity interfere with religious freedom such as, *“providing for social welfare and reform or the throwing open of Hindu religious institutions of public character to all classes and sections of Hindus”* [Art. 25(2)(a) & (b)].

Herein, ‘arranging’ for proper performance and making ‘suitable arrangements for the imparting of religious instructions and general education’ can be interpreted to mean the secular aspect of religion, i.e. the economic, the financial, etc. Therefore state can make laws to create a board to look after management of temples on such lines.

4.1.1.3 ‘State Interference’ in the Functioning of the Board:

In 2005, one Ram Pal Bathonia,⁵⁶ an advocate filed a case in the Jammu High Court seeking to restrain the State from interfering in the decisions of the Board. Interestingly, the Board in its affidavits was also in agreement with the allegation that the state departments proved to be roadblocks to the implementation of decisions that it took.

The position that the judgement takes is that since the State has enacted the SASB Act, it can no longer claim to have regulatory powers which are sovereign in nature to decide about religious affairs of the Shrine and its administration. The judgement invokes Article 162 of the Constitution of India which states that executive powers of the state shall extend to all matters for which it has legislative powers. On the other hand, it takes away from this observation, when it invokes Section 5 of the Constitution of Jammu and Kashmir which reads as:

“5. Extent of executive and legislative power of the State: The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India.”

Therefore, in one stroke the judgement takes away powers vis-a-vis the Amarnath Yatra from the State and hands it over to the Parliament of India. The judgement goes on to observe:

“As in the present case even if it is assumed for the sake of arguments that the State had the regulatory authority, it having conferred that authority by law to the Board, an autonomous body, same can only be exercised by the Board and not by the State or any of its limb/agencies.....Any interference by the State in the manner alleged by the petitioner and complained by the Board in its reply is nothing but violation of Articles 25 and 26 of the Constitution of India. It is in this legal background that the State must respect the decisions of the Board which are otherwise within the purview of its powers and duties vested in it under law.”

⁵⁶. Also the president of a socio-religious organisation called Punjab Shiv Sewa Samiti, which organises annual pilgrimages to the cave and organises a langar en route to the cave to provide eating and lodging facilities.

Finally, the judgement directs that

“the State should leave all matters connected with the Yatra, provision of the infrastructure, performance of the Puja and other welfare matters to the Board and concentrate itself for the security arrangements during the period of yatra and of course to see that public order is not disturbed.”

Therefore, the Board which is a statutory independent Board, headed by the Governor, functions as ‘State within the State’. The strings of the Board lie with the Indian government and no popular government in Kashmir could take up cudgels with the Board and its decisions. The role of the state government is to merely extend support to the Yatra, without any questions asked. For example in 2005, the then Governor S.K. Sinha took several important decisions regarding the Yatra, including matters like extending the period of the Yatra, without consulting with the then Chief Minister Mufti Mohammad Sayeed.⁵⁷ It was only when the Chief Minister made public announcements to the contrary, that Sinha called for a meeting with the head of the state government. During this meeting, on the issue of SASB coordinating helicopter services to the cave, Mufti suggested that the state Civil Aviation Department handle the operations. However, Sinha who believed that the SMVDSB and SASB should function in a similar manner struck down the suggestion and decided that SASB would hand helicopter operations.

As an example of the helplessness vis-à-vis SASB and its decisions, an official in the J&K government disclosed to the team, that though he knew that the route from Baltal to the cave is made by cutting through snow and ice, which has harmful environmental implications, he is unable to officially raise this issue, as he is concerned that he would lose his job.

The attitude of the SASB towards public opinion was made clear in one instance when Preet Pal Singh, Addl. CEO, SASB in a debate organised by the Rising Kashmir newspaper in July 2014, on who should be consulted said, *“I also agree that everyone should be consulted about how to conduct the Yatra. Whatever news comes in media, we take it very constructively. There are a number of times when on the basis of press reports we improved our internal mechanism.... The way the Board functions, we even take into consideration the press releases.”* The Board therefore, chooses to rely on press reports to be informed about different opinions, neither reaching out to the people and civil society organisations of Kashmir, nor being accessible to them.⁵⁸

The Board organises a meeting with Shri Amarnath Barfani Langar Organisation (SABLO) and Shri Amarnath Yatra Bhandara Organization (SAYBO) in the month of January every year to discuss issues pertaining to the Yatra and its duration.⁵⁹ The large part of these discussions are linked to

⁵⁷. In his book, “Guarding India’s Integrity: A Proactive Governor Speak” Sinha writes that he had sent two letters to the Chief Minister regarding his plans and intentions for the yatra and that this was his attempt at reaching out to the Chief Minister.

⁵⁸. Rising Kashmir Debates: Amarnath Yatra & Its Impact on Environment. (2014). Retrieved from <https://www.youtube.com/watch?v=Hm8prcHGCss> in July 2014.

⁵⁹. SABLO accuses SASB of taking unilateral decisions on yatra. (2015). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/sablo-accuses-sasb-taking-unilateral-decisions-yatra/> in December 2015 and CEO meets Langar Organisations. (2016). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/ceo-meets-langar-organisations/> in February 2016.

permissions given to langar organisations and their terms and conditions including facilities that langar organisations are allowed to provide, supply of raw materials to langar organisations through state mechanisms like the Public Distribution System. Socio-religious organisations, especially those based in Jammu like the BABA Yatri Niyas are also met by the SASB every year to discuss the preparation of the Yatra including issues like security and medical facilities.⁶⁰ All these organisations influence the decision of the Board in a far more fundamental way than the state government.⁶¹ As seen in Chapter 2, one of the most contentious issues is that of the duration of the Yatra, which has been successfully increased to between 45-60 days as a result of the intervention of BABA Yatri Niyas, a decision which has been repeatedly opposed by the civil society of Kashmir, but to which no heed has been paid.

Another example of the Board's callous approach and a manifestation of its lack of accountability to people of the Valley came in the aftermath of the Amarnath land row of 2008, when under the instructions of the Governor, a 13-member Amarnath Yatra Advisory Committee was formed for the smooth conduct of the Yatra and to assist the Environmental sub-committee of SHPC. Apart from representatives of the state government departments involved in the Yatra, the committee also comprised of representatives of the travel operators and hoteliers associations from Jammu and Kashmir provinces. A member of the hotel industry association (who was not a member of the committee formed) shared with the team that a few months after the formation of the committee, representatives of the travel operators and hotel industry of the Kashmir province were removed from the Committee. The reason cited was that they are Muslims, and cannot be on a Committee which took decisions linked to a Hindu Yatra. Such is the hold of religion in a government appointed committee! While the SASB Act requires that all members of the Board be Hindus, no such limitation has been applied to the committees formed by it. Meanwhile six out of nine of the representatives of the state departments in different sub-committees are Muslims.

In another instance, Prof. Shakeel Romshoo, Department of Earth Sciences, University of Kashmir shared with the team that he was invited to make a presentation to the Board on environmental impacts of the Yatra in 2010. According to Prof. Romshoo, there were also discussions regarding inviting him to be a member of the Board. However, after his rather candid presentation, the Board did not get back in touch with him. That there is already a scientist of repute on the Board is indeed positive, yet, what could possibly explain keeping out an equally qualified and credible scientist like Prof. Romshoo, who is also from the Valley and demonstrably well-versed with the region?

4.1.1.4 Legality of the SASB⁶²

The Jammu and Kashmir Shri Amarnath Ji Shrine Act, 2000 was preceded by the Jammu and Kashmir Shri Mata Vaishno Devi Shrine Board (SMVDSB) Act, 1988, which similarly looks at the governance,

60. Yatri Niyas delegation meets CEO SASB. (2016). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/yatri-niyas-delegation-meets-ceo-sasb/> in February 2016.

61. Yatri Niyas welcomes SASB decision. (2011). Greater Kashmir. Retrieved from <http://www.greaterkashmir.com/news/jammu/yatri-niyas-welcomes-sasb-decision/99638.html> in December 2015.

62. In Bhuri Nath and Ors. V State of J&K and Ors. [AIR 1997 SC 1711].

administration and management of the affairs of Shri Mata Vaishno Devi Shrine (SMVDS) located in Katra, Jammu.

The constitutionality of the SMVDSB Act was challenged before the Jammu and Kashmir High Court,⁶³ where the question before the High Court was posed by one stakeholder to the debate. The new administration was replacing the Baridars, and wanted to rehabilitate them. These were local Brahmin and Thakur families who had control over the SMVDS and were accustomed to receiving the offerings made by pilgrims. Though the shrine had been placed under The Dharmarth Trust by Gulab Singh (the then king), to promote the growth of Hinduism and make more temples in the area, actual control lay in the hands of these Baridars.

In March 1986, the State was placed under an emergency by Governor Jagmohan, who resorted to his extraordinary powers under section 92 of the Constitution of J & K, which calls for absolute use of power by the Governor to promulgate emergency if he is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution of J&K. And while under such emergency, Governor Jagmohan came out with an ordinance which later became the Mata Vaishno Devi Shrine Act, 1986. With this he wrested control over the temple from both the Dharmarth Trust as well as the Baridars, and proceeded to make the journey to Vaishno Devi more comfortable for the pilgrims.⁶⁴

The Supreme Court did manoeuvre itself out of the fix of trying to justify the pure executive action of the Governor of J&K Mr. Jagmohan during the emergency, by answering that the Board did not amount to being a state owned corporation and Governor is not acting as the executive head of state (meaning working under the advice of Cabinet of Ministers, headed by Chief Minister) and that State through this Act is only providing for better management of the temple and not interfering in the religious rights of people.⁶⁵ As far as Baridars are concerned, Supreme Court's findings were to the effect that firstly, no one has absolute rights and as per the understanding of Art. 26, State can intervene for better management or in regulating the secular aspects of a religious institution such as the economic, financial, political aspects but not directly interfere with religious teachings. Baridars receiving

⁶³. In Bhuri Nath and Ors. V State of J&K and Ors. [AIR 1997 SC 1711]. Retrieved from <http://indiankanoon.org/doc/149988148/> in January 2016.

⁶⁴. The Baridars had argued legally to obtain compensation, to which the judgement took the following position: 'Act transfers the ownership of the property of Baridars to the State or to a Corporation owned by the State' and that they deserved compensation and not rehabilitation under Right to Property as stated in the Art. 19(1)(f) and Art. 31(sections 1,2,2A) of the Constitution of India, which though repealed remains in force in the State of J&K as any law of Indian Parliament including an Amending Act to the Constitution does not automatically get enforced in the state of J&K. The Supreme Court had to deal with many thorny issues in this instance, for example whether this Act and the Board created under it is a Government controlled corporation under the meaning of Art. 12? Whether the Governor is functioning in his official capacity as the Governor of J&K or as the executive head of the state? Whether creation of the Board under the Act amounted to acquisition? Whether Baridar's rights are property rights or customary rights?

⁶⁵. As far as Baridars are concerned, Supreme Court's findings were to the effect that no one has absolute rights and as per the understanding of Art. 26, State can intervene for better management or in regulating the secular aspects of a religious institution such as the economic, financial, political aspects but not directly interfere with religious teachings. Baridars receiving offerings is not part of the religion but merely customary rights, which stands overruled categorically by the Act.

offerings is not part of the religion but merely customary rights, which stands overruled categorically by the Act.

The Court however, did end up ordering the Governor to appoint a Tribunal to look into the claims of compensation made by the Baridars.

4.1.1.5 Jammu & Kashmir Shri Amarnathji Shrine Act, 2000 – Important Take Aways:

First, the context in which such laws are made. In the entire judgement, no discussion is spared on the need for such a legislation or ordinance. The Vaishno Devi Shrine takeover happened at a crucial juncture in Kashmir's history when the insurgency/armed struggle for Kashmiri self-determination was picking up, and when it was largely devoid of a religious character. Such a takeover, and the placing of key Hindu shrines under direct control of the Governor – the Constitutional head of a state, having residual powers of the executive – colours the exercise with political motive. This is far beyond the state's prerogative to interfere in secular aspects of religious affairs, such as their management.

Even in the Shri Amarnathji Shrine Board (SASB) case, there was next to no discussion on the compelling reasons for the state to enact a law to take over management of the temple affairs. Moreover, with the board members enjoying office at the pleasure and subjective satisfaction of the Governor, the Governor amasses full powers of the Board, and in the Amarnath case, the transfer of land ⁶⁶ caused huge unrest in the state.

Second, though the SMVDSB Act is similarly worded, the constitutional challenge to the earlier Act was limited to the lines of Right to Property and Right to Compensation for Compulsory Acquisition of Property. While Art. 25 (Freedom of conscience and free profession, practice and propagation of religion) and Art. 26 (Freedom to manage religious affairs) were discussed, the Act was not seen in violation of either Articles, as the literal interpretation rule was followed by the Supreme Court to say that the State –through the Board – is only providing for better management of the temple. **What remains unchallenged is how such legislation can completely over-ride custom, without showing the customs as being in violation of Article 13.**

Thirdly, the scheme of law in J&K: No law made by Indian Parliament (under the Union or Concurrent List) can become enforceable in the state of J&K by virtue of Art. 370, unless the President declares them to correspond to those subjects on which Instrument of Accession was signed, or the President orders it with the concurrence of the Government of the State of Jammu and Kashmir.

In the Vaishno Devi case the Supreme Court held that, Article 153 of the Constitution of India requires that there shall be a Governor for each State in whom Article 154 vests the executive power of the State. However, in practise, the Governor hardly exercises any power in her/his own discretion and always works under the advice of the Council of Ministers.

⁶⁶ Referring to the Amarnath land row, 2008. More details in Chapter 7.

In the Vaishno Devi case, the Supreme Court followed the same principle. According to the SC judgement, the executive power of the state shall extend to all matters with respect to which the state legislature has power to make law. Even in J&K, under Article 370, the status is no different. All the executive actions of the state government will be expressed to be taken in the name of the governor.

Therefore, through the Constitution (Application to J&K) orders, the President of India with the concurrence of State Government has completely diluted the original subject matters on which the Instrument of Accession was signed.

Fourthly, the issue of challenging such statutes legally, meaning either for the religious community to challenge the government for making such laws in violation of their fundamental rights under Art. 25 and 26 of the Constitution, or to enquire into the powers of such statutes, meaning whether the legislature was competent to make such laws.

While the J&K government can make such laws, several limitations exist for mounting a challenge; such as the blanket over riding of other customs, etc. if the same can be argued to be integral to religious practice, then it no longer becomes the secular aspect of religion that state is trying to control. However, for our purposes, it becomes pertinent to look at the powers of the Governor and whether he can exercise such powers in his capacity as Governor.

The schematics of the Constitution of J&K allows immense powers to the Governor such as to promulgate ordinances which would have the same force of an Act passed by the legislature. The only conditions which can get the Governor dismissed is if he holds an office of profit or if his office tenure is cancelled by the President [Sections 28, 30]. Governor of J&K is further protected from court scrutiny for exercise of his powers and duties [section 143(1)].

Therefore a legal challenge has to question the arbitrariness of the clause providing for Governor (who is ex-officio member) to dissolve and dismiss the board, unilaterally, with the members not having any appeal rights. Or situations such as when Governor's capacity as Executive head of state and Governor of J&K collides or is exposed, as was in the case of the transfer of land.

Just like in the case of the SMVDSB, the SASB Act was passed at a crucial time in the history of Kashmir, when it was coming out of a decade of armed struggle against the Indian State and a new government had just come to power. Why would India want to usurp powers of the State by creating such an Act? This was clearly the government taking one more step in the direction of defining the Kashmir conflict along communal lines rather than as a region struggling for self-determination and independence.⁶⁷

⁶⁷. The National Democratic Alliance (NDA) government was at the Centre when the SASB Act was passed. Several people in the valley report that it was after the then Prime Minister Vajpayee visited the valley after the Amarnath disaster of 1996 in which several people lost their lives due to sudden change in weather, that things started to change and the pressure increased on the State government to pass the SASB Act.

4.1.2 Role of the SASB

The Principal Secretary to the Governor is the Chief Executive Officer (CEO) of the Board. The Board is staffed with an Additional CEO and three Deputy CEOs, a Chief Accounts Officer and a Manager. The Board also hires need-based contractual staff. There are two standing bodies which meet regularly and take key decisions: High Level Committee (HLC) comprising the Principal Secretary (Home), Director General of Police, J&K, Principal Secretary (Planning & Development), Commissioner/ Secretary (Finance), and Principal Secretary to Governor and CEO, SASB,⁶⁸ as well as a Sub-Committee (comprised of the Chief Secretary and the Secretary, Department of Home, made under the directions of the Supreme Court to implements its order of 2012.⁶⁹

The Board's office in Jammu is located in the Chaitanya Ashram in Talab Tillo. While several aspects of the Act themselves violate the Constitution, locating a government office within a temple complex is inappropriate and goes against the secular nature of the State.

During the interview with Mr. Preet Pal Singh, he often said that the SASB merely coordinated the different departments involved in the Yatra. However, the Board has been consistently trying to undertake infrastructure developmental work. While some of the smaller developmental works take the form of repair/widening of track, installation of toilets and pre-fabricated huts in camps, and the clearance of snow, it is the bigger infrastructure works that are of serious concern. Some of these endeavours saw fruition, like the helipad near the cave, while others like the project to establish a cooling process in the cave failed. Some of the infrastructure works that the Board has undertaken are listed below:

- Construction of helipads along the routes to the cave. A total amount of Rs. 4,19,256 was spent over the two years from 2001– 2003, the year that the Board became operational.⁷⁰ A pilot project of a cooling system was set up in Gulmarg at a cost of Rs. 1,87,200 during the year 2004–2005.⁷¹ Due to the public controversy that it created and opposition from several quarters including socio-religious organisations, who felt it was in contravention to the spirituality of the site, the project was shelved.
- From the financial statements supplied by the SASB in response to an RTI query,⁷² it is clear that a plan existed for implementing a micro-hydel project during the year 2006– 2007, and an amount of

⁶⁸. Governor calls for timely provision of all logistic and security arrangements for Yatra. (2012). Retrieved from <http://www.shriamarnathjishrine.com/PressReleases/Mar1.pdf> in December 2015.

⁶⁹. No Yatra registration without Health Certificate; 55 day Yatra to begin on 28th June 2013. Retrieved from <http://www.shriamarnathjishrine.com/pressnoteregardingboardmeeting.pdf> in December 2015.

⁷⁰. Receipts and Payments Account for the year ended 31.03.2002 and 31.03.2003.

⁷¹. Income and Expenditure Account for the year ended 31.03.2005.

⁷². RTI response. Letter No. SASB/2014/373A/4528 dated 10.12.2014.

Rs. 64 lakhs was also granted to the Board.⁷³ From the judgement in the case of Ram Pal Bathonia vs. State of Jammu and Kashmir dated 15, April, 2005, it can be gathered that this was meant for the electrification at Baltal and cave. Financial statements received from the SASB suggest that the project has been implemented as it is included in Schedule – 3 “Schedule of Fixed Assets as on 31.3.2014”. In its 6th Board meeting, held under the chairmanship of Lt. General S.K. Sinha, the following decisions among others, were taken for the betterment of the Yatra.⁷⁴

- To provide comfortable and insulated pre-fabricated accommodation with double bunk beds, instead of tents which are mostly found in tattered conditions. Such pre-fabricated shelters were proposed to be provided for pilgrims, armed forces, SASB staff at designated sites like Pahalgam, Sheesh Nag, Panchtarni, Holy cave and at Baltal.
- To introduce public sector helicopter service at Baltal/Domail-holy cave route.
- To send an expert team from DEFO-IIT Delhi and some private concerns dealing in refrigeration system to arrive at most viable solution for retaining the formation of lingam till the culmination of Yatra. Regarding the refrigeration of the ice formation, the judgement also stated that a project report had already been prepared by the Defence Research and Development Organisation (DRDO) team at the behest of the Board.
- In its 8th Board meeting, the SASB passed a resolution to provide for the accommodation of 2500 yatris at the cave.
- In the same meeting, the Board took a decision to raise Rs. 82 crores over the next 5 years towards erection of what was described as Line of Control (LOC) type fencing, electrification including micro-hydel project, accommodation, toilets/bathrooms, bunk beds, sanitation, preservation of ice formation, road construction from Baltal to Sangam, cable car from Sangam to cave, construction of two stairs by extension of existing one, and roofing and construction of a gateway at the cave.⁷⁵ The SASB had approached the state government for transfer of land between Chandanwari and the cave for construction of shelters and bathrooms and claims that the government did not act upon it.⁷⁶

What is the need for LOC like fencing in a supposedly religious space? According to both Environment Impact Assessment Notifications (EIA) 1994 and 2006, road projects in eco-fragile region needs prior Environment Clearance (EC). Further, as per the EIA 2006, all aerial ropeways (or cable cars) need Environment Clearance from the State Government. Even as per the EIA 1996, the roads that were proposed to be constructed could not have been possible without the mandatory EC. However, neither did the SASB initiate any process for this, nor did the Judgement in the case of Ram Pal Bathonia vs. State of Jammu and Kashmir direct the Board to do so. Instead, it went a step further and directed that the state stay away from the decision making process of the Board and only engage in its implementation.

⁷³. Schedule 3: Schedule of Fixed Assets as on 31.03.2007.

⁷⁴. Judgement dated 15 April, 2005 in the case of Ram Pal Bathonia (Advocate) vs. State of Jammu and Kashmir.

⁷⁵. Judgement dated 15 April, 2005 in the case of Ram Pal Bathonia (Advocate) vs. State of Jammu and Kashmir.

⁷⁶. Judgement dated 15 April, 2005 in the case of Ram Pal Bathonia (Advocate) vs. State of Jammu and Kashmir.

\An indication of the perception that the Shrine Board has regarding its accountability towards the people of Kashmir is in the response to the RTIs filed. Apart from some basic information regarding number of yatris, number of fatalities, list of langar organisations and financial statements, the SASB abstained from giving significant information, quoting Section 2(d) of the J&K Right to Information Act, 2009, which says that only information and not opinion may be sought. On filing an appeal, the Board provided some information and continued to avoid responding to others, stating that the information is not available with them and that the applicant should contact the relevant departments directly. However, for several questions they continued to maintain that opinion was being sought and not information. One of the questions asked in the RTI is: *"Have any Committees been formed vis-a-vis the Yatra? If yes, please provide the list of Committees, their composition and terms of reference."* The SASB has interpreted Section 2(d) as being a statement giving the particulars on information sought and not a question. In what was clearly a delaying tactic, the mere construction of the sentence was objectionable to the Board.

In response to the appeal, the SASB has, among others, taken two highly problematic positions:

1. The Shrine Board was perturbed that there were 51 questions in 1 appeal and found that this was tantamount to an "indiscriminate and impractical demand" as they quoted from a decision in a case heard by the Central Information Commission (CIC),⁷⁷ which says:
"Indiscriminate and impractical demands or directions under RTI Act for disclosures of all and sundry information (unrelated to transparency and accountability of the functioning of Public Authorities and eradicating of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information."

What was the basis for unilaterally deciding that the information sought was unrelated to transparency and accountability? Some of the questions unanswered were linked to impact assessments of the Yatra and environmental sustainability. Are these not also linked to the laws of the land that the Board is obliged to follow?

2. Refusal to forward the RTI to the relevant Public Authority if information sought is not available with the Board. The conduct of the Yatra and therefore coordination of all departments is the responsibility of the Board, yet, if anyone in Kashmir would like to seek information related to the Yatra, they would need to write to 30 different departments. By not being willing to facilitate the process, the Shrine Board refuses to be accountable for the different departments that are put to work for the Yatra.

Another example is in the instance when Prof. Shakeel Romshoo, Department of Earth Sciences, University of Kashmir, who said that *"I had attempted to conduct a study on the environmental*

⁷⁷. Decision no. CIC/SG/2011/0036061/17258/VS/42671 dated 05.08.2013 quoted a Judgement of the Supreme Court in case CBSE vs. Aditya Bandopadhyay.

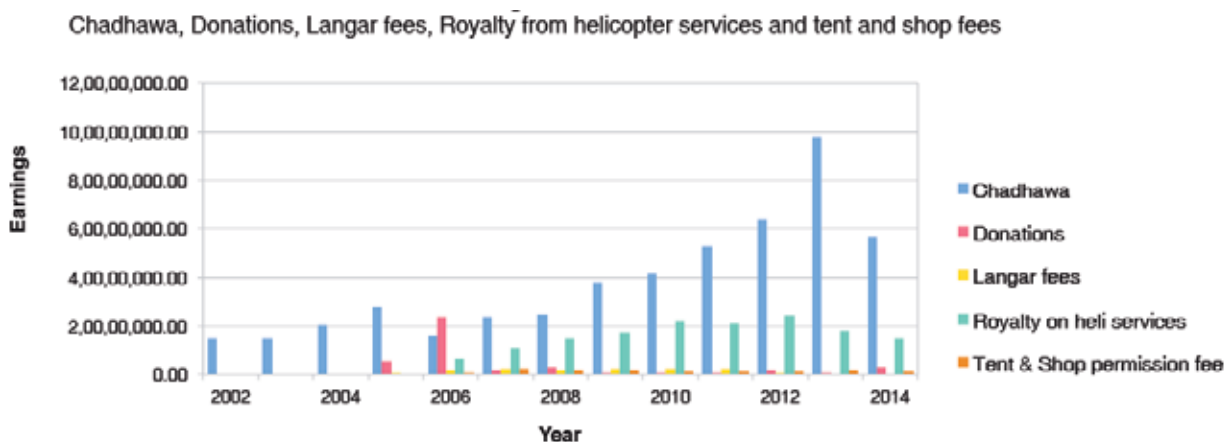
impacts of the region beyond Chandwanwari on route to the cave. My students and I were stopped at Chandanwari and prohibited from going further. The authorities at the access control gates said that permission is needed to go beyond the access control gates during the Yatra. I spoke with senior officials in the Governor's office but was unable to secure the necessary permissions. Finally my team and I had to return without being able to conduct the study". Several Kashmiris shared that the only Kashmiris who are allowed to go beyond the access control gates during the Yatra period are the Kashmiri service providers.

4.1.3 Finances of the SASB

At the time of passing the SASB Act, it was decided that the customary rights of the four claimants of the earnings would be settled with a one-time payment which would be decided by a Tribunal set up for this purpose, which seems to have arrived at a decision during the year 2003-04. The financial statements of the Board reflect payments due to Deependra Giri, Dashnami Akhara (Rs. 1.02 crores settled in 2005-06), Mattan Sabha Purohits (Rs. 68.29 lakhs settled in parts, with a balance of Rs. 11,73,900 reflected in financial statements of 2013-14), Ganeshpura Purohits (Rs. 34.14 lakhs settled in parts by 2007-08) and the Mullicks of Batkote (Rs. 1,11,760 settled in 2009-10). With this one-time payment, all earnings of the Board are its own, free to be used as they wish.

Below is a graph representing the Board's income in 4 categories. The Board also gains income from other heads like renting of pre-fabricated huts in the base camps, registration fees and others. However, only those heads which either brought in significant earnings or had significant implications have been selected for the purpose of analysis here. The data below does not therefore indicate the total income of the Board.

9. Key Earnings of SASB (2002 - 2014)



As mentioned in the previous sub-section, the Board in its 6th meeting had many lofty plans for increasing infrastructure linked to the Yatra. It had also decided to raise Rs. 20 crores from socio-religious organisations.⁷⁸ It seems that mobilisation of this money was on-going and could be a reason

⁷⁸. Judgement dated 15 April, 2005 in the case of Ram Pal Bathonia (Advocate) vs. State of Jammu and Kashmir.

for the inordinately high donations received in 2006. It is also in the same year that we see that the Board started collecting a fee from langar organisations and tent and shop owners. In an interview with SABLO, an association of langar organisations involved in the Amarnath Yatra, the Secretary of the association shared they were unhappy with the fee that the SASB was charging, especially since they believed that they were serving the Yatra by providing free food (of course completely ignoring the environmental impact of their presence on the Yatra route) and that they had put a lot of pressure on the Board to withdraw the fee. Accordingly, from 2011 onwards the SASB has stopped collecting this fee from langar organisations. Thus langar organisations accessing water and electricity free of cost and not having to pay rent for the land that they occupy clearly shows the extent to which the State subsidises them. This subsidy is however not accessible to the tent and shop owners (mostly Kashmiris), who continue to pay a rent to the Shrine Board.

4.2 Government of Jammu and Kashmir

4.2.1. District Administrations – Anantnag⁷⁹ and Ganderbal

People of Pahalgam, Sonamarg and Sarbal (near Baltal), spoke of how during the Yatra months, the focus of the district administration is on the Yatra. Officials from line departments in the district are deputed to the Yatra or are meant to service the Yatra. This affects the general administration of the district.

In 2013, as per the SASB's High Level Committee's recommendations, 12 civil officers and 12 police officers were deputed to the SASB for the Yatra period as Camp Directors / Additional Camp Directors and Additional Camp Directors respectively.

Officials from the Ganderbal district administration, including the Addl. Commissioner, Addl. Deputy Commissioner, Asst. Director, Asst. Commissioner, SDM, Tehsildar, Naib Tehsildar, other state officers, were deputed at the Baltal camp in 2015. Out of the sixteen officials, two were on deputation for the entire duration of the Yatra and five for two weeks, with the remaining nine deputed for a week each. Additionally nine officials (including the Tehsildar and Naib Tehsildar), were deputed to the Manigam camp. The Tehsildar of Lar was on deputation for 5 weeks in the Manigam camp with another 4 officials deputed for 2-3 weeks.⁸⁰ In addition to the deputation of officials, other staff from the district administration are also diverted for Yatra responsibilities. Further, about 30 departments are involved in the conduct of the Yatra and representatives of most of these are in the camp for the entire time. This seriously affects regular work of the administration. For example several people of Pahalgam complained that during the Yatra, there is only one doctor available at the government hospital. Since senior officials like Tehsildars and Addl. and Deputy Commissioners are also busy with the Yatra, key decisions linked to the district and tehsils are postponed for after the Yatra. A senior

⁷⁹. Very little information is available for Anantnag district, as we have not received any response for the RTI filed. The only information available is based on an interview with senior district official.

⁸⁰. Order No. 47 – DCG of 2015 Date: 11/06/2015 Office of the Deputy Commissioner Ganderbal. Retrieved from <http://www.ganderbal.nic.in/> in December 2015.

official in Islamabad shared people's concern regarding delays in the administration of the district and described this to be the biggest problem caused by the Yatra. This has caused discontent among the people as the Yatra is seen as a roadblock to their development.

Post the 2012 judgement of the Supreme Court in case WP (Civil) 284/2012, each district is required to have a Disaster Management Plan ready before the start of the Yatra every year. These plans contain detailed Standard Operating Procedures (SoPs) in case of different kinds of crises, and the documents are available on the relevant district websites. While the Ganderbal website displays a district-specific Disaster Management Plan, operational even outside the context of the Yatra, the website of the Anantnag district does not have any plans for the support of local residents in times of either man-made or natural disasters. It almost seems like there are different standards for infrastructure, safety and protection of yatris and for the people of the valley, again underlining the fact that the Shrine Board is indeed a State within the State.

The Ganderbal district administration, which has been involved in the administration of the Yatra since 2007 does not appear to incur any expenses on account of the Yatra, as they are all borne by the SASB, which releases money to the departments through the state government. However while it was not revealed in the RTI responses, it appears that the Ganderbal district administration is also involved in repairing roads in preparation of the Yatra as a document with status update of repairs of roads is available on the district website. Therefore, infrastructure development for the Yatra also seems to be a responsibility of the district administration.

In Ganderbal district, 284 kanals, 17 marlas⁸¹ (56 kanals, 16 marlas proprietary and 228 kanals, 01 marlas state land) are being used by the Yatra for pitching tents, langars and shops. The SASB has been paying rent for the usage of the privately owned land. Payment for government land has been withheld since there is a dispute between the land owners and forest department over the title of the land.⁸²

4.2.2. Pahalgam and Sonamarg Development Authorities (PDA and SDA)

The PDA is responsible for maintaining the 32 km track from Chandanwari to the cave by clearing snow, avalanches, and slips, as well as for the construction of rocks and boulders (R/B) wall, and the relaunching of timber decked culverts enroute the Yatra track. Thirty pre-fabricated huts are being erected at Chandanwari, Sheshnag and Panchtarni for accommodation of Yatra related departmental staff/yatris. The PDA is also responsible for the sanitation of the track from Chandanwari to the cave, with the specific role of bringing back waste and litter to the dumping ground in Pahalgam.⁸³

81. 20 marlas make 1 kanal. 8 kanals make an acre.

82. RTI response from SASB dated 26/12/2014.

83. RTI response from Office of the CEO, PDA, Pahalgam. Letter no. RTI/2714-15 dated 16/12/2014.



PDA Clearing track

The SDA has a more limited role in the Yatra by way of providing logistic support for conduct of Yatra by arranging public conveniences, sanitation and other basic facilities for the incoming yatris at its own expense.⁸⁴

The role of the PDA starts well before the Yatra begins as it has to clear the Yatra route from Chandanwari onwards. Besides, there is rainfall and sometimes snowfall on the Yatra route for the entire period of the Yatra and labour are seen constantly working on this route. The people of Pahalgam however allege that there is no transparency in the entire process. Though tenders are called for, money changes hands, and tenders are awarded to pre-determined persons. People also shared that there is an approximately 20% mark-up in the number of people employed and that the per-day labour charge that is claimed from the government is not actually paid to the labour. One person said that while the actual bill might be for Rs 40,00,000, but the PDA raises a bill of Rs 300,00,000, with the remaining money going into the pockets of the officials.

4.2.3 Department of Tourism

The Department of Tourism is meant to install/erect prefabricated shelters en route from both Baltal and Pahalgam sides. Providing washing / bath / toilet facilities at Qazigund base camp at Shadipora and Manigam is also the responsibility of the Department of Tourism.⁸⁵

⁸⁴. RTI response from Sonamarg Development Authority. Letter dated 03/12/2014.

⁸⁵. RTI response from Office of the Deputy Director (M&W), Srinagar. Letter no. MW/2610/TD.

The tourism office in Pahalgam sets up information counters along both Nunwan and Baltal routes to the cave. Some officials are also deployed at the Joint Police Control Room (JPCR) so that information can be relayed to the information counter. Additionally, the Cloak Room facility in Nunwan is run by the Department.⁸⁶

The Tourism Resource Centre (TRC), Srinagar provides information, has counters for spot- registration of yatris, depute staff for registration of yatris, publish rate cards of different services available with regards the Yatra, with Do's and Don'ts to be followed, and print and install banners/hoardings and distribute Yatra material like relevant literature to yatris free of cost.⁸⁷

In response to an RTI filed, the Department of Tourism stated that it does not regulate the Yatra in any form.⁸⁸

4.3 Indian Armed Forces

A 3-tier grid security is provided for the Yatra. The primary responsibility for providing security lies with the Indian Army. However, several other military and para-military forces support this process. They include: Border Security Force (BSF), Indian Reserve Battalion (IRB), Indo-Tibetan Border Police (ITBP), State Disaster Response Fund (SDRF), National Disaster Response Fund (NDRF), Mountain Rescue Team (MRT) and Anti-Terrorism Squad (ATS) of the State Police, as well as those of the Traffic Police, Security, CID and Armed Police. Coordination of all these institutions is done by a Joint Police Control Room (JPCR). This section presents the role of each of these institutions in the Yatra.

Area domination on the mountain ranges is the first tier of deployment. The second tier of deployment is the Road Opening Parties (ROP) which ensure safe passage for the yatris and the third tier is security at camps en route to the Cave, including frisking of yatris and their baggage.



Camp of the Indian Armed Forces between Sangam Top and Brari Marg

⁸⁶. RTI response from the Office of the Assistant Director, Tourism, Pahalgam. Letter no. RTI/12/473/TOP dated 25/11/2014.

⁸⁷. RTI response from Office of the Tourist Officer, TRC, Srinagar. Letter no. TRC/02/DTK/005 dated 22/11/2014.

⁸⁸. RTI response from Office of the Tourist Officer, Sonamarg. Letter no. Est/011/TOS dated 01/12/2014.

The table below shows the number of personnel deployed across the different agencies. This is in addition to the already existing army camps en route to the cave:⁸⁹

KZ: Kashmir Zone, JZ: Jammu Zone, L Cts: Lady Constables, Lds: Ladies, Coy: Companies

Year	CRPF	Armed Police	BSF	IRB Haryana	ITBP	Distt Police	Total Personnel (Approx.)
	27 Coys (KZ) 11 Coys (JZ)	16 Coys (KZ) 15 Coys (JZ)	25 Coys (KZ) 02 Coys (JZ)			758 men (KZ)	11558
2010	37 Coys (KZ) 11 Coys (JZ)	10 Coys (KZ) 10 Coys + 45 L Cts (JZ)	28 Coys (KZ)	05 Coys (KZ)	02 Coys (JZ)	275 men (KZ)	13910
2011	38 Coys (KZ) 12 Coys (JZ)	27 Coys + 50 Lds + 2 L&O L/ Compts (KZ) 09 Coys (JZ) + 50 Lds + 2 L&O + L/ Compts	22 Coys	05 Coys (JZ)	02 Coys (JZ)	100 men + 9 ladies (KZ)	15734
2012	53 Coys (KZ) 13 Coys (JZ)	40 Coys	19 Coys (KZ)	05 Coys		35 Coys	20798

Table 5: Deployment of armed forces

⁸⁹. Report of the SHPC, (2012).

Below is an attempt to present the division of personnel of the armed forces across different camps.⁹⁰ Two different responses have been received in response to RTIs filed, therefore though the data is for year 2014, information received as been reported separately.

Details of persons deployed at the base camp and along with routes – Baltal:

HG: Home Guard, NGO: Non-Governmental Organisations, P Dy. SSP: Police Deputy Superintendent of Police

Force	Status / Remarks (2014 data) ^{1*}	Status / Remarks (2014 data) ^{2*}
SP	03	
Dy. SP	07+03 P. Dy. SSP = 10	
CRPF	18 Coys	12 Coys
CRPF Mahila Battalion	02 Platoons, 01 Sec (07 Sections)	
BSF	07 Coys	07 Coys
Armed Police	09 Coys (542 men)	07 Coys
Army	Data not provided	Data not provided
Women Armed Police	01 Coy (48)	
District Police	NGOs=40, others = 350 men	
District Police Lady	10 personnels	
Bomb Disposal Squad	03 persons	
Dog Squad	02 persons Baltal	
HG Volunteers / HG (MRTs)	03 teams (43 men)	
SDRF	To be deployed by ADGP Armed J & K	
NDRF (S & R Team)	01 team (45 men)	45 men

Table 6: Deployment of armed forces in Baltal-Cave route

^{1*} RTI Response from the Office of the Addl Superintendent of Police, Ganderbal. Letter no. ASP/RTI/2014-1341-42. Dated 20.12.2014.

^{2*} RTI Response from the Office of the Dy. Supdt. of Police Hqrs. Ganderbal. Letter no. HQR"s/RTI/2015-5908-09. Dated 29.08.2015.

⁹⁰. Compilation based on RTI data. However, Office of the Dy. SP, Hqrs, Anantnag refused to disclose information under section 8 (a) of the RTI Act, 2009 on grounds that "it would prejudicially effect the sovereignty of India, the security, strategic, scientific or economic interests of the State or lead to incitement of an offence".

Force	Numbers
CRPF	03 coys
JKAP	1 coy
Local police	08 men

Table 7: Deployment of armed forces at Transit Camp, Manigam

Personnel of the armed forces at Transit Camp, Manigam:⁹¹

In 2014⁹² nearly 900 officials, including 50 lady constables were deployed on the Pahalgam route.

According to Mr. Atul Karwal, IG, CRPF, the number of personnel deployed in the year 2015 was approximately 30,000, of which half was CRPF deployment. However, based on a presentation made by the CRPF to the SASB in preparation of the 2014 Yatra, it seems that 50 companies plus two platoons⁹³ (8950 persons) were deployed merely for the southern route (Pahalgam), from Mir Bazar, to the cave. This number includes deployment of the CRPF, Infantry and RR Companies, and BSF, but does not include the J&K Police.

The deployment mentioned above is in addition to the deployment of the Indian Army. Overall responsibility of security for the Yatra is with the Victor Force, headquartered at Awantipora. All army units and their subsidiary camps en route to the cave are also handed additional responsibility for the Yatra. For example at Ganderbal (5RR), Wussan (24RR) and at Gund (118 BN CRPF), camps that already exist in the Ganderbal district (Baltal route) and are given additional responsibility during the Yatra period.



Camp of the Indian Armed Forces at Wavbal

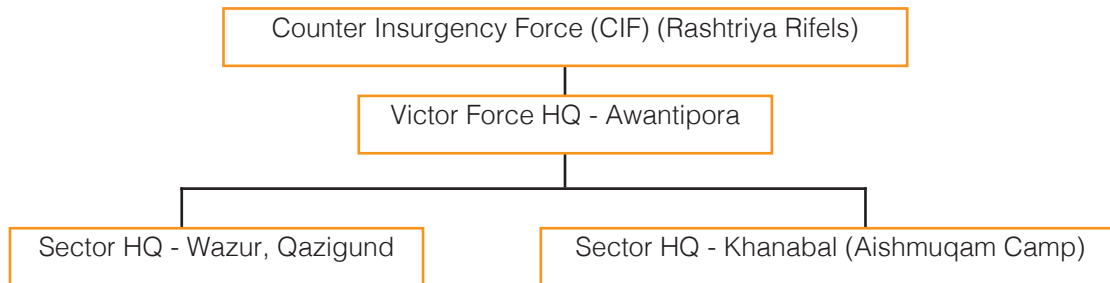
⁹¹. RTI response from the Dy. Supdt. Of Police Hqrs, Ganderbal. Letter no. HQR"s/RTI/2015-5908-09 dated 29.08.2015.

⁹². RTI response from Dy. Superintendent of Police, Anantnag. Letter no. HQA/RTI-15/2014/72 dated 03.12.2014.

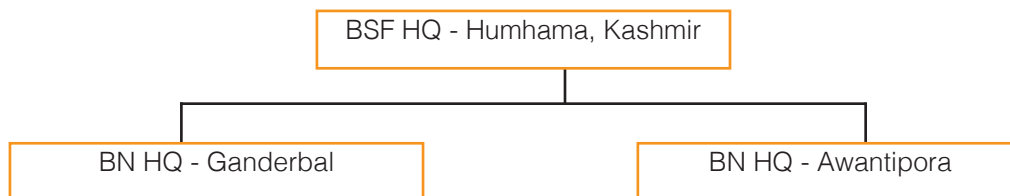
⁹³. A slide in a powerpoint presentation made by the CRPF to the SASB in preparation of the 2014 Yatra.

The BSF and the Indian Army are responsible for the 1st tier of protection, and position themselves at strategic high points in the mountains, especially in the upper reaches of the Yatra route. Below are details of relevant army units which are activated for the Yatra: ⁹⁴

Deployment of Army in Kashmir Region during Amarnath Yatra



Deployment of BSF in Kashmir Region during Amarnath Yatra



We did try to attempt to calculate a ratio of armed forces to yatris, but given the number of army camps along the route, and the multiple agencies involved, this has not been possible. An RTI filed to get this information did not yield results since the concerned agency ⁹⁵ refused disclosing information quoting reasons of national security.

In the 2nd tier of protection, the CRPF is responsible for the Road Opening Parties on the road from Jammu to Srinagar. The CRPF is responsible for nearly 90% of the ROPs from Srinagar to Baltal on the northern route, and Srinagar to the cave on the southern route. The remaining is being taken care of by the ITBP and SSB. In the northern route, from Baltal onwards, the responsibility for ROPs is with the BSF. Mr. Atul Karwal shared that there are about 60 personnel manning a 3-5 kms stretch. These men walk the stretch on both sides of the road both at first light and at last light to check for the presence of Improvised Explosive Devices (IEDs). They are also located at vantage points, watching the road so that there are no attacks on the road when the Yatra is on.

⁹⁴. Mr. Preet Pal Singh, Addl CEO, SASB shared that 2 full time deployments of the army camp in Aishmuqam are activated for the Yatra.

⁹⁵. RTI response from the Office of the Deputy Superintendent of Police, Headquarters, Anantnag. Letter no. HQ\RTI-15\2015\3803-3 dated 14.09.2015.

When the yatri convoys move between the first base camp in Jammu until Nunwan / Baltal, they are accompanied by armed personnel who are stationed at the head, in the middle and at the end of the convoy.

All the camps set up by the SASB are protected by the armed forces. The CRPF in particular moves to the location of the camps 45 days before the opening of the Yatra to secure the area. Security of camps in the upper reaches is the responsibility of the BSF and the Indian Army.

The Jammu and Kashmir police play a key role in the 3rd tier of security. They have the specific responsibility of:⁹⁶

1. Access control at each camping site
2. Frisking / checking of the belongings of yatris and their personal search
3. Maintenance of law and order within the camp established for yatris and en-route the cave
4. Report any offence within the camp established for yatris and other places to the concerned officers for taking cognizance of the offences
5. Provide all required necessary assistance to yatris and all others persons with the help of all other armed forces
6. Verify the particulars / permissions of yatris, horse owners, porters, tent owners and other employees from different departments and civilians associated with the process of the Yatra

In 2015, CCTV cameras were positioned in different locations of the Baltal camp, the footage of which was relayed to the IG, CRPF and the CRPF Directorate in Delhi. This project which cost Rs 20,00,000 was also an outcome of the conflict that erupted in the camp in 2014, when a fight broke out between some langar organisations and tent owners leading to a breakout of fire and gutting of several langars and many more tents, and to ensure timely intervention in the future.

In recent years, additional measures like night domination have been initiated. Extra resources have been mobilised for this, including additional vehicles from Srinagar. According to Mr. Karwal, deployment is based on threat perception, which he also believes is real. The experience on the ground says that the number of attacks on armed personnel in Kashmir has been reducing. While the total fatalities linked to attacks on the armed forces in J&K in 2001 were 4507 persons, the number steadily declined and was reported as being 174 persons in 2015.⁹⁷ In the 1990s, there had been a call for the boycott of the Yatra, by different armed groups struggling for independence. The pro-independence groups in Kashmir have also increasingly taken a stand favouring the conduct of the Yatra and have only objected to its extended duration.

⁹⁶. RTI response from the Office of the Additional Superintendent of Police Ganderbal. Letter no. ASP/RTI/2014-1341-42 dated 20.12.2014.

⁹⁷. Retrieved from <http://www.satp.org/satporgtp/countries/india/database/indiafatalities.htm> in January 2016. Retrieved from <http://www.satp.org/satporgtp/countries/india/states/jandk/> in November 2015.

Where then does the threat perception come from? Every year, a few weeks before the Yatra, there are reports in news papers about intelligence received regarding an impending attack on the Yatra. This is used to increase the number of armed personnel deployed on the Yatra route. Further, any attacks on the armed forces or state machinery, either before or during the Yatra, is seen as directed at the Yatra.⁹⁸ The vagueness of the reportage, the aura of mystery surrounding these reports and the timeliness of these incidents vis-a-vis the Yatra, forces one to wonder if these are planted incidents to justify the continued and increasing presence of the armed forces during the Yatra. Lately, in 2013 and in 2015 the army launched a security operation code named Operation Shiva, which includes a Rashtriya Rifles unit specially allotted with the responsibility of the Operation, Unmanned Aerial Vehicles (UAVs) for surveillance of Yatra route and cave shrine, Infantry Unit of Army, companies of Paramilitary Forces, CRPF and BSF for combing of forests located along the Yatra track. In 2016, surveillance has been increased with the introduction of drones for aerial security and crowd management at the base camp in Jammu.⁹⁹

The Special High Powered Committee, in their 2012 report held a simplistic view that deployment is based on the number of yatris and that this has increased each year with the increasing number of yatris, and that this will continue in the subsequent years.

Another supposed threat perception is linked to the camps where there are a large number of Kashmiri service providers like the tent owners, horse owners, porters and shop owners on the one hand and langar organisations and the yatris from India on the other, causing the atmosphere to be volatile.

Mr. Atul Karwal, said, *“there have not been any significant yatri – service provider conflict. On the contrary the armed forces are from the same society as the yatris and the rest of India and therefore have attitudinal issues towards Kashmiris. Holding them in check, given the long hours of work and difficult weather conditions do prove to be a challenge. Further, the forces remain in the region for 2-3 months and work without a break. Keeping morale up and negative biases at bay is a struggle that the forces are faced with. One way to address this is by having daily briefing sessions.”*

The experience of the team has been that the forces participate in antagonistic behaviour along with the yatris.

Yet, a formal responsibility of the CRPF is the protection of the langar organisations (bhandaras) and not for all service providers. The CRPF does not hesitate to take sides, as is seen in the case of the Baltal conflict in 2014.¹⁰⁰ Apart from cases of extreme conflict, nationalist bias of the armed forces are seen in their day-to-day interactions with Kashmiri service providers, some of which are enumerated below.

⁹⁸. Media interpretation of the attacks in Gurdaspur in July 2015 and the subsequent nabbing of people to have been reported as being ‘terrorists from across the border’ were seen as a botched attempt to actually target the Yatra.

⁹⁹. Drones keep a watch as Yatra begins. (2016). Bangalore Mirror.

¹⁰⁰. Discussed in Chapter 7.

According to Mr. Karwal, as the days progress, a tense atmosphere does prevail, especially in Baltal. He attributes this to the large number of both Hindus and Muslims present in the camp and economic competition between the two communities. The langar organisations feel antagonistic towards the shop owners since they aspire to provide all basic necessities to the yatris. Further, the shop keepers who are outside the camp boundaries sell materials that are otherwise prohibited to be distributed by langar organisations, like soft drinks and cigarettes. Several langar organisations interviewed, including a representative of the SABLO, shared that they find this discriminatory. The langar organisations said that they would like to offer accommodation facilities as well to the yatris.¹⁰¹ The SASB has been clear that this would lead to loss of income for tent owners and have thus prohibited langar organisations from providing accommodation in the camps. This simmering tension often erupts into fights between the service providers, with the majority of them being divided between the two different communities. Containing these situations becomes the responsibility of the armed forces, especially the CRPF, since they are the primary agency for the security of the camps. The CRPF however, is not free of bias.

Mr. Nalin Prabhat, IGP, CRPF, in an interview admitted that among the yatris, there are also some unruly elements, and keeping them in check, and maintaining the sanctity of the Yatra is a challenge. However, this is not seen as a critical security challenge!

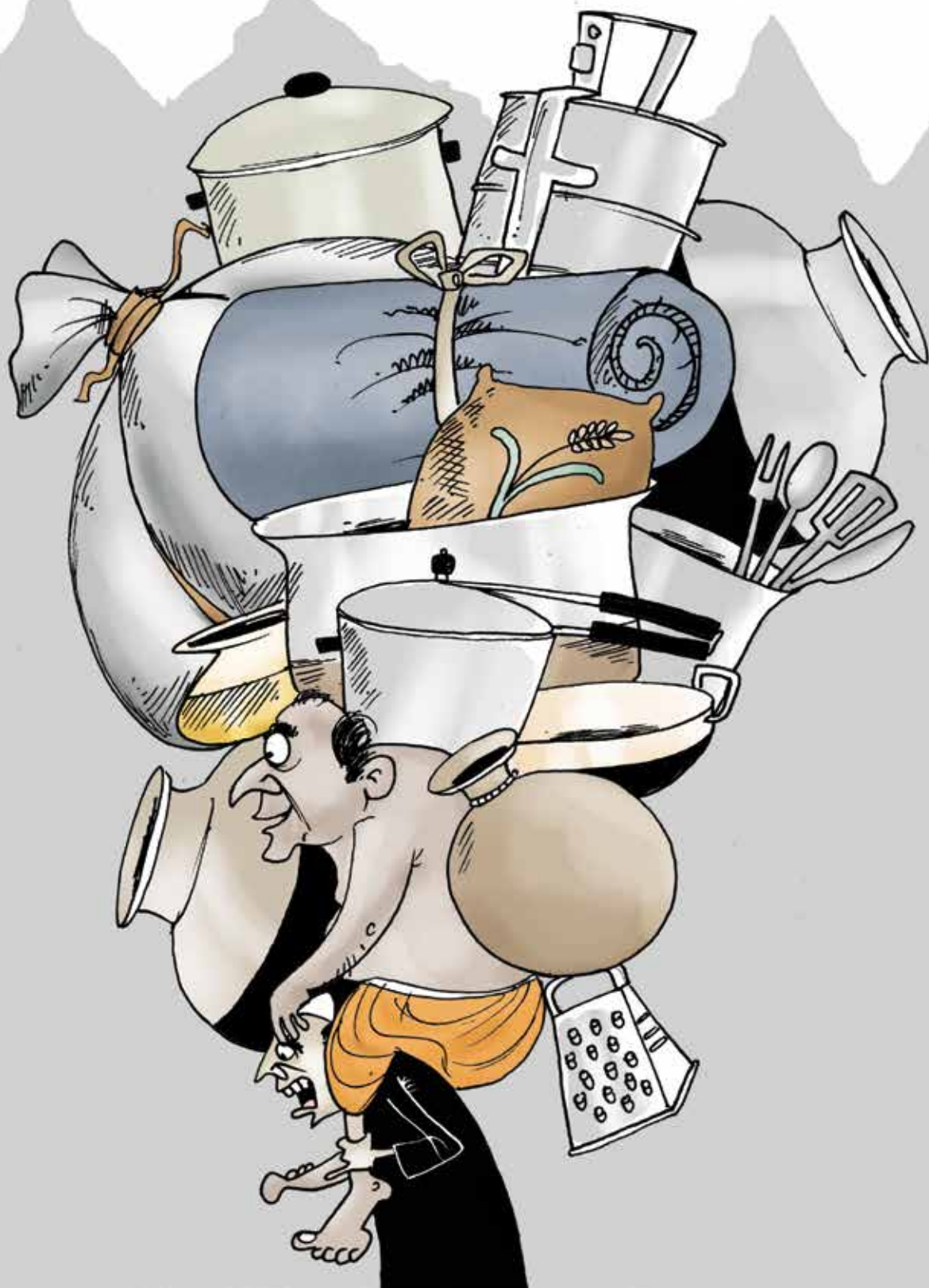
Based on roles played by the different institutions, it appears that the state government has the least influence on the conduct of the Yatra. It is really the SASB – a body under the direct control of the Governor and the armed forces – under the control of the central government, which dictate and decide on almost all aspects of the Yatra.

In the case of Amarnath Yatra, more than any site of pilgrimage in India, the boundaries between the State and religion has blurred. The collusion of the State and its armed forces to keep this nationalist project alive is more than evident in the way democratic structures have been kept out of the decision making processes. If the separation of the state and religion was sacrificed with Dogra patronage to the Yatra, then the Indian state has taken that a step forward. Summing up is a quote by Jagmohan, who could be considered the person instrumental in probably wiping out the difference between state and religion in J & K:

*“The significance of the pilgrimage, however, does not end at the personal level. It extends to the much larger issue of cultural unity and vision of India from Kashmir to Kanyakumari, from Kathiawar to Kamrup. Its importance as an underlying integrating force needs to be recognised.”*¹⁰²

¹⁰¹. Political economy of langars is discussed in Chapter 5.

¹⁰². Jagmohan (2010). *Reforming Vaishno Devi and a case of Reformed, Reawakened and Enlightened Hinduism*, Rupa & Co., New Delhi.



Chapter 5: Non-State Actors: Institutionalising Differences

As has been suggested in the previous chapters, the logistics for the Amarnath Yatra amount to nothing short of the setting up of several connected temporary townships. While the government machinery provides for basic amenities, travel and food are left to the non-state actors, what the SASB calls private service providers. The other significant category of non-state actors are the socio-religious organisations who influence key decisions regarding the Yatra, as seen in Chapter 1, and who also mobilise people to participate in the Yatra. In this chapter we look at the non-state actors, who they are and relationship between the state and non-state actors.

5.1 Service Providers

1. **Unorganised labour:** Tent-owners, horse owners, porters, shop owners
2. **Organised sector:** Travel agents and tour operators, helicopter service providers and the langar organisations form the business class, who gain the most economically and who are mostly non-Kashmiris (Indians and some from Jammu).

5.1.1 Unorganised Labour

5.1.1.1 Tent owners

Accommodation at the base camps and camps in the higher reaches is primarily provided by tent owners who come from adjoining areas of Pahalgam and Sonamarg. Permissions to pitch tents are given by the District Commissioner after police verification is conducted. Permissions are granted on an annual basis, with the understanding that those who regularly pitch their tents would be given preference. Each tent owner pays a fee of Rs. 100 to the SASB. The SASB allocates designated space in the camps for tents to be pitched. Tents are not allowed to be pitched outside the camp boundaries. All camps have a rotation system, which is managed by an association of tent owners. This is not a registered association, nor does it conduct any business or activities outside organising the rotation system. The rates¹⁰³ for the tents are fixed by the SASB, without engaging in any discussion with the tent owners. When a yatri reaches a camp, they can either directly negotiate with a tent owner or approach the association. In case the association is approached, tents are allocated on rotation system, the fixed rate is charged and money is paid to them, and they in turn disburse the money to the relevant tent owner. Since the cap on the number of yatri who can undertake the Yatra has been restricted to 7500 per day from each route, there has been no review of the number of tent permits issued. This has meant that there are more tents than yatri. Often yatri take advantage of the excess

¹⁰³. Rates prescribed by SASB for tents, hire of pony, labour and dandi in Annexure IV – Yatra Expenses, 2015.

supply and negotiate for rates lower than SASB determined rates. Tent owners, who believe that the prescribed rates are themselves inadequate, and would rather not negotiate for a lower rate, are often forced to do so since they would rather earn some money instead of nothing at all.

	Location	No. of tents	No. of shops	Total no of tents and shops
1	Baltal Axis (A)			
	i. Baltal	1570	27	1597
	ii. Domail	4	50	54
	iii. Railpathri	1	22	23
	iv. Brarimarg	3	48	51
	v. Sangam Top	0	19	19
	vi. Holy Cave	304	60	364
	Sub – Total (A)	1882	226	2108
2	Pahalgam Axis (B)			
	i. Nunwan	640	37	677
	ii. Sheeshnag	1600	56	1656
	iii. Panchtarni	1250	46	1296
	iv. Holy Cave	334	59	393
	Sub – Total (B)	3824	198	4022
	Grand Total (A+B)	5706	424	6130

Table 8: Number of Tents and Shops in 2013¹⁰⁴

Tent owners face several challenges at different levels, right from the time of permits being issued to setting up of tents and during the Yatra itself. The tent owners need to provide police verification certificates issued by the police station under whose jurisdiction their village falls. Several tent owners feel intimidated by this since they have to prove that they are not a threat to the Yatra, despite it being in their own region, while the yatris who come from outside the region are not subject to such a verification. Another grievance of the tent owners is that they are not allowed to pitch their tents well in advance of the Yatra's commencement, and are allowed to reach the camp sites only 4 days prior to the start of the Yatra. According to the tent owners, this does not give them enough time to set up the place before the Yatris start arriving. They also feel that if the army is allowed to go 15 days in advance, they should also be allowed to do so, which would give them the time to get up tents and be prepared by the time the first batch of yatris start arriving.

¹⁰⁴. Shri Amarnathji Shrine Board. (2013). A Report on Shri Amarnathji Yatra.

The other major grievance is that the formation of the SASB has hit the potential income that the tent owners could make during the Yatra, since, earlier they used to provide necessities like tent, firewood as well as water. With the SASB taking responsibility of the basic amenities, the potential earnings of the tent owners have been curtailed.



Shops in the Sheesh Nag camp

5.1.1.2 Horse owners, dandi-walas¹⁰⁵ and porters

The Yatra terrain being a difficult one, several people opt to hire a horse or palanquin (locally referred to as dandi) for travel on the route. Several others who prefer to walk, hire porters (locally referred to as pithoos) to carry their luggage.

¹⁰⁵ Dandis are palanquins and dandi-walas are those who carry the yatri on a palanquin. In the context of the Amarnath Yatra, each dandi is carried by 6 people.



Porter carrying cylinder

As in the case of tents, permits are issued for all three groups of people. However, the SASB views these groups as labour and accordingly permits are issued by the Department of Labour. In the case of horses, an additional document is to be obtained from the Directorate of Animal Husbandry since only those horses registered with the Directorate are allowed to operate during the Yatra. The horses are assessed by staff of the Directorate of Animal Husbandry who certify that the horse is fit to carry people / materials on the Yatra route.¹⁰⁶ According to an RTI response from the Department of Labour 9613 horse owners 7954 dandi-wallas and 5999 porters have received licenses / permits in 2015.¹⁰⁷ However, according to the Directorate of Animal Husbandry, 11760 horses had been registered in 2015. Again, as in the case of tents, rates for hiring of horses, dandies and porters is fixed by the SASB without any consultation with the people involved in these activities.¹⁰⁸ As in the case of tents, yatris tend to bargain rates with the horse owners as well, reducing their earnings.

¹⁰⁶. RTI response from the Office of the Dy. Labour Commissioner, Kashmir. Letter no. DLC/K/2015/549-50 dated 1.09.2015.

¹⁰⁷. RTI response from the Office of the Dy. Labour Commissioner, Kashmir. Letter no. DLC/K/2015/549-50 dated 1.09.2015.

¹⁰⁸. Details of rates for 2015 in Annexure IV – Yatra Expenses 2015.



Dandi-walas waiting for yatris at Panchtarni

Majority of the horses owners hail from Anantnag, Ganderbal, Rajouri, Poonch, Ramban, Reasi, Kathua and Kupwara districts. According to the horse owners of Pahalgam, 2000 horses owners hail from the town. While the porters are primarily from Poonch, Rajouri and Doda districts.



Horse owners at Chandanwari, waiting to transport yatris

The horse owners of Pahalgam believed that they did not benefit too much from the Yatra since the rates fixed do not allow for too much profit over and above the expenditure incurred on feeding the horse and for accommodation and food for the owners. There are no facilities provided for the horse owners, dandi-walas and porters along the route. Department of Labour has constructed some sheds in the camps in the upper reaches, which were open for use by these three groups. However, for the past few years, the armed forces have occupied these spaces and the horse owners, dandi-walas and porters are left to their own means to find shelter and food. They often stay in the shops in the camps by paying an amount of Rs. 50 – 60 per night. The horse owners of Pahalgam say that they are able to retain only about 10% of their total income since the rest is spent on living expenses for themselves and the horses. Horses are insured for a sum of Rs. 30,000 in case of death, or in case of accident, the amount paid to the horse owner is determined based on extent and nature of injury. In 2014 Rs 20.65 lakhs was paid to 95 owners who lost their horses. This averages to Rs. 21,736 per person assuming all got the same amount. However, the horse owners believe that this amount is inadequate since purchasing a horse costs a lot more. The Post Yatra Review, 2014 suggested that there is a need for a fodder store at Sheshnag, upgradation of the animal husbandry clinic at Chandanwari and the setting up of a clinic at the cave.¹⁰⁹

For the horse owners of Pahalgam, the Yatra is a liability also from the perspective of tourism. Horse rides are a big highlight of tourism in Pahalgam since there are established and well known horse tracks in and around Pahalgam. Since the number of tourists drops during the Yatra, they are unable to earn from tourism, which they say brings them greater profits in comparison to the Yatra. Also, only 5% of yatris from the Pahalgam route opt to go sight seeing and hire horses for the same. According to the horse owners, the SASB was a cause for their decreasing income as earlier they used to negotiate rates directly with the yatris, but are now forced to accept the SASB mandated rates. Increasingly, the Pahalgam horse owners, who were one of the first to offer this service for the Yatra, are choosing not to operate. Gujjars from the plains who used to bring livestock to graze in the mountains in the summers, are now getting into the hire of horses for the Yatra.

5.1.1.3 Taxi Owners

In Pahalgam, taxis are used by yatris to travel from the Nunwan camp to Chandanwari (a distance of about 18 kms.), from where the Yatra is undertaken by foot. About 150 – 175 people own the 300 taxis in Pahalgam. These taxis are primarily used by tourists and locals, which are then put to use during the Yatra period. The rate that has been fixed for dropping yatris from Nunwan to Chandanwari is Rs. 150. However, the taxi drivers in Pahalgam shared that they even ply yatris for Rs. 100 since several of them are poor and cannot afford to pay the pre-determined rate of Rs. 150. The approximately 5000 sadhus who go on the Yatra are not charged at all. The taxi owners are irked that SASB takes the credit for ensuring that the sadhus undertake the Yatra without incurring any costs and do not reveal their role in this.

¹⁰⁹. Minutes of Post Yatra Review Meeting (PYRM), held at 1430 hours on 13th August 2014 at Raj Bhavan, Srinagar.

As in the case of the other groups within the unorganised sector, rates are fixed by the SASB without any consultation with the people. This has meant that providing services in the Yatra is not too profitable. For example it costs Rs 400,000 to buy a Maruti van of which the owner puts in half the amount and takes a loan for the remaining Rs 200,000 from non-banking financial markets, since according to some taxi owners, getting a loan from banks is a challenge, especially to the working class. The loan is then repaid at a 12% rate of interest, which works out to approximately Rs. 400 per day. This is the minimum that the taxi owner needs to earn just to be able to keep his taxi. What he earns over this is his income for the day on which their families survive. Levels of corruption are very high. It is rare that a taxi owner is able to get a vehicle permit without bribing the officials, and is often possible only if the taxi owner knows someone in the relevant department. Therefore, while the permit itself costs Rs. 5,000, the taxi owners end up paying Rs. 40-50,000 for the same. What is worse is that the permits need to be renewed annually, which means the taxi owners incur a high recurring expense.

5.1.1.4 Issues Faced by the Unorganised Labour in the Amarnath Yatra

The taxi drivers share that there is a lot of animosity among the Kashmiris who provide services during the Yatra. They attribute this to the attitude of the Board. One example they quote is the character certificates and other documents they must provide to prove to the SASB that they are not on the wrong side of the law. Yatris observe the attitude of the state actors towards Kashmiris who provide services, and conclude that Kashmiris cannot be trusted.

Fixing of rates for these services are also not done in consultation with people providing the service, who believe that the rate fixed is inadequate. Since the formation of the SASB, the unorganised labour have been unable to negotiate for better rates with the yatris. The rates are publicised through hoardings right from Khanabal. However, the yatris take this to be the upper limit that needs to be paid and often bargain for fares lower than the prescribed amount and often succeed since the number of service providers far exceed the demand. From an interview with Rajan Gupta, SABLO, it appears that the langar organisations also see the rates as the maximum chargeable. Since yatris get much of their information from langar organisations, there is a need for SASB to communicate accurate information to the yatris. While regulation is necessary, the SASB needs to ensure that interests of the unorganised labour, which offers basic services to the yatris is not compromised.

There is a constant undercurrent, especially between the tent and horse owners on the one side and langar organisations on the other. Despite being disallowed, langar owners often allow yatris to stay in their tents for the night. This eats into the earnings of the tent owners. Often the langar organisations negotiate rates with horse owners on behalf of the yatris. This also takes away from the potential earnings of the horse owners. During an interview Preet Pal Singh, SASB said that *“the nature of conflict between the two groups is economic in nature, but which takes on communal hues during a confrontation.”*

The attitude of the state actors towards the unorganised labour, comprising mainly of Kashmiris has been explained in Chapter 4. Several yatris come with preconceived notions about Kashmir and

Kashmiris, given that this has been a contested issue not only since independence and partition, but even before that. The yatris who are also witnessing these encounters internalise the animosity. Some of these have been narrated in Chapter 1.

Preet Pal Singh, SASB in a debate says *“Basically, the entire Yatra is not possible without the support of people of Kashmir and especially people of Ganderbal and Anantnag districts. There are no two opinions about it. Then there are porters, horse owners and palkhiwalas. They are the people who are making the Yatra successful.”*¹¹⁰ Yet, whose interests is the Yatra serving? And if the SASB truly views people of Kashmir as the cause of the success of the Yatra, why is there—at best—state apathy towards their concerns, and—at worst—the constant picking at still open sores?

5.1.2 Organised Sector

5.1.2.1 Tour Operators

Tour operators are involved at 3 levels: National, Regional and Local:

I. National: These are travel companies who operate at the national level, bringing in the clients from national and international spaces and selling packages in which regional tour operators work as service providers. While they might have a few branch offices, they most often work through tour operators who function at the regional level. Some of the popular tour operators at the national level in India, in the context of Amarnath Yatra are: Choudhari Yatra Co. Pvt Ltd. and Promark Travel Service Pvt. Ltd. Some of the international travel companies who have presence in India and who are also involved in Amarnath Yatra packages are: Cox and King and Thomas Cook.

II. Regional: Regional tour operators are present at the state / regional levels and sometimes have presence at the local level as well. In other instances, similar to the national operators, they have a state level office and then operate through local level tour operators. Regional tour operators work as a medium between the local and national, international companies. An example of a Kashmir based regional operator is Duke Kashmir travels, which also sells Amarnath Yatra packages.

III. Local: They are tour operators who work on the ground and receive clients from national, international and regional tour operators. For e.g. Aala tours works as a ground tour operator for Cox and Kings and also facilitates Amarnath Yatra packages.

Three kinds of itineraries are sold to Amarnath yatris:

1. Yatra Darshan (Stand alone): only to Amarnath
2. Yatra Circuit: these itineraries include multiple yatras in one trip. For example some people who go to Amarnath also visit Vaishno Devi or Buddha Amarnath as part of a circuit. The circuit could also be across different states. There are scores of tour and travel companies who provide Yatra circuit packages. Some of them are Shree Kailash Yatra, and Amarnath Journeys owned by Eros Travels Pvt. Ltd.

¹¹⁰ Amarnath Yatra & Its Impact on Environment. (2014). Rising Kashmir Debates. Retrieved from <https://www.youtube.com/watch?v=Hm8prcHGCss> in July 2014.

3. Tailor made itineraries including Yatra and additionally adventure tourism and/or other high-end tourism activities: These are the least popular itineraries in the context of Amarnath Yatra. Tour and travel companies catering to high-end clientèle like Cox and King, Thomas Cook offer such itineraries.

Stand alone itineraries sold for Amarnath range from 2–7 days. For circuit itineraries this could change to 4–10 days, depending on the number of religious tourism places being visited. Some of the bigger tour operators also sell helicopter tickets (more details in section 5.1.2.2 of this chapter).

Apart from tour operators, several of the bigger langar organisations also help facilitate travel of yatris, in the form of dissemination of information as well as links to tour operators on their website so that yatris are able to make their necessary bookings.

Profits and commissions are shared based on who brings in the client and therefore the national, international tour operators along with the regional operators earn the most, with the local tour operators of Kashmir earning the least.

In the case of travel, those who arrive at the first base camps in Jammu choose to travel by state sponsored buses, which is practically free. Yatris from north Indian states, who travel on their own, often do so by road in their own vehicles. The remaining few who reach Srinagar are the only yatris to hire vehicles from the valley. This has an impact on the local taxi operators as well as tour operators who arrange for taxis.

There are also several tour operators who play a mobilising role, ensuring that significant number of yatris visit every year. Rajan Gupta, SABLO said, *“There are tour operators who work at the local level, present in every village, town and city and bring bus loads of people for the Yatra.”*

Yatris who take package tours, are put up in hotels with whom travel agents already have working relationships. In the case of tents in the camps on route between Baltal and Nunwan, those who travel independently, hire tents on arrival at the camps. Travel agents who have sold packages to the yatris, often have arrangements with personnel of the armed forces. The armed forces have a quota of tents that they may put up for their own use, for the use of their guests and as emergency shelters. Travel agents also strike a deal with the armed forces and get accommodation with them at a reasonable price. Also, these tents often have cots, which the regular tents put up by Kashmiris do not. Therefore, yatris who go through travel agents have a little more comfort at the expense of the army! This surely eats into the earnings of the tent owners, for whom this is one of their livelihoods.

A person familiar with workings of this system shared that if a package for 2 days 3 nights is sold for Rs. 21,000 per person excluding the cost of helicopter tickets and flight charges, the total expense that they incur is only about Rs 14,000, thereby retaining a profit of almost a third. This is possible only because they use tents from defence quota.

5.1.2.2 Helicopter Service Providers

For a company to be able to offer helicopter services, they have to go through a tendering process, through which the most competent bidder is chosen. In 2013, three helicopter services companies have been contracted with, for a period of 2 years: Pawan Hans Limited, Global Vectra Helicorp Limited and Himalayan Heli Services Ltd. The first two companies operate on the Nelgrath–Panchtarni sector and the Himalayan Heli Services Ltd. operates in the Pahalgam–Panchtarni sector.

Each company has to make a refundable deposit of Rs. 20 lakhs with the SASB. Landing and parking charges are to be paid separately which is Rs. 50,000 per month. Helicopter hangar fees are charged at Rs. 50,000 per month at Neelgrath only. Registration handling and helipad service charges are changed @ Rs. 150 per one-way ticket.

A one way ticket from Neelgrath to Panchtarni is fixed for Rs. 1950 and a return ticket for Rs. 3900. The rates for the Pahalgam–Panchtarni are Rs. 4190 and a return ticket costs Rs. 8380.

Name of helicopter operator	Total seats that can be sold	Total seats to be sold online	No. of travel agents and their quota
Pawan Hans Limited	150	72	8 travel agents 88 seats
Global Vectra Helicorp Limited	150	72	8 travel agents 88 seats
Himalayan Heli Services Ltd.	50	35	6 travel agents 54 seats

Table 9: Details about helicopter operations¹¹¹

Some seats are reserved by the SASB for the use of dignitaries. There is also a quota allocated to army personnel for their use, and use by their guests. Any seat that is not purchased in advance may be sold on the spot. In 2013, a total of 9219 sorties carried out generated a total revenue of Rs. 13,47,36,842. SASB has received a royalty of Rs. 1,83,08,104 in the same year. However, the revenue figures are misleading. High levels of corruption have been reported in the sale of tickets. The team was informed that in 2015, a Baltal return ticket which originally costs Rs. 2800 was sold at Rs. 5000 and that a return ticket on the Pahalgam route was sold at Rs. 10,000. This has been corroborated in the minutes of the Post-Yatra Review Meeting when the MLA from Pahalgam, Rafi Ahmad Mir, reported that Tour and Travel Associations had sold heli-tickets to the yatris at much higher prices than the authorised rates.¹¹² Tour operators hoard tickets creating a false shortfall in their supply and yatris who have already managed to get permits and have booked flights tickets would rather pay the extra amount than turn back without going on the Yatra. Another form of corruption is the sale of seats reserved for personnel of the armed forces which are also sold at higher rates. The helicopter

¹¹¹. Response to RTI filed on SASB.

¹¹². Minutes of the Post Yatra Review Meeting (PYRM), held at 1430 hrs on 13th August 2014 at Raj Bhavan, Srinagar.

companies, tour operators and personnel of the armed forces are all hand in glove in this corruption. Though the SASB is clearly aware of this, no steps seem to have been taken to check it.

For example, in 2015, J&K Tourism Alliance (an association of tour operators and hotels) was allotted 15 tickets per day from July 2nd – August 31st (the route for which the tickets were allotted is not clear). The Alliance in their budget estimates for the year 2015 – 16, have reflected an income of Rs. 2,50,000 towards advance for office building fund. It has been communicated to the team that this money is being mobilised out of the commission that the tour operators earn on each ticket sold.¹¹³

5.1.2.3 Langar Organisations

An important group of people who have stakes in the Yatra are the organisations which provide free food to the Yatris along both routes, and who have organised themselves under two umbrella associations: Shri Amarnath Barfani Langar Organisation (SABLO) with a membership of 131 organisations, and Shri Amarnath Yatra Bhandara Organisation (SAYBO). In 2013, 137 langars were set up along both the routes of the Yatra with a total of 137 organisations participating (Some organisations set up langars in more than one place).

Before the 1990s, when the Yatra was small in number, people carried their own raw materials and cooking equipments and would cook wherever they camped. Some people from around Pahalgam would put up kitchens along the way, though they were few and scattered. The Mahant would have a kitchen travelling with him and some yatris would eat there.

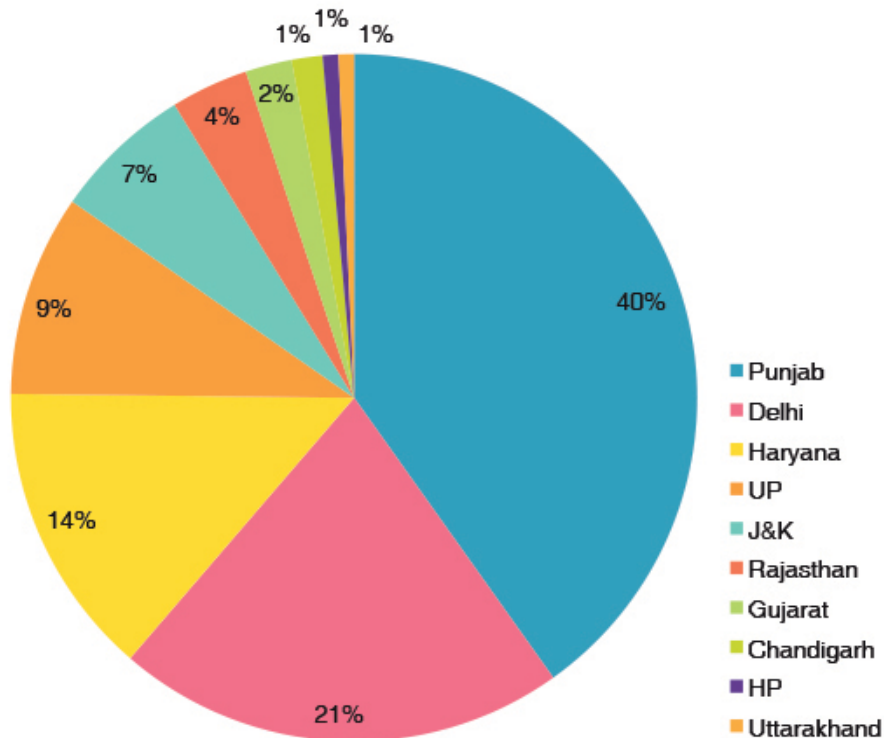
In a discussion with Preet Pal Singh, SASB he said, *“several yatris might not be willing to eat food cooked by locals due to religious reasons and therefore the role of the langars is significant.”* By patronising the langars, the SASB seems to be coming across as being casteist and indulging in discriminatory practices.

The current system of setting up langars and serving free food is a more recent phenomena, and started in the mid-1990s. Some langar organisations said that the first langar en route was set up in the 80s by Gulshan Kumar who was also a key figure in the promotion of the Vaishno Devi shrine during the same time. However his langar was the only one for several years, until the mid-1990s, when we see an increase in the number of langars set up and the systematic nature of their functioning. One of the langar organisations reported that in 1995 there were only 56 langars in the entire route. Below is a diagram which shows the state-wise break up of langar organisations operational in 2013.¹¹⁴ That Punjab, Delhi and Haryana top the list is not surprising since the concept of community kitchens or langars in Punjabi is practice native to these regions.

¹¹³. J&K Tourism Alliance. Administrative report for the year 2014 – 2015 and Budget estimates for the year 2015 – 16.

¹¹⁴. Retrieved from <http://www.shriamarnathjishrine.com/RTI/Langars-2013/List%20of%20Langar%20Organizations.pdf> in October 2015.

10. State-wise distribution of Langar Organizations



All those involved in the langar organisations met during the research for this study shared that they themselves had been going on the Yatra since the mid to late 1980s and several of them had been stranded during the tragedy of 1996. They share that the only reason they had survived the storm was because they were equipped with the necessary warm clothing and because they had managed to find shelter in some tents. However, they shared that since food was scarce they were charged heavily even for a basic meal. This motivated them to start langars to serve free food to the yatriis.



A langar in the Sheesh Nag camp set up after cutting through unmelted ice



Langar between Pissu Top and Sheesh Nag. Yatris are dancing to loud music played by the langar



Collage of spread at the Shree Shiv Sewak langar, Posh Pathri

The system of setting up langars was already prevalent en route to the Vaishno Devi shrine. The Nitish Sengupta Report suggested that religious and charitable organisations could play a role in the Yatra by putting up resting sheds, tents, medical camps and langars on land which would be provided by the

government.¹¹⁵ However, what started as a humble exercise of feeding hungry and tired yatris, has now turned into a gastronomical affair. Several langars boast of serving a spread that befits a wedding party. For example, the langar at Poshpatri serves 101 varieties of food from across India like dosa, idli, vada, dhokla, momos, maggi noodles and the usual fare of rice, dal, vegetables, rotis and puris, range of quick snacks, sweets, deserts.

There is today immense competition among the langar organisations regarding the food they serve and other facilities that are offered. Since there are several langars set up in the same area within a camp, each langar is seen adopting different tactics to attract yatris to eat at their langar. This includes men shouting out to the yatris to eat at their langar, playing catchy devotional songs especially in the evenings, which then turns into a small hub where the yatris congregate and dance!¹¹⁶ Some other langars set up a small temple with an image of Shiva near their entrance. People tend to come and pray at these temples and then stop to eat at the adjoining langar. While langar organisations cannot collect money even in the form of donation at the time of the Yatra, several people offer money at these small make-shift temples, which is then collected by the langar.

Most of the office bearers of the NGOs which put up langars in the Yatra route are businessmen, from small shop owners to big whole sale stores owners and some even into manufacturing. While members and volunteers of the NGOs might be from the service class, it is rare to see them among the front runners of these organisations.

The NGOs which run the langars raise resources through the following ways:

1. Members of the NGOs – could be in cash or kind
2. Friends of Members of the NGOs
3. Donations from volunteers
4. Though yatris are not allowed to make any monetary contributions during the Yatra, the Yatra is itself an outreach process. Contacts made with people over the years becomes a good database to whom the NGOs reach out to.
5. Many of the NGOs, start their campaign to raise resources around Mahashivratri, which falls in the month of March. The festival itself is the start of the fund raising for resources for the Yatra.
6. The langars see themselves as playing a big role in the increase in the number of yatris. They believe that the Yatra should not be curtailed and that more and more people should be encouraged to come from across India. This they say happens in two ways – mobilising more people to go on the Yatra through volunteers and members who spread the message of the Yatra through word of mouth and, two, providing food and accommodation which are the main concerns of people going on the Yatra. With accommodation being cheap and food being free, people are encouraged to undertake the Yatra.

¹¹⁵. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

¹¹⁶. Evidence of this may be found in the several videos uploaded onto websites like Youtube.

Based on the interviews with the langars, it seems that on an average each organisation raises money / materials worth Rs. 60 – 80 lakhs for running the langars and feed upto 5000 people a day. Each langar hires cooks and helpers and supervision is done by volunteers (referred to as Sewadars).

Preet Pal Singh, SASB says, *“the langar organisations have an economy of their own and operate the organisation like a business model. They raise resources from different parts of the country and spend it in Kashmir. Though these are registered societies, their accounts are not checked by the SASB, neither are audits conducted. Each company collects anywhere between 1 – 2 crores. The langar organisations maintain a register of people who have visited the langar and get in touch with them later. The medium sized and bigger langars, have members from different states of India, who raise resources through donations from shops and factories in their city. There is no account of exactly how much is collected nor how much is spent.”* All the representatives of langar organisations met were businessmen, owners of small shops or manufacturing plants. A cursory study of the office bearers of langar organisations also reveals the same. It seems that the lalas¹¹⁷ of North India spear headed the setting up of langars in the Yatra route. While these are claims made by several people, this is an area that needs further study and confirmation.

Regarding the regulation of langars in the interview Preet Pal Singh says *“the financials of these organisations should be regulated or conditions prescribed. However, the SASB is reluctant to take any step, since it would be interpreted on communal lines.”* Rajan Gupta, General Secretary, SABLO said, *“there might be mis-appropriations happening in some langars and that it cannot be ruled out.”* According to him, the association keeps an eye out for malpractices conducted by member organisations and discourage them from doing so.

All the langar organisations reported that they have connections with grass root organisations at the village and taluka level and this helps mobilise volunteers and yatris. The langar organisations also themselves mobilise by putting up banners about the Yatra and their langar all over the city. Some langars even put up counters at strategic locations to advice people on the Yatra.

Some organisations mentioned that they were not linked to socio-religious organisations, since *“Our Hindu politicians only want to use us and do not do anything to help the interests of the langars.... They have a fixed agenda about what issues need to be raised and when.”* Thus indicating that unless convenient for the politicians, they will not address grievances of the langar organisations.

However, some langar organisations without directly mentioning that they have linkages with socio religious organisations listed activities like gau seva, running / supporting gau shalas, organising gayatri mantra workshops, indicating their connections with Hindu social organisations. Others prided themselves in serving their Hindu brethren. However, whatever the political and social affiliations of the langar organisations, that Hinduism is being served through serving the yatris was a common opinion

¹¹⁷. Lalas is a suffix used for Kayastha, Baniaya and Punjabi communities of North India. Since they primarily belong to the business class, the term has become synonyms with owners of small house run enterprises.

among the organisations met. The organisations interviewed for the study claimed that setting up langars is spiritual for them, as they are serving Shiva by serving the yatris. Yet, the demands put forth by the individual langar organisations / associations to SASB are beyond the concerns of the langar organisations. Some of these are, doing away with pre-registration system since it has resulted in the limiting of the Yatra, constant demands to allow night shelter facilities for the yatris in the langars, which is currently not being allowed, subsidised bus rates for yatris, pucca roads to the cave and other such Yatra linked demands.

Further, the attitude of the langars towards the Kashmiri service providers is often discriminatory and antagonistic. An outcome of this was seen in Chapter 7: Conflicts.

Some langars do not allow Kashmiris inside and have a separate space where they can eat. In Even though such instances are a minority and Kashmiris are not prevented from entering many langars and from eating there, the team found that most Kashmiris preferred to rest / eat at the shops run by the Kashmiris. Therefore, even if there is no overt discrimination of Kashmiris, there seems to be an under current of disapproval if a Kashmiri goes into a langar. In the camps, very few Kashmiris would go to the langars and would eat and stay with the Kashmiri shop owners, though this meant an additional expense which would eat into their earnings for the season.



Separate kitchen for horse owners set up by the Shiv Shakti Sewa Mandal, New Delhi

The covert discrimination and resultant animosity often flares up into violent conflict as was seen in July 2014 in Baltal.¹¹⁸

¹¹⁸. Details in Chapter 7.

SABLO and SAYBO are active in negotiating with the SASB for better terms for the langar organisations. One of the primary reasons for forming the associations was for ease of collectively processing permits for setting up of langars. SABLO's agenda is to benefit the yatris, to work for their convenience, help in registration, to pressurise to increase the number of counters and to improve the condition of the track.

However, over a period of time, the associations have been able to get many gains like waiver of rent for space used (which has been effective since 2012), waiving of toll tax for materials coming into Jammu and Kashmir. They are currently trying to negotiate for water and electricity to be provided either for free or at subsidised rates. Representatives of the Baba Amarnath Sewa Mandal, New Delhi, found that Kashmiris are getting LPG cylinders at subsidised rates of Rs. 395, while the langars have to pay Rs. 950 for the same, unfair and discriminatory. They also allege that while it is compulsory for langar organisations to be equipped with fire extinguishers, a similar rule does not exist for the tents. They also find it unfair that the villages around the camps have electricity, while the langar organisations have to pay for the electricity they use! According to them the Jammu and Kashmir government was looting the langar organisations since they also charged toll tax when their goods were brought into the state and did not provide them with electricity. Thus the langars equate their rights and the entitlements of the Kashmiris!

According to Preet Pal Singh, SASB, *"There is no accountability of the langar organisations and that no regulatory mechanisms have been put in place."* The langar organisations generate much of the waste and also litter, yet no action is taken against them.

For example the langar organisations found the condition that they should clear the place of all waste and dispose it off in a responsible manner, objectionable. Their perspective was that since they have come to Kashmir, it is the responsibilities of the state government to clean up the mess.

However, the langar organisations also engage in activities that are not allowed and are sometimes illegal. For example a representative of the Mahadev Sewadar Charitable Trust which is the only langar in Wavbal shared that they have built a permanent, solid and fixed structure of 40 x 20 feet in 2014 and hope that it will last out the winter. The terms and conditions laid out by the SASB strictly prohibit this. This is also the same langar which has installed speakers in the mountains which are a kilometre away from the langar. Several organisations spoke about wanting to flatten the ground to set up their langars and were angered that they were not allowed to do so.



Speaker in the mountains

Some of the terms of the contract signed between langar organisations and SASB are that sheds set up by the langar organisations to store material should not be used for stay by the yatris. If however, the langar organisation would like to accommodate sadhus / poor yatris / yatris affiliated with the langar organisation, they may do so after informing the Camp Director. Use of plastic is banned whether as packaging, storing or serving. Langars are also not empowered to offer medical services. The food menu, in accordance with what is approved by the SASB should be displayed in a prominent manner in the langars.¹¹⁹ It can be safely said that none of the above rules are followed by the majority of the langar organisations. It is the duty of the Camp Director to ensure that the food menu is strictly adhered to. The Camp Directors are also supposed to visit the langars once a day during a meal time to ensure that the menu rules are being followed. That the langars continue to violate the menu rules also indicates that the Camp Directors themselves do not take these attempts at regulation too seriously.

The langar organisations view these regulations as an attempt to restrict their activities. According to the langar organisations met, the SASB has strayed away from its purpose and is trying to please all parties involved. Examples cited by Rajan Gupta, General Secretary, SABLO include - the introduction of pre-registration, stopping of online registration and compulsory health certificate (CHC). He also admitted that large numbers on the route and entering the cave is a matter of concern. However, all the langar organisations met including Rajan Gupta said that there are other environmental issues in Kashmir that need to be addressed like the pollution of the Dal Lake, which in their opinion is not adequately resolved since it would mean displacement of Kashmiris. Most Kashmiri Pandits met during the course of the study, also criticised civil society as well as the government for constantly

¹¹⁹. Updated terms and conditions for running the free langar service during Yatra 2015. As shared in an RTI response by the SASB dt. 28/07/2015.

highlighting negative environment impacts of the Yatra while turning a blind eye to other issues like the Dal Lake – its pollution levels, shrinking size and suffocation of the water body through water weeds. Several representatives of the langar organisations we met shared similar opinions indicating that the Yatra is being targeted in the name of environmental concerns and that there is no serious attempt by the civil society and political institutions to raise these issues.

None of the langar organisations met concurred with the decision of the age limit being enforced by the SASB, despite the fact that the number of fatalities have come down since the introduction of the CHC and age cap on yatris.

The langar organisations take particular objection to the Jammu and Kashmir Police (JKP). Several organisations including Mr. Gupta reported that the JKP stop people at Manigam, which is mid-way from Srinagar to Baltal in an attempt to force them to stay in hotels owned by Kashmiris so that they can economically gain from the Yatra. After 2012, the organisers of the Yatra have been very strict in implementing the permit system, thus allowing only those yatris who have registered to reach Baltal and that too on the date specified in the permit. While there are issues with large groups getting permits for different days, the langar organisations place the sole blame for this strict adherence on the JKP.

They also allege that the JKP would allow vehicles with Jammu and Kashmir registration, even if they were carrying yatris to proceed, but would not allow vehicles from outside the state. There is deep distrust between the JKP and the langars. Most of the people met went to the extent of suggesting that JKP should not be involved in the Yatra at all and the entire security arrangements be seen by the CRPF and other para-military forces just like the elections are conducted. The feeling is that the CRPF are their own, while the JKP is representative of the enemy. They also claim that there is discrepancy in the number of tents that are permitted which is smaller than the number actually put up and that the Kashmiri administration and Police are hand in glove in this.

All the langar organisations met shared the same sense of trepidation vis-a-vis security in Kashmir. A representative of the Shiv Bhakti Seva Trust, New Delhi, even stated that “going to Kashmir is like going into another country and the minute you cross into Kashmir there is the fear of terrorist attacks”. The insecurity that the langar organisations feel is palpable when they say that in a camp there are 500 people from the langar organisations and other Hindu service providers but that there are 5000 Kashmiris. Any voice raised by a Kashmiri against a discriminatory practice or violence meted out to him is seen as the voice of pro-Pakistani organisations. Thus if a tent owner resists a langar organisation putting up yatris for the night or if a Kashmiri service provider is unwilling to bargain for a lower rate for service provided (like horse/tent) or get into an argument regarding rates with a yatri, then they are seen as pro-freedom/ Pakistani elements who have somehow infiltrated the Yatra. All the langar organisations however also shared the perspective that Kashmiris are inherently nice people, those who incite and engage in violence are the few who are bought out by the separatists to create trouble.

However, the biggest disappointment for the langar organisations comes in the form of non-response of the central government, especially after the Baltal conflict of 2014. For several langar organisations the election results of 2014 held promise in terms of their interests being protected and the Yatra getting an impetus in general. Therefore after the Baltal violence, the organisations staged demonstrations and sit-ins in Delhi and also met Ministers in the higher echelons of the government, but received a tepid response. They were asked to meet the state heads of the different institutions and were summarily dismissed. This has caused some kind of disillusionment in the langar organisations. Even the state leadership was unable to intervene in any productive way. This experience and sentiment was also shared by representatives of the Baba Amarnath Yatri Niyas and other right-wing organisations and individuals in Jammu.

According to the permit issued to the langars, they have to stay for the entire duration of the Yatra. Since the number of yatris start falling significantly after the first three weeks and is reduced to a trickle by the fifth week, the langar organisations are not interested in operating the langars as according to them it runs counter to their objective, which is to feed yatris. Towards the end of the Yatra, most langars end up feeding the armed forces and Kashmiris. SABLO has negotiated with the SASB and have been able to arrive at a resolution where langars can apply for permits for specific number of days.

Towards regulating langars and ensuring greater accountability, in its report of the 2013 Yatra, the SASB recommended that:

- i. There should be no langars beyond the access control gates at Domail and Chandanwari since it hinders frisking
- ii. Number of langars in the Yatra route needs to be reduced, especially in Baltal, given the number of yatris permitted per day / per route
- iii. Langars should not be allowed to offer accommodation – on payment or otherwise
- iv. Langars should be barred from setting up medical camps

In some instances, the SASB has black-listed langars which have flouted rules, which means that they would not be given permission to operate their langar in the Yatra until they have been off the black list for three years. This means that the in the subsequent year, they would not be given a permit to operate. Some of the reasons for langar organisations to be black listed are: langar not put up at the allocated location, use of loud speakers, not following the diet chart.

5.2 Economic Impacts of the Yatra

Langar organisations, government officials and members of the socio-religious organisations were all of the opinion that the Kashmiris eventually have the greatest to gain from the Yatra since it enhances local economy. However, they could not be farther than the truth.

Yashpal Gupta, a trader in Jammu and member of a traders association shared that Jammu does not receive any benefits from the Yatra and that only the langar organisations are economically impacted since yatris travel from camp to camp spending little outside these spaces.

Srinagar also pays a price for the Yatra. Since yatis travel in their own buses and cars, traffic on the roads increases manifold, causing the National Highway to both routes being blocked. Further, those traveling in convoys from the camps in Jammu, arrive at Khanabal from where they are escorted directly to either Baltal or Pahalgam, thus completely avoiding the capital city. Very few tourists might spend even a few days in Srinagar and on the Dal.

5.2.1 Tourism in Pahalgam and Sonamarg

A few kilometres before the Nunwan camp is a check post through which everyone travelling by road has to go through – residents of Pahalgam, tourists and yatis. This becomes a deterrent for a tourist to come to Pahalgam during the Yatra period. The presence of large number of personnel of the armed forces during July–August also intimidates the tourists. Between Nunwan and the exit to Chandanwari above Laripora (a stretch of about 3-4 kms), there are barricades in several places, which restricts the movement of tourists. Tourists are unable to go to Chandanwari at all and roads to other popular places like Aru and Betaab valley are heavily guarded, with restrictions of movement and checking of vehicles.

People involved in tourism also claim that the PDA receives Rs.4 crores a year just from the tourism industry and instead of it being pumped back to support tourism, the majority of this amount is spent on the Yatra. One of the grievances of the horse owners is that there is no shelter or parking space for them and their horses and are forced to stand long hours in the sun. There is much need to support the tourism of Pahalgam which is neglected and improvements for the Yatra are constantly under way. There is no central assistance that is received by the district administration and state resources are siphoned for the Yatra.

There are 87 certified guides in Pahalgam, of whom only one is actively involved in the trade. Pahalgam is still known for its leisure tourism, despite it being surrounded by several trekking routes. It is still largely foreign tourists who prefer going on treks, but they do not come during the Yatra season because of the large crowds and frequent frisking.

Air traffic to and from Srinagar increases significantly since the affluent travel by air, increasing the price of a flight ticket. This is a problem for the general tourists as well as for people from Kashmir.

5.2.2. Hotels

According to some hotel owners interviewed in Pahalgam, the Amarnath Yatra causes a loss of Rs. 300 crores to the tourism industry in the Kashmir valley. The SASB brings the yatis to the Nunwan camp in the evening and the next morning they are ferried off to Chandanwari. According to the business people of Pahalgam most of the yatis are not economically well off and come on the Yatra since it is highly subsidised. Unlike leisure tourists, they are not interested in comfort, sight seeing nor in purchasing souvenirs and their presence does not result in any kind of benefit to those involved in tourism in Pahalgam.

The Baltal route is more popular than the Pahalgam route, since it is shorter and the Yatra maybe completed in 2 days. While several of the poorer yatris prefer to stay at the Baltal camp, due to low rates of accommodation and free food, the middle class and more affluent yatris stay in Sonamarg. Therefore the hotel industry in Sonamarg has benefited to some extent by the Yatra. Having said that, it must be noted that hotels in Kashmir are largely owned by people of Srinagar and a few affluent families of the valley. For example only 5% of the hotels in Pahalgam are owned by the people from the town and the remaining from Srinagar, Islamabad and other bigger towns.¹²⁰ Even from this 5%, how many are owned by people not owning / affiliated to large business houses is unclear. Some of the hotels are owned by people of Pahalgam / Sonamarg respectively but even in this case not much benefit is accrued to the people of Sonamarg. Further, most hotel owners also have political connections and support whichever party is in power. This helps them access decision makers as well as those who influence the outcomes of decision making processes. For e.g. Pine Spring in Pahalgam is owned by Iqbal Sheikh who is a cousin of Omar Abdullah. Tramboos who own the Khyber Group of industries are very close to National Conference.

A representative of the industry shared that the economic benefits of the Yatra is minor in comparison with the other effects like detrimental environmental impacts. He also said that the langar organisations should collaborate with the local hotels, who could bring rates down and serve only vegetarian food during these days. He sees this as a possible way of resolving the problems between the langar organisations and Kashmiris. However since the objective of the langar organisations seems to be to reduce the role of Kashmiris to the minimum possible, expecting that they would reach out to Kashmiris to do business seems a little remote.

5.2.3 Shops

According to industry sources, there are 400 shops in Pahalgam right until Betab valley, who depend on tourism for their income – including handicrafts, meat and poultry. During the tourist season, the average per day sale of goods is Rs. 4,000 per shop, which works out to Rs. 16,00,000 per day. This is excluding the incomes from the hotel industry. It is during the tourist season that the Yatra also commences. As mentioned above, tourists are deterred from coming to Pahalgam and Sonamarg during the Yatra, which means that the economy of both places is affected significantly. Further, the yatris who are largely from the lower economic strata of society travel on a thin budget and therefore do not shop in Pahalgam for souvenirs and handicrafts. Shopkeepers in Pahalgam also shared that the yatris tend to move about in large groups, which irk them, also because, the yatris do not purchase any goods from them.

5.2.4 Impacts on Other Traditional Occupations

That tourism is the backbone of Kashmiri economy is a myth. Agriculture, horticulture and handicrafts have traditionally been the main pillars of the economy. However, the Yatra also has direct and indirect

¹²⁰ For example, Grand Mumtaz hotels are owned by Mushtaq Chaya's Mushtaq Group of Hotels. Ahad Hotels and Resorts owned by Mushtaq Ahmad Burza has its flagship resort Pine & Peak in Pahalgam. Khyber Hotels & Resorts (P) Ltd part of Tramboos owned Khyber Group of Industries owns a property at Gulmarg. Taj Vivanta in Srinagar is run by the Saifco Group which has presence in multiple industries. Hotel Broadway in Srinagar is owned by the Amlas family who owns interests in other hospitality sector linked companies.

impacts on these traditional livelihoods. For example agriculture lands located closer to the Baltal camp, owned by the people of Sarbal, cannot be cultivated during the Yatra season. The farmers of Sarbal said that they have been categorically asked not to cultivate those lands, since they are needed for the use of the Yatra, like putting up shops and to also have land accessible to the camp if needed. Since the sowing season and the Yatra season almost coincide, they have been unable to harvest their lands, thereby also affecting food security as the farmers are engaged in sustenance farming. There is a law that paddy fields cannot be converted into orchards or for other use. Then how are the constructions being allowed?

In the Pahalgam region, shepherding is the primary activity. Meadows beyond Pahalgam are used by Bakharwals and Gujjars in summer to graze their livestock. The entire stretch between Sheesh Nag and Panchtarni is scattered with such meadows and parts of which are being used for setting up camps or langars. This has caused a reduction of space available for grazing and thus reduced number of livestock that the Bakharwals and Gujjars bring with them.

Handicrafts used to flourish in the Pahalgam region, which is now languishing. One of the reasons is the onslaught of fake machine replicas of Kashmiri products which are cheaper. The other reason is the lack of state support and patronage to the handicrafts, because of which artisans have been left to their own means to source raw materials and to reach the final products to a market which will get them a fair price. The focus of the administration in Pahalgam and Sonamarg region is on developing Yatra linked infrastructure and at best tourism infrastructure and ignoring all other mean of livelihood which would ensure sustainability and self-dependence. For example Sonamarg and Pahalgam are at the mercy of the state in terms of marketing and promotion for tourism, which is itself seasonal in nature. Agriculture, horticulture and handicraft are less dependent on the state. Besides, in the case of horticulture and handicraft Kashmir has had historical linkages with markets right up to Europe for the sale of its goods. The Pashmina shawl has been famous in the western world for the past several centuries. Several people in the valley see these attempts of supporting tourism as a way of making Kashmir – which was once a producer region – into a consumer region. This dependence will guarantee perpetual dependence on the Indian state and from outside the Kashmir valley.

5.3 Socio-Religious Organisations

In Chapter 1 we have argued that the Yatra in the current form was a political move by organisations like the Vishva Hindu Parishad (VHP) and their youth wing, the Bajrang Dal. Important to also note that Jammu has played an important role in the creation and sustenance of the Yatra. In 1996, when Bajrang Dal gave a the 'Chalo Amarnath' call, the Jammu chapter of the VHP was part of the decision making process. Socio-religious organisations were set up in Jammu as and when the need was felt, like the Amarnath Yatra Sangharsh Samiti (AYSS) formed in the context of 2008 land row and the Baba Amarnath Yatri Niyas also formed in the context of the land row and which also negotiates with the SASB when there is a need to pressurise the government to increase the number of days of the Yatra. A look at the constituent members of these organisations in Jammu show that it is a small group which operates under different banners for different purposes.

The role of socio-religious organisation vis-a-vis the Yatra have been the following:

5.3.1 Keeping Alive the Political Nature of the Yatra:

While the conception of the Yatra during the times of Gulab Singh had been political in nature, the socio-religious organisations have ensured that this sentiment is kept alive.

That the Yatra is politico-religious and used as a tool for India to lay claim to Kashmir is corroborated by the following extract from an article by Surender Kumar Jain, all-India Secretary, VHP:

*"It was the workers of the Bajrang Dal, a full 51000 of them who made the Amarnath pilgrimage a reality in 1996 by themselves making it to the Yatra when the terrorist attacks on the pilgrims had raised a question mark on the pilgrimage itself. The world saw a new face of the Bajrang Dal here. The organisers of the Yatra conceded that had it not been for the Bajrang Dal, the casualties because of the natural calamities could have been higher. The hindu exodus from Poonchha and Rajouri had started. Like the valley, even these places were becoming Hindu- less, but the Bajrang Dal volunteers resuscitated the Boodhaa Amarnath Yatra."*¹²¹

A press statement in 2011 by the then international secretary general, VHP, Pravin Togadia stated:

*"The Yatra is very much a spirituo – patriotic pilgrimage and mountain adventure. It strengthens national unity and territorial integrity. The two-month long Yatra mobilises people from all nooks & corners of the country thereby strengthening national unity."*¹²²

Rajesh Gupta, VHP, Jammu in an interview with the team says that the Yatra has played a crucial role in ensuring that Kashmir remains with India and that pilgrimages is a critical way forward to ensuring integration. To this end, creation and initiation of newer pilgrimages in the region are being planned.

Mobilising people to come on the Yatra, is another way that the socio-religious organisations have been able to achieve the polarisation linked to the Yatra. This mobilisation began in 1996 when the Bajrang Dal brought more than 50,000 people to the valley. Preet Pal Singh, SASB, in the interview said, "...that yatris are cadres of these socio-religious organisations. They eat at the langars and stay in tents and are ferried in trucks." Surendra Agarwal, VHP also shared that "several people agree to participate in the Yatra since they believe that by going to Kashmir, they would be playing a role in putting an end to what they believe is extremism."

5.3.2 Attempts to make the Yatra to the Amarnath Cave Annual:

Socio-religious organisations have used all kinds of tactics to extend the period of the Yatra as much as can be bargained for, including invoking the Hindu calendar, re-writing histories by changing the

¹²¹. Always striving to serve the nation: Bajrang Dal. (2011). Retrieved from <http://vhp.org/blogs/surendrajain/english-2/always-striving-to-serve-the-nation-bajrang-dal/> in December 2014.

¹²². Togadia, Pravin. (2011). Press Statement of Vishva Hindu Parishad International Secretary General Dr. Pravin Togadia, Retrieved from <http://vhp.org/attempts-block-amarnath-yatra/> in September 2015.

dates of significance of the Yatra and concern for the well being of the yatris quoting over-crowding near the cave makes yatris vulnerable to accidents. However, the best that all these efforts have yielded is the extension of the Yatra to anywhere between 45 – 60 days. According to interviews conducted with representatives of the socio-religious organisations in Jammu, the latest argument that is being prepared and which will undoubtedly find its way into popular articulation, is to take away the focus from the ice stalagmite which has a limited life and rather emphasise on the importance of the cave itself, and the mythological belief that Shiva narrated the story of immortality to Parvati here. Thus suggesting that the Yatra may be undertaken all through the year.

5.3.3 Removing Limits on per Day Number of Yatris:

This is being done by demanding for development of infrastructure, which according to them would increase the carrying capacity of the region. Accessibility is seen as a major hindrance for more number of people to come on the Yatra. In this context a road project is being planned from Jammu to Zojila, which would take the yatris by road to a few kilometers short of the cave. According to Rajesh Gupta, Vice-President, VHP, Jammu the institution had asked the current government at the centre to amend the law so that national highways which are strategically located and which are linked to defence purposes be exempted from receiving NOCs from the state government or forest departments. The new road that is proposed to be constructed also involves a series of tunnels. According to this new project, yatris can directly reach Chandanwari in south Kashmir where a series of tunnels and roads would take them to Panchtarni, from where they can proceed to the cave on foot. Panchtarni would also be connected to the tunnel coming up at Baltal, thus making it easy for yatris to proceed to Ladakh if they wished. This project would ensure that yatris would be able to bypass the better part of Kashmir.

Some of the other specific suggestions that have been made by the VHP in this context are:¹²³

1. Construction of permanent Yatra houses with a capacity of 15-20 thousand people at Baltal and Pahalgam.
2. Big hospitals be set up at Baltal and Nunwan, and small hospitals at 4-5 other points on the Yatra routes;
3. Instead of the putting a ceiling on the number of yatris, a Master Plan be put in place to address the questions of putting up permanent and makeshift Yatra houses en route including adequate supply of power and water, widened and paved roads, big as well as small hospitals.

5.3.4 Governance of the Yatra

Submissions, press releases and articles written by representatives of the socio-religious organisations reveal that they are unhappy with the functioning of the SASB. Representatives of some of these organisations in Jammu also believe that the SASB has strayed away from the path that it was initially set up for since according to these organisations it is trying to appease the popular voice of Kashmir. There is also discontent with the Governor for the past 4-5 years, who is sometimes also referred to

¹²³ VHP writes to President Pratibha Patil on Amarnath Yatra. (2012). Retrieved from <https://www.hindujagruti.org/news/13985.html> in September 2015.

as being anti-Hindu and therefore questioning his authority to be the head of the Shrine Board!¹²⁴ A letter written by the VHP to the then President Pratibha Patil also suggests that since 70% of the staff of the Shrine Board are non-Hindu, they cannot gain employment in a religious Board or Trust. The organisation has also found the members of the Board objectionable since some of them have raised environmental and other concerns regarding the Yatra. In the same letter, the VHP demanded that:

1. The SASB be reconstituted with inclusion of only those members who have faith and reverence in the ice stalagmite
2. The Amarnath Mount and the area surrounding it and also covering all possible conduits leading to it should be declared as Sacred Sri Amarnathji Area

The socio-religious organisations have been fairly successful in pushing their agenda on the issue of Amarnath. Restarting the Yatra in a big way in 1996, formation of the Board and increase in the duration of the Yatra are some of these. Just as the socio-religious organisations and the Indian state view Yatras in Kashmir to be a way of laying claim to the land, so too Kashmiri Muslims see Yatras in the Valley as symbols of Hinduism. What was a fight for self-determination and citizenship, has therefore taken on religious colours and has become a conflict between the two religious communities.¹²⁵ Any incident, even if linked to economic competition (like in the case of the Baltal conflict in 2014), is interpreted by groups like the Niyas, VHP and others in Jammu to be a religious issue, which sentiment is then carried across India.

5.4 Political Economy of the Yatra

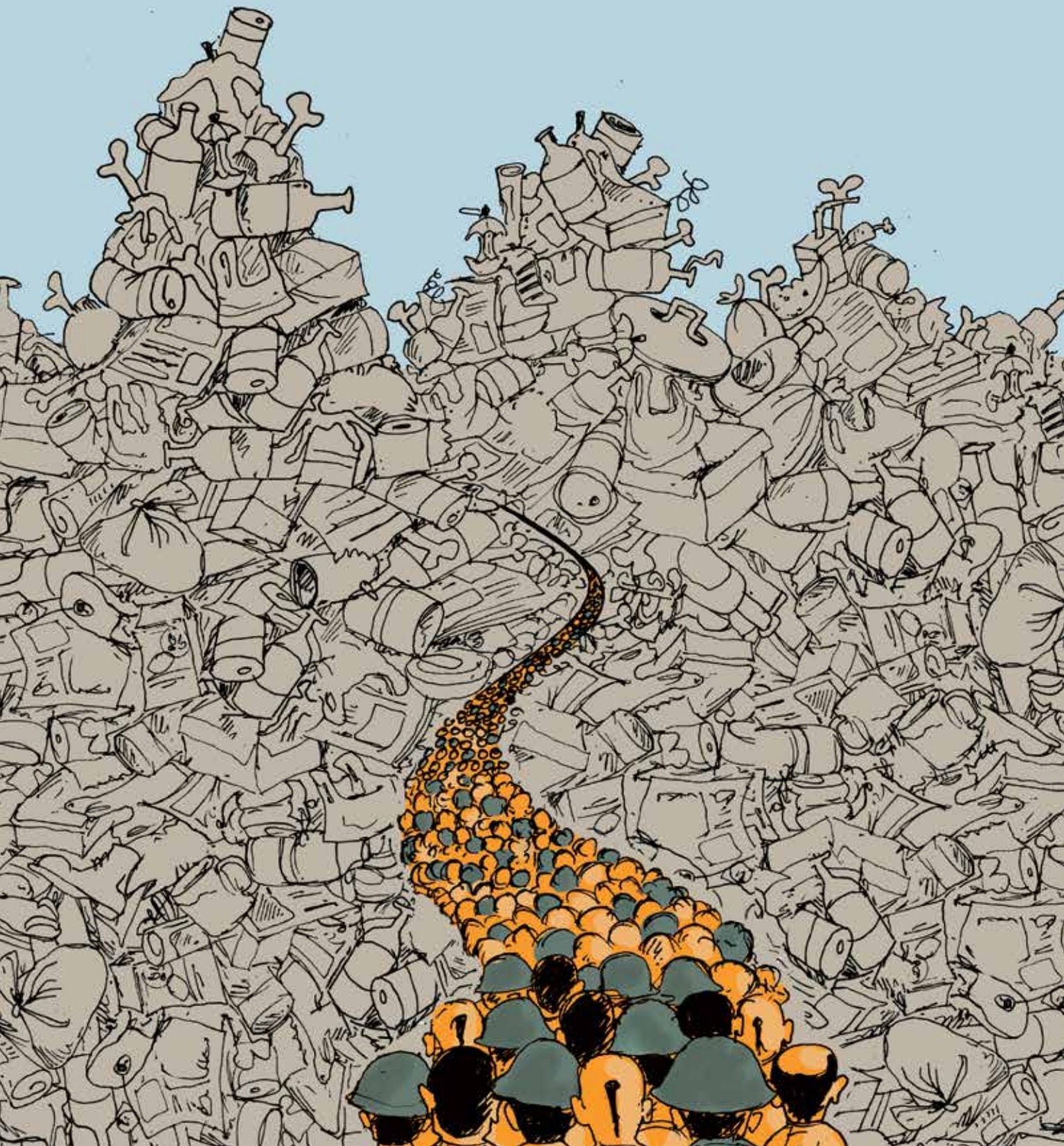
Rajesh Gupta, Vice-President, VHP, Jammu said, *“religious tourism has been used to forge economic ties between opposing groups in Kashmir. It has helped different service providers in the formal sector to come on one platform and see religious tourism as an economic activity. Therefore, even service providers in Kashmir hope that there is no conflict during the tourism season so as to ensure continued economic gains.”* He also said, *“this perspective has impacted pro-freedom sentiments in the Valley, a manifestation being that no tourist or tourist vehicle is attacked or stopped either by the armed forces nor those challenging the State.”* He suggests that the relationship between the tourism service providers in Jammu and in Kashmir is like those of Siamese twins. While the service providers in Jammu might be Indian nationalists and those in Kashmir might support separatism, what connects them is their need for economic gain resulting in a tacit understanding that neither would come in the way of the other in the economic realm, no matter that they might stand on opposing sides when it comes to other political positions.

¹²⁴. Jain, Surendra. (2011). Governor of J&K hand in glove with separatists in the conspiracy to derail Baba Amarnath Yatra. Retrieved from <http://vhp.org/blogs/surendrajain/english-2/governor-of-j-k-hand-in-glove-with-separatists-in-the-conspiracy-to-derail-baba-amarnath-yatra/> in September 2015.

¹²⁵. K.K. Khosa, President, Kashmiri Pandit Sabha, Jammu in an interview admitted that Kashmiri Muslims who aspire for freedom from India, see all Yatras in the Valley as symbols of Hinduism and therefore Hindustan.

Surendra Agarwal, VHP, in an interview said, *"We thought we should have Rajesh Gupta as a member of Baba Amarnath Yatri Niyas since he is a member of the VHP and also a tour operator."*

What is working is the formal and more powerful sector in tandem with socio-religious organisations and the political class towards the establishment and perpetuation of a Yatra, whose history is contested, but which in today's context gains much mileage for the cause of Hindu nationalism. Finally, claims that the socio-religious organisations make, that people of Kashmir gain the most from the Yatra because of economic benefits are not accurate.



Chapter 6: State Sponsored Environmental Crises?

Given the location of the Cave and the route to it, there are serious implications arising out of lakhs of people traversing these paths in a span of two months. While the changing environmental patterns along the Yatra route would have an impact on the yatris and the ice stalagmite itself, Kashmiris are the worst affected since they face the first and long term brunt of changes in the environment.

6.1 Sustainable Tourism: A Legal Framework

Tourism often causes degradation of the very place that it promotes. For example, accommodation units, an important infrastructure for tourism, often violate norms, causing harm to resources like coastal areas, forests, hills and mountains, and other sites. In the case of religious tourism, the contradiction is even more stark – while the sacred nature of the place is an important aspect, the sanctity is often compromised by increased numbers of visitors, and the resultant degradation of the physical environment. At the core of religious tourism is faith, which makes its regulation even more challenging than in any other form of tourism. The geo-politics of Kashmir adds another complex layer to this dimension. How then does one decide what the thresholds are?

In the 1972 United Nations Conference on the Human Environment in Stockholm, a declaration defining the key principles of sustainable development concerning environment and development, to be followed by all signatory countries was passed. With the dwindling of the effectiveness of the 1972 declaration, the World Commission on Environment and Development was created in 1984 to formulate a global agenda for change. It is in their report 'Our Common Future' released in 1987 that a definition of Sustainable Development was promulgated and which has today gained universal acceptability. Below is a reproduction from the document:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

- 1. The concept of needs, in particular the essential needs of the world's poor, to which overriding priority should be given; an*
- 2. The idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs."*

- World Commission on Environment and Development (WCED). Our common future. Oxford: Oxford University Press, 1987 p. 43.

In India, the Precautionary Principle and Polluter Pays Principle arise out of this understanding of Sustainable Development, and other international documents on the issue.

The Judgement in the Vellore Citizens Welfare Forum vs. Union of India & Ors on 28 August, 1996 defines the two principles as:

“...The Precautionary Principle – in the context of the municipal law – means:

I. Environment measures – by the State Government and the statutory Authorities must anticipate, prevent and attack the causes of environmental degradation

II. Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as the reason for postponing measures to prevent environmental degradation.

III. The “Onus of proof” is on the actor or the developer / industrial to show that his action is environmentally benign.”

“...The “Polluter Pays” principle as interpreted by this Court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of “Sustainable Development” and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.”

Further, the Judgement also clarifies that both these principles have been accepted as part of the law of the land, through Articles 21, 47, 48A and 51A(g).

The Principle of Inter-Generational Equity, also emerging from the 1972 declaration is upheld by the Supreme Court of India in its Judgement in the case A.P. Pollution Control Board vs. Prof. M.V. Naydu (Retd.) & Others on 27 January, 1999. Principles 1 and 2 are referred to in this Judgement, reproduced below:

“1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man’s environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself.

2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.”¹²⁶

¹²⁶. Declaration of the United Nations Conference on the Human Environment, 1972 Retrieved from <http://www.unep.org/documents.multilingual/default.asp?documentid=97&articleid=1503> in February 2016.

International environment law, UN resolutions on permanent sovereignty over natural resources as a basic component of right to self-determination was adopted in 1962.¹²⁷ Based on changing global situations, the resolution has been strengthened over a period of time. The 1973 resolution (3171 (XXVIII)) observed that:

“Recalling, in particular, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which proclaims that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.”

The resolution also stated:

*“2. Supports resolutely the efforts of the developing countries and of the peoples of the territories under colonial and racial domination of the territories under colonial and racial domination and foreign occupation in their struggle to regain effective control over their natural resources”*¹²⁸

Additionally, intentionally, some key observations linked to tourism development locate tourism within the sustainable development framework.

The World Tourism Organisation (UNWTO) defines Sustainable Tourism as ‘leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems. Article 3 of the Global Code of Ethics for Tourism, adopted by the World Tourism Organisation (UNWTO) in 1999, further articulates practices that the tourism industry should engage in to achieve goals of Sustainable Development.

The concept of sustainable tourism is found in most envisioning documents on tourism by UN bodies, including UNWTO, Convention on Biodiversity (CBD), UNEP and those by the Government of India, including India’s National Tourism Policy, 2002 and the Sustainable Tourism Criteria of India, 2014. The experience of the implementation of sustainable tourism on the ground is however another matter. While in the context of forest areas, there is a notion of sustainability through a few green practices mandated by the government and seemingly followed by the industry (like the installation of Sewage Treatment Plants in hotels with more than 19 rooms), it is not the case with most other forms of tourism, especially religious tourism. In most cases policy makers refrain from enforcing markers of sustainability linked to religious practices due to conflicts that could arise.

¹²⁷. UN Resolution 1803 (XVII) on 14th December 1962. Retrieved from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/1803%28XVII%29 in February 2016.

¹²⁸. Retrieved from [http://daccessods.un.org/access.nsf/Get?Open&DS=A/RES/3171\(XXVIII\)&Lang=E&Area=RESOLUTION](http://daccessods.un.org/access.nsf/Get?Open&DS=A/RES/3171(XXVIII)&Lang=E&Area=RESOLUTION) in February 2016.

For example during our research we observed that in response to most questions on environmental impact the people of Pahalgam would start with “We are not against the Yatra, but.....”. Why do people need to apologise for being concerned about the ecology when any detrimental change would affect their life and livelihood?

In this chapter we shall explore the relationship of the Amarnath Yatra with the environment within the above mentioned legal framework.¹²⁹

6.2 The Yatra Route

The route at first traverses through forests, high altitude lakes and meadows, finally leaving behind all vegetation closer to the cave. The path on the Chandanwari and Baltal route runs parallel for a significant part of the Lidder and Sindh rivers respectively.

Located at a height of 13,500 feet the two routes to the Amarnath cave, are both located in valleys: on the Pahalgam route in the Lidder valley until it reaches Sangam, and which till Sheesh Nag runs almost parallel to the Lidder river, one of the major rivers of South Kashmir and a significant tributary of the Jhelum. This track is at a distance of about 5-6 kms from the Kolahoi glacier, counted as ‘critical’, out of the 3116 glaciers present in Kashmir.¹³⁰ The tree line on this route ends at Pissu Top.

The Lidder is a life-giving river to villages in its approximately 50 km. long valley in northern parts of Anantnag district, providing drinking water and fulfilling irrigation needs of agriculture. The river is rich with diverse kinds of fish especially the brown trout. The catchment of the Lidder constitutes 10% of the total Jhelum basin with 2 well-defined sub-catchments, 8 watersheds and 98 micro-watersheds in its valley.¹³¹ The river is formed by two streams: the eastern stream is formed by the melting snow on the southern slopes of the Panchtarni mountains including the Sheesh Nag glacier (4400 m), which flows into the Sheesh Nag lake, and from there on as a rivulet until it joins the western stream at Pahalgam. The western stream of the Lidder has its source in the melting ice of the Kolahoi glacier (4700 m) and the Tarsar lake. The river flows a total of 70 kms. before it joins the Jhelum at Gur. See map below.¹³²

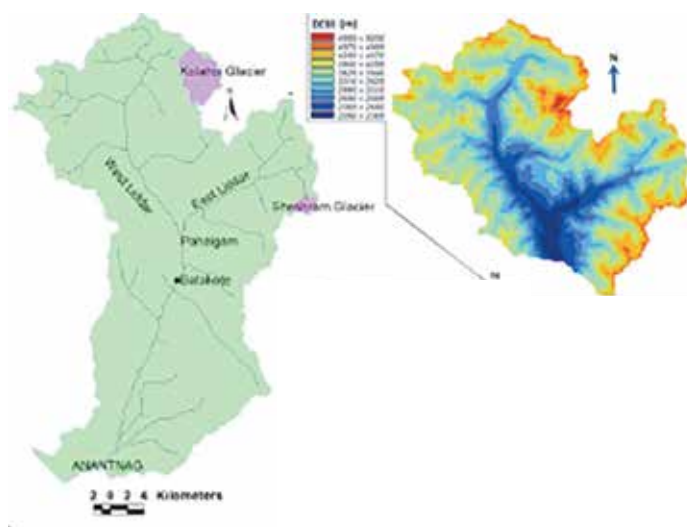
¹²⁹. The Lidder basin appears to be better researched than the Sindh basin and this chapter therefore draws much more from the impacts on the former.

¹³⁰. Kanth, T.A.; Shah, Aijaz Ahmad and Hassan, Zahoor ul, “Geomorphologic Character & Receding Trend of Kolahoi Glacier in Kashmir Himalaya”, Research in Science and Technology, (2011): 68-73. Retrieved from <http://recent-science.com/index.php/rrst/article/viewFile/8645/4404> in October 2015.

¹³¹. Malik, Imran M., Bhat, Sultan M., and Kuchay, Nissar A. (2011). Watershed based drainage morphometric analysis of Lidder catchment in Kashmir valley using Geographical Information System. Recent Research in Science and Technology, 3(4) National Remote Sensing Centre Indian Space Research Organization, Hyderabad and Department of Ecology, Environment and Remote Sensing, Srinagar. (2014). A Satellite Based Rapid Assessment on floods in Jammu & Kashmir.

¹³². Jeelani, G et al. (2012). Role of snow and glacier melt in controlling river hydrology in Liddar watershed (western Himalaya) under current and future climate. Water Resources Research, Vol. 48, W12508, doi:10.1029/2011WR011590. Retrieved from https://www.researchgate.net/publication/258724751_Role_of_snow_and_glacier_melt_in_controlling_river_hydrology_in_Liddar_watershed_western_Himalaya_under_current_and_future_climate in October 2015.

11. Map of Lidder Catchment



The second, more recent, route from Baltal is situated in the Sind valley with three base camps at Baltal, Domail and Panchtarni built on the banks of the Sind Nallah, also a major tributary of the Jhelum. It is located below the Zojila pass, the only road between Kashmir and Ladakh. The tree line here is till Letri presumed to be located between Domail and Rail Pathri.

Hydrological data suggests that the discharge of most of the rivers in Kashmir, including the Lidder, has halved in the past 50 years. In his report, Arjima

Hussain Talib (2007) speaks about a villager in the Sindh valley who states that the water flow of the Sindh Nallah has also depleted due to early melting of snow.¹³³ In both instances, the area after the tree line is scattered with high altitude meadows and glaciers. While there are permanent settlements until the tree line, the meadows are home to the Chopans and Bakharwals, nomadic communities who travel to the higher reaches in summer to graze with their herds of sheep.

Pahalgam Route		Baltal Route	
Camp	Height (Feet)	Camp	Height (Feet)
Nunwan*	7052	Baltal*	9400
Chandanwari*	9500	Domail	9748
Pissu Top	11500	Rail Pathri 1	10700
Zojibal	10700	Rail Pathri 2	11000
Nagakoti	11500	Barari Marg	13100
Sheshnag*	12500	Y Junction	12900
Wabal	12800	Sangam*	11800
Mahagunus Top	14800	Cave*	13500
Poshpatri	11500		
Panchtarni*	12000		
Sangam*	11800		
Cave*	13500		

Table 10: Altitude at which camps along the Amarnath Yatra route are located

* Camps with night halt facilities coordinated by SASB.

¹³³ Talib, Arima Hussain. (2007). On the Brink? A Report on Climate Change and its Impact in Kashmir. Books For Change, Bangalore.

Travel chroniclers in the 1800s have recorded the traditional route in detail and with awe. O'Connors (1920) writes about an Englishman who found the route to Amarnath as being wild and grand. O'Connor himself in a chapter dedicated to his travel to Amarnath via Baltal in the month of June talks of the route being treacherous and at times dark, frightening and solitary. He also suggests that the weather was intermittent making the journey from Baltal to the Cave a dangerous one.¹³⁴

Several writers in the 19th and 20th century have noticed that other than the yatris travelling to the cave, the areas beyond the meadows are not visited by people. Additionally, several people of the older generation in the Valley shared that the Yatra used to be conducted in an informal manner, where families would come in smaller groups and join the Yatra, carrying with them necessary provisions for cooking a simple meal. They would stop at the places which today act as camps, pitch their tents and wind them up the next morning. Many shared that the yatris travelled bare feet indicating the frugal nature of the Yatra of the past.

Juxtapose it to today where the camps are nothing less than sprawling settlements which boast of all kinds of services befitting small towns, as seen in the preceding chapters. In the name of the safety for the yatris, all caution towards environment is thrown to the wind. As one of the people we met with in Srinagar said that *"all creativity is leading to destruction and so is the nature in which the Amarnath Yatra is today conducted."*

6.3. Environmental Impacts of the Amarnath Yatra

Given the ecosensitive and precarious nature of the region, and the critical role it plays in terms of providing water and environmental stability to the Valley, there are serious implications of unregulated large visitations in the two valleys. The SHPC also notes the fragile and vulnerable nature of the ecosystem and warns that impacts of human interventions need to be assessed, minimised and controlled. Yet, in its specific recommendations, even the SHPC has ignored issues of noise pollution, the impact of helicopters on glaciers, on the rivers Lidder and Sindh, and on the forests and meadows. Instead, the Committee has chosen to focus on sanitation and waste disposal, which while important are not the only serious implications of the Yatra.

The key issues that this chapter will explore vis-a-vis the Amarnath Yatra are:

1. Carrying capacity
2. Sanitation and solid waste
3. Broader environmental concerns

6.3.1 Carrying Capacity

Increasing numbers of domestic and international visitors to tourist areas has led to problems of overuse, overcrowding and unwanted impacts. While this has been a growing concern, many of those involved in promotion and development of tourism facilities are keen on further attracting visitors.

¹³⁴ O'Connor, V. C. Scott. (1920). The Charm of Kashmir. Longmans Green and Co., London. For books by other travellers, cartographers, geographers and chroniclers please visit the websites: <http://pahar.in/> and <http://archive.org>.

Tourist numbers will continue to increase, and exert pressure on already vulnerable eco-fragile tourist destinations and their local populations.

Sustainable tourism strives to ensure a balance between the number and activities of tourists and the capacity of the resource system to support these activities, without degradation or depletion of these resources. Carrying capacity is a key concept in planning for sustainable development. Understanding the carrying capacity of resources used in tourism, can guide the development of sustainable practices. Carrying capacity seeks to establish ecological and behavioural thresholds beyond which there is deterioration in the bio-physical, socio- economic and environmental milieu, the quality of life of local people, and the quality of visitor experience.

In India, voices regarding carrying capacity gained urgency with the Uttarakhand calamity in mid 2013. Experts and officials expressed concern that in spite of the fact that carrying capacity has been breached in many areas within the Himalayan states, tourism and pilgrimage continue to be largely unregulated.¹³⁵

Even the consultation on 'Regulating Tourism and Pilgrimage in the Himalayas' (organised jointly by the Ministry of Environment and Forests, Government of India and the G.B. Pant Institute of Himalayan Environment and Development) acknowledged the link between tourism and livelihoods. It flagged the need to focus on how to ensure livelihoods while regulating pilgrimage and tourism.¹³⁶

Tourism, like any other human activity, causes changes to its surrounding conditions. In order to understand the impacts of tourism activities, it is necessary to know the characteristics and resilience of the location in which tourism takes place. The carrying capacity concept is linked to this resilience, and rises from the necessity to establish what is the maximum acceptable level of impact and the capability of recovery back to the previous condition.

The UNWTO (1981) defined Tourism Carrying Capacity (TCC) as the maximum number of tourists that may visit a tourist destination at the same time, without causing destruction of the physical, socio-cultural, and economic environment and an unacceptable quality of visitor satisfaction.

This definition of TCC led to efforts in estimating the maximum number of visitors a destination can take before degradation of the area occurs.¹³⁷ However, since there is a wide range in the type of visitors, their behaviours and the type of activities they engage in, tourism carrying capacity (TCC) cannot be expressed merely in visitor numbers.

¹³⁵. Semwal, Rajeev (Ministry of Environment and Forests), Kireet Kumar, and P.P.Dhyani (G.B.Pant Institute of Himalayan Environment and Development). (2014). "Regulating Tourism and Pilgrimage in the Himalaya*." Current Science 106(6).

¹³⁶. Semwal, Rajeev (Ministry of Environment and Forests), Kireet Kumar, and P.P.Dhyani (G.B.Pant Institute of Himalayan Environment and Development). (2014). "Regulating Tourism and Pilgrimage in the Himalaya*." Current Science 106(6).

¹³⁷. Castellani, Valentina, and Serenella Sala. (2012). "Carrying Capacity of Tourism System : Assessment of Environmental and Management Constraints Towards Sustainability".

The United Nations Environment Programme (UNEP)/ Priority Actions Programme (PAP) (1997) effort in exploring and implementing carrying capacity assessments led to the clarification that TCC is composed of three dimensions:

1. Physical-ecological:

- a) fixed components relating to the natural environment (ecology, natural heritage, length of the coastline, climate), which cannot be manipulated by human action, but has limits which need to be estimated, observed and respected;
- b) flexible components relating to infrastructural systems (water supply, sewerage, power, fuel supply, transportation, public services), the capacities of which can increase with investment, and need to be considered while exploring management options.

2. Socio-demographic: includes all elements which concern social communities and problems of interrelation between local resident population and tourists, tourism facilities and tour operators; available manpower, education level of workers, cultural identity of locals, quality of tourists' experience and capacity for receiving new tourists and workers. This component is influenced by political-economic decisions/ policy and its estimation also involves value judgements.

3. Political-economic: refers to tourism impacts on local economy and its competition with other sectors; institutional issues with local capacity to manage tourism, governance issues; anticipated investments and economic measures for tourism development.¹³⁸

UNEP's definition is by far the most comprehensive of all, and takes into consideration all dimensions of society, state and environment which are impacted by tourism. This definition also indicates that TCC cannot be a constant number. It is a framework that needs to be used to calculate the footfall and nature of activities that could be undertaken in a destination. It is thus not a numerical calculation, although that is how it is popularly understood. Carrying capacities change with the changing environment, growth and development of local population and change in the political-economic scenario of a region.

In the context of Amarnath Yatra, carrying capacity is understood to be the number of people the tracks can take, and at best, includes infrastructure for the yatris. In a debate on Rising Kashmir on the issue of 'Amarnath Yatra and Its Impacts on Environment' in July 2014, Mr. Preet Pal Singh, Addl. CEO of the SASB said *"As far as pilgrims is concerned, the shrine board has taken a decision this year that not more than 7500 yatris will be allowed per day per route. Our entire infrastructure is sufficient for 7500 yatris to accommodate."* In the same debate Mr. Singh made another statement *"We had come to this figure of 7500 based on the carrying capacity of the tracks along with the state government capacity to regulate the number of the yatris."*

¹³⁸. Trumbic, Ivica. (2005). "Tourism Carrying Capacity Assessment in the Mediterranean coastal tourist destinations." in proceedings of the 14th biennial coastal zone conference. New Orleans, Louisiana.

Quality of the track, accommodation, medicines, food, water and electricity are seen to be the main determinants of how many people could travel to the Cave on a particular day or season. Geographical and climatic conditions, carrying capacity of tracks, availability of various required facilities, and foremost, the need to ensure safety and security of the yatris, are at the core of the decision making parameters of the Shrine Board.¹³⁹

The first instance where there is a mention of regulating number of Yatris is in the Nitish Sengupta Report,¹⁴⁰ where he observed that the 32 kms stretch Chandanwari to the Cave is narrow and merits the regulation of the number of Yatris. He further suggested that there be a cap of 100,000 yatris, making the pilgrimage over a month with not more than 10,000 yatris on any given day on the entire route from Chandanwari to the Cave. The report proposed that this be done in batches of 3000 yatris per day.¹⁴¹ In a statement laid in the Lok Sabha on 15th July, 2004 the Minister of Home Affairs said that the Nitish Sengupta report suggested a limit of 280 yatris per day on the Pahalgam route and 700 yatris a day on the Baltal route. Another Committee was constituted after the attack on yatris in August 2000 headed by Lt. General J.R. Mukerjee which recommended that the yatris be restricted to 3000 on Pahalgam and 2000 on Baltal route, subject to the tracks being widened and strengthened, and until such time, the Sengupta report recommendation may be implemented.¹⁴² The Jammu & Kashmir Pollution Control Board (J&KPCB) in its report 'Environmental impact of religious tourism on Pahalgam–Amarnath and Strategies for Sustainable Management' released in 2006 also recommended that the Yatra should be restricted keeping in view the carrying capacity of the area.¹⁴³ None of the recommendations of the Sengupta, Mukherjee, or J&KPCB reports were implemented.

In 2005, Governor S.K. Sinha had wanted to do away with the cap of 3500 yatris being permitted from each side. His argument was that even the Sengupta report suggested that the numbers could be increased if infrastructure was augmented.¹⁴⁴

Another important aspect that the Sengupta report highlighted,¹⁴⁵ and which does not seem to have found traction with the SASB, is the presence of service providers which has been estimated as 1.5 to

¹³⁹. RTI response from SASB dt. 28.07.2015.

¹⁴⁰. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

¹⁴¹. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

¹⁴². Lok Sabha Debates, Regarding Shri Amarnath Yatra-2004. Laid on 15 July, 2004.

¹⁴³. The Jammu & Kashmir Pollution Control Board (J&KPCB). (2006). Environmental impact of religious tourism on Pahalgam–Amarnath and Strategies for Sustainable Management.

¹⁴⁴. Sinha, S.K. (2012). Guarding India's Integrity: A Proactive Governor Speaks. Manas Publications, New Delhi.

¹⁴⁵. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

2 times the number of yatris. Therefore even if 10000 yatris are permitted on the Chandanwari–Cave track each day, there would actually be an additional number of 15000-20000 on the track, taking the total number of people to 25000 – 30000 per day. Those groups who support increasing the number of yatris allowed to embark on the Yatra every day must realise that this is no small figure. While the Sengupta report seems conservative in its estimate, it is also true that even this number is not based on any study, and the manner in which this cut off was established remains unclear.

Taking ad-hoc decisions to another level is the SASB, which during its 22nd meeting held on 24th February 2012, decided that a total of 10,000 yatris per day (excluding those travelling by helicopter) would be permitted on the Yatra from both the gates. This was later increased to 15000 yatris per day. According to one of the tent owners, in the year 2012, on one of the days, which was also a holiday, there were 44000 yatris at the cave where shortages of facilities like food and shelter were faced. They also claimed that Justice Swantanter Kumar was also present at the cave on that day and upon return filed a Suo Moto case in the Supreme Court (Writ Petition (Civil) 284 / 2012).



Yatris at the Sheesh Nag camp getting ready to start the second day of the Yatra



Yatris at the Sheesh Nag camp getting ready to start the second day of the Yatra

SASB has set the carrying capacity as 7500 from each route per day with an additional number of 1500 people who would be allowed to be ferried by helicopter from each route. The total number of people allowed to enter the region therefore stands at 18000 people per day. On the Chandanwari route, this also means that after the third day of the start of the Yatra, there could be 22500 people on that one track alone. Additionally there would be 33750 – 45000 service providers taking the total to 56250 – 67500 on one track alone. These figures do not include the armed forces which would add significantly to this number. Furthermore, a response to an RTI filed with the Shrine Board confirmed that neither has any carrying capacity study been conducted to determine the number of yatris per day or season, nor has any environment impact assessment of the entire Yatra been conducted.



Traffic jam at 11000 feet

There is also the issue of spot registrations. Despite announcements in popular newspapers and internet, several people from rural areas arrive at the Camps without being registered, who may be registered on the spot. Desks at pre-determined locations facilitate this, including the presence of a medical officer who produces the Compulsory Health Certificate (CHC). Yet, the people of Pahalgam report that every year several people who are not registered also embark on the Yatra, making the concept of registrations, which is also seen as a way of regulation, weak.

While the SASB claims that sanitation linked recommendations have been followed, what is not publicised is that the Committee had recommended that the number of yatris who make the pilgrimage would be determined annually, based on the condition of the track, weather forecast and available infrastructure.¹⁴⁶ Instead, the track and infrastructure are prepared such that they are able to withstand the number of people who have registered. For example registration for the Yatra opens in February, with state-wise allotments having already been made. The tracks on the other hand are cleared only in June. By this time, registration for the majority of the yatris for the first three weeks is already completed, and the SASB is forced to ensure that the tracks and infrastructure are in place. In a response to an RTI filed with the SASB, we were informed that for the convenience of pilgrims for

¹⁴⁶. Report of the Special High Powered Committee (SHPC), 2012.

Yatra 2015 and to meet the requirements of the service providers, 2425 toilets and 367 baths have been installed in the Yatra area and are connected with soakage pits.¹⁴⁷ The implication of this on the mountains and water bodies are not assessed.

Just as the Nitish Sengupta report has suggested, the SHPC also suggested that determining a cap on number of yatris per day is insufficient, and that it would also be critical to allow the yatris only in batches. However, on peak days when there is a real need for this staggered release of yatris, it is not followed. Several people from the scientific community who spoke with us shared that the Supreme Court judgement is used as an excuse to allow large numbers of people up into the mountains as long as they stay within the limit of 7500 yatris while the situation specific needs are not taken into consideration.

Regulation on stoppages and pace of movement also needs to be put in place to ensure that the already stressed path is not over burdened. For example in Baltal, if both people going up to the cave and those returning were sent in batches, traffic jams could be avoided. Because of the pressures exerted by the socio-religious organisations, there is resistance to regulate the Yatra both in terms of overall numbers, and also on a day to day basis. Instead, the SHPC suggests the regulation of the number of ponies and dandies as a mechanism to reduce overcrowding.

A review of the travelogues and blogs written by people on the Yatra, brings to light repeated visits by the same people. Some of the writers boast of having been on the Yatra for several consecutive years. Further, the volunteers with the langars, even go up to the cave multiple times in the same year. This needs to be strictly prohibited. The Mansarovar Yatra which goes up to altitudes of 19500 feet, has a restriction that a person cannot undertake the Yatra a second time through the Board. In the case of Gaumukh, the Forest Department has taken cognisance of the shrinking size of the glacier and has through a Government Order, restricted the number of people to 150 a day, including service providers.¹⁴⁸

All government reports – Nitish Sengupta’s enquiry into the 1996 disaster, the SHPC’s 2012 report, judgements by the Supreme Court and popular reporting, all view carrying capacity of the Yatra in a limited sense – that of the capacity of the track and existing infrastructure. The best that has been achieved is by the SHPC, which speaks about inadequate sanitation and waste disposal mechanisms as having an impact on the health of the yatris, and then, as a passing remark, “requisite facilities to the Yatris but are also in harmony with environmental conservation framework.”¹⁴⁹

¹⁴⁷. RTI Response from SASB dated. 28.07.2015.

¹⁴⁸. Retrieved from <http://uttarkashi.nic.in/files/goumukh.PDF> in December 2015

¹⁴⁹. Report of the Special High Powered Committee (SHPC), 2012.

Concern about the carrying capacity exists insofar as it is linked to safety of the yatris.¹⁵⁰ None of the reports which are apparently direction giving, even mention any of the following impacts, much less attempt to address them: impacts that the Yatra has on the glaciers that are trampled upon by lakhs of people in a short period of time, impacts of noise pollution on the surrounding mountains and glaciers in the vicinity of the langars (which do not hesitate from blaring loud music in such high altitudes) and the helicopter sorties relentlessly transferring richer yatris to Panchtarni; the impacts of human waste and plastic dumped into rivers on the aquatic life and human lives who depend on this water in the downstream, on the forests and high altitude meadows, their biodiversity and on populations like the Chopans and Bakharwals who have traditional rights to these spaces.

6.3.2 Sanitation and Solid Waste

People of Pahalgam reported that till about 1974, there was no littering. The yatris ensured that there was no defecation near water bodies.



Yatras highest dumping ground

While the Special High Powered Committee (SHPC) in its chapter on Environmental issues accepts the vulnerable nature of the ecosystem, it focuses largely on sanitation issues and presses on the disposal of human and municipal waste, and not on the reduction of it.¹⁵¹ Some reports suggest that 55,000 kgs. of waste are generated per day of the Yatra.¹⁵²

¹⁵⁰. Report of the Special High Powered Committee (SHPC), 2012.

¹⁵¹. Report of the Special High Powered Committee (SHPC), 2012.

¹⁵². Gilani, Iftikhar. (2009). Cooperative Mechanism To Save Kashmir Environment And Water Wars. Criterion Volume 4, Number 3.



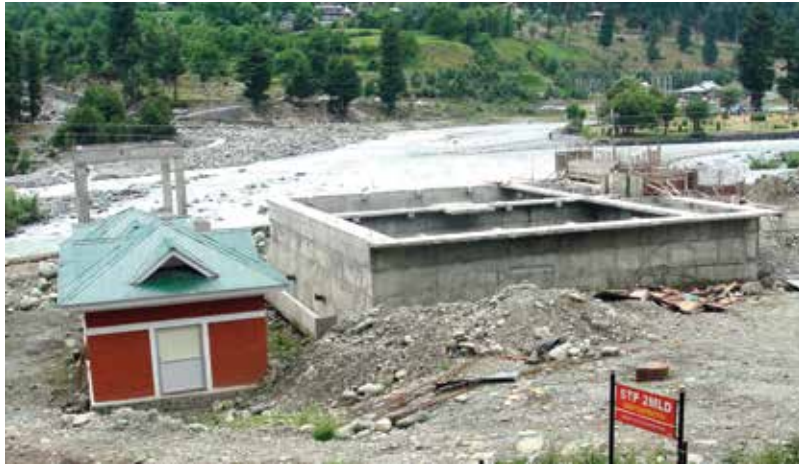
Litter off the Yatra route between Sangam Top and Baltal

With regards to human waste, Sewage Treatment Plants (STP) are located at the Nunwan and Baltal base camps. In a response to an RTI,¹⁵³ information was provided that STPs in both camps were set up in 2009. However, in 2014, people of Pahalgam reported that the STP in Nunwan was still not functional. The toilets on the track and the camps beyond Nunwan and Baltal, are built on the river side of the ridges, and not on the mountain side (possibly except in Panchtarni). The SASB claims that the waste from the temporary toilets in the camps in the upper reaches and en route are disposed in pits after treating them with microbes to facilitate faster decomposition of the human waste. However, either the pits are not deep enough or the number of toilets inadequate for the lakhs of people who move on the track, since a common sight after the first week of the Yatra is the contents of the tanks overflowing into the rivers. In Nunwan and Panchtarni since the toilets are all clustered at the rear end of the camps and as the toilets become unuseable as the days progress, often Yatris resort to open defecation in the Lidder and Sindh Nallah respectively. A senior scientist from Kashmir shared that in the Sangam camp, the tanks get flooded with rainwater and melting causing them to overflow. This has led to high pollution levels in the Lidder and Sind rivers. It is the responsibility of the State to ensure that service providers and those who are contracted with work linked to the Yatra are regulated. However, the SASB seems to promote self-regulation. For example, in the Letter of Award for the Contract of Sanitation of Toilets & Baths and Operation and Management of Sewage Treatment Plants during Shri Amarnathji Yatra 2015, the onus was on the contractor to produce lab-test reports certifying the safety and the organic substances it proposed to use for the execution of works.¹⁵⁴ The contract does not

¹⁵³. RTI response from SASB with letter no. SASB/2015/3463 dated 28.07.2015. Pg. no. 55: Letter no. SASB/works/2014/460/1163-66 dated 22.04.2015.

¹⁵⁴. Letter of Award for the Contract of Sanitation of Toilets & Baths and Operation and Management of Sewage Treatment Plants during Shri Amarnathji Yatra 2015, dt. 22/04/2015. According to RTI response SASB dt. 28-07-2015.

mention any oversight of the SASB on this, and the word of the contractor was seen as an adequate mechanism to ensure that waste generated is treated properly.



Partially constructed STP at Pahalgam (2014)

Part of the issue is linked to technology and the provision of toilets with better decomposing capacities. The SHPC in its recommendations suggested that bio-digester toilets used by the army camps in high altitudes could be one solution.¹⁵⁵ Based on the recommendations of the SHPC, in 2014 the Governor asked the CEO to obtain a report from the DRDO on the efficacy of the toilets which were installed in the cave area, which were installed for the first time the previous year. However, it was also decided that unless the bio-digester technology was found to be suitable for large scale use at the cave, traditional toilets would continued to be used.¹⁵⁶ It appears that the efficacy of bio-digesters for use in the upper reaches has not been tested after all.



Toilets at Pissu Top built on the ridge

¹⁵⁵. Report of the Special High Powered Committee (SHPC), 2012.

¹⁵⁶. Minutes of the Post Yatra Review Meeting (PYRM), held at 1430 hrs on 13th August 2014 at Raj Bhavan, Srinagar.

Romshoo and Rashid (2012) in their study on the Lidder basin find that the base camps at Nunwan, Zojibal, Chandanwari, and Sheshnag *“are not adequately equipped to sufficiently deal with the scientific disposal of solid wastes during the pilgrimage period. Considerable quantities of solid waste from these camps, the main township of Pahalgam, from locals and other tourists, and trail garbage all along the pilgrimage route to Amarnath cave finally find their disposal in the main water body of Lidder River.”* They also found that the river is most polluted between June and August, which is also the Yatra period.¹⁵⁷ The polluted waters which are consumed untreated by people living in the downstream result in increase in number of water-borne diseases in the months following the Yatra. People of Pahalgam shared that in the months immediately after the Yatra, there is an increase of Jaundice and Hepatitis B.

The criticality of the issue of sanitation is not only because of the presence of insufficient toilets and how the human waste in the upper reaches is treated. There is the larger issue of the number of people who could possibly be catered to in such an eco-sensitive environment over such a short period of time, and the impact of constructing large scale infrastructure catering to these numbers. Take for example the status at Sangam, where the topography would not support the infrastructure that is put in place, since the snow on the ridges empty themselves into the narrow valley, which is also the track that is used by the yatri and where the Camp is located. Clearly this region was never meant to see such large footfalls. All the camps in the upper reaches have similar issues. This brings us back to carrying capacity and the need to calculate not just the capacity of the track but also that of the resources that are inadvertently used or impacted.



Toilets in the Sheesh Nag camp built on the ridge with the river Lidder below

¹⁵⁷. Rashid, Irfan and Romshoo, Shakil Ahmad. (2012). Impact of anthropogenic activities on water quality of Lidder River in Kashmir Himalayas. Environmental Monitoring and Assessment DOI 10.1007/s10661-012-2898-0.

The issue of municipal waste reaches large proportions as pointed out by the following study. A study conducted by two scientists with the Department of Earth Sciences, University of Kashmir note in their findings that *“from June to August 2011, about 83 % (2,231 metric tons) of total annual solid wastes was generated with an average generation of about 24.77 metric tons/day. The per capita generation of solid waste is about 2.40 kg/day.”*¹⁵⁸ Further they note that, *“Currently, one of the visible problems with the Lidder waters is high pollution load contributed by domestic, agricultural, and the tourism sectors. One more threat to the rich water resource of Lidder is the seasonal inflow of Amarnath pilgrims during the period from June to August.”*¹⁵⁹



Pollution of Sindh River at Panchtarni, Waste littered in a stream flowing through the Sheesh Nag camp

The J&KSPCB report of 2006 warned that the Chemical Oxygen Demand (COD) has been increasing at an alarming rate in various spots along the Lidder. Dissolved oxygen has also been declining, which according to the report would have detrimental effects on aquatic life. Another finding of the report was that the physico-chemical characteristics indicated some parameters exceeding the prescribed permissible standards resulting in degradation of water quality of the river, increasing the threat of epidemic if its water is consumed.¹⁶⁰

The J&KSPCB report observed that the method of waste disposal adopted had serious implications on the health of the people of Pahalgam, since open dumping has made the groundwater vulnerable to contamination, and breeding of carriers of vector borne diseases. SASB has taken cognizance of some of the issues raised, like that of untreated human waste from the camps dumped into the river, by constructing an STP. However, practice of bringing solid waste from the upper reaches and

¹⁵⁸. Rashid, Irfan and Romshoo, Shakil Ahmad, “Impact of anthropogenic activities on water quality of Lidder River in Kashmir Himalayas”, 2012, Environmental Monitoring and Assessment, DOI 10.1007/s10661-012-2898-0.

¹⁵⁹. Rashid, Irfan and Romshoo, Shakil Ahmad, “Impact of anthropogenic activities on water quality of Lidder River in Kashmir Himalayas”, 2012, Environmental Monitoring and Assessment, DOI 10.1007/s10661-012-2898-0.

¹⁶⁰. The Jammu & Kashmir Pollution Control Board (J&KPCB). (2006). Environmental impact of religious tourism on Pahalgam–Amarnath and Strategies for Sustainable Management.

open dumping in Pahalgam, or disposing municipal waste at sites at higher altitudes by digging pits continues unabated. While tourism in Pahalgam also contributes to pollution of the river Lidder, the high levels of pollution in the upstream are also causing a decline in the dissolved oxygen of the river.



Waste water from a langar at Poshpathri being dumped in the open

Another aspect is the nature of waste generated. The SHPC had noted that the langar waste was high on grease and biological material.¹⁶¹ The report had also highlighted the need for safe ways of disposing municipal solid waste and in accordance with Rules that are already established.¹⁶² In an interview with Dr. Sunita Narain, she mentioned that the nature of food consumed would have an impact on the toxicity of the human waste. Therefore, it was imperative to ensure restrictions on diet.

¹⁶¹. Report of the Special High Powered Committee (SHPC), 2012.

¹⁶². Report of the Special High Powered Committee (SHPC), 2012.



People defecating in the Sindh river



Both Pahalgam and Sonamarg have designated dumping grounds for waste to be brought from the upper reaches. In Sonamarg the dumping ground is at Sarbal, while in Pahalgam it is located just above the Tulian Nallah (a major tributary of the Lidder river). When the rains are heavy the waste flows into the nallah. Besides, the dumping ground is located so close to the nallah that surely the ground water must be contaminating the stream as well. Since mid-2015, the PDA has temporarily shifted the dumping ground to the Baisaran region, a meadow even higher than Pahalgam! There are claims that the current waste dumped at Sarbal is being treated.

Dumping ground at Pahalgam on the banks of Tullian nala

There is a proposal for a new landfill site at Mouvura, spread over 21,000 sq. mts. (42 kanals) located just before Pahalgam.¹⁶³ According to the pre-feasibility report, the current land use is for agriculture, owned by the village, and the PDA would need to acquire the land as per processes mandated by land acquisition laws in Jammu and Kashmir. Further, the mandated process to change land use also needs to be initiated. However, the same report says that no clearances would be required vis-a-vis existing land, vegetation, building since the plot of land is vacant. Even if a piece of land is vacant and not being cultivated, that it has been recorded as land under agriculture would mandate that the land use change proceedings be initiated, including Resettlement and Rehabilitation. Yet, in the section on Resettlement and Rehabilitation, in response to a question to the policy to be adapted for the same, mentions 'Not Applicable'. The plan for the municipal waste facility comprises of two composting sites and one landfill site. The PDA submitted the proposal to the Expert Appraisal Committee (EAC) in 2013 to initiate the process of obtaining Environment Clearance (EC). However, in its 127th meeting, the EAC asked that an integrated plan be submitted along with plan for roads and other infrastructure,¹⁶⁴ which was re-submitted in May 2015. However, in its 150th meeting minutes the EAC observed that the land use of the proposed site for the landfill was agriculture and that no alternate sites had been proposed. The EAC however, has allowed for the ToR to be finalised, subject to the landfill site being in conformity with the Municipal Solid Wastes (Management and Handling) Rules, 2002, the Wetland (Conservation and Management) Rules, 2010 and rules linked to Eco-sensitive areas.¹⁶⁵

The issue of solid waste disposal was first raised by the J&KPCB in its 2006 report. From the report it appears that the PDA switches between the site in the Baisaran region and Sarbal (near Tulian Nallah). Both are close to critical streams. The 2006 report makes the following observation regarding the Baisaran site:

*"...Not to speak of any processing or segregation of biodegradable and non- biodegradable waste, the solid waste has been found dumped in a forest area. However, it is found that the pollutants get transported to River Lidder through one of the spring which is there near dumping sloppy site. No system for the disposal of the waste is being followed by the responsible agencies like PDA."*¹⁶⁶

10 years on and nothing much has changed in the situation. The fundamental question here is why are people of the Pahalgam region paying a price for the unsustainable nature in which the Yatra is

¹⁶³. Pre Feasibility Report of Proposed Integrated Municipal Solid Waste Processing and Disposal Facility for Pahalgam Town & Amarnath Yatra at Mavoura, Village, Tehsil: Pahalgam, District: Anantnag, Jammu & Kashmir, June 2015, Pahalgam Development Authority.

¹⁶⁴. Minutes of the 127th meeting of Expert Appraisal Committee for Projects related to Infrastructure Development, Coastal Regulation Zone, Building/Construction and Miscellaneous projects held on 28th -30th October, 2013 at Fazal Hall, Scope.

¹⁶⁵. Minutes of the 150th meeting of Expert Appraisal Committee for Projects related to Infrastructure Development, Coastal Regulation Zone, Building/Construction and Miscellaneous projects held on 29th – 31st July, 2015 at Conference Hall (Narmada), Jal Wing, Ground Floor, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-3.

¹⁶⁶. The Jammu & Kashmir Pollution Control Board (J&KPCB). (2006). Environmental impact of religious tourism on Pahalgam–Amarnath and Strategies for Sustainable Management.

conducted? Particularly since they are denied any role in the planning and regulation of the Yatra, as has been established in Chapter 4.



Dumping ground at Pahalgam

Use of plastics continues to be rampant in the Yatra. While attempts have been made to curtail this by distribution of cloth bags, plastics in the form of water bottles, polythene to protect clothes from rain, and use of plastics and tetra packs by the langars has not been dealt with. The SASB also acknowledged this during a post Yatra review meeting in 2014.¹⁶⁷

While the SASB claims that they bring back municipal waste from the higher camps and from the routes, people of Pahalgam and Sonamarg say that they have never seen this actually happening. The Board also claims that earthen pits are dug to dump municipal waste generated along the route and which are covered after the Yatra. While it is true that this is done in some places, the pits are not deep enough and after some days of decomposition, the resultant stench attracts brown bears which inhabit the area, who then dig out the waste. The next rain after the contents of the pit are dug out causes the filth to flow into the river. This strategy therefore does not successfully address the issue of solid waste on the Yatra route.



Dug pit behind a langar to dump waste in. This is on the second day of the yatra starting and has not yet been used

¹⁶⁷. Minutes of the Post Yatra Review Meeting (PYRM), held at 1430 hrs on 13th August 2014 at Raj Bhavan, Srinagar.

A large quantity of non-biodegradable waste is generated by the langars, and it seems that no real effort has been made to regulate and minimise that. Langars are also openly violating the food menu that has been approved by the Board, which suggests a low fat, low protein diet.¹⁶⁸ For example in Posh Pathri which is at a height 11500 feet, the sight at the langar is more like one at a wedding dinner than a stop over of a pilgrimage, which boasts of serving more than 101 types of food and beverage everyday. The SHPC also observed that the langar organisations are generating a substantial quantity of biodegradable waste, which the SASB claims is composted by dumping them in large pits. What is however visible is a completely different story. Langars dig shallow pits behind their tents where both biodegradable and non-biodegradable waste are dumped.¹⁶⁹ However, the Updated Terms and Conditions for Running the Free Langar Service During Yatra 2015 clearly mentions that the langar organisations are bound to segregate bio-degradable and non-biodegradable waste and bring back all non-biodegradable waste to the garbage collection sites at the base camps.¹⁷⁰



Garbage dumped behind a langar at Poshpathri

With the absence of a proper plan to dispose off the waste, there is an environmental disaster brewing in the Lidder valley. Though there are dustbins placed for collection of other waste along the route, one finds garbage littered everywhere. While the SHPC report mentions the distribution of cloth bags to the yatris in 2012, it also appears that the move was unsuccessful since the yatris use plastic to wrap their belongings to protect them from rain.¹⁷¹ Yet, yatris have to be made liable to ensure that their faith does not cause a negative impact on the environment. One of the progressive suggestions

¹⁶⁸. The SHPC report (Pg. 47) also warned that there needs to be appropriate solution for the treatment of langar waste, which was high on grease and biological material. However, no attempts to this seem to have been made as the waste continues to be disposed in pits that are dug on the mountain slopes.

¹⁶⁹. Further discussion on Langar Organisations in Chapter 5.

¹⁷⁰. Point 25 of the document.

¹⁷¹. Report of the Special High Powered Committee (SHPC), 2012.

made by the SHPC in its report is that yatris deposit an amount for every plastic bottle that they carry with them on the Yatra and which would be refundable on their return if the bottle is brought back. Further, the report also suggests that water filters be installed at the Camps and Langars so as to eventually bring down the use of plastic for water.¹⁷² However, this might not be feasible since the yatri might continue to purchase water bottles from the langars and shops in the camps and still claim their deposit. Instead, it would be judicious to charge a conservation fee from the yatris in recognition of the impact their presence in the Yatra region causes between Chandanwari and Baltal. Which would also be aligned to the Polluter Pays principle!

The issue of pollution is linked to the Environment Protection Act, and the Pollution Control Board plays a most critical role in the implementation of Water Act 1974, Air Act 1981, EP Act 1986, Rules & Notification Under EP Act 1986, Water Rules 1975, Public Liability Insurance Act 1991, Public Liability Insurance Rules, National Environment Tribunal Act 1995, National Green Tribunal Act, Slaughter House Rules, 2001, Amendment to EIA Notification, 2009 are the responsibility of the J&K SPCB. As a part of this study an RTI was filed with the J&K SPCB as well. However, no response was received. The SHPC in its report in two instances suggests that the SPCB should conduct analytical studies to monitor the water quality of the Lidder and the Sindh rivers to ensure that there could be speedy response by sharing the findings with the SASB.¹⁷³ Officials and researchers in the Board shared that testing of the water quality in the rivers during the Yatra period is not regularly conducted.

Religious practices are also adding to issue of waste. Yatris believe that after the long and arduous journey they need to cleanse themselves before entering the cave. Accordingly, service providers at Sangam Top have constructed make-shift bathing huts, some of which also provide hot water facilities since the yatris are unable to withstand the cold water.



Yatris bathing at Sangam Top. Note the water heater pitched to the tent. Make-shift bathing huts at Sangam Top

¹⁷². Report of the Special High Powered Committee (SHPC), 2012.

¹⁷³. Report of the Special High Powered Committee (SHPC), 2012.

The J&KSPCB report of 2006 observed that large amounts of coconuts are offered at the cave, increasing the amount of material brought out of the region. People of the Valley reported that offerings by the yatris are dumped behind the cave, away from the public gaze, and remain there.

6.3.3. Broader Environmental Concerns: Impact on Glaciers and Forests

According to the Centre of Seismology, Indian Meteorological Department, Government of India, most of the Kashmir valley comes in Zone 4, a high level of seismicity. A historical record of 13 earthquakes in the Kashmir valley over the last millennium, which includes the catastrophic earthquakes of 1555 and 1885, indicates that the Kashmir valley is a locus of active deformation.¹⁷⁴ Therefore, the active geomorphological evidences suggest that these historical events must have ruptured the surface, which are now preserved as active fault scarps.

Apart from seismicity, the region is covered with small and medium sized glaciers and their interaction with the mountains also need to be considered. Several studies using LANDSAT images indicate that the glaciers are melting due to both climate change and anthropogenic activities, which have huge ramifications leading to skewed water supply, increased mountain erosion, flash floods, dam breaches, landslides and avalanches. Once an event is caused in a glacial valley, the remaining slopes gets further destabilised, especially a hanging valley. In places of pronounced glacier retreat, changes in stress distribution and surface conditions of rock walls in deeply cut glacier troughs could induce large mass instabilities. The general tendency is thus toward a shifting of hazard zones with considerable changes in the processes involved and a widespread decrease in the stability of slopes.¹⁷⁵

Due to increasing global temperatures, there is a reduction in the amount of snow in the higher mountains, while on the other hand there is the fast melting snow which makes water available for a shorter period of time.



A glacier in the Sheesh Nag camp cracked and the stream flowing underneath full of silt and waste
Yatris can be seen walking on a glacier in the far distance, between Pissu Top and Sheesh Nag

¹⁷⁴. Madden C, Trench D, Meigs A. (2010). Late quaternary shortening and earthquake chronology of an active fault in the Kashmir Basin. Northwest Himalaya. *Seism Res Lett* 81(2):346.

¹⁷⁵. Vijay P. Singh, Pratap Singh & Umesh K. Haritashya (eds.). (2011). *Encyclopedia of Snow, Ice and Glaciers*. Springer, The Netherlands.

The Yatra needs to be seen in this context of climate change. The additional stress that the high altitudes will see due to the presence of people hundreds of thousands, due to sudden increase in heat (due to cooking, use of lights and simply body heat of over three hundred thousand people) would only exacerbate the crises. One that will not make too much of a difference to the yatris, since it is neither their lives or homes that is made vulnerable.



Broken glacier just outside Panchtarni camp

Some indications that climate change has already started causing significant change in the landscape are: water levels of rivers and streams in Kashmir has reduced by about two- thirds in the past 40 years, due to early melting of snow, which has led to flooding in winter and spring, and also a decrease in water availability in the streams in summer.¹⁷⁶ There is a positive correlation between temperature and run off in winter and spring due to the above normal temperatures causing early melting of ice and snow. However, in summer there is a negative correlation since the increasing temperatures are also causing an increase in evaporation, causing a reduction in levels of water bodies.

The annual average temperature at Pahalgam is 9 degrees Celsius and is showing an increasing trend.¹⁷⁷ The Chopans who live in the area between Sheesh Nag and Panchtarni have reported that with the increase in the number of yatris, there is decreasing snow fall and regeneration of grass as well and as a result they have been forced to reduce the number of sheep that they bring from the plains to graze. Ten families used to live in the region between Mahagunus Top and Panchtarni but with reduction in grass, now only one family lives in the region. This family too has been forced to reduce the number of sheep they bring, from 1400- 1500 five years ago, to 200 today.

¹⁷⁶. Talib, Arimand Hussain. (2007). On the Brink? A Report on Climate Change and its Impact in Kashmir. Books For Change, Bangalore.

¹⁷⁷. Zaz, Sumira Nazir and Romshoo, Shakil Ahmad (2013). Recent Variation in Temperature Trends in Kashmir Valley. Journal of Himalayan Ecology and Sustainable Development. Vol 8.

Along with flora, the fauna has also been negatively impacted. There is a reduction in the migratory birds in the region. People who have travelled to the Lidder valley for some decades now report that several birds including different species of vultures, and the Rang Chairi – a colourful sparrow used to breed in the area around Sheesh Nag during the months just preceding the Yatra. With the large number of crowds coming in, they have stopped coming.

Helicopter services to the Cave were stopped in 2009 since the heat vibrations, noise and gases generated by the operations would affect the ice formation. Further, in 2006, a helicopter crashed near the cave. According to Mr. Preet Pal Singh, Addl CEO, SASB, in an interview said that, *“the funnel shape of the approach from Sangam to the Cave proved to be risky.”* Langars are not allowed to be set 600 meters from the Cave since the heat from the cooking was affecting the ice formation. The helipad in Baltal was shifted to Neelgrath since the noise and dust was inconveniencing the yatris in the camp. Clearly the SASB is aware about the impacts of the helicopter but takes steps largely to protect the interests of the yatris and the Cave, rather than being concerned about the long term implications on the people of the Valley. There are enough environmental studies that prove that the sorties affect the glaciers on its route. For example initially, the route from Pahalgam to Panchtarni involved flying over the Kolahoi glacier, which is reported to have been damaged due to the vibrations. However, all those who had stakes in the Yatra and who were interviewed for this study, did not mention—even in passing—the impact that the helicopter sorties had on the glaciers, and instead focussed on the preservation of the ice stalagmite and comfort of the yatris.



Helicopter flying over a glacier on the Neelgrath - Baltal route

The J&KPCB report also warns against high vehicular movement in the Pahalgam bowl in general but to Chandanwari in particular. If the situation was a matter of concern ten years ago, one wonders what the impacts of vehicular pollution must be on the surrounding forests, given that there has not only been no regulation, but an increase over the years.



Parking lot at Baltal Camp

An aspect of critical concern is that the SASB has found that the slopes near the cave are not stable. In a meeting of the sub-committee, constituted by the Supreme Court in Writ Petition (Civil) 284 / 2012, it was recognised that the two deaths of yatris on 29.6.2014 were due to rolling stones at the cave. The Chief Engineer of the PWD was dissatisfied with the solution offered by Tehri Hydro Development Corporation (THDCIL) and no decision was taken at the sub-committee regarding the stabilisation of slopes, as it was sought to be discussed in detail with a smaller group and a solution arrived at.¹⁷⁸ This is a critical development and one that has not been placed in the public domain. How judicious is it then to continue to allow such large numbers of people to enter the vicinity? And why is this not a consideration while deciding on the duration of the Yatra?

The SHPC report mentions that the Yatra starts only after the tracks can be cleared of snow, sometimes even cutting through it. The fundamental question here is why is there a need for the track to be cleared? If the Yatra were to proceed as per tradition for a period of 10-15 days, much of the ice and snow would already have melted. In 2014 there was unexpectedly high snowfall in the regions around Sheesh Nag and beyond. The SASB even considered hauling a JCB machine by helicopter to clear the snow. What then are the environmental costs that are being paid by the conduct of this Yatra?

¹⁷⁸. Minutes of the sub-committee meeting held under the chairmanship of Mr. Iqbal Khandey, IAS, Chief Secretary, J & K on 13th October, 2014 at 3.00 pm in the Committee Room, Civil Secretariat, Srinagar.



A Shiva temple in Sheesh Nag camp built on unmelted ice

There is much pressure from socio-religious organisations to ensure that the Yatra period is not less than 60 days. This leaves a matter of few days between the clearing of the tracks and the start of the Yatra making the state adopt all kinds of tactics to build the necessary bridges over the mountain streams hurtling down with water from freshly melted snow. Frequently bridges have to be repaired in one season itself.

Twenty years ago the snow line in the valleys of eastern Kashmir was just above Pahalgam and Sonmarg (3200m). Today the line has receded to Sheeshnag region which is at an altitude of 5000 m. Glaciers including Thajiwas, Kolahoi have receded to 4000-5000 m in the past 50 years.¹⁷⁹

The Lidder basin has seen significant glacier changes during the period 1962–2013, the area of which has reduced from 49.09 sq. km to 33.43 sq. km, which amounts to a depletion of nearly 28% in 51 years. During the same period, Kolahoi, the most important glacier in the basin and in southern Kashmir shrunk by 2.75 sq.km.¹⁸⁰

The Thajiwas glacier which is not far away from the helipad at Neelgrath is at threat due to the helicopter sorties. There are three huge glaciers on the Baltal side, en route to the cave and with constant trampling by the yatris, has been damaged extensively.

¹⁷⁹. Gilani, Iftikhar. (2009). Cooperative Mechanism To Save Kashmir Environment And Water Wars. Criterion Volume 4, Number 3.

¹⁸⁰. Romshoo, Shakil Ahmad, et al. "Implications of shrinking cryosphere under changing climate on the streamflows in the Lidder catchment in the Upper Indus Basis," 2015.

The Nehnar glacier at a height of 4500 mts. near Baltal is also at risk. In 2005 Prof M.N. Kaul, a former principal investigator on glaciology in the Department of Science and Technology in India, stated: *"The ecology, the environment and the health of the glacier can be under severe threat in case the Baltal route to the holy cave was frequented by thousands of pilgrims."* Regarding the opening of the Baltal route, he also said that *"it is for the first time the Baltal route has been exposed to heavy pilgrim traffic which is likely to affect the ecological balance and the health of the Nehnar glacier."*¹⁸¹

6.3.3.1 Vulnerability of the Yatra Region

In October 2013, Standard Operating Procedures (SOP) for disaster management in the Yatra area were adopted through a government order. A detailed vulnerability analysis is presented in the document, which throws light on the extent that the location, topography and climate makes the region extremely fragile and unstable. Below are some of the concerns as presented in the document:¹⁸²

- **Avalanche / Cloud Burst / Flash Floods / Heavy Snow:** While the entire route is vulnerable to this, Panchtarni, Sheshnag, Cave, MG Top, Wabal Top, Poshpatri, Brarimarg, Baltal and Sangam have been identified as most vulnerable. The nallah at the cave is also considered especially open to flash floods due to the topography of the area.
- **Shooting stones / land slides:** The SOP admits that the Yatra is located in fragile and young mountains and is therefore extremely unstable. Railpathri to Brarimarg, Panchtarni to Sangam Top, Wabal to MG Top, Kalimata Track and the cave have been listed as the area most prone to shooting stones and landslides. Interestingly, it is at these exact points where lines of people queue up like a traffic jam in a city. The team encountered one such jam at 13000 feet, between Brarimarg and Railpathri, where there were four lanes operational on the narrow track (two for horses and two for walking yatris)!
- **Fire:** The close proximity of such large numbers of langars and tents, makes all camps vulnerable to fire. As seen in the July 2014 conflict in Baltal,¹⁸³ only a few minutes would suffice for the fire to spread, burning hundreds of tents.
- **Stampede:** Since the tracks are very narrow and the number of yatris far exceed the track capacity, there is a fear of stampede breaking out, especially at the cave, Sheeshnag, Panchtarni, track from Sangam to cave and access control gates at Chandanwari and Domail.
- **Earthquake:** The entire Yatra route falls in Zone IV as per the Hazard Zoning Map of India.

¹⁸¹. Gilani, Iftikhar. (2009). Cooperative Mechanism To Save Kashmir Environment And Water Wars. Criterion Volume 4, Number 3.

¹⁸². Standard Operating Procedures for disaster management in the yatra area during Shri Amarnathji Yatra. (Annexure to Government Order No. 226-Home of 2013 dated 10.06.2013) Retrieved from http://www.jkhome.nic.in/pdfs/SOPs_final%2028052013.pdf in August 2015.

¹⁸³. Details in Chapter 7.

While loss of life and property is limited due to tents being used and absence of permanent structures, the larger damage could be due to avalanches, landslides and shooting stones triggered by an earthquake. All Yatra camps are therefore especially vulnerable.

The SOPs to deal with these potential threats is more in the area of management than prevention. For example on the issue of shooting stones, landslides, floods and avalanches, one of the triggers is development which tampers with fragile nature of the slopes. Widening of tracks—which are really paths—to almost become roads, the suggestions for construction of permanent structures, the massive number of human beings traversing these regions, where food is prepared and served as it would fit a wedding party and the resultant waste generated are not seen to be exacerbating the already precarious balance that nature has maintained in the region. The SOPs also do not reflect any lessons that the government should have learnt from the tragedy that befell Uttarakhand in 2013, and where religious tourism played its role in worsening the impact of the floods with illegal and ill-conceived development. The government, instead of adopting a rational approach to the issue of vulnerability of the region, seems to be playing second fiddle to the demands of religious and social institutions, for whom the Yatra is nothing more than a politico-religious affair. By allowing for the Yatra to increase in days and numbers and putting in only cosmetic procedures like shelters and warnings and personnel, none of which will really avoid a tragedy, but will only allow for the rescue of a privileged few. For example how will thirty shelter sheds along the route offer protection for the tens of thousands who are present in the region, especially since it is not only the yatis, but the service providers who also would need to be rescued? Are interests of the yatis and the service providers subservient to the nationalist agenda of the Yatra?

Another set of issues are linked to religious practices in the cave. Until the Sengupta report, havans¹⁸⁴ were conducted in the cave. However, the Report recommended that this practice needs to be stopped, since it affects the atmosphere.¹⁸⁵ Religious rituals also include the lighting of incense sticks and lamps and often yatis do not respond very well to being stopped from performing these rituals. In 2007, the ice formation melted earlier than usual. A video from a news channel¹⁸⁶ on youtube.com shows some yatis, including some men in uniform who went to the cave as part of the Service Yatra, before the official opening of the Yatra, crossed the barrier and went on to the ice. They proceeded to light incense sticks and also a fire. They applied vermilion powder and presented flowers. All of this is disallowed at the cave. While the news presenter sensationalised the entire segment, he also made the following comment, “*You can see how some people can play with the faith of Hindus....*”.

6.3.3.2 Impact on Forests

The Forest Department provides fire wood to the different service providers in the Yatra. In response to an RTI filed on the office of the Divisional Forest Officer (DFO), Ganderbal, it is known that in the

¹⁸⁴. A ritual burning of offerings such as grains and ghee and other relevant material.

¹⁸⁵. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

¹⁸⁶. Retrieved from <https://www.youtube.com/watch?v=gTPPeygEu5k> in October 2015.

year 2014, 2139 quintals of firewood has been supplied for the Amarnath Yatra. There has been no response from the DFO, Bijbehara Division. The SASB commits to providing firewood free of cost to sadhus and is sold to the stakeholders at the following rates.¹⁸⁷

Station	Agency	Rate/Qntl
Baltal	i. Langars	Rs. 280
	ii. Security Forces	Rs. 460
	iii. Other Agencies	Rs. 400
Cave, Panchtarni, Sangam and Baradimarg	i. Langars	Rs. 1000
	ii. Security. Forces	Rs. 1000
	iii. Other Agencies	Rs. 1000

Table: 11: Rates for purchase of firewood

Tent, shops and other local service providers come under the category of other agencies if they wish to use firewood.

An interview with a Forest Department official in Pahalgam and the RTI response from the office of the DFO, Ganderbal claim that only deadwood from the floor of the forests are used to supply firewood. However, the people of Pahalgam and those in the villages closest to Baltal have observed that the langar organisations extract wood from the forest for their cooking needs, without taking permission for the same.

Firewood is not the only cause of destruction of forests. Most if not all meetings of the sub- committee and high level committees discuss widening of tracks to 12 feet or more, at the behest of the Supreme Court's order dated 13th December 2012 in WP (Civil) 284/2012.¹⁸⁸



Degraded wetland at Panchtarni

¹⁸⁷. In response to an RTI filed on the office of the DFO, Ganderbal. Letter no. 3373/E dated 22.11.2014.

¹⁸⁸. Report of the third meeting of the high level committee held on 4th December 2013 at 5.00 pm at Vaishnavi Dham, Jammu.

The Yatra track maintained by the PDA goes through the forests for which it gets an NOC from the Forest Department. In its 72nd meeting held on 19/11/2012, the Forest Advisory Committee (FAC), approved a proposal to allow use of 2.12 hectare of forest land for improvement of track conditions from Panchtarni to Cave and construction of separate horse track from Base Camp to Holy Cave (Pahalgam route). The same meeting approved a proposal to allow use of 0.256 hectare of forest land for improvement of track conditions from Domail to Sansani Top on the Baltal route.¹⁸⁹ According to the minutes of the 76th FAC meeting held on 8/05/2013, the Committee discussed the status for appraisal of the FAC with regard to proposal for improvement of track conditions to the Cave and construction of helipads. It was decided that *"the joint inspection be conducted as soon as snow melts and the proposal be put up in the next FAC meeting scheduled on 10-06.2013."*¹⁹⁰ When the team travelled on the Yatra route in July 2014, they were informed by the Chopan family interviewed, that a helipad was constructed right across their homes between Posh Pathri and Panchtarni.



Helipad being constructed between Sheesh Nag and Panchtarni

In its 80th meeting held on 8/10/2013, the FAC discussed the status in respect of the widening / upgradation of the existing track to the Cave from Baltal and Pahalgam sides. It was noted that the field survey was complete and the Chairman directed that the proposal be placed in the next FAC meeting.¹⁹¹ In the 81st meeting of the FAC held on 9/12/2013, this project was not placed for approval

¹⁸⁹. Minutes of the 72nd Forest Advisory Committee meeting held under the Chairmanship of Shri Madhav Lal, IAS, Chief Secretary, Jammu and Kashmir Government, at Civil Secretariat, Jammu, on 19-11-2012. Retrieved from <http://jkforest.gov.in/orders/72.pdf> in October 2015.

¹⁹⁰. Minutes Of The 76th Forest Advisory Committee meeting held under the Chairmanship Of Shri Iqbal Khanday, IAS, Chief Secretary, Jammu And Kashmir Government, At Civil Secretariat, Srinagar, On 08-05-2013. Retrieved from <http://jkforest.gov.in/orders/76.pdf> in October 2015.

¹⁹¹. Minutes Of The 76th Forest Advisory Committee meeting held under the Chairmanship Of Shri Iqbal Khanday, IAS, Chief Secretary, Jammu And Kashmir Government, At Civil Secretariat, Srinagar, On 08-10-2013. Retrieved from <http://jkforest.gov.in/orders/80.pdf> in October 2015.

and the Chairman expressed desire to finalise the proposal. However, it was also not placed in the subsequent meetings right until the 90th meeting held on 3/10/2015. During the visit of the team in 2014, the team observed that widening of tracks had not started and that only regular maintenance had been undertaken. We therefore decipher that this has not yet received any approval. The reasons for not bringing the project to the FAC however, is not known.

The following are some of the roads that are planned to be widened / constructed:¹⁹²

1. Upgradation of tracks from Chandanwari to cave
2. New approach road to camp, after the construction of the Zojila tunnel¹⁹³
3. Upgradation of road from Ranga Morh to Domail
4. Construction of an alternate road from Neelgrath to Baltal

Diversion of forest land and land above the tree line:

All the camps (base camps and those en route) are situated on forest land. Below is a table detailing the amount of land occupied by the different camps:¹⁹⁴

Location	Estimated Area (Kanal)	Estimated Area (Hectares)
Baltal Base Camp	600	29.81
Nunwan Base Camp	100	4.97
Rangamorh to Domail	100	4.97
Cave	400	19.87
Chandanwari	70	3.48
Shesh Nag	250	12.42
Neelgrath Helipad	35	1.74
Total	1555	77.25

Table 12: Land Allocation for Yatra camps

This does not include the following sites which are camps with all services or have the presence of langars or other service providers: On the Baltal axis: Railpathri 1, Railpathri 2, Brarimarg, Y-Junction, Sangam, Panchtarni, Sangam Down, Sangam Top. On the Pahalgam axis: Pissu Top, Zojibal, Nagakoti, Wabal Top, M.G. Top and Posh Pathri. In addition to this is the amount of land that is used as the track on both axis.

¹⁹². Report of the third meeting of the high level committee held on 4th December 2013 at 5.00 pm at Vaishnavi Dham, Jammu.

¹⁹³. Once the Zojila tunnel is completed, it would divide the Baltal camp, result in the loss of 75 kanals of land that is currently being used by the camp, require re-alignment of the existing approach road and result in relocation of many facilities in the camp.

¹⁹⁴. Annexure A-1 of Letter of Award for the Contract of Cleaning of Camps and Tracks during Shri Amarnathji Yatra – 2015 on Baltal Axis, No. SASB/Works/762/2014/1154 -58 dated 20.04.2015 and Annexure A-3 Letter of Award for the Contract of Cleaning of Camps and Tracks during Shri Amarnathji Yatra – 2015 on Pahalgam Axis, No. SASB/Works/762/2014 dated 20.04.2015.

In 2008, the Forest Department sought to divert around 100 acres (49.47 hectares) of land and hand it over to the SASB. What followed was an intense and widespread opposition to the same across the Kashmir valley.¹⁹⁵ While the transfer of land has since been revoked, the diversion for the purpose of the Yatra has remained. The J&K Annual Administration Report shows a diversion of forest land of 30.880 ha from Forest department to SASB at Baltal and Domail for raising buildings/structures. Another 3 ha has been diverted in the same year towards widening and upgradation of Pahalgam-Chandanwari road, which is primarily used for the Yatra.¹⁹⁶

The data on forest land and land in higher altitudes diverted for the use of Yatra is fragmented. There seems to be no attempt to calculate a consolidated amount of forest land that has been diverted for the Yatra – including the route, camps, langar and other service providers en route and the armed forces stationed along the Yatra route.

Apart from the diversion of forest lands, there is the issue of violation of customary rights of people¹⁹⁷ whose lands have been grabbed for use in the Yatra – primarily of the Chopan community, a nomadic pastoralist community who live in the plains of Jammu and Kashmir and travel to the meadows above the tree line with their livestock in the summer months. This has been in practice for over a century. The meadows around Sheesh Nag and Panchtarni are where the Chopans have traditionally grazed their livestock. The land that the Sheesh Nag camp is located on is part of the customary rights of a Chopan family who now occupy a small piece of land between the camp and the Sheesh Nag lake. The family has been constantly following up with the officials of the Revenue Department located in Pahalgam but have not succeeded in gaining any form of compensation. Based on some documents that the team was able to access, in response to a request for a copy of land documents for the said land, the Revenue Department in Srinagar had written that the land records do not reflect that the land is recorded in the name of the Chopan.

The meadows between Posh Pathri and Panchtarni are also lands that a Chopan family claims customary rights for. In a discussion with the member of the family, it was revealed that the langar run by the Shiv Seva Samiti, New Delhi at Posh Pathri, is built on their land. Neither was their permission sought nor compensation paid to them for this. Upon raising this issue, the family was offered money by the langar, which they refused since they want the use of the land and do not seek compensation. The family also shared that they were planning to file a case in court regarding this matter. Right opposite the house of the family, a helipad is being constructed. In the event that this helipad is used significantly, it will surely affect the life and livelihood of the family since it would be difficult for the family to live with the constant noise, which would also have a detrimental impact on the livestock. Thus the functioning of the helipad would drive away the family, opening up more and more land for the State to grab.

¹⁹⁵. Detailed discussion in chapter 7.

¹⁹⁶. Jammu and Kashmir Forest Department, Annual Administration Report 2010 – 2011.

¹⁹⁷. However, in response to an RTI question on violation of customary rights, Office of the Divisional Forest Officer, Sindh Division, Ganderbal responded that no customary rights had been violated. (Letter no. 3373/E dated 22.11.2014).

The Chopan family also shared that with the increase in the Yatra and the subsequent impact on the environment and the shrinking of space where grazing can be done, they have been forced to reduce the number of livestock that they bring from the plains.¹⁹⁸

6.3.4 Environmental Impact Assessment

The 'Environment Clearance' process is a critical regulation to evaluate environmental impact of large development and industrial projects. An important tool in this process is the Environment Impact Assessment (EIA). *"EIA is a planning tool that is now generally accepted as an integral component of sound decision-making. The objective of EIA is to foresee and address potential environmental problems/ concerns at an early stage of project planning and design. EIA systematically examines both beneficial and adverse consequences of the project and ensures that these effects are taken into account during project design."*¹⁹⁹

EIA is a tool to ensure sustainable development through comprehensive investigation and evaluation of potential impact of a proposed development project or activity. Though it has been used in some countries from the late 1960's, it gained wider applicability after the publication of the Brundtland Report (World Commission on Environment and Development, 1987).

First notified in 1994, by the Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India, under the Environmental (Protection) Act 1986, the notification mandated EIA for expansion or modernization of any activity or for setting up new projects listed in schedule of the notification. However, it was amended nearly twelve times, each time diluting the regulatory mandate of the notification. The MoEFCC carried out studies on the effectiveness of the 1994 notification and concluded that it was procedurally cumbersome, fraught with delays, requiring disproportionate amounts of details with each application, time consuming, and resulting in poor quality reports by consultants. In 2006, the MoEFCC introduced a new EIA notification, replacing the 1994 (much amended) version.

The 2006 notification clarifies projects and activities which would require for an EIA to be conducted as follows:

"Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006"

¹⁹⁸. More on the economic impact on Chopans in Chapter 5.

¹⁹⁹. Govind, Singh. (2007). To Study the Inception and Evolution of Environmental Impact Assessment in the World and in India and to Analyze and Comment upon the Environmental Clearance Process in the Country, Dissertation, M.Sc. in Environmental Studies, University of Delhi.

While the text of the notification says that projects and activities both would require an EIA conducted, the notification itself subsequently focusses only on projects and provides detailed guidelines for the same. There are almost no directions for activities like the Amarnath Yatra, which does not involve the construction of any permanent nature. Drawing from the recommendation of the SHPC, Environment Impact Assessment of the Amarnath Yatra should be conducted, which would throw light on the state of natural resources en route to the cave, and hopefully influence the extent, scope and carrying capacity of the Yatra.

6.4 Other Yatra-linked Developments in the Area

There has been a persistent attempt by the State to build permanent infrastructure in the Yatra route including camps and roads. In a sub-committee meeting in October 2014, there were detailed discussions on laying of underground pipelines on the Yatra route. An amount of 205 lakhs has already been released towards an estimated cost of Rs. 248.56 lakhs. Constructions worth Rs. 133.85 lakhs had already been undertaken towards building of reservoirs in Baltal and Domail and procurement and laying of pipes until October 2014. A Water Supply Scheme has been planned for Sheesh Nag and laying of pipes had already started in 2014. Another plan in the pipeline was for making arrangements for permanent water supply at an identified location from Nunwan to the cave. The estimated cost for this was Rs. 159.01 lakhs.²⁰⁰

Even in 1996, during the Sengupta Enquiry process, in a submission made by an eyewitness of the disaster, it was suggested that a road to the Cave would benefit the quick movement of the yatris. However, the recommendations summarily opposed this suggestion.²⁰¹ In two instances the central government had proposed that a road be built from Panchtarni to the cave. However, the state government did not allow it since such a development would have serious implications for the environment.

Prof. Triloki Nath Ganjoo,²⁰² while suggesting that the Yatra continue also maintained that *“If we make a road, we will have to see the impact on the environment. Do we want SUVs in the region? What will be the impact on the ice formation.”*

In an interview with the team, Rajesh Gupta, vice-president, VHP, Jammu shared that there are plans to make a series of tunnels from Chandanwari to Panchtarni, reducing the time that it would take to reach the cave. However, he also said that this had strategic ramifications for the Indian state. A tunnel is also set to come up between Baltal and Drass since the Zojila pass is closed through the winter months, cutting off the route from Kashmir to Ladakh. According to Mr. Gupta the tunnel at Panchtarni would connect with the tunnel from Baltal to Drass as well. This way armed forces and others can

²⁰⁰. Minutes of the Sub-Committee meeting held under the Chairmanship of Mr. Iqbal Khandey, IAS, Chief Secretary, J&K on 13th October 2014 at 3.00 PM in the Committee Room, Civil Secretariat, Srinagar.

²⁰¹. Sengupta, Nitish K. (1996). Enquiry Report on Amarnath Yatra Tragedy. Department of Jammu & Kashmir Affairs, Government of India.

²⁰². A scholar based in Srinagar and from the Kashmiri Pandit community.

travel from Jammu to Ladakh without going into the heart of Kashmir, Srinagar. He also suggested that the idea of the tunnels came up in the context of the Yatra, which would make it accessible to more people, thereby increasing its popularity. These plans are to be implemented in eco-fragile areas, and there has been a relaxation of rules regarding the need for an EC for defence linked projects. Mr. Gupta shared that since it would be a challenge to get an environment clearance for the same, the government has strategically decided to treat it as a defence project, rather than as connectivity for the Amarnath Yatra.

There seems to be a constant effort to increase facilities and infrastructure for the yatris, increase in the period of the Yatra and ensure increased numbers of people participating in the Yatra. All this is being done without any assessment of the environmental impacts of the Yatra, nor any regulation on the Yatra. No thought is being given to what the implications of these environment impacts on the people of Kashmir would be.



Chapter 7: Conflicts

As already established the Amarnath Yatra has had political compulsions which has gained increased proportions since the 1990s. From attempts to setting up permanent colonies to conflicts between service providers, the Yatra every year simmers with underlying tensions. This chapter looks at some of the more critical and violent conflicts between 1990 and 2015.

Rarely does a year go by when there is no conflict linked to the Yatra. On the one hand are the socio-religious organisations who strive to assert their might by arguing for a longer Yatra, with more number of yatris to be permitted. This becomes another platform for right-wing Hindutva organisations to push their nationalist agenda. For the people of the Valley, for whom the Yatra has become a cultural and economic onslaught, these times of conflict reinforce the mandate for self-determination and force to rally around for their struggle for independence.

7.1 Attack on the Yatris at Pahalgam (2000) Sheeshnag (2001) and Nunwan Camp (2002)

At 6.45 pm on the evening of August 1st, 2000, there was an attack on the CRPF guarding the Amarnath Yatra base camp at Pahalgam by two unidentified gunmen. 27 people were killed of which 2 were police personnel and 50 injured, including yatris and local porters.²⁰³ Some eye witness accounts reveal that the gunmen were killed within the first 10 minutes of the exchange and that the overwhelming majority of the civilians were killed by the panic-stricken CRPF, who continued firing for twenty minutes even after the two attackers were killed.²⁰⁴

The massacre at Pahalgam was part of a series that took place in the Valley over August 1-2 2000, in which ninety people were killed. The then Home Minister admitted to having received general intelligence about a possible attack, and admitted that the CRPF had been alerted, but the massacre could not be averted. The government was also unable to conclusively suggest who the gunmen were, nor their organisational affiliations.

The Parliamentary opposition, mainly from the Congress Party, expressed its suspicions about what had transpired in Pahalgam, and demanded a judicial enquiry into the happenings, while several other parties in the opposition demanded the resignation of the then Home Minister. However, the ruling

²⁰³. Regarding situation arising out of recent massacre in various places in Jammu & Kashmir and of Pilgrims at Pahalgam. (2000). Thirteenth Lok Sabha, Session: 4, 4/08/2000. Retrieved from <http://164.100.47.192/Loksabha/Debates/Result13.aspx?dbsl=919> in March 2016.

²⁰⁴. Chenoy, Kamal Mitra et al. (2000). On human rights violations. A working group to inquire into human rights violations in Jammu and Kashmir, Kashmir Foundation for Peace and Developmental Studies.

government was of the opinion that an administrative enquiry would be sufficient to unveil the truth.²⁰⁵ The government was also not in favour of ordering a judicial enquiry since it felt that would demoralise the armed forces.²⁰⁶ An Inquiry Committee was eventually ordered, headed by Lieutenant-General J.R. Mukherjee. However, this report has not been placed in the public domain and the gunmen remain unidentified.

Some MPs also raised the issue of compensation to those killed. In the context of the attack on the Amarnath Yatra, the discussions centered around the yatris who had been killed, with no mention for the horse owners, who also serviced the Yatra.

In another instance, on 21st July 2001, an unidentified gunman hurled two grenades near the Sheesh Nag camp killing twelve people and injuring thirteen. The Ministry of External Affairs alleged that the lone gunman was a member of the Lashkar-E-Toiba, without offering any evidence other than the claim that the person was carrying an incriminating document.²⁰⁷

In both these situations, the government claimed that the aim of these attacks was to disrupt peace talks. Yet in neither instances was an enquiry ordered, nor was any solid evidence presented that the gunmen were indeed linked to the organisations that the Government of India claimed they were from.

A third instance of attack on the Yatra was reported on 6th August 2002, when two unidentified gunmen attacked the camp at Nunwan where 50 people died. There have been no attacks on the Yatra since 2002.

A point to ponder in all these 3 instances, is that given that heavy bandobast of the armed forces and wide spread intelligence network, why was the Indian state not able to avert the attacks? In 2000, the government even admitted to have intelligence about an impending attack but were not able to stop it. If the presence of the large numbers of the armed forces could do nothing to stop the 3 attacks that have happened between 2000 – 2016, what is the justification of their presence on the Yatra route and what exactly is the threat perception that a key official of the CRPF spoke about, as reported in Section 4.3 of Chapter 4?

²⁰⁵. Regarding situation arising out of recent massacre in various places in Jammu & Kashmir and of Pilgrims at Pahalgam. (2000). Thirteenth Lok Sabha, Session:4, 4/08/2000. Retrieved from <http://164.100.47.192/Loksabha/Debates/Result13.aspx?dbsl=919> in March 2016.

²⁰⁶. "Motion regarding expressing anguish and deep sense of grief over the incidents of killing of innocent persons in Jammu & Kashmir and urging to appoint commission of inquiry. (2000), Lok Sabha Debates. Retrieved from <http://164.100.47.192/Loksabha/Debates/Result13.aspx?dbsl=1293> in March 2016.

²⁰⁷. Fact Sheet on Jammu & Kashmir. (2002). Ministry of External Affairs. Retrieved from <http://mea.gov.in/in-focus-article.htm?18987/Fact+Sheet+on+Jammu+and+Kashmir> in March 2016.

7.2 Conflict between Service Providers, 2014

On July 18, 2014 a fight between sewadars of a langar and a horse owner escalated into massive violence, causing extensive damage to property and injuring people. According to people of Baltal and Sonamarg, a fight broke out between a horse owner and a sewadar of the Baba Amarnath Sewa Mandal, Baltal over the issue of the langar opening up their closed shelter for accommodation of yatris, which is prohibited as per terms and conditions signed by all langar organisations. The CRPF in its attempt to dissipate the crowd and put a halt to the fight, only worsened the situation and eventually, the horse owner was stabbed. It was at this point that the fight took a violent turn, when several other sewadars and supporters of the horse owner joined the argument on their respective sides. The fight was in the area where all the langars are located and eventually 70 gas cylinders burst, causing the fire to spread across the langars. The wind then carried the fire to the tents as well. A total of 110 tents including nine langars were destroyed, and about 50 people injured. A few hours after the fight erupted, the district administration and the SASB reached Baltal. Cases were booked against two CRPF constables and two sewadars. After investigation, a compensation of Rs 25,000 for tent owners and Rs 50,000 for langars was announced. The amount offered as compensation does not cover either the tent costs or damages caused to the langars. While the tent owners decided to cut their losses and accept the compensation money, the langars refused to take the compensation. When the team met with the police officials at the Sonamarg Police Station, under whose jurisdiction, Baltal falls, they said that at the end of the Yatra, the two sewadars had returned to their homes outside J&K. There are slim chances that any further steps can be taken, since the police felt that the specific sewadars will not return the next year. What is also important to note is that it was not the langar organisation against whom the FIRs were lodged, but only individual sewadars. That the sewadars participate as volunteers of the langars, the langar organisations need to be held accountable and relevant action needs to be taken against them.

The armed forces present are always on the ready to engage in the conflict, contributing the volatile atmosphere of the camps and the Yatra. This and the impunity with which langar organisations function prove to be extremely intimidating. Over a period of time, since several service providers participate year after year antagonism and earlier conflicts / skirmishes remain in people's mind, which results in eruptions such as what happened in 2014. For example one perception is that the 2014 incident is that it was a planned act of revenge by the CRPF against the JKP. In 2013, the same battalion of the CRPF was stationed in Baltal and they had a run-in with the JKP, who took the side of the tent owners in a conflict that year.

During the months of the Yatra, the regions of J&K are constantly on high alert, with the government only fuelling this fire, by repeatedly and regularly claiming imminent attacks by terrorists. It almost seems like the government creates an atmosphere of distrust between the people of Jammu and Kashmir and pushes its agenda for continued presence of large numbers of armed forces in the Valley.

7.3 Attempts at Setting up what came to be Termed as Amarnath Nagar - 2005, 2008, 2012 ²⁰⁸

7.3.1 Years 2004-2008 ²⁰⁹

In 2004 the SASB, through the then Principal Secretary, Governor of J&K and CEO, SASB, Arun Kumar placed a request for transfer of forest land for setting up infrastructure for the Amarnath Yatra.²¹⁰ The request was for 3642 kanals of land, in multiple places along both the routes.²¹¹ On March 29, 2005, a piece of land at Baltal was allotted to the SASB, by the Secretary, Forests, Ms Sonali Kumar, who also happened to be the wife of Arun Kumar.

On May 20, 2005, the land allotment was revoked, with the withdrawal letter stating that it:

"had not been issued strictly in accordance with the provisions of the J&K Forest Conservation act, 1997 and the Cabinet decision regarding diversion of forest land. The processing had also been done in undue haste and some necessary procedures had been bypassed." ²¹²

From the letter it can be inferred that the area was snow bound at the time of approval of transfer and therefore an on-site assessment had not been possible. Based on interviews with people of the Valley, it appears that much of the land earmarked to be handed over was in the possession of local people whose rights were secured as per the Government Order No. LB 6/C of 1958 dated 5-6-1958 read with Government Order No. S/432 of 1966 dated 3-6-1966, which says that tenancy of those who had cultivated kharif crop of 1957, would be protected. According to these Government Orders, tenants may not be removed from their land and the rights were heritable. Yet, the state transferred the land unmindful of their tenancy and ownership rights.

The revocation of land transfer triggered widespread discontent in Jammu and a case was filed in the High Court of Jammu by Ram Pal Bathonia, himself an advocate, with the SASB becoming a party to the case soon after. Among other observations and directions in the judgement (already highlighted in Chapter 4), the judgement by Justice Permod Kohli, also gave the following direction:

"34. Since the Board intends to up-grade the infrastructure across the tracks and at the different places, the State shall, immediately permit the user of the land by the Board, if not already allowed to enable it to carry out the developmental activities for the benefit of Yatris. I am informed that Forest

²⁰⁸. A chronology of events as published in the Greater Kashmir on August 19, 2008 is annexed as Annexure 5.

²⁰⁹. For a detailed commentary on events between 2004 – 2008 please see: Choudhary, Zafar (2008), "Dangerous Politics Around 39 Acres of Land", Epilogue Volume 2, Issue 7

²¹⁰. Choudhary, Zafar. (2008). Dangerous Politics Around 39 Acres of Land, Epilogue Volume 2, Issue 7.

²¹¹. Om, Hari. (2009). Conflicting Perception. Yak Publishing Channel, Jammu. According to other sources seven halting sites were proposed across both routes.

²¹². Letter No. FST/Land/37/2004 dated 20-05-2005

Department has already granted permission to the Board for the purpose. Let necessary steps in this regard be taken immediately and considered before the commencement of Yatra this year. The Board shall also inform the State of its decision in future so that effective steps are taken by the concerned State authorities for effective implementation of the decision of the Board and no interference is caused by any of the State agencies in implementation of the decision of the Board."

However, the state government continued to be opposed to the transfer of land and appealed against the 15th April 2005 judgement with the argument that the transfer violated the spirit of the Supreme Court judgements on forest lands. The bench comprising of Justices V.K. Jhaji and Y.P. Nargotra upheld the directions of Justice Kohli and discharged the petition giving its judgement on 17th May 2005. The judgement issued directed that the SASB, *"convene a meeting of the Board within 10 days from today. The Board in the meeting shall associate Chief Secretary of the State, Divisional Commissioner Kashmir, Director General of Police, J&K and the Commanding Officer who shall point out any difficulty, which the Government may be facing in carrying out the directions already taken by the Board and also the directions of the learned Single Judge. The Board shall also consider the difficulty, if raised by any of the party, objectively and then take decision afresh."*²¹³ There was no attempt to engage even the relevant Ministers, leave alone the concerns of civil society.

7.3.2 Year 2008

Between 2005 and 2008 several attempts were made to acquire land for construction of infrastructure for the Yatra. On May 20th, 2008 the Cabinet approved the transfer of 39.88 ha (800 kanals) of land to the Shrine Board and the order was passed on May 26th. On June 3rd, a spokesperson from Raj Bhavan announced the land transfer. On June 17th, Governor Sinha's Principal Secretary and SASB CEO Arun Kumar issue's a statement in a press conference in Srinagar that land diversion was permanent. Protests in the Valley erupted on June 23rd, 2008 and went on till August 2008. This conflict eventually caused the fall of the government of the day, and resulted in the death of about 61 people.

People of the Valley perceived the land transfer, and the setting up of permanent structures, as a renewed cultural and political onslaught on the region - another way for the people of the Valley to be dispossessed of their land and natural resources, and along with the presence of the military, another form of the colonisation of Kashmir. Speaking in the context of religious tourism in Kashmir, Rajesh Gupta, Vice-President VHP, interestingly referred to this as *"the cultural flushing of Kashmir, as opposed to the strategy of cultural cleansing that is used in India."*

What started as a resistance to the transfer of land quickly turned into an assertion of the right to self-determination, and a sustained and concerted resistance was launched by the Action Committee against Transfer of Land (ACTL). Planned agitations, engagement with the media, dissemination of the issue on social media networks were some of the aspects of this resistance. The people of Kashmir

²¹³. In State of J&K vs. Ram Pal Bathonia & others, LPA (OW) No. 21/2005 dated 17.05.2005 as reproduced in Om, Hari. (2009). Jammu and Kashmir: Conflicting Perceptions. Yak Publishing Channel, Jammu.

believe that the Amarnath land row inadvertently gave impetus for a renewed vigour for its freedom struggle, that it helped mobilise more people for the separatist cause, including a large number of young people. People from more affluent backgrounds, who were unwilling to understand and support the separatist perspective, also started doing so, especially after the economic blockade supported by the BJP in Jammu.

While Kashmir came together to struggle against the land transfer, there was an equally violent reaction in Jammu. The VHP, Hindustan Shiv Sena (HSS), Bajrang Dal, Akhil Bhartiya Vidhyarti Parishad (ABVP), BJP and RSS felt that while the BJP was at the forefront in terms of issuing statements regarding the land row, there was a need for a movement on the ground to respond to the resistance that was brewing in Kashmir. With the RSS at its helm the Shri Amarnath Yatra Sangharsh Samiti (SAYSS) was formed with the involvement of all these groups. Support of Jammu traders associations, Kashmiri Pandit organisations and other social and cultural groups were solicited. The SAYSS had 3 primary demands: Restore Baltal land to the SASB; Re-establish the Board, and Recall the Governor.²¹⁴

Among other forms of agitation, economic blockades were used as a way to suffocate Kashmir. A first blockade was announced on June 23rd (for three days) and again on July 2nd. This disrupted life across the region, with reports of shortfalls of food grains, medicines and other daily necessities. Horticulture too was adversely affected with fruits rotting and the traders incurring heavy losses. On August 11th, traders in Kashmir staged a protest against the blockade and fruit growers gave a call for Chalo Muzafarabad, a protest march to the first town across the Line of Control in Pakistan controlled Kashmir. During this march a Hurriyat leader Sheikh Abdul Aziz was killed. In retaliation more than 300,000 people marched to Pampore.

61 civilians in Kashmir were killed by the armed forces during the agitation. The Amarnath Yatra was in full swing when the agitation erupted. But not a single yatri was attacked by Kashmiris. On the other hand, people of Srinagar and towns along the roads to Pahalgam and Baltal, set up langars to provide food for the yatri.

In the meantime, the Chief Minister had resigned and Governor's rule was imposed on July 10th. Finally, on August 31st, an agreement was signed between SAYSS and the Government represented by the Governor. The land row, however, had some irrevocable implications on Kashmiri trade and society. Kashmiri traders realised the vulnerability of being dependent on Jammu for the sale of their products, and started directly accessing markets in India, and focussing on markets abroad. The Jammu traders on the other hand also realised the dangers of mixing business with politics, since the blockade had affected them as well.

²¹⁴. Governor S.K. Sinha was to complete his term on June 25th, 2008. However, Ghulam Nabi Azad, had attempted to extend his appointment, while Mufti Mohammad Syed was against this. This was the context of the demand for recall of the Governor.

Yashpal Gupta, Jammu Traders Association told the team that they were also invited to be part of the SAYSS. He admitted that while they did participate in the agitation, they soon realised that this was politically motivated, had little to do with religion and with their businesses at stake, they were paying the price. People like Yashpal Gupta had tried convincing the SAYSS that the economic blockade was affecting the Jammu traders as well and that it should be withdrawn. When they realised that the SAYSS would not yield, they withdrew their participation. The effect of the blockade was felt for over a year. Finally the Jammu Chamber of Commerce met with the Kashmir Chamber of Commerce to re-establish business ties. However, according to the some members of the Kashmir Chamber of Commerce, the fissure created in August 2008 would not be completely filled.

Some of the Muslims in Jammu shared that the response in the region was shocking and it was only then that they realised the ground work that the VHP, RSS and BD were doing quietly. They also believed that the educated class found a space to assert themselves through apparently visionless rallies, with tridents (trishuls) dominating the visuals, and slogans of Bam Bam Bholey reverberating in the air. With the media in Jammu focused on Islamic symbols of the resistance in Kashmir, the conflict was turned into one of Muslim vs. Hindu conflict, rather than one of Kashmir vs. Jammu. It was on this basis that the SAYSS also mobilised the Kashmiri Pandit community.

K.K. Khosa, President, Kashmiri Pandit Sabha, said, "while we were invited to be members of the SAYSS, the Sabha did not play an active and vocal role in the Samiti or in public". Instead, what seems to be important to the Kashmiri Pandits was that if the Board was a Kashmiri Pandit Board, the Kashmiri Muslims would not have been able to allege that the transfer of land was a front to change the demography of the Valley. Mr. Khosa was also of the opinion that Kashmiri Pandits could have played a major role in establishing goodwill among the different service providers. For example there is a perception that Kashmiri Muslims feel that the potential for them to earn from the Yatra by way of selling food has been limited due to the presence of the langars who provide free food to the yatris. Mr. Khosa believes that if Kashmiri Pandits were present in the Board, they could have been the link between the different service providers and the local people.

7.3.3 Year 2012

In August 2012, there was once again news that a road to the cave was being constructed and other infrastructure enroute was being installed. It was also believed that a township was being planned at the cave, to be named Amarnath Nagar. The Supreme Court, in its July 13th order, in an on-going case on the Amarnath Yatra, observed that:

"Government cannot escape its obligation to provide minimum essential facilities including roads as an approach to the holy cave. They are expected to equip their forces posted in and around the cave so as to have complete human dignity for the persons working there as well as for the pilgrims to the holy cave."

Using this order, Jammu groups again started putting pressure on the government to revive the idea of Amarnath Nagar.²¹⁵ Memories of 2008, the observations of the court and the construction material lying in the Amarnath route triggered concerns in Kashmir's civil society. Armed with photographs of material that was found in Chandanwari, Hurriyat leader Syed Ali Shah Geelani, issued a press statement exposing this and condemning the development. Several people of Kashmir civil society also released public letters on the same. Like in 2008, concerns were largely around environmental impacts of such large scale development in an eco-fragile region. The government laid to rest any kind of dissent by issuing a statement that there were no such plans and that the Supreme Court has not approved any such construction.²¹⁶

7.3.4 Year 2016

During the team's visit to Jammu, Rajesh Gupta shared the proposals to build a series of tunnels from Chandanwari to Panchtarni and then to Baltal, which would further connect to the tunnel at Zojila Pass, one of whose exits would be barely a few kilometers from the cave. Clearly, socio-religious organisations and the government are adamant about seeing through the road to the cave. It would then be a matter of time before they start the fruition of the idea of Amarnath Nagar at the cave. Given that the perpetrators of the supposed attacks on the Yatra between 2000 – 2002 have not been conclusively determined, the more prominent nature of conflict in the past decade has been linked to the position or use of the Yatra (including its institutional framework) in influencing the political scenario in Kashmir.

The nature and extent of conflict vis-à-vis the Yatra has grown over the years and in 2008 was the cause of the death of 61 people. The SASB and the Government of India do not feel the need to respond to this crisis. Indian secularism and democracy has become the sacrificial lamb in this conflict. Trick and deception are being used by the State to accomplish its goals. For e.g. the canals that are to be built are being done as defence projects, so that they are exempt from environmental clearances. The Government of India is well aware that any attempt to build any form of permanent infrastructure of this nature would result in another round of heightened conflict in Kashmir with a likelihood of not being permitted under the environmental law as well. Yet, the State will not apply its strategies to resolving the conflict and instead is intent on bypassing the issue itself.

²¹⁵. Amarnath Yatra: Parties demand construction of roads to shrine (2012). Zee News. Retrieved from http://zeenews.india.com/news/jammu-and-kashmir/amarnath-yatra-parties-demand-construction-of-roads-to-shrine_795435.html in March 2016.

²¹⁶. J-K govt rubbishes reports on construction of road to holy cave of Amarnath. (2012). India Today News. Retrieved from <http://indiatoday.intoday.in/story/reports-on-construction-of-road-to-holy-cave-of-amarnath-baseless-clarifies-jammu-and-kashmir-government/1/213935.html> in March 2016.



Chapter 8:

Emerging Yatras: Manufacturing Histories

This chapter attempts to build evidence that the State in Kashmir is colluding in the growth of new markers of Hinduism in Kashmir (and parts of Jammu) in order to establish India's claim to the land. We look at some of these Yatras to trace their beginnings and attempt to map the extent and nature of the involvement of the State in these.

Since the 1980s, there has been an increasing trend of Yatras especially in Jammu and Kashmir. Some of these, like the Amarnath Yatra, are coloured with nationalist hues like the Buddha Amarnath, Kauser Nag and Sindhu Darshan Yatras. While some others like the Machail Yatra and Kailash Kund Yatra are the attempt to escalate a localised Yatra into a pan-Jammu / pan-India Yatra with economic motivations at their helm and often patronised by the tourism industry.

8.1 Sindhu Darshan Utsav, Leh District

The idea of an event linked to the Indus was first mooted by the then BJP President L.K. Advani and Tarun Vijay, the editor of RSS weekly Panchjanya in 1996, when they were staying at Choglamsar during an election and suddenly 'discovered' that the Sindhu flows through India in Ladakh. As a Yatra the event was finally conceived of by L.K. Advani, Indresh Kumar and other RSS leaders. According to Ravina Agarwal (2004) the stated objectives of the festival were *"to revive pride in India's heritage, to celebrate patriotism, and inculcate a sense of national integration among citizen."*²¹⁷ However, it is widely believed that the Sindhu Darshan was started as one of the strategies of RSS to saffronise Ladakh.

In 1997, the year when the Yatra was started, it did not see any support from the government other than the presence of the then J&K Chief Minister and Chief Executive Councillor (CEC) of the Ladakh Autonomous Hill Development Council (LAHDC). The event received a tepid response until 1999 when the Kargil war and presence of the BJP at the Centre brought focus on the Yatra. In 2000, the arrangements for the festival were taken over by the central government and it was attended by the then Prime Minister Atal Bihari Vajpayee. The festival was adopted by the state Department of Tourism and is conducted by the government since then.

The 3-day festival is conducted on the banks of the Indus at Sindhu Ghat, Shey, especially constructed for the Festival. The first day coincides with Guru Purnima (usually the full moon day in the month of June). It is claimed that the Sindhi Hindu community in Sindh used to pray to the Indus, which they were unable to after partition and for whose interests the Sindhu Darshan Festival was started. The Bhartiya Sindhu Sabha also plays an important role in the Festival. However, the most powerful and

²¹⁷ Agarwal, Ravina. (2004). *Beyond Lines of Control: Performance and Politics on the Disputed Borders of Ladakh India*. Duke University Press, Durham and London.

prominent role is of the Himalaya Parivar,²¹⁸ whose Sanrakshak and President are also Chief Patron and Margadarshak and Patron respectively of the Yatra Samiti.

It is believed that the Festival increased tourism in Ladakh. According to Mr. Rajesh Gupta, Vice-President, VHP Jammu and a major operator in the J&K tourism industry, this was a good move since it has boosted the tourism of Ladakh. He claims that during the tourist season, there are more tourists than local people in the region!

In the initial years the festival was conducted from June 1–3. The significance of the festival coinciding with Guru Purnima is not known. Especially since neither Ladakh or Tibetan Buddhism have a practice of worshipping rivers, nor is the Indus accorded special status in the region.²¹⁹ The people of Ladakh hold a skeptical view to the festival for several reasons. Firstly, in the initial years, the festival was conducted without the inclusion of Ladakhi society or enterprises. The entire Yatra was handled by armed forces and the yatris did not spend too much locally. Secondly, in 2002, Tarun Vijay along with LAHDC's CEC took a helicopter journey into the hills and reportedly visited a cave where they allegedly sighted a natural Shivlingam. This made the Ladakhis nervous, since they had seen the nearby Lahaul, also a Buddhist majority region becoming overwhelmed by Hinduism and where local people had started using Hindu names along with their Buddhist ones.²²⁰

In the 2003 festival, the inaugural included the hoisting of the national flag and the yatris singing a song to Bharat Mata. Waters from different rivers were brought, including from the Brahmaputra and poured into the river. This was done both as a symbol of national integration as well as to indicate the government's intent of the interlinking of rivers project, and as a combined solution for droughts and floods. Apart from other cultural events, an inter-religious seminar was organised, which was attended by spiritual leaders of different religions.²²¹ With this the government had tried to play down the overtly Hindu character of the Festival, by giving it an air of national and communal unity.

As mentioned above, the Festival is conducted under state patronage with all arrangements being made by armed forces. However, not only are state agencies involved in the organising of the Yatra, but they also prioritise the Yatra over the interests of the people of Ladakh. For example in 1999, around the time of the Yatra, the region had experienced bad weather and several flights to Leh had to be cancelled. When the flights started operating, despite several stranded Ladakhis who were eager to go back home, Indian Airlines was requisitioned for seats for yatris.²²² In 2003 as well, which

²¹⁸. Himalaya Pariwar is an organisation which was set up in 2001 with the following goal: "to help people in the Himalayan Region to free the challenges from communalism, regionalism, linguism, intruism, pollution, corruption, poverty, unemployment to awaken them and to unite them." Some of their activities are organising the Sindhu Darshan Yatra, Atankwad Shunya Bharat and others.

²¹⁹. Karlsson, Bengt T and Subba, T.B. (Ed.). (2006), *Indigeneity In India*, Kegan Paul, London.

²²⁰. Beek, Martin Van. (2004). *Dangerous Liaisons: Hindu Nationalism and Buddhist Radicalism in Ladakh in Religious Radicalism And Security In South Asia*. Asia-Pacific Center for Security Studies, Hawaii.

²²¹. Agarwal, Ravina. (2004). *Beyond Lines of Control: Performance and Politics on the Disputed Borders of Ladakh India*. Duke University Press, Durham and London.

²²². Beek, Martin Van. (2004). *Dangerous Liaisons: Hindu Nationalism and Buddhist Radicalism in Ladakh in Religious Radicalism And Security In South Asia*. Asia-Pacific Center for Security Studies, Hawaii.

seems to have been celebrated in a particularly grand manner, special flights were commissioned for the Festival, the snowbound Zojila pass was cleared for overland transportation and travel and accommodation was subsidised by the central government.²²³ After the change in the central government in 2004, the extent of central support to the Festival declined, and the Festival continues to be conducted with support from the state but more as a tourist event.

8.2 Buddha Amarnath, Poonch District

The Buddha Amarnath temple is located in district Poonch near the India-Pakistan border. Believers of the temple claim that this is a temple of Shiv in the form of snow crystals and is therefore also colloquially referred to as Baba Chattani. The Bajrang Dal has started organising a Yatra to this temple since 2005.²²⁴ Like the Amarnath Yatra, this is also conducted in August, during the month of Shravan according to the Hindu calendar. What was initially a 2-3 day Yatra, is today conducted for 15 days. Unlike the Amarnath cave, this temple has access by road and is open through the year. Thus, though the organised Yatra is conducted in August, people travel to the temple during the entire year. According to Rajesh Gupta, Sr. Vice President, Baba Amarnath and Buddha Amarnath Yatri Niyas, the Jammu based organisation who are engaged in organising of the Yatra, 200,000-300,000²²⁵ people visit the temple every year, of which 50,000-80,000 visit during the month of August. Several tour operators organising the pilgrimage to the Amarnath cave, also offer to take yatri to Buddha Amarnath for free. As in the case of the Amarnath Yatra, travel is the only expense that has to be borne by the yatri, with food and stay taken care of by the NGOs. Mr. Gupta also claims that it is religion that takes people to such far-flung places like Buddha Amarnath and which creates a bonding for the religion across the country.

8.3 Machail Yatra, Kishtwar District

The Machail Mata temple is a local Hindu deity located in village Machail, Tehsil Padder, District Kishtwar and situated at a height of over 10,000 feet. Near the temple is a lake which is also considered holy. The Yatra starts from the Mahalakshmi temple in Pacca Danga, Jammu and proceeds to the Chandi Mata temple at Chinote, Bhaderwah. There is a motorable road till Gulab Garh (via Doda and Kishtwar) after which a 30 km trek takes one to the village Machail. A Yatra to this temple began in the year 1980 by Thakur Kulbir Singh Jamwal of Bhaderwah when about two dozen people accompanied him to the temple. What started as a 10-day Yatra, today continues for a month in August. This extension seems to have started in 2012, when it was reported that the yatra started one week earlier than the usual date for the first time and has subsequently been conducted for 2 weeks.²²⁶

²²³. Agarwal, Ravina. (2004). *Beyond Lines of Control: Performance and Politics on the Disputed Borders of Ladakh India*. Duke University Press, Durham and London.

²²⁴. Buddha Amarnath ke shradhalu utsahit. (2015). Jagran News. Retrieved from <http://www.jagran.com/jammu-and-kashmir/rajouri-12793666.html> in February 2016.

²²⁵. This is an estimate by a person interviewed in Srinagar, as no formal assessment has been made.

²²⁶. Pilgrimage to Chandi Dham Machail. (2012). Paddar: The Sapphire Valley blog. Retrieved from <http://paddar.blogspot.in/2012/02/pilgrimage-to-chandi-dham-machail.html> in February 2016.

The Sarv Shakti Sewak Sanstha (SSSS), which manages the Yatra was set up in 1985 and has been managing the Yatra since then. The Sanstha has built infrastructure mainly in the form of buildings and other facilities—like water tanks—at different places on the Yatra route. The Sanstha facilitated the introduction of helicopter services in 2010.²²⁷ Currently the two- way fare from Gulab Garh is Rs. 5,600 and several socio-religious organisations in Jammu have expressed their discontent at the high price and have asked that this be regulated by the state government.

As in the case of smaller religious tourism destinations, there is no systematic collection of visitation data. However, according to newspaper reports, in 2011, 99,326 people went on the Yatra,²²⁸ while in 2013, 150,000 people participated in the Yatra.²²⁹ In 2012 the Deputy Chief Minister, is reported to have stated that about 500,000 lakh people undertook the Yatra in 2011.²³⁰ According to people that the team met in Jammu, in 2013 about 3-4 thousand yatris visited the lake.

The SSSS has over the years been demanding a road from Gulab Garh to Machail temple.²³¹ However, this has not yet been initiated. The Kishtwar district administration supports the Yatra by providing necessary facilities like accommodation, ration and power supply. The SSSS also plays an important role and places its demands for support from the state by regularly meeting the district administration and key ministers in the legislature.²³² Over the years, the demands, initially linked to provision of water and electricity, have now expanded to expectations that medical services would be provided to the yatris, and better communication. An assessment of news reports from 2011 onwards indicates at concerted efforts of the Sanstha to escalate the Yatra in numbers as well as in infrastructure.

The Department of Tourism has sent a 5-crore project proposal to the central Ministry for creating tourism infrastructure.²³³ As in the case of other Yatras in Jammu and Kashmir, free food is provided to the yatris through the langars. Additionally, it has been reported that the langars also allow yatris to stay in their tents free of cost, making this Yatra a virtually free one.²³⁴

227. SSSS discusses demands. (2012). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/web1/12feb07/state.htm#31> in February 2016.

228. Govt contemplating to constitute Chandi Mata Shrine Board: Jora. (2012). Daily Excelsior. Retrieved from <https://www.dailyexcelsior.com/govt-contemplating-to-constitute-chandi-mata-shrine-board-jora/> in February 2016.

229. Bill seeking constitution of Chandi Mata Shrine Board tabled in Assembly. (2013). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/bill-seeking-constitution-of-chandi-mata-shrine-board-tabled-in-assembly/> in February 2016.

230. Govt to tap pilgrim tourism potential: DyCM. (2012). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/web1/12feb27/state.htm> in February 2016.

231. SSSS discusses demands. (2012). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/web1/12feb07/state.htm#31> in February 2016.

232. Sanstha discusses Machail Yatra arrangements with Kichloo. (2013). Daily Excelsior. Retrieved from <https://www.dailyexcelsior.com/sanstha-discusses-machail-yatra-arrangements-with-kichloo/> in February 2016.

233. J-K Govt contemplates Chandi Mata Shrine Board. (2013). Indian Express. Retrieved from <http://archive.indianexpress.com/news/jk-govt-contemplates-chandi-mata-shrine-board/936401/> in February 2016.

234. Pilgrimage to Chandi Dham Machail . (2012). Paddar: The Sapphire Valley blog. Retrieved from <http://paddar.blogspot.in/2012/02/pilgrimage-to-chandi-dham-machail.html> in February 2016.

There has not been too much of writing on the environmental impacts of the Yatra. A few which are primarily in the form of media reports by yatris indicates that the issue of filth and litter is a serious problem.²³⁵

There have been no reports on deployment of armed personnel, but in 2014, the Crime Control Research Organisation (CCRO),²³⁶ a membership-based organisation of individuals, held a meeting where it requested security be provided to the langars and the yatris.

The SSSS has been putting pressure on the government to set up a Shrine Board on the lines of those for Vaishno Devi and Amarnath. In 2012, the then Tourism Minister convened a meeting to facilitate the envisioning of the Board which would look after the affairs of the Yatra, create necessary infrastructure and ensure proper management and utilisation of the resources donated to the temple.²³⁷ In the same year, Naresh Kumar Gupta, MLC, Doda introduced The Jammu and Kashmir Shri Chandi Mata Machail Dham (Machail Yatra) Shrine Board Bill, 2012 (LC PMB No 3 of 2012) in the Legislative Council in 2012. It was also proposed that 30% of the members of the Board be comprised of representatives of the SSSS and the remaining 70% be nominated by the Government / Governor. However, the Minister of State for Tourism, Housing and Urban Development N.A. Wani opposed the introduction of the Bill on the grounds that the state government had already made plans for providing facilities at key points on the Yatra route, including a Rs 5 crore project by the Department of Tourism. The Bill was however admitted. On August 28th, 2014, Balwant Singh Mankotia, MLA Udhampur moved that the Bill as passed by the Legislative Council be considered for passing in the Legislative Assembly. However, the Law Minister responded that official record suggests that since only 15000 people go the Yatra, it would not be feasible to institute a separate Board for this. Based on assurances from the Minister that proper arrangements would be made at the time of the Yatra, the MLA withdrew his resolution.²³⁸

8.4 Kailash Kund Yatra, Doda District

Kailash Kund is located 22 kms from Bhaderwah town, Doda District, from where there is an annual Yatra, lasting 15 days between August–September. The presiding deity of the Kund is Vasuki Nag. This was earlier a 3-day Yatra with the 14th day of the Shravan month having religious significance. The site of pilgrimage is the high altitude lake (in which the yatris take a dip), with a circumference of 1.5 miles and located at above 14,500 feet. As part of the rituals, two maces are taken to the lake – from Bani and Duggan both in Kathua district.²³⁹ Most of the yatris are from Jammu.

²³⁵. Machail Yatra. (2013). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/machail-yatra/> in February 2016.

²³⁶. <http://www.ccroindia.org/index.php>. From the CCRO website: “CCRO is an Agency that is into secret investigation & monitoring tasks. Its professional definition is as follows: Criminal cases: All the crimes that are against the nation, society, public, law and humanity come under the preview of functioning of CCRO.” issues, the organisations works on: Intelligence Issues: Exposure of all types of underground illegal unethical works, organized crimes & conspiracies against the nation.

²³⁷. J-K Govt contemplates Chandi Mata Shrine Board. (2012). The Indian Express. Retrieved from <http://archive.indianexpress.com/news/jk-govt-contemplates-chandi-mata-shrine-board/936401/> in February 2016.

²³⁸. Law Minister refuses to form board, Mankotia withdraws resolution. (2014). Early Times. Retrieved from <http://webcache.googleusercontent.com/search?q=cache:VDXAGhRaH54J:www.earlytimes.in/newsdet.aspx%3Fq%3D130505+&cd=5&hl=en&ct=clnk&gl=in&client=safari> in March 2016.

²³⁹. DDC finalizes arrangements for Kailash Kund Yatra. (2015). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/ddc-finalizes-arrangements-for-kailash-kund-yatra/> in February 2016.

12. Kailash Kund Yatra: From and to Key Cities



There does not seem to be any centralised data on visitations in the public domain, however, some information may be gained from reports in the media. According to newspaper reports, 20,000 yatris undertook the Yatra in 2007²⁴⁰ and 10,000 in 2011.²⁴¹ By 2015, this number had increased to 170,000.²⁴² One of reasons for this is that the Yatra was initially for a period of 3 days, which was increased to 15 days in 2013, which is possibly linked to the “Challo Kailash Kund Yatra, Bhaderwah” as promoted by the Jammu Paryatan Vikas Mandal (JPVM), a non-governmental umbrella organisation of 22 tourism trade organisations.²⁴³ As a part of this campaign, yatris going to Vaishno Devi were appealed to and encouraged to also go on the Kailash Kund Yatra.

As in the case of Amarnath, the traditional route from Bhaderwah town to the lake is a long and arduous one and an alternative shorter route is sought to be popularised by the Mandal via Chhatrakala, which would reduce the trek to 6 kms. This would make it a day long Yatra instead of the original three days. According to the Mandal, this would also serve to increase the number of yatris.

²⁴⁰. 5000 pilgrims leave for Kailash Kund under tight security. (2007). One India News. Retrieved from <http://www.oneindia.com/2007/09/08/5000-pilgrims-leave-for-kailash-kund-under-tight-security-1189272731.html> in February 2016.

²⁴¹. Historical Kailash Kund Yatra from Dudu flagged off. (2011). Scoop News. Retrieved from <http://www.scoopnews.in/det.aspx?q=15753> (accessed in February 2016).

²⁴². Package Bhaderwah as independent tourist destination: Mufti. (2015). Rising Kashmir. Retrieved from <http://www.risingkashmir.com/news/package-bhaderwah-as-independent-tourist-destination-mufti/> in January 2016.

²⁴³. DDC finalizes arrangements for Kailash Kund Yatra. (2015). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/ddc-finalizes-arrangements-for-kailash-kund-yatra/> in February 2016.

In 2007, 600 personnel of the armed forces including CRPF (200 personnel) and Rashtriya Rifles were deployed as a security measure for the Yatra.²⁴⁴

The Doda district administration ensures that basic essentials like water, medical and transport facilities are made available to the yatis.²⁴⁵ For some years, the Doda police and the armed forces also provided tea and food facilities for the yatis. Again, as in the case of the Amarnath Yatra, NGOs are encouraged to set up langars along the Yatra route. Helicopter services to the lake was approved in 2011. In 2012, it was reported that the JPVM had appealed to the government that the shrines of Bhaderwah be focussed on, “on the lines of Kashmir”, indicating that a Shrine Board be set up for Kailash Kund Yatra as well.

Since 2012 the JPVM has been demanding the construction of a road till the Kund.²⁴⁶ In 2015, the Member of Legislative Council, Doda reiterated the need for the road and alleged that the government had failed to construct the road and demanded that the Yatra be conducted on the lines of the Amarnath Yatra.²⁴⁷ The MLA, Ramnagar also demanded that night shelters, benches and foot-paths be constructed from Dudu to the lake.²⁴⁸

At the behest of JPVM, the government is attempting to promote religious tourism at Kailash Kund by including it as a part of the Bhaderwah-Jao-Padri-Seong-Kailash Kund circuit. Accordingly, in 2015, the Chief Minister asked the Department of Tourism to prepare a plan for improving facilities for the yatis under Pilgrim Tourism.²⁴⁹

In 2015, the Chief Minister inaugurated a Yatra Base Camp, built at a cost of Rs 2.79 crores. The camp is spread over 58 kanals and has a bed capacity of 100, with 15 bedrooms and 4 dormitories.

8.5 Kousar Nag,²⁵⁰ Kulgam District

Kousar is a Quranic word meaning holy water and Nag means spring. Kousar Nag is a high altitude lake situated at a height of 12000 feet, above Kongwattan village in the Kulgam district and can be

²⁴⁴. 5000 pilgrims leave for Kailash Kund under tight security. (2007). One India News. Retrieved from <http://www.oneindia.com/2007/09/08/5000-pilgrims-leave-for-kailash-kund-under-tight-security-1189272731.html> in January 2016.

²⁴⁵. Kailash Kund yatra to commence from Aug 21. (2011). Daily Bhaskar. Retrieved from <http://daily.bhaskar.com/news/J-AND-K-kailash-kund-yatra-to-commence-from-aug-21-2364910.html> in January 2016.

²⁴⁶. JPVM express satisfaction over successful conduct of Bhaderwah festival. (2012). Daily Panun Kashmir. Retrieved from <http://www.panunkashmirnews.com/newsdet.aspx?q=5782> in February 2016.

²⁴⁷. Kailash Yatra to conclude today. (2015). State Times. Retrieved from <http://news.statetimes.in/kailash-yatra-to-conclude-today/> in February 2016.

²⁴⁸. MLA Ramnagar flags-off Kailash Kund Yatra. (2015). Daily Excelsior. Retrieved from <http://www.dailyexcelsior.com/mlaramnagar-flags-off-kailash-kund-yatra/> in February 2016.

²⁴⁹. Bhaderwah as stunning as Kashmir, will package it better: Mufti. (2015). Greater Kashmir. Retrieved from <http://www.greaterkashmir.com/news/business/bhaderwah-as-stunning-as-kashmir-will-package-it-better-mufti/199663.html> in February 2016.

²⁵⁰. Like all ancient places, the name has undergone change. The Kashmiri Pandits refer to this lake as Konsar Nag.

reached via Aharbal. The local people believe that this is an old route used by Gujjar Bakkarwals who also held the lake as sacred. Legend says that the Gujjars would stop here and sacrifice a goat, the head of which would be thrown in the lake, which if sunk, meant that they are safe to move onwards.

According to Dr. R.K. Tamiri,²⁵¹ Kousar Nag has been a place of religious importance for the Kashmiri Pandit communities. According to G.T. Vigne, the lake was not as important as the Gangbal lake to the Kashmiri Pandits. He also mentions that a few people would come here for ablutions, the traditional route being via Reasi.²⁵² It does not seem that there was a history of a Yatra formally undertaken during any specific time of the year.

Kousar Nag has become contentious in recent time. It is the belief of some of the Kashmiri Pandit organisations, like the All Parties Migrant Coordination Committee (APMCC) and other socio-religious organisations in Jammu and India, that a Yatra was conducted on Nag Panchami falling in the month of Shravan.

An annual visit to the lake has been going on since 2009, but from the Reasi side and with no overt state support. It was the first time that the Kashmiri Pandits were accessing the lake from the valley side in district Kulgam. Similar to the Chalo Amarnath call by Bajrang Dal in 1996, it seems that in 2014, there was a concerted effort to mobilise people to participate in the Yatra, in an attempt for the Kashmiri Pandit community to lay claim to the lake. What was earlier a day's visit by a few hundred people, was planned to be conducted as a 6-day Yatra from July 28–August 2, 2014. More problematic was the support that the district administration of Reasi and Kulgam offered to this call. On July 16 2014, the Reasi district administration announced planned logistical support to the Yatra, including erecting sign boards, diverting yatris on Vaishno Devi pilgrimage to Reasi where the Yatra was to embark from.²⁵³ The Deputy Commissioner, Kulgam had issued a letter to the Sr. Superintendent of Police, Kulgam for providing "foolproof security of yatris from Kakran²⁵⁴ to Kousar Nag."²⁵⁵ This letter was also sent to the Health, Forest and Agriculture Department. The Commanding Officer of the Indian Army's 62 RR at Behibagh had also been written to for providing accommodation to the yatris at their Kongwattan Base Camp. What was unfolding was uncannily similar to the way the Amarnath Yatra had changed over the years – escalation of the Yatra in a militarised Hindutva manner - and civil society organisations immediately registered their protest.

The Hurriyat Conference faction headed by Syed Ali Shah Geelani gave a call for peaceful protests and shutdown. When the Yatra lead by the APMCC reached Kulgam on July 31st, the newly formed

²⁵¹. Tamiri, R.K. Konsarnag – Myth, Legend and History. (2006). Kashmir Sentinel. Retrieved from <http://kashmirsentinel.org/konsarnag-myth-legend-and-history/> and <http://www.panunkashmir.org/kashmirsentinel/pdf/2006/jan2006.pdf> in February 2016.

²⁵². Vigne, G.T. (1842). *Travels in Kashmir, Ladak, Iskardo*. Henry Colburn, London.

²⁵³. Retrieved from <http://www.newindianexpress.com/nation/Kashmiri-Pandits%E2%80%99-Kousar-Yatra-Kicks-up-Controversy/2014/08/01/article2358631.ece> in December 2015.

²⁵⁴. In 2012, the APMCC restored the Katyayini temple in Kakran, which had gone into ruins. There was a big pooja conducted in 2012 and 2013. It seems that the APMCC had been eyeing Kousar Nag and had started to build their base in the vicinity.

²⁵⁵. Kausar Nag Row: Official Documents Belie Govt claims. (2014). Kashmir Life. Retrieved from <http://www.kashmirlife.net/kausar-nag-row-official-documents-belie-govt-claims-63132/> in December 2015.

Kousar Nag Bachao Front (KBF), stopped the progress of the pilgrims at Kakran (a village between Kulgam and Aharbal). The entourage stayed in Kakran for several days, before being forced to return. The entire Valley saw protests akin to those during the Amarnath land row, 2008 including stone pelting in Srinagar.

Environmental concerns and the cultural onslaught brought on by such militarised Hindutva-isation was at the heart of the concerns of people of Kashmir and the KBF. The lake is one of the few non-polluted, pristine lakes left in Kashmir. The impact of large numbers of people bathing in its waters when it is a stagnant water body would have been massive. Further, the streams emanating from the lake serve as drinking water and agriculture purposes for those living downstream.

Syed Ali Shah Geelani saw mendacious motives behind the constant creation of more and more Yatras in the state describing it as *“New Delhi’s sinister plan to turn Kashmir into India’s Gaza by strengthening the occupation of its land with a religious excuse.”*²⁵⁶ As has been happening in the past, and especially since 1990s, the conflict took on communal colours. The groups in Kashmir resisting the Yatra were not against the Yatra per se, but the wilful and systematic ethnic flooding of the state, and the attack on the identity of the people of the Valley in the name of religion.

The intense resistance of the people of the Valley paid off and the state government was forced to cancel the permission for the Yatra, putting an end to what could have become an uprising after 2008. Obviously, the Kashmiri Pandit community and the Hindus of India saw this as the appeasement of dominant community interests.

The criticality of this forced entry of the socio-religious organisations in 2014 had increased due to two other current developments: the forthcoming assembly elections in December and the on-going debate of the rehabilitation of Kashmiri Pandits who had migrated out during the 1990s. Political parties saw the stand-off between the two communities to be a potential game changer in the elections and one of the parameters on which the elections were fought by some political parties.

The conflict was seen by the Kashmiri Pandits as resistance of the Kashmiri Muslim community towards their return to the Valley as well as to make a case for separate townships for the Kashmiri Pandit community, when civil society organisations in the Valley were against this ghettoised rehabilitation.

In response to these events, on August 11, 2014, Kavita Kalvakunta (TRS, Andhra Pradesh) and Anurag Thakur (BJP, Himachal Pradesh) filed a Calling Attention in the Lok Sabha asking for the Minister of Home Affairs to respond on the decision to discontinue the Kousar Nag Yatra which according to them was impeding the rehabilitation of migrant Kashmiri Pandits. While raising the Calling Attention, Kavitha Kalvakunta not only inadvertently accepted that Yatra and rehabilitation of Kashmiri Pandits was not connected, but also that the Yatra was not a traditional one.

²⁵⁶ Wani, Riyaz, “Pilgrims’ Progress puts J & K on edge” Tehelka (2014). Retrieved from <http://www.tehelka.com/2014/08/kousar-nag-yatra-politics-jammu-kashmir/> in December 2015.

In response, Rajnath Singh, Minister of Home Affairs also admitted that the stopping of the Yatra is not connected with the rehabilitation of migrant Kashmiri Pandits. Regarding the Kousar Nag Yatra itself he said: ²⁵⁷

“Traditionally, prior to 1989, before the onset of militancy, the devotees used to visit this place in an unorganized manner for performing their Puja on the day of Nag Panchmi in the Shravan month of Hindu calendar. They would take the route from Reasi via Gul Gulab Garh on foot. It was not a traditional Yatra but an event to perform only Puja. The Puja, however, got disrupted with the eruption of militancy.”

However, people living in Kakran and the surrounding areas had a different story to tell. In the aftermath of the incidence, a young researcher from the Valley met with the people of Kakran who reported that an old man from the village claimed that there was no Yatra before, and it had started to build up only in the last few years. Further, the man from village Kakran also reported that while he has not seen a Yatra conducted, the region was also off limits to the local people ever since the 1990s when the military occupied the area. Only trekkers are seen to go there, who have not caused any damage to the lake and its surroundings, as they did not litter or create any nuisance.

The researcher also spoke to some of the older people of the village who said that no body used to come here on a pilgrimage. However, the old man shared that Kashmiri Pandits did visit the temple at Kakran which was about 7-8 kms from Kulgam. People from villages around Kousar Nag were met, as well as some Gujjar Bakharwal families. The primary concern of one of the villagers near the lake was that there has been large amount of deforestation and that the Forest Department, despite deploying large number of staff have done nothing to check it. He also claimed that only 1–1.5 kms of forest remain. Not only has the government done nothing to stop deforestation, they have also made no attempts to regenerate the forests. This they fear will have long lasting impacts on the environment, which they believe needs to be preserved for the generations to come. They also maintained that their concerns were not religious and purely environmental since the relationship between human beings and the environment is beyond any religious boundaries. The villagers felt that if India wanted to win the hearts of Kashmiris, then the state needs to take care of their resources – water and forests. Not doing so suggests that India is not concerned about Kashmiris, but is only after the land and its resources. Driving their point home, the villagers said that if a Yatra was started here, or a temple built, Kousar Nag would be ruined just as Pahalgam and its river (indicating to the Lidder) has been due to the Amarnath Yatra.

The people suggested that no developments should be made in the Kousar Nag region and even if tourism were to be brought in, stringent rules and regulations need to be put in place and followed. Some suggestions were that no edible items should be brought to 500 meters of the lake, no religious rituals should be allowed and no one should be allowed to enter/bathe in its waters.

²⁵⁷. Retrieved from <http://164.100.47.132/synop/16/II/Synop-11-08-14.pdf> in December 2015.

All of them unilaterally said that at least four generations of their people had never seen any Hindus coming to the lake and conducting any pooja. Additionally, the Gujar Bakkarwals (several of them from Rajouri district) also asserted that they have been coming to the meadows around the lake with their livestock for several centuries and therefore have customary rights to these lands. One of the Gujjars said that there is a burial ground near the lake where about 300-400 people of the community have been laid to rest.

The Gujjars also shared that the waters of the lake are considered holy and that several spiritual men have spent 40 days for Tableeghi Chilla²⁵⁸ by the lake. The Gujjars claim that there was a mosque in the area before 1947, after which it was destroyed. The Gujjars made another attempt a few decades later, however that was also destroyed.

Some voices in Jammu have also questioned the Yatra of Kousar Nag. Sandeep Singh, Department of Political Science, Jammu University also shared that there is no clarity on whether a Yatra was conducted in ancient times. Even if there was one, unlike the Amarnath Yatra, in which participation was also from Punjab and Sadhus from India, only Kashmiri Pandits would have visited the lake. He also felt that the attempt to create a Yatra and make it pan-India is wrong and politically motivated.

However, putting an end to speculation, several Kashmiri Pandits met and interviewed during the study categorically said that the community historically never undertook a Yatra to Kousar Nag.

Finally, both the villagers and the Gujjars believe that if there is an attempt to either allow a Yatra or build a temple, what is an issue of customary rights and environment, will take communal colours, which is not aspirational.

While the Yatra was discontinued in 2014, media reports in 2015 suggested that the Yatra was being conducted silently.²⁵⁹ Rajesh Gupta, Vice-President VHP, Jammu shared that conducting the Yatra silently without drawing attention is the strategy of the socio-religious organisations so that it is established. He said, “once the Yatra is conducted regularly, after about 10–15 years, the younger generation would be made to believe that this was an ancient Yatra and that this new generation would keep the Yatra alive, thus lodging itself in the memories of the coming generations.” He also believes that, time is not far when helicopter sorties to the lake will be a reality.

²⁵⁸. A period of penance taken in Islam, when a person retires to a place cut off from society to meditate.

²⁵⁹. Silently, Kousar Nag Yatra Takes Off. (2015). Kashmir Life. Retrieved from <http://www.kashmirlife.net/silently-kousar-nag-yatra-takes-off-83663/> in December 2015.

13. Map of all Yatras



From the map above, it appears that there is a concerted attempt by the some organisations to dot the Kashmir valley and the hill districts of Jammu which are muslim dominated areas, with Yatras. While some seek active state patronage by demanding for shrine boards, others like Buddha Amarnath and Kausar Nag which have the specific attention of the socio-religious organisations seek state support through the provision of basic facilities and security but choose to play an active part in it to ensure that conduct and participation in the Yatras are as per their methods and means.



Chapter 9: Conclusion

"The foundation of irreligious criticism is: Man makes religion, religion does not make man. Religion is, indeed, the self-consciousness and self-esteem of man who has either not yet won through to himself, or has already lost himself again. But, man is no abstract being squatting outside the world. Man is the world of man — state, society. This state and this society produce religion, which is an inverted consciousness of the world, because they are an inverted world. Religion is the general theory of this world, its encyclopaedic compendium, its logic in popular form, its spiritual point d'honneur, its enthusiasm, its moral sanction, its solemn complement, and its universal basis of consolation and justification. It is the fantastic realization of the human essence since the human essence has not acquired any true reality. The struggle against religion is, therefore, indirectly the struggle against that world whose spiritual aroma is religion.

Religious suffering is, at one and the same time, the expression of real suffering and a protest against real suffering. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people."

In Marx's Critique of Hegel's Philosophy of Right (1843).²⁶⁰

The State uses this opium to further its political agenda. What has been more than established in the preceding chapters is that for the promoters of the Amarnath Yatra it is a national pilgrimage, drawing on and instrumentalising the sentiments and emotions for whom religion is as much faith as it is a mechanism to cope with and protest against their sufferings. Sufferings among others which include caste, religion and gender based oppressions, though in the realm of **Society**, the removal of which is the responsibility of the **State**.



Amarnath Yatra: A militarized pilgrimage

²⁶⁰. Retrieved from <https://www.marxists.org/archive/marx/works/download/pdf/Selected-Works.pdf> in February 2017.

The mere study and interventions associated with its environmental impacts would only serve as an eye wash and not address the fundamental issues plaguing the Yatra. Yet, let us start assessing these issues with the most obvious and convenient of them leading finally to the question of the State – religion collusion and its implications for Kashmiris and the yatris, to fully understand the implications of this massive nationalist project.

Most critical writing on the Amarnath Yatra is on its environmental impacts. Much has been written on the impact of anthropogenic activities in high altitudes, and environmental studies in and around the Yatra region have also been conducted. Yet, the SASB seems hesitant in taking cognisance of these studies and addressing its impacts.

In the Yatra, human and municipal waste are the two main forms of solid waste generated. A realistic assessment of the environmental impacts of the large numbers of people travelling on the Yatra route has never been made and therefore any cap or regulation of numbers is being done in an ad-hoc manner. There is generally a resistance by the SASB to restrict the Yatra – in terms of numbers of yatris and duration – due to the fear of a backlash from socio-religious organisations who wield substantial power, both in Jammu, and at the centre in New Delhi, where decisions are finally taken.

Along with the waste generated, movement of large numbers of people in such eco-fragile areas has an impact on glaciers, rivers and forests. Minutes of the meeting and RTI responses also do not reflect any concern that Yatra organisers like the SASB and powerful players like socio-religious organisations and langars might have for these issues. Finally, it is the people living in Kashmir who face the repercussions by nature in the form of changing climate patterns, and not the yatris who visit for a short duration, nor the different organisations involved in the Yatra.

Aiding the socio-religious organisations are the Non-Government Organisations (NGOs) which run langars along the yatra route. Based on discussions with members of the NGOs met, it appears that there were two motivations for the sudden increase of number of langars in the mid-1990s. First, during the disaster of 1996 when reportedly 243 people died, some yatris who survived felt that one of the reasons they survived was the presence of shelters in the form of langars and therefore a need for more of them on the yatra route. Second, and more important, was the response to Harkat ul Mujaheedin's call for a ban in 1994. Members of the NGOs reported that they took this on as a challenge to not only go on the Yatra but also to set up langars to serve the yatris. This second reason manifests the biases that the NGOs hold and whether they are members of the socio-religious organisations or not becomes irrelevant, since they both serve the same purpose - to increase the number of people participating in the Yatra, and thereby laying claim to the land of Kashmir as their own. The way Kashmiri service providers like tent owners, horse owners, dandi-wallas and porters are treated by the langar organisations and yatris, is a manifestation of this attitude.

As we have mentioned in Chapter 1, initially a study on environmental impacts was planned, but it was at this point that it became a much more overarching project – to put together a documentation on all

aspects of the Yatra, and to understand the emerging picture, which, as we discovered, is one that goes beyond religion and spirituality, into the murky waters of the state – religion nexus.

The Amarnath Yatra is claimed by some to be an ancient Yatra, traditionally undertaken by Kashmiri Pandits. In Chapter 2, we see how the Yatra was used by the Dogra kings of Jammu (and then by the Indian State) as a way to lay claim to Kashmir. In 1846, the British 'sold' Kashmir to the Dogras, and the new rulers were compelled to find ways of claiming ownership to the region. One way by which this was done was to assert that temples and shrines in Kashmir were considered sacred to the Hindu religion as was practised in Jammu. To ensure that a sustained flow of people visited these shrines, Yatras were organised at specific times of the year, and the Amarnath Yatra was one such. Once the Yatra was started in the second half of the 1800s, with majority participation of sadhus and a few people from Kashmir, Jammu and Punjab, it continued in this manner until the 1980s.

A second wave of the political use of the Yatra came from the 1990s onwards, when a conscious attempt was made to link the Yatra with a nationalist agenda as one of the ways to counter people's call for freedom from India. The difference between the two periods was the extent of State intervention in religious matters. While the Dogra kings created the religious structure in the form of installing the Pandits of Mattan and Ganeshpora to perform religious rites at the Cave, they also ensured that a seeming communal harmony would be maintained with the involvement of the Mulicks of Batkote. What the Indian government did in 2001, when it created the Shrine Board was to ensure complete State patronage and ownership by taking overall control of the Yatra in the name of providing basic facilities to the Yatris.

In the intervening years there had also been certain developments in the context of governance of sacred spaces in India, which allowed for enhanced state intervention with the formation of Shrine Boards.

In 1812, in response to the growing financial non-accountability of the management of the temples, and cases of extortion and money laundering that the hereditary priests reportedly engaged in, the British passed the Resolution No. VII in Madras Presidency, which brought financial administration of temples under the Finance Department (Board of Revenue) and levied a tax for the same. It was the first instance when the government had gained control over the finances and rituals of the temples. The Courts were also empowered to give directions vis-a-vis management of temples and carrying out of rituals. This Resolution however, had to be withdrawn in 1888, after the British government came under criticism from Christian critics in Britain. Following the Government of India Act, 1919, through which limited powers were transferred to local elected bodies, a department called the Hindu Religious Endowment Board was established in 1926 in the Madras Presidency. Subsequently, other states followed by passing laws and establishing similar bodies. Finances of the temple, managing employees, deciding on rituals and honours conferred became the business of the State, and this included the judiciary. Further, most of the officers in the government departments and members of the judiciary, if Indian, were from the dominant castes whose ideologies and practices started influencing the rituals followed, and served the interests of the elite political classes and of the public officers.

Thus the notion of the sacred and profane became matters influenced by the State and the judiciary. Access to temples also changed and the first instance of temples being open to marginalised castes was by the princely State of Travancore in 1936. In 1959, the Tamil Nadu government passed the Hindu Religious Charitable Endowment (HRCE) Act bringing all Hindu temples under State administration. Other states that were also facing similar financial and accountability issues passed similar state laws and also established Boards to manage the bigger temples. Some of these are the Tirumala Tirupati Devasthanams, 1932, U.P Shri Badrinath [And Shri Kedarnath] Temples Act, 1939, Shri Jagannath Temple Act, 1955, Shri Mata Vaishno Devi Shrine Board Act, 1988 and Shri Amarnathji Shrine Board Act, 2001. Thereafter, when a temple gains popularity, financial mis-management is often quoted as a reason to transfer administration to specially formed trusts and boards.

However, in the case of Amarnath, it was not just that the Board was set up to ensure State patronage, but this was actually only a front, and a premise for the Indian state to deploy its real might – its armed forces. If the Yatra as started by the Dogras was to stifle dissent among the Kashmiris for being forced to accept them as kings, the Yatra in the post-1990s phase was infused with a nationalist agenda. People in India were mobilised to participate in the Yatra and show their loyalty to the country. Thus religiosity of the Yatra was converted to a call for national pride, as evinced in this 1997 Press Information Bureau Feature Release:

"Faith can move mountains, so goes an old adage. With a little variation to the saying, it is hoped that the yearning for Moksha (salvation) can move the devotees to the challenging heights of Kashmir. This will also be a befitting gesture of solidarity with our valiant soldiers who have been fighting the enemy to defend our borders." ²⁶¹

Another motivation for what is primarily a deification of land is taking place in Kashmir (and Jammu) as well. Once the sanctity of a space is secured, the next step is for the government to take upon itself the responsibility of providing amenities for the yatris, which means diversion of state resources to the yatra, but more importantly usurping land which are traditionally public commons.

Another example of the State (military) – industry nexus is the border tour buses that were operated in 2016. The Department of Tourism in collaboration with Jammu & Kashmir Road Transport Corporation flagged off the service on July 1st, 2016. Tourist places like Ranbireshwar Temple, Raghunath Temple, Peer-Kho, Bawey Wali Mata, Amar Mahal Palace, Mubarak Mandi and Balidaan Stambh, Suchetgarh Border and adjoining place is also part of the tour. ²⁶² This would surely strengthen the military - industry combine.

Diversion of forest land to the SASB for setting up Yatra infrastructure in Baltal in 2008, the idea of Amarnath Nagar, attempts to build infrastructure along the Yatra route, pumping of money into the Vaishno Devi Yatra and Shivkhori temple complex are examples of just such a phenomenon. Lately, there also has been a surge of the 're-discovery' of old sites of pilgrimage, leading to the demand that

²⁶¹. Amarnath Yatra - 99 Acid Test of Devotion. (1997). Press Information Bureau. Retrieved from <http://pib.nic.in/feature/fe0799/f1507992.html> in November 2014.

²⁶². Retrieved from <http://news.statetimes.in/priya-sethi-flags-off-border-tour-buses-amarnath-yatris/> in July 2016.

the yatra be re-instated by the government and necessary facilities for the same be made. For example in the Buddha Amarnath, Machail and Kailash Kund Yatras (see Chapter 8), it would appear that those managing these are seeking State support to set up similar infrastructure in these places as well, promoting the Yatras themselves as religious tourism, with tourism industry associations asking for Shrine Boards to be set up for each of these yatras.

A new trend witnessed in Kashmir is to identify sites of religious importance for Kashmiri Pandits, following which mass events are organised around them with the support of socio- religious organisations. In the Chapter 7 on Conflicts, in the context of the Amarnath Land Row, we had reported that a Kashmiri Pandit had suggested that if they were at the helm of the Amarnath Yatra, there could have been no resistance to the transfer of land, as the community had equal claim to the lands of Kashmir as the Kashmiri Muslims had. This opinion found resonance with several other Kashmiri Pandits. It appears that this strategy is being adopted in the context of the 2016 Maha Kumbh at Saidipora, Ganderbal and the proposed but contentious yatra to a cave in Beerwah, believed to be linked to Abhinav Gupta. In both instances, Kashmiri Pandits are at the forefront, supported by socio-religious organisations, some of whom have also been instrumental in furthering the Amarnath Yatra. It therefore appears, that there is a continued attempt to use religion to lay claim on the lands of Kashmir.

9.1 Conflict Areas and Religious Tourism

The use of religious tourism, a seemingly secular activity, as a tool to control conflict areas is not unknown, and one of the best documented is the pilgrimage to Jerusalem.

Studies in religious tourism have used two approaches to understand the resultant dynamics that emerge. One school of thought led by the symbolic anthropologist Victor Turner, believes that religious tourism causes “*a relational equality of full unmediated communication, even communion*” with other individuals, “*which combines the qualities of lowliness, sacredness, homogeneity, and comradeship*,”²⁶³ termed *Communitas*. Turner was of the opinion that pilgrimage centres were located at the peripheries of political and economic places and used secular spaces of tourism. He argued that often managers of pilgrimages seek this sense of *communitas* to communicate universalism of the pilgrimage and religion, which is also often their claim.²⁶⁴

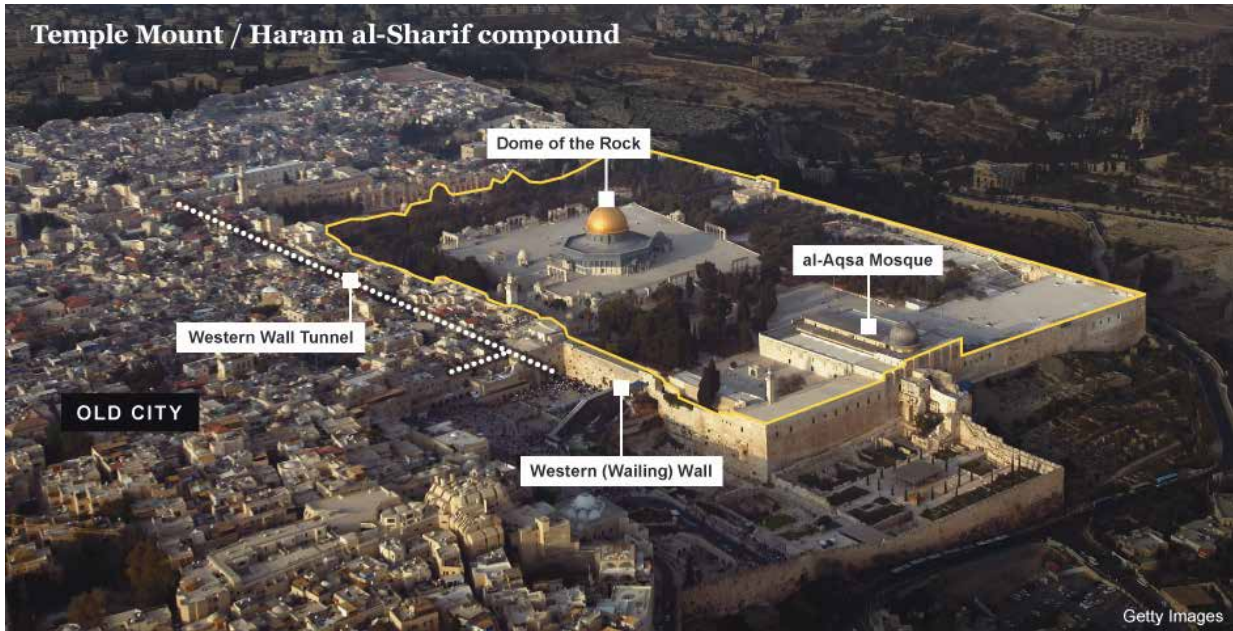
On the contrary, there are British anthropologists John Eade and Michael Sallnow (1991) who argued that each pilgrimage has a cultural, social and historical context, within which they should be analysed. They argue that pilgrimages are actually sites of contestation of discourses, with different groups – for example, those managing the pilgrimage, tourists, and people living in the region – viewing and perceiving the pilgrimage differently as the sites would hold different meaning to different set of actors.²⁶⁵

²⁶³. Badone, Ellen and Roseman, Sharon R. (Eds.) (2004). *Intersecting Journeys: The Anthropology of Pilgrimage and Tourism*. University of Illinois Press, Urbana, Chicago and Springfield.

²⁶⁴. Di Giovine, Michael A. (2011). Pilgrimage: *Communitas* and contestation, unity and difference - An introduction. *Tourism: An International, Interdisciplinary Journal*, Vol. 59, No. 3.

²⁶⁵. Di Giovine, Michael A. (2011). Pilgrimage: *Communitas* and contestation, unity and difference - An introduction. *Tourism: An International, Interdisciplinary Journal*, Vol. 59, No. 3

It is in the context of this contesting and competing discourse that certain sites of religious tourism become a maelstrom, with the dominant community of belief in the universal truth of the religion, adding to the complexity. In the case of the Amarnath Yatra, it is as a site of contestation that it is used to push the nationalist agenda of the State. A poignant example of this contestation is Jerusalem, which is an important pilgrimage site for Judaism (being the most critical site of pilgrimage) as well as Islam (being the third most important site after Mecca and Madina).



Haram Al-Sharif ²⁶⁶

In 1967 Israel occupied Jerusalem, snatching it away from Palestine, and holding political sway ever since. The site of contestation is what the Jews call the Temple Mount, believed to be the site of an ancient Jewish temple, while for the Muslims the same site is considered holy and called Haram al-Sharif, the Noble Sanctuary, comprising the Dome of the Rock and the Al-Aqsa mosque. Until 1967, the old city was under Jordanian administration but continued to be administered by the Waqf, a Jordanian appointed Islamic body. Though the compound of the Sanctuary is also held holy by the Jews, the only site that is accessible to them is the Wailing Wall, lying beneath the Temple Mount and believed to be the only part of the original Jewish temple that remains. Jews used to offer prayers within the compound, which is a place whose worship is restricted to the Muslims.

While the Israeli government has by and large followed this code, lately right wing activists (including some politicians in office) have started entering the Compound to offer prayers, thereby causing clashes between Palestinians and the Israeli armed forces (who have on more than one occasion

²⁶⁶. Source: <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/11240846/Jerusalems-holy-sites-why-Temple-MountHaram-al-Sharif-is-so-volatile.html>.

entered a space, an act considered sacrilegious by Muslims).²⁶⁷ With incidents of right-wing activists entering the Compound, there is a fear that an attempt is being made to change the religious practices in Haram Al-Sharif.²⁶⁸ Along with trying to gain control over the Temple Mount, the Israeli government has systematically facilitated setting up of Jewish colonies and housing schemes in Jerusalem, with the aim to change the demographics of the city. Similar to the re-naming of places in Kashmir, the Israeli government is also in the process of re-drawing the map of Jerusalem by including minor Jewish place names and removing significant non-Jewish ones.²⁶⁹

While in the case of the Amarnath Yatra, the Cave itself is not contested, what is similar between the two situations is the use of religious tourism to stake claim to a region.

9.2 The Kashmir Valley and the Yatra

The Yatra and its impacts on the Kashmir valley must necessarily be seen in the context of the conflict in the region. Every year the SASB and the Government of India endeavour to ensure a better Yatra than the previous year – better communication on the Yatra route, better crowd management, more security for the yatris. Despite the Yatra being for about 45-55 days, there is a whole department (albeit not a large one), to facilitate and coordinate it. The people of the Valley meanwhile face various forms of restrictions and stipulations, and not just during the Yatra period. Between the Kashmiris and the yatris there is seriously differential treatment of the same needs of communication, religious expression and security.

Some of the direct ways that the Yatra affects the people of Kashmir has been discussed in the preceding chapters. Additionally, people of the Valley have to deal with increased militarisation, serious traffic jams, road congestions and road diversions during the Yatra period, especially for the 3 weeks when it is at its peak, since the SASB is committed to facilitating the Yatra, even at the cost of interests of the people living in these regions.

This differential treatment is also not limited to the Yatra period. The road between Ganderbal and Baltal, especially after Sonamarg, is known to receive snowfall during the start of winter itself, and often remains snow bound even until March. People of Sonamarg report that the SASB, who starts preparation for the Yatra from February/March itself, clear the road leading to Baltal, but leave a nearby diversion road leading to a few villages snow bound. The State Roads & Buildings Department is engaged to do this work, and despite its mandate of maintenance and upkeep of all roads in the state, does not clear the road leading to the village, since it has been engaged by the SASB for the purpose of preparation for the Yatra. State resources are diverted for the purpose of the Yatra without a thought

²⁶⁷. Jerusalem's holy sites: why Temple Mount/Haram al-Sharif is so volatile. (2014). The Telegraph. Retrieved from [http:// www.telegraph.co.uk/news/worldnews/middleeast/israel/11240846/Jerusalems-holy-sites-why-Temple-MountHaram-al-Sharif-is-so-volatile.html](http://www.telegraph.co.uk/news/worldnews/middleeast/israel/11240846/Jerusalems-holy-sites-why-Temple-MountHaram-al-Sharif-is-so-volatile.html) in June 2016.

²⁶⁸. The battle for Al-Aqsa: 'This is not about prayer'. (2015). Al Jazeera. Retrieved from <http://www.aljazeera.com/news/2015/07/battle-al-aqsa-prayer-150727092136644.html> in June 2016.

²⁶⁹. Wilson, Nigel. (2016). Israel removes key sites from Jerusalem's Old City Map. The Telegraph. Retrieved from <http://www.aljazeera.com/news/2016/06/israel-removes-key-sites-jerusalem-city-map-160605110610513.html> in June 2016.

being spared for people living in the region, and in whose interests the state departments are primarily to work with.

Mobile communication in Kashmir cannot be taken for granted, and the State frequently clamps down on mobile and internet connectivity as a way to stifle any form of resistance. Even the remote possibility of a conflict brewing leads the State to block SMS and internet services thus affecting even normal communication. However, a perusal of minutes of preparatory meetings and post Yatra review meetings of the SASB sees a lot of emphasis on the need to ensure that communication channels along the Yatra route work smoothly. BSNL towers are erected all along the route and the cellphone networks are strong almost throughout the Yatra route. Given the remote location this is surely a luxury. Since there are restrictions on cellphone service providers in J&K, SASB has started facilitating the distribution of pre-paid SIM cards as a part of the registration process itself. In J&K, either post-paid SIM cards issued in India, or pre-paid SIM cards issued in J&K work. Knowing that several yatris might not be aware of these restrictions, one part of the registration document includes a request as well as approval for a pre-paid SIM card issued in J&K. All a yatri needs to do when they arrive in Jammu / Kashmir, is to take the slip to a store which issues SIM cards, and they receive a SIM card by paying the fee, and without any of the otherwise mandatory background checks and other verifications.

This leads us to the issue of the differential way the SASB and State perceive and treat Kashmiris and the yatris. During the discussion on non-state actors, we see how the Kashmiri service providers are mandated to submit a certificate from the local police station verifying that they have no police records and are therefore cleared to be involved in the Yatra. Further, even study teams from educational institutions of Kashmir have been denied entry during the Yatra. In the context of State actors we see the suspicion with which the Indian armed forces stationed along the Yatra route view the Kashmiri service providers. A recent report in the Bangalore Mirror indicates the crux of the way Kashmiris are viewed in the context of the Yatra: *"In the last 14 years, militants avoided attacking Amarnath Yatra although there have been instances when vehicles carrying pilgrims were pelted with stones"*.²⁷⁰

Discriminatory practices were seen even as far back as 1991, when a fact finding team visiting the Valley to document the violations of democratic rights and civil liberties of its people, described their journey from Jammu to Srinagar which coincided with the Yatra.²⁷¹ The following excerpts from the report describes the gravity of the situation:

"When our team landed in Jammu on 31 July the city was full of the army, the paramilitary and the ugly Punjab Commandos who are dressed to look like death. The reason was that the Amarnath pilgrims were reaching the city, and they were to be protected from attacks by the Pakistan based fundamentalist militant organisation Harqat-ul-Ansar that had announced a ban on the Yatra. Nobody in his right senses would support the ban on the civic freedom of the Amarnath devotees,

²⁷⁰. Drones keep a watch as Yatra begins (July 2, 2016) Bangalore Mirror.

²⁷¹. Blood in the Valley (Kashmir) – Behind the propaganda curtain: A report to the people of India on Kashmir by the joint fact finding committee of organizations for democratic rights and civil liberties. (1991) Lokshahi Hak Sangathan, Bombay.

and all responsible Kashmiri organisations had dissociated themselves from the ban. But what was remarkable was the way the State's duty of protecting the Yatris was turned into an assertion of the might and prestige of the Indian army, aimed at the people of the Kashmir valley, unfairly setup as a surrogate of the invisible Harqat-ul-Ansar....

...When we went to the Bus stand near the Tourist Reception Centre at Jammu in quest of a bus to Srinagar, we found about two dozen valley-bound passengers huddled in a group, wondering when they would find a bus to take them to what was after all the capital of the state. All the while bus after bus was moving into the departure line full of Pahalgam-bound pilgrims shouting slogans hailing Bholenath. Gun-toting army men along with transport officials were diligently seeing to it that all the Yatris got into buses and the buses formed a convoy adequately covered by protective army escort. The Srinagar bound passengers were happy that our group of thirteen wanted to go to Srinagar too. For they were 26, and had been told that if there were 40 passengers a bus to Srinagar might be arranged. And so a request was made and a bus was allotted for us. But as the tickets were being issued to us at the booking counter the clerk was twice told to stop by a transport official for this bus too might have to go to Pahalgam. It required some pleading and persuasion to at least let this one bus go to Srinagar."

Given the decades of discriminatory practices of the State and SASB, it is obvious that there would be animosity towards it locally. But the State clearly sees any form of resistance to discrimination – armed conflict or pelting of stones – as being militant. It also does this without exploring the role of the militarized form of pilgrimage in exacerbating the situation after the year 2000. Indeed the State often does add fuel to the fire. One glaring example, shared by several in the Valley, is the issue of the Muhharam procession that has been banned in Srinagar since 1990. One of the reasons quoted by the State for this is the potential for conflict between the Shias and the Sunnis. This is just an excuse that the State uses, since there is no overt issue between the Shias and Sunnis of the city that would necessitate the banning of the procession. This continues to be a bone of contention for the people of Kashmir, who see the State going all out to promote the Yatra while stifling religious sentiments of the people of the Valley.

While all efforts to provide the best health facilities to the yatris is made, the medical infrastructure for the people of Pahalgam remains abysmal. For e.g. Pahalgam, a tehsil headquarter has only a Primary Health Centre. A few doctors are stationed here though the majority of the population of the Pahalgam tehsil are settled around the town itself. On the other hand, during the Yatra 15-20 doctors are stationed at the PHC. Though there are basic X-ray facilities, the technician who operates this is in charge of 4 other such PHCs and is therefore not available in the town on all working days. A sub-district hospital has been sanctioned but even after 4 years even the land has not been identified.²⁷² The people of Pahalgam tehsil have to travel about 42 kms. to Islamabad in case of any major illness.

²⁷². 4-yrs on, PDA fails to identify land for Pahalgam hospital. Retrieved from <http://www.dailyexcelsior.com/4-yrs-on-pda-fails-to-identify-land-for-pahalgam-hospital/> in March 2017.

In the name of the Yatra, there is an increase in the presence of the armed forces on the Yatra route and constant checking and frisking of vehicles and people. Baggage and body scanning machines are placed in strategic places and it is mandatory that anyone travelling on that route to go through the scanning process. For example, there is one such arrangement just outside Nunwan. Therefore any Kashmiri who needs to travel beyond Nunwan including Pahalgam, Aru Valley, Betab Valley and others, needs to go through the checking wherein vehicles are also checked thoroughly. In a region where movement is as regulated as it is in the Valley, the presence of the Yatra does not bode well for the people.

9.3 In Conclusion

The State clearly privileges the Yatra and the yatris, while keeping aside the rights of the people of Kashmir. Justice Swatanter Kumar in his judgement of 2012 pitches the right of the faithful against the rights of the Kashmiris. While on the one hand he places the argument in the framework of sustainable development, on the other he argues the cause of comfort for the yatris. What he suggests as infrastructure necessary for the yatris goes against the norms of sustainable development. This will not only affect Kashmiris as pointed in Chapter 6, but will also have an implication for the yatris since the formation of the ice stalagmite will be affected, as it has been on more than one occasion. Even in 2016, the size of the ice stalagmite was only 10 ft. compared to 18 ft. in 2015 and 20 ft. in 2005. Suggestions of artificially constructing the ice stalagmite or using technology to maintain it is must surely be demeaning to the faithful. Transforming a natural and divine structure through the use of modern science is a mockery and an attempt to fool people.

The State comes through clearly as a Hindu state, making Hindus 1st class citizens of the country and all others 2nd class. In Kashmir this takes on a different meaning given that it is a disputed territory, where democratic structures are merely a façade and which is truly under military rule. The use of militarisation to curb dissent and a struggle for freedom, and the use of religious sentiments of the dominant religious community in India come together in a most lethal way in the context of the Amarnath Yatra. But this is not a loss only for Kashmir but also for India whose constitutional democracy has been done away with. For the truly faithful, it must be a matter of shame that their religion is being used by the State to further its interest and is causing a threat to Indian democracy.



A temple in Neelgrath helipad

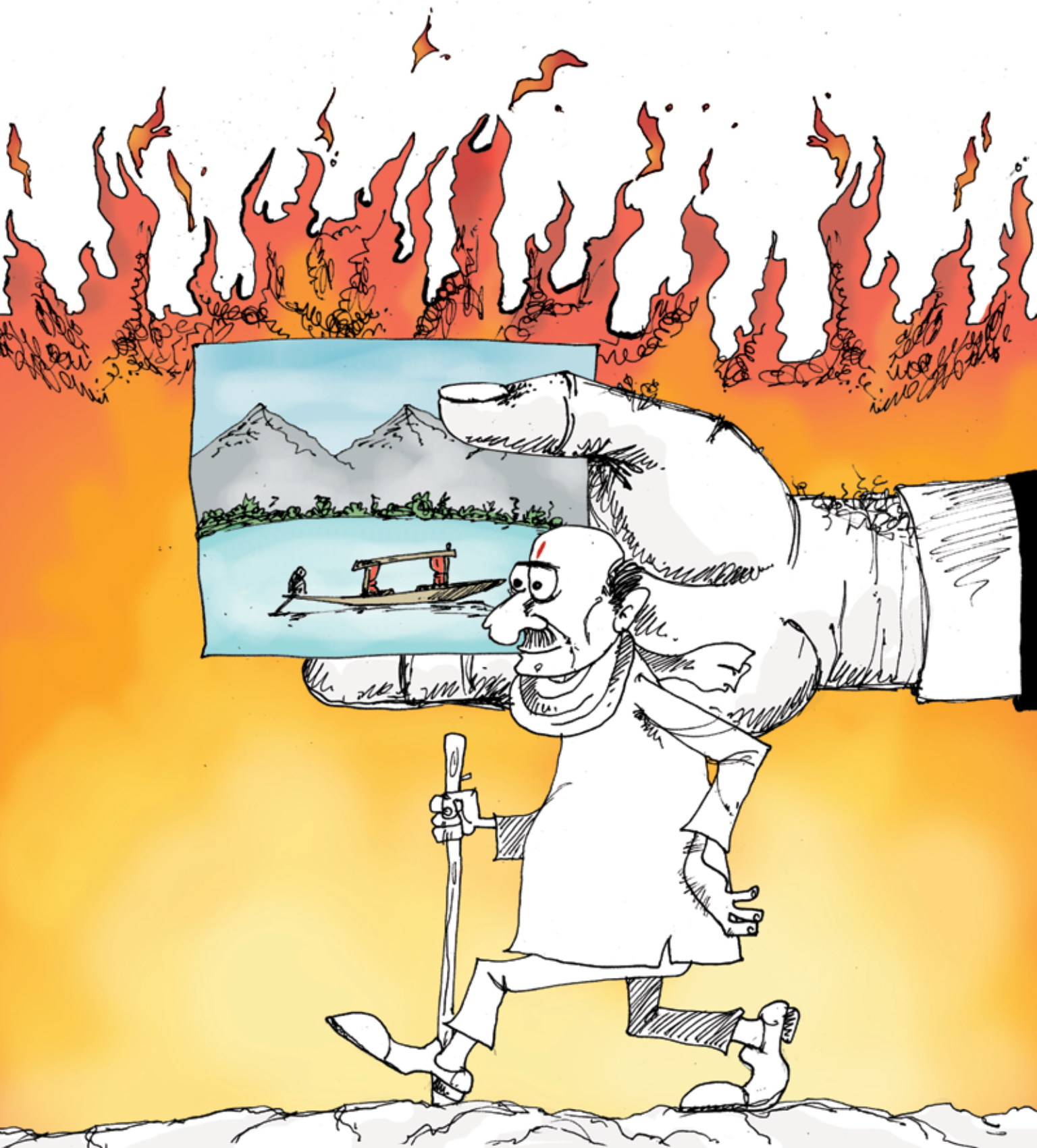
It is crucial that the State take note of the serious transgressions taking place in the name of the Amarnath Yatra. Some of the immediate steps that we believe need to be taken are:

- Restrict the Yatra to its traditional period of 15 days. Very importantly, the faith of the yatris cannot be instrumentalised to further India's political interests. We also call upon devotee groups to resist this use of their faith.
- De-militarize the Amarnath Yatra. The military has no place in a space of divinity. If the terrain renders the Yatra dangerous then disaster management institutions need to be involved and not the armed forces! There have been no attacks on the Yatra and indigenous groups have been repeatedly committed to this. The people of Kashmir have consistently supported yatris in times of crises, be it in 2008 with the setting up of langars for stranded yatris, or saving their lives in the accident near Bijbehara or when Kashmir was facing brutality from the State in 2016, like never before since its formation in 1947 no harm was brought to the yatris by the Kashmiris. This compassion by the Kashmiris must be responded to by removal of the armed forces from the Yatra route.
- Conduct an Environment Impact Assessment of the pilgrimage and make necessary changes to the numbers allowed, and to its conduct.

If indeed tunnels are being planned then these need to be stopped immediately. Construction of the tunnels will seriously compromise the stability of the mountains potentially causing catastrophe, the victims of which could very well be the yatris.

Carrying capacity should be scientifically established and regulatory mechanisms should accordingly be put in place.

- If the government has the responsibility of administering the Yatra, it should deliver on them rather than outsourcing it. If langars are allowed to operate between Chandanwari – Cave – Baltal region then they need to be regulated. The number of langars should be rationalised, so should the menu. Discriminatory practices like disallowing entry of Kashmiris in the langars should be actively discouraged by the State.
- The Kashmiri service providers who primarily service the unorganised aspects of the Yatra, namely, tent owners, people who carry yatris on dandis, porters and horse owners have to be recognised as equal participants of the Yatra as those of the organised sector. Just as the SASB actively engages with the organised sector, the unorganised sector also need to be engaged with and opinions taken into account while planning the Yatra.
- The might that socio-religious organisations wield over the SASB and the conduct of the Yatra is nothing short of blackmail. The threat that there will be communal discontent should their opinions not be accepted should face severe punishment as per the provisions in the Indian Constitution and law. The impunity with which these organisations function and their blatant threats cannot go unpunished! Further, given that India is constitutionally a secular country and not a Hindu state, this integrity needs to be maintained. The State cannot take cues from socio-religious organisations on its conduct while setting aside the people it claims to have concern for.
- The Government of India needs to restore the Constitution vis-à-vis the conduct of the Yatra. The democratic fabric which has been run threadbare needs to be re-established. While the SASB Act itself needs to be repealed, in the event that this is not legally possible, it definitely should be cut down to size. The SASB which functions like a state within the state needs to be re-imagined such that it plays only an implementing role with decision making reposed with the state government.
- Attempts to create more Amarnaths like Buddha Amarnath and Kauser Nag need to be nipped at the bud. The Buddha Amarnath Yatra is already growing by leaps and bounds and before it becomes another site of active conflict, the State needs to put an end to the way it is conducted, if it is interested in the peace that it so often claims to desire.



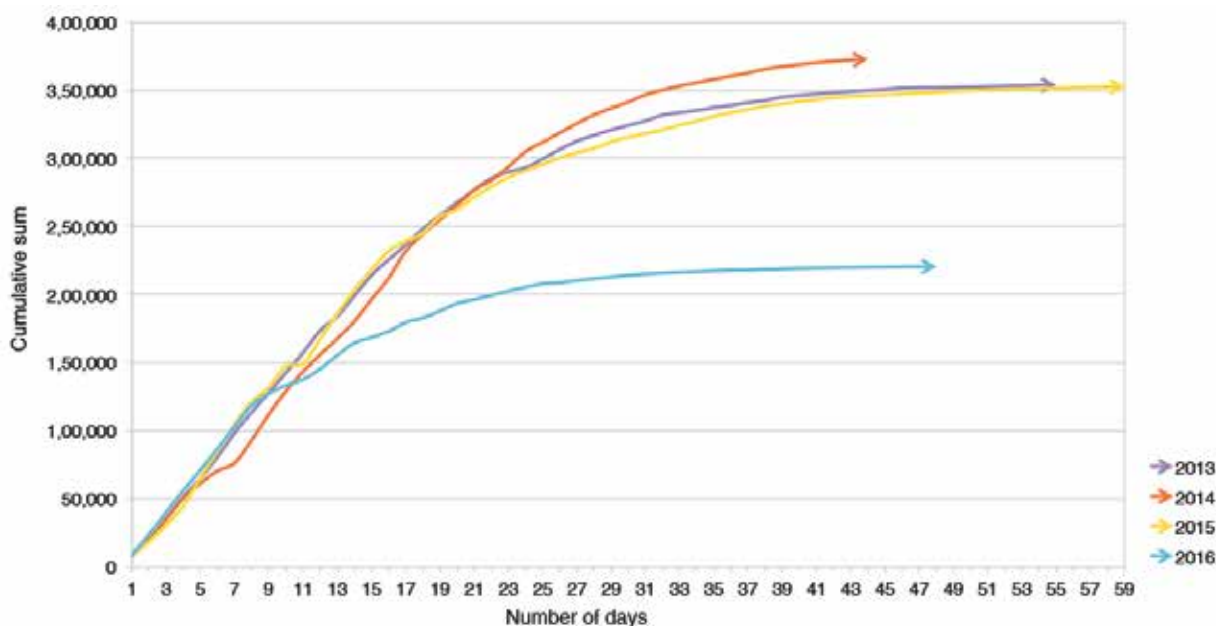
Chapter 10:

Aftermath of July 8, 2016: A Postscript

This report was scheduled to be released on July 16th, 2016. With the violence of the Indian state against Kashmiris and the sustained protests by the people the report could not be released. As in 2008, the Amarnath Yatra was underway at this time.

While the Yatra saw numbers comparable to the earlier years, post July 9th the per day numbers were almost half of the previous year. The graph below depicts this:

14. Cumulative Sum of Daily Yatri Numbers



Newspapers, especially the Hindi newspapers, abounded with stories of how the yatris were scared for their lives and that they had been the target of stone pelting and other physical violence like beating.²⁷³

Soon after July 8th, the Yatra was stopped for a few days and when it resumed, road movement towards Pahalgam and Baltal was conducted during the night. The armed forces claimed that this was being done to protect the yatris from stone pelting and attacks from the local people. The yatris were taken in convoys of about 100-150 vehicles flanked by the armed forces. Some yatris interviewed by

²⁷³ A search on the internet will reveal several such coverage. As an example: Retrieved from <http://www.hindupost.in/news/amarnath-yatris-narrate-dreadful-experiences-amidst-kashmir-protests/> in December 2016.

the electronic media suggest that the accompaniment of the armed forces made them feel safe and that though they have heard that the situation in Kashmir was tense, they themselves did not face any problems.

While it is true that vehicles were attacked, in several instances, objection was not towards the yatris themselves but the anger which was directed at the Kashmiri vehicle driver / owner for defying the strike and plying his vehicle as in the case of the ABP news team which was stopped in Srinagar.²⁷⁴

On July 13th, 2016 a bus carrying yatris had an accident when it collided with a truck when it was on its way from Baltal to Jammu. 23 people were injured and 2 (a Kashmiri driver and a yatri) succumbed to death. One of the survivors of the accident, in an interview spoke of how he escaped from the bus, which was travelling in a convoy, and asked the police, armed forces and other yatris to help the accident victims but received no help from them. 2 Kashmiris witness to this, shouted for help and a group of about 50 people, all local people; defying curfew came and helped the yatris get out of the bus by breaking windows and the door. He goes on to say that the locals ensured that ambulances were brought to take the victims to the hospital. He also says that they were treated well in the hospital and were given all facilities. He ends his narration with *"If you want to learn humanity, learn it from the Kashmiris. Do not malign the community, understand its heart. It is the first time in my life that I have experienced such humanity."*²⁷⁵ In another interview he said, *"The army is here for helping us, but they did not help us. People of Kashmir and Srinagar helped us and even donated blood for us.... People run community kitchens here but Kashmiris gave us their blood and saved us."*²⁷⁶

In another instance on the Baltal – Srinagar route, near Kangan, it was reported that people were made to get down and shout pro-Pakistan slogans. What was shared by the people but not reported in the newspapers was that the yatris were intimidating the group of people standing on the road by shouting slogans similar to those mentioned earlier in the report, to which the Kashmiris responded.

As in the earlier years, in 2016 as well, by June there were reports that the Yatra would be attacked. In June 2016, the Hizbul Mujahideen released a video where Burhan Wani put to rest rumours that his organisation intended to attack the Amarnath Yatra in 2016. He went on to say that their struggle was against the Sainik colonies, which was usurping the land of Kashmiris and Kashmiri Pandit colonies which resembled the Israeli settlements in Palestinian areas. The Hindu, in June 2016²⁷⁷ reported a senior Home Ministry official's statement that the government did not perceive any specific threat to the Yatra. The official also said that since they did not want to take chances, they have beefed up security.

²⁷⁴. Retrieved from https://www.youtube.com/watch?v=Ar9ho_Bxjv8 in November 2016.

²⁷⁵. Retrieved from <https://www.youtube.com/watch?v=98U7yzzYW2w> in July 2016

²⁷⁶. Retrieved from <https://www.youtube.com/watch?v=JNpuYINRbIM> in November 2016.

²⁷⁷. Retrieved from <http://www.thehindu.com/news/national/other-states/%E2%80%9CEnough-forces-for-Amarnath-Yatra-security%E2%80%9D/article14423112.ece> in July 2016, 6<http://m.dailyhunt.in/news/india/english/the+new+indian+express-epaper-newexpress/300+pakistan+trained+terrorists+to+attack+amarnath+yatra-newsid-55102768> (retrieved in December 2016)

As mentioned in earlier parts of the report, it has been more than a decade since there has been an attack on the Yatra and in 2016, the Hizbul Mujahideen categorically communicated that they would not harm the Yatra, yet the armed forces and the Indian state did nothing to dispel the fear of the people. Some Kashmiris also said that the armed forces know that the Yatra would not be attacked and were using the excuse of providing security to the yatris and therefore travelling in convoys just so that they could move freely, since the armed forces were the target of the anger of the people.

Even after July 8th, there were constant reports that the different groups intended to attack the Yatra.²⁷⁸ However, there were no attacks and the Yatra was conducted for the entire 48 days without any incident.

After July 8th and over the next 135 days, 109 unarmed civilians were killed, 15000 injured with 7000 sustaining severe injuries, 1178 people reported pellet injuries in the eyes of which 52 people were blinded and 300 lost partial eyesight.²⁷⁹ While such was the grim situation on the one hand and newspapers everyday were reporting these gross forms of violence by the armed forces on the people of Kashmir, there were as many reports about the peaceful conduct of the Yatra. The Governor held regular meetings to ensure that the Yatra was at no point disrupted or yatris harmed. While it is indeed the responsibility of the state to take care of its people, the differential treatment being meted out to Kashmiris and yatris clearly drove home the point that it has no concern whatsoever about the Kashmiris and privileged the Yatra.

²⁷⁸. Retrieved from <http://m.dailyhunt.in/news/india/english/the+new+indian+express-epaper-newexpress/300+pakistan+trained+terrorists+to+attack+amarnath+yatra-newsid-55102768> in December 2016.

²⁷⁹. Solidarity with the Peoples of Kashmir.' Statement by a group of organisations and individuals based on a visit to Kashmir in November 2016. (2016).

Annexure 1: Abbreviations

APMCC - All Parties Migrant Coordination Committee
ATS - Anti-Terrorism Squad
BABA Yatri Niyas - Baba Amarnath Buddha Amarnath Yatri Niyas
BSF - Border Security Force
CEO - Chief Executive Officer
CHC - Compulsory Health Certificate
CIC - Central Information Commission
CPO - Central Police Organisations
CRPF - Central Reserve Police Force
DRDO - Defence Research and Development Organisation
EAC - Expert Advisory Committee
EC - Environment Clearance
EIA - Environment Impact Assessment
IRB - Indian Reserve Battalion
ITBP - Indo-Tibetan Border Police
J&K - Jammu & Kashmir
J&KPCB - Jammu & Kashmir Pollution Control Board
JKAP - Jammu & Kashmir Armed Police
JKP - Jammu & Kashmir Police
JPCR - Joint Police Control Room
JPVM - Jammu Paryatan Vikas Mandal
KBF - Kousar Nag Bachao Front
MLC - Member of Legislative Assembly
MRT - Mountain Rescue Team
NC - National Conference
NDA - National Democratic Alliance
NDRF - National Disaster Response Fund
PDA - Pahalgam Development Authority
PIL - Public Interest Litigation
ROP - Road Opening Parties
SABLO - Shri Amarnathji Barfani Langar Organization
SASB - Shri Amarnathji Shrine Board
SAYBO - Shri Amarnath Yatra Bhandara Organization
SDA - Sonamarg Development Authority
SDRF - State Disaster Response Fund
SHPC - Special High Powered Committee
SMVDSB - Shri Mata Vaishno Devi Shrine Board
SOPs - Standard Operating Procedure
VHP - Vishwa Hindu Parishad

Annexure 2: RTIs Filed

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Shri Amarnathji Shrine Board Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. Name of the Applicant: Khurram Parvez

2. Address:

3. Particulars of the Information:

a. Department: Shri Amarnathji Shrine Board

b. Information required:

1. Please provide a copy of the rules formed for the implementation of the Shrine Board Act, 2002
2. Are there any cases being handled by the Amarnath Tribunal? If so, please provide details regarding who filed the case and reasons for the same.
3. Please provide details about all the base camps set up and run for the purpose of the Yatra: area of camp, departments present at the camp, number of personnel in each camp
4. Details about services provided at the camps
5. Number and list of langars in each camp – who owns these and where are they from?
6. Number of tents in each camp: who owns these and where are they from?
7. Number of shops – who owns these and where are they from?
8. Number of porters – where are they from?
9. Number of ponywalas and horses – who owns them and where are they from?
10. What is the process for granting permissions langars, tents, shops, porters and ponywalas.
11. Do the langars, tents, shops, porters and ponywalas need to pay any fees? What is the amount that each service provider has to pay?
12. Are there any regulations vis-a-vis langars, tents, shops, porters and ponywalas?
13. What support is given to langars, tents, shops, porters and ponywalas by SASB?
14. Please provide the number of yatris since 1980.
15. Please provide state wise arrivals of Yatris since 1980.
16. Number of men and women Yatris each year since 1980.
17. Details of casualties since 1980: number and cause
18. Has there been an Environment Impact Assessment conducted to assess impacts of the Amarnath Yatra? If yes, please provide a copy of the report

19. If not, please explain reasons why it has not been conducted
20. Does the SASB conduct regular research on the impacts of the Yatra on the environment and people living in the region of the entire route? If yes, please provide details on the year in which it was conducted and a copy of the report
21. Have any committees been formed vis-a-vis the Yatra? If yes, please provide the list of committees, their composition and terms of reference
22. Have any carrying capacity studies been conducted regarding the Yatra? If yes, please provide a copy of the study
23. If not, how has the current number of 7500 yatris from each entry point (Baltal and Chandanwari) been arrived at?
24. Has there been any impact assessment of helicopter services to the cave?
25. What are the health impacts of the Yatra on the yatris and on the people living near the base camps and along the routes to the cave?
26. What is the source of income for the SASB?
27. Please provide details about nature, source and amount of income to the SASB since 2002.
28. Please provide details of expenditure with headwise breakup since 2002
29. What is the amount collected as offerings by yatris at the cave since 2002?
30. How is this amount spent?
31. What are the security arrangements during the Yatra?
32. Which institutions are involved in providing security?
33. What is the total number of security personnel deployed for the Yatra?
34. What is the number of security personnel in each of the base camps and along the routes?
35. Please provide these details security institution-wise.
36. Who is incharge of the security camps? Does SASB play a role in the setting up and functioning of the camps? If so, what?
37. What is the total land used for the setting up of security camps during the Yatra?
38. Which are the existing security forces camps used during the Yatra?
39. How many meetings are conducted by the SASB for the conduct of the yatra? Please provide minutes of these meetings since 2002.
40. When does the preparation of the yatra begin? What are the steps taken for preparation?
41. Is any work of the SASB outsourced to private operators? Please provide details of these including copies of the contracts entered into. What has been the process followed?
42. What are the steps taken after the completion of the yatra to wind up the same?
43. What is the sanitation mechanism in place in each of the base camps and along the routes?
44. What is the solid waste disposal mechanism in the place in each of the base camps and along the routes?
45. What are the future plans to strengthen sanitation and solid waste management?
46. What is the source of water at each of the base camps?
47. Have the tracks from the Baltal and Pahalgam side been widened for the Yatra? If yes, in which years and what developments have been made to widen the track?

48. Have any attempts been made to lay roads enroute to Amarnath either from the Baltal or Pahalgam side? If so, in which years and details of the attempts made.
49. What is the amount of land owned and land leased by the SASB?
50. What are the uses of each of these lands?
51. How was the land owned acquired?
52. How was the process followed to lease out private lands? What is the lease amount that the SASB is paying?

4. I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.

5. A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.

6. Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Office of the Deputy Commissioner, Anantnag Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** District Development Commissioner, Anantnag
 - b. **Information required:**
 - Since when is the D.C. Office, Anantnag involved in the Amarnath yatra?
 - What is the role that it plays vis-a-vis the Yatra?
 - What is the number of personnel deployed from the district for the Amarnath Yatra? Please provide deployment order copies since 2002.
 - Is there any impact of these deployments on the routine work of the district administration?
 - What is the expense that the district administration incurs for the Amarnath Yatra?
 - Is there a specific allocation for the same by the state government, central government or the SASB? If yes, how much money is received from each of these entities?
 - What is the amount of land under the administration of the district that is being used for the Amarnath Yatra? By whom is the land being used and for what? What are the terms of the use of this land?
 - Does the D.C. office play a role in the security arrangements? If so, what are these arrangements?
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Ten only) towards Application Fee has been paid in the form of Postal Order: 21F719575.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

District Development Commissioner, Ganderbal Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** District Development Commissioner, Ganderbal
 - b. **Information required:**
 - Since when is the D.C. Office, Ganderbal involved in the Amarnath yatra?
 - What is the role that it plays vis-a-vis the Yatra?
 - What is the number of personnel deployed from the district for the Amarnath Yatra? Please provide deployment order copies since 2002.
 - Is there any impact of these deployments on the routine work of the district administration?
 - What is the expense that the district administration incurs for the Amarnath Yatra?
 - Is there a specific allocation for the same by the state government, central government or the SASB? If yes, how much money is received from each of these entities?
 - What is the amount of land under the administration of the district that is being used for the Amarnath Yatra? By whom is the land being used and for what? What are the terms of the use of this land?
 - Does the D.C. office play a role in the security arrangements? If so, what are these arrangements?
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Jammu & Kashmir Tourism Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** Jammu & Kashmir Tourism Department
 - b. **Information required:**
 - What is the role of the Department of Tourism in the Amarnath Yatra?
 - What are the revenues that the Department of Tourism receives from the Amarnath Yatra?
 - What are the expenses made by the Department for the yatra?
 - What regulatory mechanisms does the Department of Tourism have vis-a-vis the Yatra?
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Jammu & Kashmir Forest Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** Jammu and Kashmir Forest Department, Bijbehara Division
 - b. **Information required:**
 - Has the Forest Department given clearance for the Amarnath Yatra?
 - How much of firewood has been given for purpose of Amarnath Yatra?
 - Are they sold or given free?
 - If free, how many quintals and to whom?
 - If sold, at what rate and to whom?
 - Where has this wood been acquired / sourced from?
 - Has there been any felling of trees for this purpose?
 - If so, copy of the permission for the same
 - Have any lands with customary rights associated with them like those of Chopans, Gujjars, Bakharwals been allocated for use to the Sri Amarnath Shrine Board? If yes, how much land?
 - Was permission sought for this from those having customary rights to these lands?
 - What is the status of these customary lands in the records? Who owns these lands today?
 - Are any meadows used for the Yatra? If yes, what use are they put to? Please provide copies of permissions for the same.
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Jammu & Kashmir Police Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** Jammu & Kashmir Police
 - b. **Information required:**
 - What is the role of the Police in the Amarnath Yatra?
 - How many personnel are deployed at the base camps and along the routes?
 - Does the police department own any land along the route of the Amarnath Yatra? If yes, how much and where?
 - Please provide details of any FIRs filed which are linked to the Yatra. What is the current status of the cases?
 - With regards the clashes between the Langars and tent walas at Baltal, an FIR was filed at the Sonamarg Police Station. Please provide the copies of the FIR and statements taken regarding the case. Have any arrests been made? What is the current status?
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Pahalgam Development Authority Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. Name of the Applicant: Khurram Parvez
2. Address:
3. Particulars of the Information:
 - a. Department: Pahalgam Development Authority
 - b. Information required:
 - What is the role of the Authority in the Amarnath Yatra?
 - List of contractors assigned the task of clearing the track from Chandanwari to the cave
 - Please provide us copies of these contracts?
 - What are the revenues that PDA gets from these contracts?
 - What are the grants that the PDA gets from the state/centre/others for purposes of Amarnath Yatra. Please provide scheme-wise figures
 - On what are these revenues and grants spent? Please provide head-wise spending
 - What steps has the PDA taken for sanitation along the route from Nunwan to the cave? If any steps are being taken, please describe the same.
 - What steps has the PDA taken for cleanliness of the route from Nunwan to the cave? If any steps are being taken, please describe the same.
 - When does the PDA start work of clearing of track in preparation for the yatra?
 - What equipments are used for the same?
 - What are the norms for hoardings and bill boards of the Authority?
 - Are these norms violated vis-a-vis the Yatra?
4. I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.
5. A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.
6. Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Application form under Right to Information - Form 'A'

I.D. No.

(For official use) Dated :

To

The Public Information Officer (RTI),

Pollution Control Board Department Government of Jammu and Kashmir

Subject: Request for information under J&K RTI Act 2009.

1. **Name of the Applicant:** Khurram Parvez
2. **Address:**
3. **Particulars of the Information:**
 - a. **Department:** Pollution Control Board, Jammu
 - b. **Information required:**
 - What is the role of the Pollution Control Board in the context of the Amarnath Yatra?
 - Provide a copy of the PCB report published in 2006 on Amarnath Yatra
 - Has the Amarnath Yatra received environment clearance both from the Pahalgam side and Baltal side? If yes, what the terms of the same?
 - Does the PCB conduct regular studies to monitor the state of pollution before, during and post the Yatra? If yes, since when has this process been undertaken? Please provide reports from the time that these studies have been initiated
4. **I State that the information sought does not fall within restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your department.**
5. **A fee of Rs. 50/- (Rupees Fifty only) towards Application Fee has been paid in the form of Non – Judicial Stamp Paper/Demand Draft/ Cheque/Postal Order/Treasury Receipt etc.**
6. **Further, I also undertake to pay any additional fees/charges (if applicable) as prescribed under the RTI Act and or relevant Rules.**

(Signature of the Applicant):

Telephone No:

Fax No:

Email Address

Annexure 3: List of People Met

Date	Person	Organisation
10.12.14	Harish Kumar Juneja	Shri Shiv Kirpa Sewa Mandal, New Delhi
	Gautam Navlakha	People's Union for Democratic Rights
11.12.14	Mr. Vasav	Shiv Bhakti Seva Trust, New Delhi
	Sunita Narain	Director General, Centre for Science and Environment
	Sanjay Kak	Film Maker
12.12.14	Rajan Gupta	Secretary, SABLO
13.12.14	Sandeep Kapoor and Ramesh Kumar	Baba Amarnath Sewa Mandal, New Delhi
	Swami Agnivesh	Bandhua Mukti Morcha
	Devendra Uppal	Mahadev Seva Charitable Trust, New Delhi
14.12.14	Yash Pal Gupta	Jammu Traders Association
	Rajesh Gupta	Vice President, Vishwa Hindu Parishad, Jammu
	Rakesh Gupta	President, Chamber of Commerce and Industry, Jammu
15.12.14	Sandeep Singh	Jammu University
	Preet Pal Singh	SASB
	Anuradha Bhasin	Kashmir Times, Jammu
	Krishan K. Khosa	Kashmiri Pandit Sabha, Jammu
20.12.14	Sanjay Tikoo	President, Kashmiri Pandit Sangharsh Samiti
16.10.15	Abdul Razak	Chairman, Jammu & Kashmir State Pollution Control Board
17.10.15	Atul Karwal	IG, CRPF, Srinagar
19.10.15	Prof. Triloki Nath Ganjoo	Scholar and Kashmiri Pandit based in Srinagar
21.10.15	S. L. Bhan	Samajik Vikas Sansthan, Srinagar
1.12.15	Vijay	Rashtriya Swayam Seva Sangh
	Sunil	Rashtriya Swayam Seva Sangh
2.12.15	Surendar Agarwal	BABA Yatri Niyas
	Advocate Shakeel	Advocate
3.12.15	Dr. C.M. Seth	Retd. IFS Officer
	V.K. Soi	Retired government official and photographer
4.12.15	Mian Altaf	MLA, Kangan
	Ajay Gupta	New India Tours and Travels, Katra
5.12.15	Prof. Hari Om	Author
6.12.15	Harish Malhotra	Jai Baba Amarnath Barfani, Jammu

Annexure 4: Yatra Expenses 2015²⁸⁰

Rates For Labourers / Pack Pony (Riding) / Dandies & Tentage Accomodation During Shri Amarnathji Yatra 2015

PAHALGAM AXIS

#	Destination	Rates for 2015	Halt charges if any
Dandies (carried by six carriers)			
1.	Chandanwari to Holy Cave & back	Rs 20,000/- (with six persons)	NA
2	Chandanwari to Holy Cave (one way)	Rs 12,000/-	NA
3	Holy Cave to Chandanwari	Rs 11,000/-	NA
4	Panjtarni to Holy Cave	Rs 2200/-	NA
5	Holy Cave to Panjtarni	Rs 2200/-	NA
Riding / Pack Ponies (one way)			
1	Chandanwari to Pissutop	Rs 900/-	NA
2	Pissutop to Chandanwari	Rs 750/-	NA
3	Chandanwari to Zojibal	Rs 1000/-	NA
4	Zojibal to Chandanwari	Rs 750/-	NA
5	Chandanwari to Sheshnag	Rs 1400/-	NA
6	Sheshnag to Chandanwari	Rs 1000/-	NA
7	Chandanwari to MG Top	Rs 1700/-	NA
8	MG Top to Chandanwari	Rs 1250/-	NA
9	Chandanwari to Poshpathri	Rs 1700/-	NA
10	Poshpathri to Chandanwari	Rs 1400/-	NA
11	Chandanwari to Panjtarni	Rs 2000/-	NA
12	Panjtarni to Chandanwari	Rs 1500/-	NA
13	Panjtarni to Holy Cave	Rs 1100/-	
14	Holy Cave to Panjtarni	Rs 1050/-	
15	Chandanwari to Holy Cave	Rs 2800/-	NA
16	Holy Cave to Chandanwari	Rs 2500/-	NA
17	Chandanwari to Holy Cave& back	Rs 5000/-	NA
18	Panjtarni to Holy Cave & back	Rs 2000/-	NA

²⁸⁰. Retrieved from <http://www.shriamarnathjishrine.com/Yatra2015/Yatra%202015%20Misc%20Docs/YatraExpenses-2015.pdf> in October 2015.

Labourers with Pithoos or Load			
#	Destination	With 20 kg Load	Without Load
1	Chandanwari to Pissutop	Rs 400/-	Rs 330/-
2	Pissutop to Chandanwari	Rs 375/-	Rs 330/-
3	Pissutop to Zojibal	Rs 400/-	Rs 350/-
4	Zojibal to Pissutop	Rs 400/-	Rs 350/-
5	Zojibal to Sheshnag	Rs 425/-	Rs 380/-
6	Sheshnag to Zojibal	Rs 425/-	Rs 380/-
7	Sheshnag to MG Top	Rs 550/-	Rs 450/-
8	MG Top to Sheshnag	Rs 500/-	Rs 450/-
9	MG Top to Panjtarni	Rs 600/-	Rs 550/-
10	Panjtarni to MG Top	Rs 650/-	Rs 550/-
11	Panjtarni to Holy Cave	Rs 600/-	Rs 500/-
12	Holy Cave to Panjtarni	Rs 550/-	Rs 500/-
13	Chandanwari to Holy Cave	Rs 1750/- (one way)	Rs 1550/- (one way)
14	Chandanwari to Holy Cave & back	Rs 3500/-	Rs 3000/-

Rates for Tentage Accommodation (Private / JKTDC)

#	Type of accommodation Location with Rate	Location with Rates (Rs)			
		Nunwan	Chandanwari	Sheshnag	Panjtarni
1	Floor Accommodation with one Quilt, Mattress, blanket & Pillow OR Sleeping bag with one Blanket per head / per night)	175/-	225/-	250/-	350/-
2	Accommodation with Cotton, Quilt, Mattress and Pillow OR Sleeping bag with one Blanket and Pillow (per head / per night)	225/-	275/-	325/-	375/-

BALTAL AXIS

#	Type of Transport	Destination	Rates for 2015	Halt charges if any
1	Labourers	Baltal to Holy Cave & back	Rs. 1980/-	Rs. 550/-
2	Pack Pony (Riding)	Baltal to Holy Cave & back	Rs. 3410/-	Rs. 660/-
3	Dandies	Baltal to Holy Cave & back	Rs. 10450/-	NA
4	Labourers	Baltal to Holy Cave (one side)	Rs. 1210/-	NA
5	Pack Pony (Riding)	Baltal to Holy Cave (one side)	Rs. 2200/-	NA
6	Dandies	Baltal to Holy Cave (one side)	Rs. 6600/-	NA
7	Labourers	Baltal to Holy Cave (one side)	Rs. 770/-	NA
8	Pack Pony (Riding)	Baltal to Holy Cave (one side)	Rs. 1210/-	
9	Dandies	Baltal to Holy Cave (one side)	Rs. 3850/-	NA
10	Labourers	Baltal to Brarimarg / Railpathri (one side)	Rs. 880/-	NA
11	Pack Pony (Riding)	Baltal to Brarimarg / Railpathri (one side)	Rs. 1210/-	NA
12	Labourers	Baltal to Sangam (one side)	Rs. 1320/-	NA
13	Pack Pony (Riding)	Baltal to Sangam (one side)	Rs. 1480/-	NA
14	Labourers	Baltal to Panjtarni (one side)	Rs. 1480/-	NA
15	Pack Pony (Riding)	Baltal to Panjtarni (one side)	Rs. 1760/-	NA

Rates for Tentage Accommodation

#	Type of accommodation	Location with Rate		
1	Floor Accommodation with one Quilt, Mattress, blanket & Pillow OR Sleeping bag with one Blanket per head / per night)	230/-	350/-	580/-
2	Accommodation with Cotton, Quilt, Mattress and Pillow OR Sleeping bag with one Blanket and Pillow (per head/per night)	250/-	400/-	750/-

Annexure 5:

Brief Note on the Antiquity of the Amarnath Yatra

There are several legends regarding the ice stalagmite that is prayed to as Shiva. As in all legends, some distortion is but the norm. We will not get into the story of Amarnath itself, for which one could access any number of resources and websites on the internet.²⁸¹ What we would like to focus on are the references offered by various socio-religious organisations to claim that the cave and the Yatra is not a recent discovery, but has had religious significance since ancient times.

1. Kalhana's Rajtarangini is believed to have been written around the 12th century. Some of the specific references included in Book I, verse 267²⁸²
2. Nilamata Puran – Verse 1325²⁸³
3. Bhringesh Samhita²⁸⁴

Of the 3 texts, Bhringesh Samhita does not seem to be available in archival websites.²⁸⁵ References of the Bhringesh Samhita also does not include specific verses or quotation, making the verification of the same even more challenging. This leaves us with the option of validating only the first two references.

In the Rajtarangini, considered to be a most trusted chronicle of ancient Kashmir, there is no clear mention of the word Amarnath.²⁸⁶ However, there are 8 references to a pilgrimage to Amaresvara or Amaresa. But even according to Kalhana, seven of these references (verses 183, 185, 506, 590, 729, 756 and 1124), do not refer to the cave in the Kashmir mountains. When we read Aurel Stein's translation of the Rajtarangini, which includes extensive commentary on these verses, it appears that they instead indicate a village called Amburher, four miles to the north of Srinagar. Below is a reproduction of Stein's commentary, where he offers his conclusions on the same:

"183. It is probable that K. refers here and in verse 185 under the name of Amaresa or Amaresvara to a shrine situated at the site now marked by the village of Amburher, about four miles to the N of Srinagar on the road towards the Sind Valley. This place, the modern name of which is clearly derived from Amaresvara (comp. Kother < Kapatesvara; Jyether < Jyesthesvara, Note C, i. 124), is certainly meant in viii. 506, 590, 729, 756, 1124." All these passages describe fights in the immediate vicinity of Srinagar.

²⁸¹. A history of the Amarnath Cave is available on the website of the Shri Amarnathji Shring Board. Retrieved from <http://www.shriamarnathjishrine.com/the-holy-shrine.html> in October 2014. Most of the langar organisation websites also have a detailed history of the Cave.

²⁸². Tikku, S.N. (undated) Comment. Retrieved from <http://koausa.org/mmmunshi/docs/heritage%20of%20amarnath%20amreshvara.pdf> in October 2015.

²⁸³. Letters, Economic and Political Weekly, Vol - XLIII No. 32, August 09, 2008.

²⁸⁴. Letters, Economic and Political Weekly, Vol - XLIII No. 32, August 09, 2008.

²⁸⁵. Though the presence of copies physically present in any library is also not known.

²⁸⁶. Amarnath is referred to Amaresvara or Amaresa in ancient texts.

It is also mentioned as Amaresapura by Jonar. 890.P. Sahibram in his Tirthas gives correctly Amaresvara as the old name of the village, and refers to an Amaresvara Linga worshipped there. On a visit paid to the place in June, 1895, I found considerable remains of an old temple built into the Ziarat of Farrukhzad Sahib. A little to the W. of the latter, on the shore of the Anchar lake are two Nagas, one of which, named Ganga,²⁸⁷ is still annually visited by the pilgrims proceeding to the Tirthas of Mount Haramukuta.

The now popular Tirtha of Amarnath (Ks. Amburnath) situated at a great altitude above the sources of the Lidar (see note i. 267), can scarcely be meant in our passages, as its situation would render the erection of a Matha by the side of the sacred image quite impossible.”²⁸⁸

The 8th reference is to verse 267 in Book I of the Rajtarangini, which says:

*“The lake of dazzling whiteness [resembling] a sea of milk, which he created [for himself as residence] on a far-off mountain, is to the present day seen by the people on the pilgrimage to Amareshvara.”*²⁸⁹

Here the lake of dazzling whiteness is interpreted to be Sheesh Nag. However, this could very well be an inaccurate conjecture, since the hills of Kashmir are dotted with lakes en route to holy shrines. Though Stein in his notes seems to interpret the above verse to refer to what is the current day Amarnath cave, it appears that this was not a very popular pilgrimage in ancient times. His notes are reproduced below. The text highlighted in bold makes this quiet clear.

Stein in his notes to verse 267 on page 215 mentions:

“.....The Amaresva yatra is directed to the famous cave of Amarnath (Ks. Amburnath) situated at a considerable altitude 75° 33' long. 34° 13' lat. In it Siva Amaresvara is believed to have manifested himself to the god entreated him for protection against death. The god is worshipped in a linga shaped ice-block. For a description of the locality and the route leading to it, see Vigne and Inoe, ll.cc.

This pilgrimage, not withstanding its hardships now ranks amongst the most popular in Kashmir, and attracts in great numbers pilgrims from other parts of India. In old times, however, this Tirtha can scarcely have claimed such importance, if we may judge from the scanty reference made to it in the Nilamata (sl 1324), and in the Rajat. [The passages vii. 183, 185, probably relate to Amaresvara - Amburher, see note vii. 183.]”

One needs to remember that Stein's two volume study was published in 1900 when the Amarnath pilgrimage had become popular with sadhus and some of the Kashmiri Pandits, which is why he emphasises that the Yatra had become popular in recent times. This is the only reference of Amarnath

²⁸⁷. According to verse 185, Queen Suryavati donated land to institute two maths. Based on the description of the area and discussions in Srinagar, it appears that what is today Vichar Nag (Soura, Srinagar) could have been the Amaresa Math referred to in the verse.

²⁸⁸. Stein, M.A. (1900). Kalhana's Rajtarangini, A Chronicle of the Kings of Kashmir. Translated, with an Introduction, Commentary and Appendices. Archibald Constable and Company Ltd, Westminster.

²⁸⁹. Stein, M.A. (1900). Kalhana's Rajtarangini, A Chronicle of the Kings of Kashmir. Translated, with an Introduction, Commentary and Appendices. Archibald Constable and Company Ltd, Westminster.

in the two volumes. It may therefore safely be inferred that during the times that the Rajatarangini was written, the Amarnath cave in the Kashmir mountains, was not a primary centre for religion or pilgrimage.

Nilamata Puran is a book on rites and ceremonies for the Hindus of Kashmir, written by sage Nilamata sometime during the 6–7th century AD. Two versions of this text²⁹⁰ are accessible: compiled by Ramlal Kanjilal accessing manuscripts available with different people and printed in 1924 by Motilal Banarsai Das, Lahore; and by Dr. Ved Kumari Ghai, printed in 1968 by J & K Academy of Art Culture & Language, Srinagar.

Stein, in his commentary on the Rajatarangini, quotes that verse 1324 of the Nilamata Puran refers to Amarnath. However, in translations by both authors, verse 1324 does not refer to Amarnath. Dr. Ganjoo, a Kashmiri Pandit scholar based in Srinagar, shared that in the Nilamata Puran it is in fact verse 1372 which refers to the Amarnath. However, given that there is more than one Amaresh, as established above, which of them is referred to is unclear. The translation of the verse is reproduced below:

"By bathing at Amaresa, a man may get the merit of (the gift of) a hundred cows and by bathing in the Malini, one may get the merit of giving ten cows."

Besides, as pointed out by Stein in his notes to verse 267, the reference to Amaresh is scanty and does not stand out in terms of any significance it might have over other religious sites. The Nilamata Puran also fails to establish that the Amarnath Yatra was religiously significant since ancient times.

In his texts Kanjilal lists the set of festivals, and their associated rituals, that a Hindu from Kashmir is directed to follow. Raksha Bandhan is not mentioned, nor is a pilgrimage to the Cave. The only mention linked to the month of Shravan, is that of Shrivani, which is described as below:

*"Visnu is worshipped on this day at the Sangama of the rivers – Vitasta and Sindhu i.e. at Sadipur. It is laid down that the people should, on this day, play with young girls in water."*²⁹¹ The first time that we see the reference of the Amarnath cave being holy is in Abul Fazal's 16th century, Ain-I-Akbari.²⁹² But even in this reference there is no mention of importance of visiting the cave on the day of Raksha Bandhan, nor does it mention a Yatra, the nature of which we see today.

"The town of Dachchhinpdrah is on the side of a mountain bordering Great Tibet and is fed by the waters of the above-mentioned spring. Between Great Tibet and the above-mentioned parganah is a cave in which is an image in ice called Amar Nat. It is considered a shrine of great sanctity. When the

²⁹⁰. There is a discrepancy between the two books, while the Kanjilal version has 1613 verses, Ghai's version has 1453 verses.

²⁹¹. Kanjilal, Ramlal (Ed.). (1924). Nilamatapuram, With Introduction, Appendices, Notes, etc. in English. Motilal Banarasi Das, Lahore.

²⁹². Allami, Abul Fazal. (translated by Colonel H.S. Jarrett). (1981). Ain-I-Akbari. Vol II Asiatic Society of Bengal, Calcutta.

new moon rises from her throne of rays, a bubble as it were of ice is formed in the cave which daily increases little by little for fifteen days till it is somewhat higher than two yards, of the measure of the yard determined by His Majesty; with the waning moon, the image likewise begins to decrease, till no trace of it remains when the moon disappears. They believe it to be the image of Mahadeva and regard it as a means (through supplication) of the fulfilment of their desires. Near the cave is a river called Amraoti, the clay of which is extremely white. They account it auspicious and smear themselves with it. The snows of this mountainous tract nowhere melt, and from the extreme cold, the straitness of the defiles and the rough inequalities of the road, they are surmounted with great toil."

Another set of texts used to prove that the Yatra has been going on since ancient times are those written by European chroniclers and travellers, the most popular of whom is the British traveller G.T. Vigne, and the French doctor, Francois Bernier. However, these accounts have been written in the 18th and 19th century by which time the Dogra rulers had successfully appropriated the history of Amarnath and Buta Mallik had already 'discovered' the cave and the Yatra had already started.

Annexure 6: Chronology of Events - Amarnath Land Row ²⁹³

6.a SASB asks for land

Oct 2004	CEO, SASB sends Project Report to the J&K Forest Department regarding transfer of 3642 kanals of forest land to SASB at Baltal and Chandanwari.
Mar 2005	Forest Department grants permission vide Government Order No. 148-FST of 2005 Dated: 29-03-2005 for use of forest land by SASB in Compartment Nos. 21 and 62 of Lidder Forest Division.
May 20, 2005	Government Order No. 148-FST withdrawn on the directions of the Chief Minister vide order no. 210-FST of 2005 Dated: 20-05-2005 on the ground that while making land allotment the provisions of Forest Conservation Act were violated.
May 28, 2005	J&K High Court stays operation of Govt. Order No. 210-FST of 2005 Dated: 20-05-2005. The Division Bench of the High Court comprising Justice Nargotra and Justice V K Jhanji makes it clear that duration of the Govt. Order No. 148-FST of 2005 shall be preparatory to commencement of the Yatra and user would remain till end of the Yatra.
Jul 2005	Show-cause notice served to then Principal Secretary Forest Department for having issued the Govt. Order No. 148-FST of 2005 in violation of Forest Conservation Act.
Nov 2005	Warning issued to the Principal Secretary Forests after the reply furnished by the officer to the show-cause notice was not found satisfactory by the Government.

6.b Government gives land to SASB

Jul 12, 2007	Proposal for diversion of 39.88 hectares of forest land cleared by Forest Advisory Committee headed by the Chief Secretary.
Jul 17, 2007	SASB proposal submitted to the General Administration Department (GAD) for approval of the Cabinet.
Feb 2008	Matter placed before the Cabinet, but decision deferred.
Mar 2008	Committee constituted vide Govt. Order No. 108-FST Dated: 13-03-2008 to examine feasibility of diverting forest land vis-à-vis wildlife perspective for various developmental activities including construction of road at Baltal/Ranga-Domail.
May 7, 2008	Committee submits report to the Government.
May 20, 2008	Cabinet approves diversion of 39.88 hectares of forest land to SASB.
May 26, 2008	Govt. issues order no. 184-FST of 2008 diverting land to SASB.

²⁹³. <http://www.greaterkashmir.com/news/gk-magazine/amarnath-land-row-chronology-of-events/38658.html>

6.c Controversy Begins

Jun 3, 2008	Raj Bhawan spokesman issues a statement making public the transfer of land to SASB.
Jun 17, 2008	Amarnath Yatra commences. Governor Sinha's Principal Secretary and SASB CEO Arun Kumar reveals at a press conference in Srinagar that land diversion was permanent.
Jun 18, 2008	Chief Secretary issues warning to Arun Kumar. Row brings rival Hurriyat factions led by Syed Ali Shah Geelani and Umar Farooq together.
Jun 19, 2008	At a press conference, Deputy Chief Minister Muzaffar Hussain Baig, accuses Congress of blackmailing PDP on land allotment to SASB by threatening to stop work on Mughal Road. NC Patron Farooq Abdullah at a press conference in Srinagar asks Government to take back forest land from SASB. Hurriyat factions led by Syed Ali Shah Geelani and Mirwaiz Umar Farooq issue a joint declaration in Srinagar.
Jun 20, 2008	BJP leader L K Advani visits Amarnath cave. Advani briefed by Governor Sinha regarding Yatra arrangements at Raj Bhawan. Mirwaiz talks tough on SASB calls for immediate revocation of land transfer order.
Jun 21, 2008	PDP Patron Mufti Mohammad Sayeed seeks cancellation of land diversion to SASB. Cabinet meet to discuss land row postponed.
Jun 22, 2008	State President of the BJP Ashok Khajuria threatens economic blockade of Kashmir valley at a Press Conference in Jammu, if land allotment order revoked.
Jun 23, 2008	Protests against land transfer begin in Kashmir valley. One person killed, 40 hurt in CRPF firing on protesters at Nowhatta, Srinagar. A record number of 53,500 Yatris paid obeisance at the Amarnath cave shrine. Syed Ali Shah Geelani gives a wake-up call to Kashmiris over land transfer to SASB. JKLF Chairman Yasin Malik threatens fast unto death if land diversion order not revoked.
Jun 24, 2008	BJP launches counter-stir in Jammu, declares economic blockade of Kashmir. After consulting Congress ministers, Azad says land diversion order won't be revoked. BJP cadres led by legislator Jugal Kishore enforce economic blockade by stopping movement of vehicles on Srinagar-Jammu highway near Nagrota. Union Water Resources Minister Prof Saif-ud-Din Soz at a public meeting at Yaripora (Kulgam) says Congress not taking PDP pullout threat seriously.

Jun 25, 2008	<p>Governor N N Vohra takes over. At a press conference Chief Minister Ghulam Nabi Azad blames PDP ministers Muzaffar Hussain Baig and Qazi Afzal for land transfer.</p> <p>Two persons killed, 200 injured in valley-wide protests. Seven persons killed in eight days of protests.</p> <p>Prominent Hindu spiritual preacher, Sri Sri Ravi Shankar says 800 kanals of land transferred to SASB aren't enough to accommodate lakhs of pilgrims, it's a beginning.</p> <p>Azad proposes all-party meet on land row, PDP rejects.</p>
Jun 26, 2008	<p>PDP sets June 30 deadline for pullout from Coalition Government if land diversion order not revoked.</p> <p>At a press conference NC President Omar Abdullah calls for revocation of land diversion order.</p>
Jun 27, 2008	<p>Government orders attachment of Governor's Principal Secretary Arun Kumar. B B Vyas appointed new Principal Secretary to Governor</p> <p>At a press conference in Jammu, Shiv Sena leader Sham Lal Langar threatens to block the national highway as well as the supply of essential commodities to Srinagar, if land diversion order revoked.</p>
Jun 28, 2008	PDP pulls out of the Coalition Govt.
Jun 29, 2008	SASB surrenders claim over land as the State Govt. agrees to take over Yatra arrangements.

6.d Jammu erupts

Jun 30, 2008	<p>Protests erupt in Jammu. BJP, Shiv Sena, VHP and Bajrang Dal activists block Jammu-Lakhanpur National Highway.</p> <p>Shri Amarnath Yatra Sangarsh Samiti (SAYSS) constituted in Jammu with Leela Karan as its convener BJP leader L K Advani announces in Bhopal (MP) that Amarnath Land issue would be major national electoral agenda for BJP.</p>
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6.e Government cancels order

Jul 1, 2008	<p>State cabinet cancels land order but it continues to be under SASB use.</p> <p>Action Committee against Transfer of Land (ACTL) calls off agitation in Kashmir.</p> <p>Curfew imposed in Jammu following widespread protests over revocation order.</p> <p>BJP, VHP calls for July 3 Bharat Bandh. "If there is no Amarnath yatra, there would be no Haj also," VHP General Secretary Praveen Togadia declares in Delhi. VHP also called for boycott of all Kashmiri products and goods all over India. "Kashmiri Handicrafts such as carpets, kurtas, scarf, shawls, Kashmiri saffron (Kesar), Kashmiri Apricotsetc. shouldn't be purchased by the people," Togadia said.</p> <p>Petrol Tankers Association President Anan Sharma announces stoppage of petrol supplies to Kashmir valley.</p> <p>Pro-Jammu political and social organizations hold joint meeting at Duggar Pradesh Party headquarters in Jammu to discuss the modalities of forming a common platform to strengthen struggle for statehood to Jammu region.</p> <p>BJP State President Ashok Khajuria announces boycott of Kashmiri politicians at a press conference in Jammu.</p>
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6.f Economic blockade

Jul 2, 2008	<p>Economic blockade begins. BJP, VHP and Bajrang Dal block Jammu- Lakhanpur highway at various places.</p> <p>SAYSS convener Leela Karan at a press conference in Jammu declares Samiti's support for economic blockade of Kashmir and also calls for a separate Jammu State.</p>
Jul 3, 2008	<p>Normal life disrupted in several states following Bharat Bandh by BJP and VHP over Amarnath land row.</p> <p>Gladni Grid station in Jammu, major supplier of power to the region, suffers extensive damage in a fire incident.</p>
Jul 4, 2008	<p>Supreme Court refuses to intervene in the revocation of land transfer order while hearing a PIL filed by the Panthers Party leader Prof Bhim Singh.</p>
Jul 5, 2008	<p>BJP national President Rajnath Singh and senior leader Arun Jaitley arrive in Jammu and extend support to the agitation launched by SAYSS in protest against the cancellation of land allotted to SASB.</p>
Jul 6, 2008	<p>SAYSS asks public representatives from Jammu to resign from the Assembly and Parliament and join the movement launched by it.</p>

6.g Azad Government falls

Jul 7, 2008	Azad skips floor test, resigns as Chief Minister.
Jul 8, 2008	Curfew lifted from whole Jammu following improvement in situation.
Jul 10, 2008	Governor's rule imposed, assembly dissolved.
Jul 23, 2008	A protester allegedly commits suicide in Jammu demanding restoration of land to SASB; situation gets out of control in Jammu
Aug 1, 2008	Governor calls all-party meet in Jammu. Mehbooba Mufti, Farooq Abdullah attacked
Aug 6, 2008	PM presides over another all-party meet. BJP's demand for governor's recall rejected.

6.h Home Minister arrives

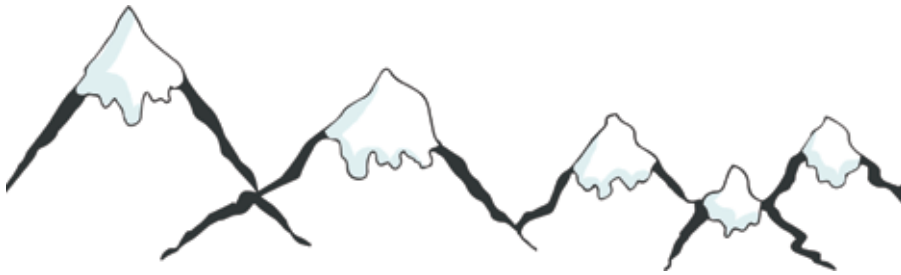
Aug 9, 2008	Union Home Minister Shivraj Patil arrives in Jammu with all-party Parliamentary delegation for talks. Farooq Abdullah, Mehbooba Mufti and Saif-ud-Din Soz kept out of the meeting after objection by SAYSS.
Aug 10, 2008	Shivraj Patil arrives in Srinagar, meets leaders of political parties while denying audience to fruit growers and other trade organizations spearheading Muzafarabad Chalo program.

6.i Muzafarabad Chalo

Aug 11, 2008	Kashmir traders, and Hurriyat call for Muzaffarabad march to protest blockade; PDP extends support to Muzafarabad Chalo program of fruit growers; eight persons including separatist leader Sheikh Abdul Aziz killed.
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6.j More killings

Aug 12, 2008	Twenty one persons killed across Kashmir valley and Kishtwar as law enforcing agencies open ire on protesters at several places across Kashmir valley.
Aug 14, 2008	Protests continue. Another youth shot dead at Safakadal, Srinagar.
Aug 16, 2008	Lakhs of people swarm Pampore to participate in fourth day mourning of Hurriyat leader L Sheikh Abdul Aziz.
Aug 17, 2008	NC Patron Omar Abdullah threatens to give up his Parliament seat if use of force against Kashmiris not



Amarnath Yatra: A Militarised Pilgrimage is a documentation of all facets of the Amarnath Yatra, an annual pilgrimage in Jammu and Kashmir. The report studies the history of the Yatra and stages of its evolution while examining its different motivations. State institutions involved and their role – especially the administration – armed forces nexus has been explored. Other groups of people and organisations providing services in the Yatra including unorganised labour and the formal sector are assessed to understand the emergent power dynamics including the relationship between the socio-religious institutions and the State. The Yatra being conducted in high altitudes has serious environmental impacts, which is also studied in detail. The Yatra is fraught with controversies and conflicts and some of the more critical instances have been documented in this report. The Amarnath Yatra is one among several others which are receiving State patronage. The other upcoming Yatras and their implications has also been documented. The report concludes that the Yatra is really being conducted on the might of the Indian armed forces along with socio-religious and langar organisations mobilising people to participate. We believe that each of these aspects may be further studied for nuances which will also throw light on how religious tourism / pilgrimages are being used by the State to exercise control in areas that are in conflict with the State.

