

RELIGIOUS TOURISM IN PROTECTED AREAS AND ECO SENSITIVE ZONES (ESZ) AND THE MANAGEMENT OF PILGRIMAGE PRESSURE

AUTHOR – SIFAT FAREED* & DR. NIKUNJ SINGH YADAV**

* LAW COLLEGE DEHRADUN, UTTARANCHAL UNIVERSITY, DEHRADUN, UTTARAKHAND, INDIA

** ASSISTANT PROFESSOR, LAW COLLEGE DEHRADUN, UTTARANCHAL UNIVERSITY, DEHRADUN, UTTARAKHAND, INDIA

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I. INTRODUCTION

Religious sites in India often coincide with ecological areas due to our reverence for nature. Many of the country's most significant pilgrimages are located within or nearby forests, mountains, rivers, and wildlife habitats which are ecologically very sensitive. Shrines such as Kedarnath in Uttarakhand and Sabarimala Temple in Kerala, are examples of pilgrimages located within natural ecological environment. These religious sites receive millions of pilgrims every year, creating a huge but seasonal pressure of people on the ecosystem, which is otherwise classified for conservation and ecological protection.²¹²⁵

The ecological results of large scale pilgrimage in such areas are complex and profound. Large number of pilgrim footfall generates huge amounts of solid waste, including plastic, food waste, and non-biodegradable offerings.²¹²⁶ This issue becomes more serious in mountainous areas and core areas in forests, as the infrastructure for waste disposal is generally inadequate, resulting in the piling up of waste in rivers, forests, and mountainous areas. In addition, the development of infrastructure for pilgrim centers like roads, hotels, sanitation facilities, and transport networks can cause deforestation, soil erosion, and fragmentation of habitat.²¹²⁷ The entry and movement of large numbers of people and vehicles in wildlife habitats can also disturb the migration patterns of animals and threaten the objectives of biodiversity conservation.

GRASP - EDUCATE - EVOLVE

²¹²⁵ Editorial, "Faith can't Protect Crumbling Infra" *The Economic Times*, Aug. 28, 2025, available at < [Faith can't protect crumbling infra - The Economic Times](#) > (last visited on Feb. 2, 2026).

²¹²⁶ Himanshu Upadhyaya, "Sabarimala waste, power management threatens Periyar Tiger Reserve: CAG" *Down To Earth*, Feb. 13, 2019, available at < [Sabarimala waste, power management threatens Periyar Tiger Reserve: CAG](#) > (last visited on Jan. 31, 2026).

²¹²⁷ Shivani Azad, "SC panel members warn Char Dham road plan could spell disaster in fragile Bhagirathi zone" *The Economic Times*, Aug. 13, 2025, available at < <https://infra.economicstimes.indiatimes.com/news/roads-highways/experts-warn-of-disaster-from-char-dham-road-widening-in-fragile-himalayan-zone/123272984> > (last visited on Jan. 27, 2026).

Realizing the ecological fragility of protected areas, the Indian environmental legal system has evolved a mechanism to control human activities in and around national parks, wildlife sanctuaries, and tiger reserves. The notification of Eco-Sensitive Zones around protected areas under the Environment (Protection) Act, 1986 is one of the major mechanisms to control land use and development in ecologically fragile areas. Similarly, the Wildlife Protection Act, 1972 provides a legal framework for the conservation of wildlife habitats and restricts activities within protected areas.²¹²⁸ Environmental clearance requirements under the Environmental Impact Assessment Notification, 2006 regulate infrastructure development that may affect ecological stability.

Notwithstanding the existence of such a broad legal framework, the growing development of pilgrimage facilities and the persistent environmental issues that have been noted at the major pilgrimage sites do pose important questions about the efficacy and sufficiency of the existing legal framework.

This paper investigates whether the existing environmental legal framework in India is adequate to deal with the issue of environmental degradation caused by religious pilgrimage in Eco-Sensitive Zones and protected ecological sites. It analyzes the legal basis for the regulation of Eco-Sensitive Zones, environmental clearance, wildlife conservation, and the legal framework for enforcement. Through the case study of pilgrimage sites that fall within or around protected sites, this paper investigates how such a legal framework is operationalized on the ground and whether it is effective in dealing with ecological damage.

The purpose of this research is not to question the validity of pilgrimage as a religious ritual, but to understand the adequacy of the legal framework that is intended to safeguard environmentally fragile sites.

²¹²⁸ Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press, New Delhi, 3rd edn., 2020).

II. THE STATUTORY AND REGULATORY FRAMEWORK GOVERNING ECO-SENSITIVE ZONES AND PROTECTED AREAS

The control of human activity in ecologically sensitive landscapes in India is grounded in multiple statutes that cumulatively regulate the environment and the conservation of wildlife. The religious pilgrimage sites that are situated inside or close to protected areas are thus regulated not by one statute, but by a complex of regulations. While these laws and regulations do not specifically address religious tourism in ecologically sensitive areas, they lay down criterias to prevent excessive human intervention in ecological areas. Key laws governing protected areas and nearby are as follows

2.1 Environment (Protection) Act, 1986

The Environment (Protection) Act, 1986 (EPA) is the core legislative framework of the environmental regulatory system in India. This legislation was introduced in the wake of the Bhopal gas tragedy, and it gives the Central Government sweeping powers to do whatever is necessary to protect and improve the environment. Section 3 of the legislation gives the Central Government the powers to do whatever is necessary to protect and improve the environment, including the power to limit areas where industries, operations, or processes can be conducted.²¹²⁹

It is on the basis of this legal provision that Eco-Sensitive Zones (ESZs) are notified. ESZs are normally notified around national parks, wildlife sanctuaries, and other protected areas to act as buffer zones or shock absorbers.²¹³⁰ The need for ESZs is to manage anthropogenic activities in the surrounding landscape of protected areas in such a way that the external pressures on the core conservation areas are minimized. The ESZ notifications are site-specific and

²¹²⁹ The Environment (Protection) Act, 1986 (Act 29 of 1986), s. 3.

²¹³⁰ Ministry of Environment and Forests, “Guidelines for Declaration of Eco-Sensitive Zones” (2011).

define the geographical boundaries of regulation around each protected area.

The Supreme Court has reiterated the need for ecological balance and minimum human interference, as conceptualized under the Environment protection act, in the case of *Goa Foundation v Union of India*, where, the Court made it clear that ecologically sensitive areas should be managed on the principles of sustainable development and ecological protection.²¹³¹ The court in this case prohibited Mining within 1 km of protected areas (sanctuaries or national parks). This case gave rise to the emergence of the concept of ESZ as defined in the 2011 guideline of MoEFCC, which defines ESZ as an area within 10 km of protected areas.

The notification of ESZs usually classifies activities into three broad categories: prohibited activities (such as mining or large polluting industries), regulated activities (which require prior permission or environmental clearance), and permitted activities (which are subject to general compliance with environmental standards). The construction of large hotels, road expansion, infrastructure development, and land use conversion usually falls under the regulated category. In the case of a pilgrimage site located in the vicinity of a protected area, ESZ notifications can directly influence road expansion schemes, accommodation facilities, parking lots, and other tourism-related infrastructure.²¹³²

However, it may be noted that although ESZ notifications regulate land use and development, they do not regulate the phenomenon of pilgrimage per se. The gathering of a large number of people in a seasonal manner is not, per se, a regulated activity under most ESZ notification regimes. The regulatory intent is clearly geared toward regulating structural and industrial activity rather than the cumulative ecological impact of

human presence. This becomes important when analyzing pilgrimage sites that experience periodic surges in visitor numbers.

2.2 Wildlife Protection Act, 1972

Running parallel to the EPA is the Wildlife Protection Act, 1972 (WPA), which makes provisions for the declaration and administration of national parks, wildlife sanctuaries, conservation reserves, and tiger reserves. The Act specifies a graded scale of protection, with national parks and the core area of tiger reserves having the highest level of protection against human interference.²¹³³

In national parks and sanctuaries, activities such as habitat modification, resource utilization, and commercial utilization are banned in general, except as otherwise specifically authorized. Tiger reserves, as specified under the WPA, are classified into core and buffer zones, with the core area having high protection and the buffer area having limited use.

Religious spots located within or close to the protected areas, like the Sabarimala Temple located within the forested area connected to Periyar Tiger Reserve, operate within the constraints set by this conservation system. Conservation strategies developed by the concerned authorities of the reserve might encompass measures to control the entry of visitors, restrict the entry of vehicles, identify specific routes, and manage waste disposal. Likewise, religious entry into the forested regions of the Rajaji National Park is governed by forest and wildlife management policies.

However, the Wildlife Protection Act was mainly intended for the preservation of habitats and not for controlling religious gatherings. In most cases, the temple sites and religious routes existed before the establishment of protected areas. Therefore, in most cases, the forest department resorts to accommodation-based governance, where they allow the religious

²¹³¹ (2014) 6 SCC 590.

²¹³² K. Khanduri and J. Sharma, "Eco-sensitive Zones around Wildlife Protected Areas - An Evaluatory Discussion on the Public Policy" *Indira Gandhi National Forest Academy* (2025).

²¹³³ The Wildlife (Protection) Act, 1972 (Act 53 of 1972).

groups to continue accessing the forests while trying to limit the impact on the environment.

2.3 Environmental Impact Assessment (EIA) and Infrastructure Regulation

The EIA Notification, 2006, mandates prior environmental clearance for projects such as highways, large hotels, and townships exceeding certain criteria.²¹³⁴ For pilgrimage sites, this includes road expansion (e.g., Char Dham highway), helipads, and hotel complexes around Kedarnath or Sabarimala, aimed at controlling the ecological effect through impact assessments, public hearings, and measures to mitigate. The Supreme Court in *Hanuman Laxman Aroskar v Union of India* declared that assessments ignoring real environmental concerns and merely procedural can attract judicial review.²¹³⁵

The project-specific focus of EIA adversely affects the management of religious tourism in ecologically sensitive areas. It focuses on real infrastructure development, such as road expansion through elephant corridors in Rajaji or resorts in Bhagirathi ESZ, but ignores the real environmental concerns associated with religious tourism, such as the massive influx of devotees (millions per year), the waste problem (plastic in rivers after Kedarnath floods), or pollution from transport.²¹³⁶ The influx of visitors at religious sites is treated as temporary cultural events, which are not projects to be assessed, and thus the cumulative effect on the environment remains unmonitored.

The public hearings are nothing but a sham, where the opposing views are stifled, and the EIA reports are full of inaccuracies or copy-and-pasting (the NGT found errors in many of the Char Dham EIA reports). The religious fervor is exploited for speedy development, as seen in the uncontrolled growths of Sabarimala. The EIA fails to assess the carrying capacity regarding

the number of devotees, and thus the destructive development is camouflaged as an aid to religious practice, in contravention of the precautionary principle as laid down in the case of *Goa Foundation v Union of India*.²¹³⁷

2.4 Institutional Adjudication and Enforcement

Judicial interpretation has repeatedly confirmed the supremacy of ecological protection in forests and wildlife sanctuaries. In the case of *T.N. Godavarman Thirumulpad v Union of India*, the Supreme Court of India declared that forest protection should be the guiding principle for all activities in forested areas and established the continuous judicial oversight of forest administration.²¹³⁸ In the case of *Centre for Environmental Law, WWF v Union of India*, the Supreme Court reiterated that the protection of wildlife is a constitutional duty and that protected areas should be administered in line with the priorities of wildlife conservation.²¹³⁹

The legal system is complemented by judicial and supervisory mechanisms. The National Green Tribunal has jurisdiction over major environmental disputes arising under laws such as the EPA and the WPA. The Tribunal has the power to issue directions, impose penalties, and ensure compliance with environmental standards.

In cases of environmental degradation in forested areas due to pilgrimage activities, such as the accumulation of waste, unauthorized construction, or pollution, the Tribunal has stepped in to issue directions for remedial action, prescribe waste management systems, and ensure statutory compliance.

Thus, collectively, these acts, along with the enforcement of these acts, provide protection to the protected areas and the surrounding areas in order to reduce human interference. The pilgrimages that lie in these areas are also subject to these acts. However, these acts are more concerned with the restriction of the

²¹³⁴ Environmental Impact Assessment Notification, 2006.

²¹³⁵ (2019) 15 SCC 401.

²¹³⁶ Neeraj Santoshi, "Ten years of Kedarnath tragedy: Lessons not learnt and challenges ahead" *Hindustan Times*, July 17, 2023, available at < [Ten years of Kedarnath tragedy: Lessons not learnt and challenges ahead | India News](#) > (last visited on Jan. 28, 2026).

²¹³⁷ *Supra* note 6

²¹³⁸ (1997) 2 SCC 267.

²¹³⁹ (1998) 6 SCC 483.

expansion of infrastructure and thus do not address the issue.

III. **CASE STUDIES: RELIGIOUS PILGRIMAGE, PROTECTED AREAS, AND THE LIMITS OF ENVIRONMENTAL REGULATION**

The tension between environmental protection and religious pilgrimage becomes most visible not in abstract doctrinal debates but in specific sites where ecological fragility intersects with sustained devotional practices. This chapter examines three illustrative contexts, these examples illuminate the structural limits of India's current environmental regulatory framework when confronted with mass religious mobilization.

3.1 Sabarimala and the Periyar Tiger Reserve

The Sabarimala Temple is one of the most dramatic examples of a large pilgrimage center existing inside a tiger reserve. The temple is situated inside the core area of the Periyar Tiger Reserve, which is protected by the Wildlife (Protection) Act of 1972 and is a part of the Project Tiger network in India.²¹⁴⁰ Every year, millions of pilgrims make their way to Sabarimala as part of the Mandala Makaravilakku pilgrimage season, passing through forest routes, temporary infrastructure corridors, and riverine areas inside the tiger reserve.

From a legal perspective, the Wildlife (Protection) Act imposes a tough regime on tiger reserves, particularly in core critical tiger habitats where human presence is kept to a minimum. But because of the presence of a historic temple existing before the establishment of the tiger reserve, it becomes difficult to enforce. Instead of curtailing the pilgrimage, the government has taken a management-focused approach, which includes controlling the flow of pilgrims,

disposal of waste, temporary construction, and vehicle entry.²¹⁴¹

Even after the implementation of such laws, the environmental impacts are substantial. The massive foot traffic causes soil compaction, damage to vegetation, disruption of wildlife, and the production of solid waste. River basins in the vicinity of the pilgrimage route have periodically been affected by pollution from the lack of proper sanitation facilities during peak periods.²¹⁴² Despite judicial interventions and the monitoring of High Court committees from time to time, the implementation of the law is seasonal and responsive rather than transformative.

This situation reveals a crucial flaw in the existing system: the lack of a sound doctrine in environmental law to deal with the cumulative effect of environmental damage from constitutionally protected religious activities. The regulation of such activities is carried out on an ad hoc basis through administrative orders, temporary bans, and subsequent mitigation.

3.2 Rajaji National Park and ESZ Governance

Rajaji National Park in Uttarakhand is a critical habitat for elephants and tigers and forms part of the larger Shivalik–Gangetic corridor. But since it is located in Haridwar, which is considered one of the most holy places in India, there are a lot of temples nearby the national park like Sureshwari Devi Temple which are not within protected areas but fall under shock absorber ESZ zones as provided by MoEFCC guidelines in 2011.²¹⁴³

ESZ notifications are designed to act as shock absorbers around protected areas, restricting or regulating certain commercial and

²¹⁴⁰ The National Tiger Conservation Authority (Normative Standards for Tourism Activities and Project Tiger) Guidelines, 2012.

²¹⁴¹ National Tiger Conservation Authority, "Management Effectiveness Evaluation of Tiger Reserves in India" (2019).

²¹⁴² U. Hiran, "TDB aims to tackle pollution in Pampa ahead of next Sabarimala pilgrimage season" (05 February 2026, *The Hindu*) <[TDB aims to tackle pollution in Pampa ahead of next Sabarimala pilgrimage season - The Hindu](#)> accessed on 5 feb 2026. U. Hiran, "TDB aims to tackle pollution in Pampa ahead of next Sabarimala pilgrimage season" *The Hindu*, Feb. 5, 2026, available at <[TDB aims to tackle pollution in Pampa ahead of next Sabarimala pilgrimage season - The Hindu](#)> (last visited on Feb. 5, 2026).

²¹⁴³ Ministry of Environment, Forest and Climate Change, "Rajaji Tiger Reserve Notification and Conservation Plan" (Government of India).

developmental activities. However, religious activities are rarely categorized as developmental in a manner that triggers strict scrutiny. Temporary shops, parking expansions and informal settlements proliferate around pilgrimage nodes, often justified as facilitative rather than extractive.

The environmental impact in the Rajaji landscape manifests in multiple forms: traffic congestion affecting wildlife corridors, increased human-animal conflict, noise pollution, plastic waste, and gradual land-use change around forest peripheries.²¹⁴⁴ Because these impacts occur in ESZs rather than core zones, they are subject to a regulated activity model rather than prohibition. This model relies heavily on district-level committees and state authorities whose enforcement capacities vary significantly.

3.3 Bhagirathi Eco-Sensitive Zone and Himalayan Pilgrimage

The Bhagirathi Eco-Sensitive Zone surrounds the sensitive Himalayan ecosystems and extends to the pilgrimage sites of Gangotri and other religious spots. The area is ecologically sensitive due to landslide risk, river sensitivity, and biodiversity.

Pilgrimage-related infrastructure development, road expansion, and seasonal pressure augment ecological stress²¹⁴⁵. Although ESZ notifications control industrial and construction activities, pilgrimage-related ecological stress is indirectly controlled.

In the case of *N.D. Jayal v Union of India* (2004), the Supreme Court held the ecological sensitivity of the Himalayan region and made it clear that development in such areas must adhere to environmental norms.²¹⁴⁶ Likewise, in *Lafarge Umiam Mining v Union of India* (2011),

the Court made it clear that environmental decision-making must give primacy to ecological sustainability and equity.²¹⁴⁷

The above cases make it clear that the state faces an increased level of regulatory responsibility because of ecological fragility.

Thus, In conclusion, the regulatory framework in India for handling large-scale religious pilgrimages in ecologically sensitive zones, as discussed in the context of Sabarimala and Rajaji examples, indicates the presence of inherent legal gaps despite strong legal provisions. Three trends are identified: first, environmental legislations view pilgrimages as point operations, focusing on temporary strategies such as crowd control and waste management, rather than mandatory cumulative assessments as required by laws such as the Environment (Protection) Act, 1986, in terms of long-term ecological capacity.

Second, institutional deference is the norm, with the administration selectively enforcing wildlife and ESZ legislation to avoid conflict with religious feelings under Article 25 (Freedom of Religion). This tacit understanding leads to procrastination and negotiated compliance rather than strict enforcement of conservation requirements under the Wildlife (Protection) Act, 1972.

Third, judicial activism through public interest litigation is piecemeal and responsive, dealing with spot situations without evolving a cohesive approach to reconcile Article 25 with Article 48A (Directive Principle of State Policy on environmental protection) or the public trust doctrine in protected areas.

Although there are sufficient legislation and notification regarding ESZ, operational gaps continue. For example, there is no specific regulatory category defined for mass pilgrimages, resulting in ecological trade-offs based on political expediency rather than scientific evaluation. Ecologically sensitive areas require conservation to be given precedence,

²¹⁴⁴ Megha Rani, Debashish Panda, et.al., “Assessment and prediction of human-elephant conflict hotspots in the human-dominated area of Rajaji-Corbett landscape, Uttarakhand, India” 79 *Journal for Nature Conservation* (2024).

²¹⁴⁵ Jayshree Nandi, “Centre orders study of Gangotri glacier, Bhagirathi eco-sensitive zone” *Hindustan Times*, Dec. 2, 2025, available at < [Centre orders study of Gangotri glacier, Bhagirathi eco-sensitive zone | Hindustan Times](#)> (last visited on Feb. 4, 2026).

²¹⁴⁶ (2004) 9 SCC 362.

²¹⁴⁷ (2011) 7 SCC 338.

but organizational reluctance impedes implementation. The problem does not lie in legislative gaps but in the failure of normative mobilization, necessitating a doctrinal approach to sustainability in religious practices in sensitive areas.

IV. **CONSTITUTIONAL BALANCING: RECONCILING RELIGIOUS FREEDOM AND ENVIRONMENTAL PROTECTION**

The Indian Constitution represents a subtle balance between individual rights and collective needs, which is nowhere more apparent than in the conflict between the religious freedom guaranteed by Article 25 and the environmental safeguards enshrined in various parts of the Indian Constitution, namely Parts III, IV, and IVA. Large-scale religious processions through eco-sensitive areas (ESAs) for example, Rajaji National Park or Periyar Tiger Reserve—represent this conflict, where large numbers of devotees march through sensitive ecosystems, endangering biodiversity as protected by the Wildlife (Protection) Act of 1972 and ESZ notifications issued by the Environment (Protection) Act of 1986. This essay will contend that, although important, the right guaranteed by Article 25 must cede to environmental needs through specific limitations, judicially asserted rights under Article 21, and concepts such as public trust.

Article 25(1) guarantees all persons the freedom of conscience and the right freely to profess, practise and propagate religion.²¹⁴⁸ The Supreme Court has liberally construed the word practise to encompass pilgrimage, for example in *Ratilal Panachand Gandhi v. State of Bombay*, where it upheld temple entry as a religious practice. However, this right is limited by public order, morality and health and other provisions of this Part, under Article 25(1).²¹⁴⁹ Notably, Article 25(2)(b) gives the state the authority to regulate economic, financial, political or other secular activity associated with religious practice, separating administrative aspects

such as crowd management or physical infrastructure from the sacred nucleus of beliefs. In *Shirur Mutt*, the Court identified essential religious practices that must be given absolute protection, relegating the organization of pilgrimages to the secular and regulable realm.²¹⁵⁰ Unfettered access to ESZs cannot, therefore, claim exemption; where pilgrim traffic damages habitats, as in the ESZ of Rajaji's temples such as Sureshwari Devi, the proviso to Article 25 permits state action for health reasons.

The protection of the environment, not being spelt out, has attained strong constitutional status through judicial wizardry. Article 48A (Directive Principles) states endeavour to protect and improve the environment,²¹⁵¹ and Article 51A(g) (Fundamental Duties) states to protect and improve the natural environment.²¹⁵² The right to life under Article 21 has been judicially expanded to include the right to wholesome environment, as held in *Subhash Kumar v State of Bihar*, where the Court held that pollution violates Article 21²¹⁵³. This status was solidified in *Vellore Citizens' Welfare Forum v Union of India*, where sustainable development, precautionary principle, and polluter pays principles were incorporated into binding law.²¹⁵⁴ In the context of pilgrimages, the precautionary principle requires preventive measures in the absence of scientific certainty of harm, which is critical given the cumulative effect of foot traffic damaging tiger corridors in Rajaji.

The public trust doctrine strengthens this regime. In *M.C. Mehta v. Kamal Nath*, the Court relied on it to strike down leases that degrade forest land.²¹⁵⁵ The logic of the court behind it was that the State is the trustee of all natural resources for public use. In ESZs, states are fiduciaries for forests, which are protected from pilgrimage-caused despoliation. T.N.

²¹⁵⁰ 1954 SC 282.

²¹⁵¹ The Constitution of India, art 48A.

²¹⁵² The Constitution of India, art 51A(g)

²¹⁵³ (1991) 1 SCC 598.

²¹⁵⁴ (1996) 5 SCC 647.

²¹⁵⁵ (1997) 1 SCC 388.

²¹⁴⁸ The Constitution of India, art 25.

²¹⁴⁹ AIR 1954 SC 388.

Godavarman Thirumulpad v. Union of India illustrates this, holding that states cannot allow pilgrimage-caused despoliation of forests.²¹⁵⁶ In the Rajaji case, temple entry roads or pilgrim waste cause this, overriding Article 25 rights.

Judicial balancing uses proportionality to weigh the need, appropriateness, and balancing of rights. Modern Dental College v. State of Madhya Pradesh codified this test for restrictions on fundamental rights. In the context of pilgrimages, unregulated access violates proportionality because damage to ESZ biodiversity (such as elephant habitats) is more important than other options, such as quotas or off-season visits. In Goa Foundation v. Union of India, mining in ESZs was stopped because it violated carrying capacity, as in pilgrimages, because Ecological thresholds cannot be crossed.

Likewise, in Hanuman Laxman Aroskar v Union of India struck down airport clearance without regard to ESZ effects, holding environmental clearance must be based on scientific assessment. The National Green Tribunal (NGT), under the NGT Act, 2010, enforces this in a reactive manner like in Char Dham Yatra cases, requiring waste management and road restrictions, on grounds of precautionary principle.

The limits of Article 25 with respect to Article 21 were established in Indian Young Lawyers Association v State of Kerala, where the Court subordinated essential practices to constitutional morality, of which equality is one.²¹⁵⁷ Though gender-specific, it indicates religious practices yield to cumulative rights where constitutional morality overrides religious practices. N.D. Jayal v Union of India reconciled development and ecology, upholding safeguards to protect environment. The court also held that Sustainable development is a facet of Article 21. For Rajaji, this rules out pilgrim facilitation on grounds of conservation.

Critically, the constitutional provision weaves together these spheres. Article 253 allows Parliament to make environmental legislation to satisfy international obligations (such as the Stockholm Declaration), read with Entry 17A (forests), 17B (wildlife) of the Concurrent List.²¹⁵⁸ Article 21's unenumerated rights subsume DPSPs such as Article 48A through harmonious interpretation. However, institutional reluctance continues: religious sentiment's deference provides ad hoc solutions, not systemic ESZ limits, as in the Sabarimala-Rajaji gap analysis.

A consistent approach requires pilgrimage-specific ESZ guidelines: carrying capacity assessments (as in Godavarman), proportional limits, and NGT monitoring. Lafarge Umiam Mining v Union of India (2011) struck a balance between industry and nature through open assessment; pilgrimage sites require similar attention. Without it, Article 25 becomes a cover for environmental chaos, undermining Article 21's guarantee.

In sum, Article 25 guarantees the pilgrimage belief system, not its environmental consequences. Environmental rights, strengthened by Vellore, Godavarman, Goa Foundation, and public trust doctrine, require supremacy in ESZs. Courts must apply proportionality to ensure the belief system survives without destroying the trust of creation. This synthesis maintains constitutional polyphony, as the Indian Constitution strikes a balance between the rights of pilgrims to practice their religion and the right to environment.

V. - **INSTITUTIONAL AND POLICY MECHANISMS FOR REGULATING ENVIRONMENTAL IMPACT OF PILGRIMAGE**

The institutional and policy framework of India for managing the environmental effects of religious pilgrimage is a complex and disintegrated governance system, which combines judicial enforcement, administrative

²¹⁵⁶ Supra note 14.

²¹⁵⁷ (2019) 11 SCC 1.

²¹⁵⁸ The Constitution of India, art 253.

action, and conservation regulations. Although these instruments reflect a strong regulatory intention, their reactive character and lack of coordination weaken their effectiveness in dealing with the ecological stress of mass religious pilgrimages in eco-sensitive areas.

The National Green Tribunal (NGT), formed under the National Green Tribunal Act, 2010, is the backbone of judicial environmental governance. With exclusive jurisdiction to deal with statutes such as the Environment (Protection) Act, 1986, the Wildlife (Protection) Act, 1972, and the Forest (Conservation) Act, 1980, the NGT has issued directives to deal with pilgrimage-induced degradation—specifying scientific waste management, avoiding destructive infrastructure, and ensuring seasonal surveillance at places such as Char Dham and Amarnath Yatra routes. The NGT's application of sustainable development and precautionary approaches to environmental issues emphasizes the relevance of environmental standards even in the context of religious practices. However, the NGT's reactive approach, which relies on public interest litigation, weakens its proactive role as a surveillance mechanism; compliance with judgments tends to lapse after the judgment without continued monitoring.

In addition to adjudication, policy measures such as the Pilgrimage Rejuvenation and Spiritual Heritage Augmentation Drive (PRASHAD) Scheme, administered by the Ministry of Tourism, encourage sustainable infrastructure development, sanitation, waste management, and renewable energy—at pilgrimage sites. This is a move from uncontrolled growth to mitigation-oriented planning. However, PRASHAD is still a developmental measure, increasing capacity without setting visitor limits or cumulative impact thresholds, thus avoiding the scale of pilgrimage as an ecological force²¹⁵⁹. Similarly, Swadesh Darshan Scheme 2.0 is a

developmental measure that establishes spiritual tourism corridors (around Rajaji and Periyar reserves), with Environmental Impact Assessments, rainwater harvesting, solar energy, and zero-liquid discharge, directly addressing the pressures on ESZs through low-carbon design. However, both are developmental, increasing capacity without visitor limits or cumulative impact thresholds, thus avoiding the scale of pilgrimage as an ecological force.

Conservation guidelines under the Wildlife (Protection) Act also empower regulators. National Tiger Conservation Authority (NTCA) guidelines for tiger reserves reduce human interference, controlling visitor access, vehicles, and development around areas such as Neelkanth Mahadev Temple, near Rajaji National Park. These measures empower regulators in balancing visitor access and conservation of wildlife, although implementation is hampered by administrative and political considerations.

State-level innovations, like Uttarakhand Ecotourism Policy 2023, factor in sustainability while managing pilgrimages, for Char Dham and Rajaji neighboring shrines, establishing No-Go ESZ areas, enforcing electric shuttles from Rishikesh, and ensuring biodiversity training for service providers, directing funds for tiger corridor conservation.²¹⁶⁰ Himachal Pradesh's Tourism Policy 2019 supports this with zero-waste policies and plastic bans at spots like Chamunda Devi.²¹⁶¹ However, these are more focused on post-harm remediation than preventive measures to avoid ecological strain. At the district level, Kangra shows how faith and ecology can be harmonized.

CONCLUSION

There are no specific laws to govern religious tourism in ecologically fragile areas. Religious tourism in such areas is indirectly governed by Environmental Protection Act, 1986, Wildlife

²¹⁵⁹Ministry of Tourism, Government of India, "PRASHAD Scheme (Pilgrimage Rejuvenation and Spiritual Augmentation Drive)" available at <https://tourism.gov.in/> (last visited on Feb. 17, 2026).

²¹⁶⁰ Uttarakhand Government, "Uttarakhand Eco-Tourism Policy 2023".

²¹⁶¹ Government of Himachal Pradesh, "The Himachal Pradesh Tourism Policy 2019".

Protection act 1972 and guidelines framed under these laws. But since these laws create general obligation and do not specifically tackle the issue in hand, it makes the regulation of religious tourism in eco sensitive areas operationally weak. The case studies we looked into in this paper clearly showed that the laws are strong to regulate infrastructure expansion around pilgrimages in ecological areas such as roads and hotels but weak at the level of the ecological drivers of pilgrimage itself like uncontrolled foot traffic, waste generation, and what amounts to a mockery of public consultations in favor of Article 25 sentiments.

There are some actions which have been taken at localized level to regulate pilgrimage in ecological areas like PRASHAD, Swadesh Darshan 2.0, and Uttarakhand Ecotourism 2023 , but are scale-less due to localized and isolated application where whole picture is not taken account but the protection is granted in bits and peices. there is no specific and detailed regulation of religious tourism in ecological zones. This institutional ambivalence, rooted in political-religious calculations, undermines the environmental right under Article 21 and the public trust fiduciary principle. A sound jurisprudence requires pilgrimage as a activity subject to regulation in ESZ notifications: mandatory cumulative impact statements, balanced and sustained NGT-supervised measures. Without a harmonization of faith and ecology, stopgap measures give way to irrevocable damage.

