2025 INSC 996

REPORTABLE

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

I.A. NOS. 79569, 79576, 159670 AND 159677 OF 2019, I.A. NOS.14261 AND 14262 OF 2021, I.A. NOS. 40599, 40624 AND 220675 OF 2023, I.A. NOS.111336 AND 137276 OF 2025

IN
WRIT PETITION (C) NO. 202 OF 1995

IN RE: T.N. GODAVARMAN THIRUMULPAD
...PETITIONERS

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

J U D G M E N T

B.R. GAVAI, CJI

1. The present applications pertain to various issues with regard to one of the smallest but one of the most popular hill stations in the State of Maharashtra situated in Raigad District, namely Matheran. It is situated in the biologically rich Western Ghats, and is now recognized as an eco-sensitive

region. It is also a home to several species of flora and fauna, including the bonnet macaque, Hanuman langur, Malabar giant squirrel, barking deer, and various endemic orchids, etc.

2. Matheran has a permanent population of approximately about 4,400 persons, as per the 2011 Census. However, apart from the permanent population, the region also sees the inflow of large number of tourists throughout the year and specially during summer. However, lately, the monsoon tourism has also become quite popular in Matheran, when the tourists go to enjoy the monsoon of Matheran. The approximate foot fall of the tourists is around 8 lakhs in a year.

3. Matheran has been known for its uniqueness, inasmuch as it is recognized as the only pedestrian hill station.

4. On 21st November 2000, the Government of Maharashtra communicated its in-principle approval to the Government of India to declare Matheran as an Eco Sensitive Zone (ESZ). On 12th July 2001, this Court had issued directions in I.A. Nos.669 and 659 in the present proceedings, that in the interim, Matheran should be recognized as an ESZ. This Court also expressly restricted all vehicular traffic in the region, except for an ambulance and a fire engine.

5. A draft notification was published on 6th February 2002, and the Final Notification was issued by the Ministry of Environment and Forest (MoEF) on 4th February 2003. Para 4(n) of the said notification restricted the movement of vehicular traffic within the municipal limits of Matheran, except for an ambulance and fire engine and the use of a tractor for transportation of solid waste. By a subsequent order dated 21st July 2003, this Court issued a clarification to its order of 12th July 2001, to the extent that only one ambulance and one fire engine should be allowed in addition to one each as standby in Matheran. In pursuance to the orders passed by this Court, a Notification dated 16th January 2004 came to be issued.

6. It appears that subsequently taking into consideration the changed circumstances, the Government of Maharashtra proposed to lay paver blocks on the road between the Dasturi Naka to Shivaji Maharaj Statue, which is approximately 4 kms., and is a lifeline for the town of Matheran. One of the reasons for laying the paver blocks was to arrest the soil erosion, inasmuch as it was found that on account of heavy rains, there was a possibility of the erosion of soil.

7. There is another issue with regard to the permission to operate battery operated e-rickshaws to replace the practice of hand pulled carts/rickshaws. The Matheran Municipal Council has, accordingly, made an application to this Court to stop the practice of hand pulled carts/rickshaws being plyed on the road.

8. Pursuant to the application made by the Municipal council, the District Collector, Konkan Division opined that the ESZ notification of 4th February 2003 should be amended to allow battery operated e-rickshaws in Matheran. On 25th September 2017, the District Collector, Raigad, wrote to the Principal Secretary, Department of Environment, Mumbai justifying the use of e-rickshaws for the benefit of the population of Matheran. He also recommended an amendment to the Matheran Rules, 1959 and ESZ Notification.

9. In this background, the matter is pending before last couple of years on the issue whether the paver blocks should be permitted to be laid on the road between Dasturi Naka to Shivaji Maharaj Statue and as to whether hand pulled carts/rickshaws be replaced with e-rickshaws. In the meantime, an issue as to whom the e-rickshaws have to be allotted also arose.

10. On account of various disputes, this Court vide an order dated 24th July 2024 had requested the Principal District and Sessions Judge, Raigad to conduct an inquiry and to examine the process of allotting e-rickshaws. In the inquiry certain issues were noticed that the genuine rickshaw pullers were not being allotted the e-rickshaws. This Court, therefore, on 20th February 2025 directed the State Government to file a proposal for revising the process of allotment of e-rickshaws, considering the disputed position. The State, therefore, proposed a six stage procedure as under:-

(i) Calling for applications from hand cart pullers through a public notice,

(ii) Calling for objections,

(iii) Personal hearing to the applicant and objector,

(iv) Consideration of reports from administrative agencies,

(v) Scrutiny of the applications, and

(vi) Shortlisting of genuine hand cart pullers.

11. In pursuance to the aforesaid procedure, the State had conducted an inquiry and after scrutiny only 13 persons were shortlisted as actual/genuine hand cart/rickshaw pullers. It

was also found that 6 persons who were earlier genuine hand cart/rickshaw pullers but who on account of their age could not engage in hand pulling were willing to undertake the training for plying of e-rickshaws. It was also found that apart from that there are about 86 daily wages workers who pull hand cart/rickshaw, although they are not licence holders.

12. We have heard Mr. K. Parameshwar, learned Senior Counsel, who is assisting this Court as an Amicus Curiae. We have also heard Ms. Nina Nariman, learned counsel who espouses the cause of protection of the environment and the persons who are owners/the persons dependent on horses for their livelihood. On the previous occasions Ms. Nariman was led by Mr. Shyam Divan, learned Senior Counsel. We have also heard Mr. Colin Gonsalves, learned Senior Counsel who appears on behalf of the hand cart/rickshaw pullers and Mr. Siddharth Dharmadhikari learned counsel who appears on behalf of the State of Maharashtra.

13. Ms. Nariman submits that if the paver blocks are to be permitted only the clay paver blocks should be permitted. It is also submitted that while laying the clay paver blocks, concrete has been used as a bed for paver blocks which serves no

purpose. She, therefore, submits that if the clay paver blocks are to be laid, they should be laid without having a concrete bed. Another issue which is flagged by Ms. Nariman, learned counsel, is that the paver blocks should be permitted only from Dasturi Naka to Shivaji Maharaj Statue. She submits that if the paver blocks are also attempted to be laid on the other internal trekking routes, it would be against the very concept of Matheran being the only pedestrian hill station. She further submits that if the paver blocks are to be laid, then a side strip/way should be kept so that the horses can also ply on the said route.

14. Ms. Nariman, learned counsel, further submits that if e-rickshaws are to be permitted, then there should be a restriction on the numbers of e-rickshaws and that e-rickshaws should be allotted only to the persons who are genuine hand cart/rickshaw pullers.

15. On earlier occasions, Mr. Shyam Divan, learned Senior Counsel, had also assisted this Court on behalf of the applicant(s) who are concerned with the protection of the environment and the owners/persons dependent on the horses for their livelihood. However, Mr. Divan at the relevant time

during today's proceedings was on his legs before some other court. No doubt, even today, Mr. Divan subsequently joined Ms. Nariman but he permitted her to proceed with the arguments and chose to assist her.

16. Mr. Gonsalves, learned Senior Counsel, on the other hand submits that the report of the State Government with regard to the genuine hand cart/rickshaw pullers is incomplete, as the report should take into consideration the complete data. He submits that he has a list of genuine hand cart/rickshaw pullers, who are dependent upon rickshaw pulling for their livelihood.

17. Mr. Dharmadhikari, learned counsel appearing for the State of Maharashtra, submits that the paver blocks are installed taking into consideration the report of the experts. He also submits that only the genuine hand cart/rickshaw pullers would be allotted e-rickshaws.

18. Mr. Parameshwar, learned Amicus Curiae, has been assisting the Court throughout the proceedings.

19. Mr. Parameshwar submits that with changing times, the necessary changes are required to be adopted. He submits that if the clay paver blocks are laid it will rather than adversely

affecting the environment will, in fact, arrest the soil erosion and will also be beneficial for protecting the road. He further submits that the rights of the persons who are hand cart/rickshaw pullers and the right of the persons who are dependent on horses for their livelihood has to be balanced. He, however, submits that in the 21st Century, the inhuman practice of one human being towing other human beings in a hand cart/rickshaw, has not only to be stopped but should also be castigated. He submits that if the country is continuing with the practice of one human being towing other human beings and that too in a hilly terrain, the same not only attacks the dignity of the individual but also depicts a very sorry picture. To buttress his submission, he relies on the judgment of this Court in the case of ***People's Union for Democratic Rights and Others v. Union of India and Others***[1].

20. In this background, we are called upon to consider the following issues:

(i) As to whether the paver blocks should be permitted to be laid on the road between the Dasturi Naka to Shivaji Maharaj Statue, which is the main road that

[1] **(1982) 3 SCC 235**

connects Matheran from Dasturi Railway Station to the last point inasmuch as most of the habitations are situated on this road. The internal roads are also accessible from the said main road;

(ii) If the answer to issue (i) is in the affirmative, then which type of paver blocks should be permitted to be laid down;

(iii) As to whether e-rickshaws should be permitted on the said road between Dasturi Naka to Shivaji Maharaj Statue or not;

(iv) If the answer to issue (iii) is in the affirmative, then we would have to consider as to what should be the number of e-rickshaws that should be permitted to be plyed on the said road;

(v) The last issue that would, accordingly, be required to be considered is as to who should be the persons to whom the said e-rickshaws be allotted to.

21. Insofar as the laying of the paver blocks is concerned, we had requested the Indian Institute of Technology, Bombay (for short, "IIT, Bombay") to submit a report.

22. In accordance with the directions issued by this Court, the IIT Bombay submitted a report, as under:

(i) Clay paver blocks were in fact an eco-friendly option that offer good slip resistance in rain prone areas;

(ii) They have a low water absorption rate, allowing better drainage to be maintained;

(iii) Their colour and texture enhances visual appearance of the pathways;

(iv) They minimize waste, can be efficiently produced locally, and are recyclable and reusable.

23. The report further recommended that sand blasting could be undertaken prior to every monsoon, to avoid the clay paver blocks becoming slippery. Other measures that were recommended were to increase drainage and prevent waterlogging by inclusion of a non-woven geotextile layer beneath the sand bedding, cambering of roads to help reduce erosion, construction of contour bunds, inclusion of lateral drains, and rumble strips for foot support.

24. However, since Mr. Divan, learned Senior Counsel, was not satisfied with the said report of IIT, Bombay, we thought it fit that the matter be examined by the National Environmental and

Engineering Research Institute (for short, "NEERI"). Accordingly, vide order dated 19th March 2025, this Court directed the NEERI to examine and submit its report to this Court on the following issues:

(i) As to whether it is necessary to install the paver blocks in order to avoid soil erosion;

(ii) As to whether there could be any other alternative than installation of clay-paver blocks, in order to avoid the soil erosion;

(iii) As to whether, installation of paver blocks would arrest the soil erosion;

(iv) As to whether the use of clay-paver blocks instead of the concrete paver blocks would address the issue.

25. NEERI, which is undoubtedly one of the most prominent institutions in the matters of environmental studies and research submitted its report with regard to the necessity of laying the paver blocks. It will be relevant to refer to the following observations of NEERI in its report:

> "The trampling effect of horses will reduce soil aggregate stability which ultimately increases the soil movement with water and air (…). It was found during the site inspection that, the mud road paved

> with laterite near the Charlotte Lake is weakened mainly by the movement of horse. (Figure 6). In order to avoid soil erosion on mud road, a material which can withstand the force of rain and the trampling effect of horses is required in the Matheran region. Hence, paving off road with suitable material is the best method for arresting soil erosion."

26. It can thus be seen that NEERI also concurred with the report of IIT Bombay and came to a specific finding that in order to avoid soil erosion, paving of road with suitable material was the best method for arresting soil erosion. It is further observed in its report, as under:

> "Paver block installation is a solution for arresting soil erosion of mud road in Matheran. With the installation of paver blocks, the soil will not be exposed to rain as well as the trampling effect of horses. Hence, the detachment of individual soil particles from the soil mass will be reduced."

27. It can thus be seen that NEERI also observed that with the installation of the paver blocks, the soil will not be exposed to rain as well as the trampling effect of horses, hence the detachment of individual soil particles from the soil mass will be reduced. The NEERI, therefore, recommended thus:

> "Based on the site inspection it is found the clay paver block installed in 2022 is having enough potential to resist the trampling effect of horses. Because, the inspection team couldn't see much changes on the surface of clay paver blocks. It was

> reported by Dr. Abhay Bambole that the comprehensive strength of the material was (…) equivalent to M40 grade concrete paver block. Hence, clay paver block can be considered as the best solution for arresting soil erosion on mud roads of Matheran, an eco-sensitive zone.
>
> In addition to the soil erosion on mud road, a study on soil erosion of the Matheran region is needed for its prevention with the objective to (i) Assess the soil erosion potential of the region; (ii) Identify potential soil erosion sites in the region and prepare of management plan."

28. It is thus clear that the NEERI came to a specific finding that clay paver blocks can be considered as the best solution for arresting soil erosion on mud roads of Matheran and Eco Sensitive Zones.

29. Time and again, we have observed that this Court cannot sit in an appeal over the wisdom of experts. The two expert bodies i.e., IIT, Bombay and NEERI have examined the issue and found that laying of paver blocks was necessary to arrest the soil erosion. They also found that the paver blocks is the best solution.

30. We are, therefore, inclined to accept the recommendation of the IIT, Bombay and NEERI that the laying of clay paver blocks is a best solution for arresting the soil erosion.

31. The next issue is as to whether the practice of towing by hand the carts/rickshaws should be permitted or not.

32. As early as in the year 1982, this Court had an occasion to consider the issue in the case of ***People's Union for Democratic Rights*** (supra). It will be appropriate to refer to the following observations:

> "**12.** Article 23 enacts a very important fundamental right in the following terms:
>
> > "23. *Prohibition of traffic in human beings and forced labour.*—(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
>
> .....
>
> But there are certain fundamental rights conferred by the Constitution which are enforceable against the whole world and they are to be found inter alia in Articles 17, 23 and 24. ..... It is Article 23 with which we are concerned and that article is clearly designed to protect the individual not only against the State but also against other private citizens. Article 23 is not limited in its application against the State but it prohibits "traffic in human being and begar and other similar forms of forced labour" practised by anyone else. **The sweep of Article 23 is wide and unlimited and it strikes at "traffic in human beings and begar and other similar forms of forced labour" wherever they are found.** ..... Now there was one feature of our national life which was ugly and shameful and which cried for urgent attention and that was the existence of bonded or forced labour in large parts of the country. **This evil was the relic of a feudal exploitative society and it was totally incompatible**

with the new egalitarian socio-economic order which "we the people of India" were determined to build and constituted a gross and most revolting denial of basic human dignity. ..... This is the reason why the provision enacted in **Article 23 was included in the Chapter on Fundamental Rights.** The prohibition against "traffic in human beings and begar and other similar forms of forced labour" is **clearly intended to be a general prohibition, total in its effect and all pervasive in its range and it is enforceable not only against the State but also against any other person indulging in any such practice**.

13. ..... What are the forms of "forced labour" prohibited by that article and what kind of labour provided by a person can be regarded as "forced labour" so as to fall within this prohibition? ..... **This Article strikes at forced labour in whatever form it may manifest itself, because it is violative of human dignity and is contrary to basic human values.** The practice of forced labour is condemned in almost every international instrument dealing with human rights. It is interesting to find that as far back as 1930 long before the Universal Declaration of Human Rights came into being, International Labour Organisation adopted Convention No. 29 laying down that every member of the International Labour Organisation which ratifies this convention shall "suppress the use of forced or compulsory labour in all its forms" and this prohibition was elaborated in Convention No. 105 adopted by the International Labour Organisation in 1957. The words "forced or compulsory labour" in Convention No. 29 had of course a limited meaning but that was so on account of the restricted definition of these words given in Article 2 of the Convention. Article 4 of the European Convention of Human Rights and Article 8 of the International Covenant on Civil and Political Rights also prohibit forced or compulsory labour. **Article 23 is in the same strain and it enacts a prohibition against forced labour in whatever form it may be found.** ..... We do not think it would be right to place

on the language of Article 23 an interpretation which would emasculate its beneficent provisions and defeat the very purpose of enacting them. **We are clearly of the view that Article 23 is intended to abolish every form of forced labour.** …….. **Every form of forced labour, "begar" or otherwise, is within the inhibition of Article 23 and it makes no difference whether the person who is forced to give his labour or service to another is remunerated or not. Even if remuneration is paid, labour supplied by a person would be hit by this article if it is forced labour, that is, labour supplied not willingly but as a result of force or compulsion.**

……

This article strikes at every form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service. **The reason is that it offends against human dignity to compel a person to provide labour or service to another if he does not wish to do so, even though it be in breach of the contract entered into by him. There should be no serfdom or involuntary servitude in a free democratic India which respects the dignity of the individual and the worth of the human person. Moreover, in a country like India where there is so much poverty and unemployment and there is no equality of bargaining power,** a contract of service may appear on its face voluntary but it may, in reality, be involuntary, because while entering into the contract, the employee, by reason of his economically helpless condition, may have been faced with Hobson's choice, either to starve or to submit to the exploitative terms dictated by the powerful employer. ……."

[emphasis supplied]

33. It can thus be seen that this Court in the said case had an occasion to consider the effect of Article 23 of the Constitution

of India, which prohibits traffic in human beings and forced labour. The Court found that with the new egalitarian socio-economic order which "we the people of India" were determined to build; forced labour, in whatever form, is violative of human dignity and is contrary to the human order. The Court gave an expanded meaning to Article 23 and held that Article 23 intended to abolish every form of forced labour. The Court also found that even if remuneration is paid, labour supplied by a person would be hit by Article 23, if it is a forced labour i.e., labour supplied not willingly but as a result of force or compulsion.

34. The persons towing hand cart/rickshaw in Matheran do so not of their own choice but since they have no other source of livelihood. Permitting such an inhuman practice, which hits the concept of human dignity in a country like India, which is marching towards becoming a developed country from a developing country, belittles the constitutional promise of social and economic justice.

35. In a similar situation, this Court in the case of ***Azad Rickshaw Pullers' Union and Others v. State of Punjab***

and Another[2] considered the issue of rehabilitation of manual rickshaw pullers in Punjab. In his inimitable style, Justice Krishna Iyer observed thus:-

> "1. No higher duty or more solemn responsibility rests upon this Court than to uphold every State measure that translates into living law the preambular promise of social justice reiterated in Article 38 of the Constitution. We might have been called upon to examine from this angle of constitutionalised humanism, the vires of the Punjab Cycle Rickshaws (Regulation of Licence) Act, 1976 (Punjab Act 41 of 1976) ("the Act" for short), designed to deliver the tragic tribe of rickshaw pullers, whose lot is sweat, toil, blood and tears, from the exploitative clutches of cycle rickshaw owners by a statutory ban on non-owner rickshaw drivers."

36. Though the said case does not pertain to the hand cart/rickshaw pullers but to the cycle rickshaw pullers, this Court found that even such a practice of cycle rickshaw pullers was not consistent with the preambular promise of social justice as contained in Article 38 of the Constitution of India. The Court further observed thus:

> "11. (...) It is a notorious fact that rickshaw pullers have an occupational hazard and suffer from pulmonary tuberculosis and so, the State must be deeply concerned progressively to replace rickshaw pulling with mechanical propulsion. It would appear that short of scooters there are mechanised cycle rickshaws which are fairly inexpensive and which are

[2] **(1980) Supp. SCC 601**

being experimented with. Such vehicles may be a boot to the miserable who now torture themselves to keep body and soul together. After all, the quality of life of the weakest in society is the true measure of social justice."

37. The above words depict the agony which the rickshaw pullers were undergoing. The Court observed that they suffer from pulmonary tuberculosis and the State must be deeply concerned progressively to replace rickshaw pulling with mechanical propulsion. The Court further observed that such vehicles may be a boot to the miserable who now torture themselves to keep body and soul together. It also observed that the quality of life of the weakest in society is the true measure of the social justice.

38. In light of this observation, it will also be relevant to consider a recent medical study of the manual rickshaw pullers in India, which reads thus:

"Overall 61.0% of rickshaw pullers were suffering from either acute or chronic health problems during their lifetime and almost half (49.5%) of them had at least one spell of sickness in the last 15 days. Factors like the consumption of tobacco and alcohol, and the low socioeconomic status might be contributing to the health problems. (...) The chronic illnesses, among study subjects, were found to be of dental origin (32.8%), vascular origin (31.1%) including varicose veins, and musculoskeletal problems (30.1%) including generalized body ache and leg pain. The possible attributes to these problems might

> be poor personal hygiene; a high rate of tobacco consumption; long hours spent on pedaling rickshaws. In a study from Odisha, India, musculoskeletal pain problem was found as the major morbidity (91.7%) among the study subjects followed by gastrointestinal problems (55.9%), ophthalmic problem as impaired vision (51.0%). Aches and pains, and physical weakness constitute 43% of all chronic ailments, likely to be associated with rickshaw pulling itself, reported from Bangladesh. (…) The majority of the study subjects (73.4%) in the present study had BMI within the normal limits. However, 24.6% of them were underweight and only 2.0% were overweight. Similar observations have been reported from Odisha and may be due to the nature of the job involving intense physical activity for prolonged durations."

39. The study shows that 61% of the rickshaw pullers were suffering from either acute or chronic health problems during their lifetime and almost half of them had at least one spell of sickness in the last fifteen days. It was found that long hours spent on pedaling rickshaws lead to musculoskeletal pain problem amongst 91.7% of the persons who were subjected to the study. Again, it must be noted that this was also a report with regard to those plying cycle rickshaws. If this is the case of the cycle rickshaw pullers, one can only imagine the plight of the hand cart/rickshaw pullers.

40. In the totality of circumstances, we are at pains to observe that even after 45 years of the observations made by

this Court in the case of ***Azad Rickshaw Pullers' Union*** (supra), the inhuman practice of a human being towing other human beings is still very much prevalent in the town of Matheran. The question that we will, therefore, have to ask ourselves is as to whether we, as a society, are alive to the constitutional promise of social and economic equality and social and economic justice.

41. The answer, unfortunately, will have to be in the negative.

42. Continuing such an inhuman practice even after 78 years of the country getting its freedom and after 75 years of the Constitution being enacted and promising social and economic justice to its citizens, in our view, would be betraying the promise given by the people of India to themselves.

43. We, therefore, find that the practice of permitting hand pulled carts/rickshaws needs to be stopped forthwith. At the same time, the question that would arise next is, if we stop this practice what will happen to those who are dependent on it for their livelihood.

44. The answer to that was given way back in the 1980s in the case of ***Azad Rickshaw Pullers' Union*** (supra).

Forty-five years of technological development in the country has now led to the introduction/invention of e-rickshaws, which are not only environment friendly/cause the least pollution but also prevent the human beings from adopting practices that hit at an individual's dignity.

45. We, therefore, find that the State which has also a duty under the Directive Principles of State Policy to ensure that social and economic justice is done to the citizen, should form a scheme for rehabilitation of these hand cart/rickshaw pullers so that they are not deprived of their livelihood.

46. We may gainfully refer to a scheme, which is implemented in the town of Kevadia (Sardar Patel Sarovar) in the State of Gujarat. The State of Gujarat in collaboration with the Statue of Unity Area Development and Tourism Governance Authority (SoUADTGA) has purchased a number of e-rickshaws. The said e-rickshaws are given on a nominal hire basis to the tribal women residing in the vicinity of the Sardar Patel Sarovar. It has become a famous tourist spot and hundreds of Adivasi women have not only become self-dependent but have also flourished on account of this scheme

which has been implemented by the State of Gujarat and SoUADTGA.

47. We, therefore, find that it will be appropriate that the State of Maharashtra studies the said scheme and implements the same in the town of Matheran so that not only the genuine hand cart/rickshaw pullers are rehabilitated but also the other underprivileged persons in and around the town of Matheran, including the Adivasi women, are benefited therefrom.

48. As we understand from the said Scheme, the ownership of the e-rickshaw is with the SoUADTGA. During the night hours, the e-rickshaws are charged and, in the morning, the tribal women, on a payment of a certain amount, are given the e-rickshaw for plying for the day and whatever is the surplus above the rental amount, which we understand is a substantial amount, is retained by them as a reward for their labour.

49. In the light of the aforesaid, we dispose of the present batch of applications by issuing the following directions:-

(i) The State Government is permitted to lay the clay paver blocks on the road between the

Dasturi Naka to Shivaji Maharaj Statue. While laying clay paver blocks, we direct that no concrete bed shall be laid below the said clay paver blocks, however, the other measures, as recommended by the IIT Bombay to increase drainage and prevent waterlogging such as inclusion of non-woven geotextile layer beneath the sand bedding, cambering of roads to help reduce erosion, construction of contour bunds, inclusion of lateral drains, and rumble strips for foot support shall be implemented. Needless to also state that the recommendations given by the NEERI shall also be given effect to. Needless to state that if any concrete paver blocks are laid and if any concrete bedding is laid below the paper blocks the same shall be removed and replaced by the bedding as recommended by the IIT, Bombay and NEERI. Similarly, if any concrete paver blocks are already laid, they shall be removed and replaced by clay paver blocks;

(ii) We clarify that though the clay paver blocks would be permitted to be laid on the road between Dasturi Naka to Shivaji Maharaj Statue, no paver blocks would be laid on the internal roads and in no case on the trekking routes. We find that this measure, apart from providing an accessible road from Dasturi Naka to Shivaji Maharaj Statue and easy movement of the e-rickshaws would also ensure that the internal roads and the trekking routes are exclusively available only for the trekkers and for the persons dependent on the horses for their livelihood. This will balance the right of the hand cart/rickshaw pullers and the persons dependent on the horses;

(iii) We direct the State of Maharashtra to forthwith stop the practice of plying hand pulled carts/rickshaws in the town of Matheran in a phased manner and in any case within a period of six months from today;

(iv) The State Government shall evolve a scheme taking the scheme applicable in Kevadia to be a model scheme. The State or an authority constituted on their behalf would purchase the e-rickshaws and give them on a hire basis on payment of a fixed amount to the genuine rickshaw pullers or the other underprivileged persons, including Adivasi women. Needless to state that the genuine hand cart/rickshaw pullers would be given a priority in the matter of allotment of such e-rickshaws on hire basis.

(v) Insofar as the identification of the genuine hand cart/rickshaw pullers is concerned, since many flaws have been found by the learned Principal District Judge, Raigad in his inquiry and since Mr. Gonsalves, learned senior counsel, is not satisfied with the *modus operandi* of the State Government, we direct the Matheran Monitoring Committee under the Chairmanship of the Collector, Raigad, which is constituted under the ESZ Notification to identify the

persons who are genuine hand cart/rickshaw pullers. The number of e-rickshaws to be permitted would also be determined by the said Committee taking into consideration the ground realities. The remainder of the e-rickshaws, if available, would be allotted to the underpriviledged persons residing in and around Matheran and preferably to Adivasi women who on account of the same will have an opportunity to earn their livelihood and become self-dependent, as is done in the case of the scheme implemented in Kevadia, Gujarat. Needless to state that the State Government shall also bear the expenses for providing the necessary training to the genuine hand cart/rickshaw pullers and the other allottees, who are found to be eligible.

(vi) We clarify that the State Government would be at liberty to implement the aforesaid scheme through Corporate Social Responsibility (CSR) Funds or any other mode available to it.

However, we clarify that non-availability of funds would not be treated as an excuse for not implementing the aforesaid scheme. We earnestly hope that the State would render all necessary assistance in stopping such an inhuman practice, which hits at the basic human dignity, in the right perspective.

(vii) Needless to state that while undertaking aforesaid exercises, the State Government and relevant authorities shall ensure that the character of Matheran as a pedestrian hill station, which is unique to the town of Matheran, shall be maintained to the extent possible.

50. Before we part with the judgment, we express our deep appreciation for the valuable assistance provided by Mr. K. Parameshwar, learned Amicus Curiae ably assisted by Mr. M.V. Mukunda, Ms. Kanti, Mr. Shreenivas Patil, Mr. Raji Gururaj, Mr. Veda Singh, and Mr. Prasad Hegde, learned counsel. We also express our deep appreciation to Ms. Nina Nariman, learned counsel, ably assisted by Mr. Shyam Divan,

learned Senior Counsel and Mr. Colin Gonsalves, learned Senior Counsel, ably assisted by Mr. Vivek Vishal Gautam, Mr. Lalit Mohan and Mr. Paul Kumar Kalai, learned counsel. We also express our deep appreciation to Mr. Siddharth Dharmadhikari, learned counsel for the State of Maharashtra, for being responsive to the suggestions given by the Court.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

.....J
(N.V. ANJARIA)

NEW DELHI;
AUGUST 06, 2025.