
(1997) 03 SC CK 0074

In the Supreme Court Of India

Case No : I.A. No. 38 in Writ Petition (C) No. 13381 of 1984

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 17-03-1997

Acts Referred:

Citation : (1998) 7 JT 275 : (1998) 9 SCC 93

Hon'ble Judges : S. Saghir Ahmad, J;K. Ramaswamy, J

Bench : Division Bench

Advocate : M.C. Mehta, Party in person, Krishan Mahajan, Rakesh Dwivedi, Additional Solicitor, Vijay Panjwani, for the Appellant; Ashok H. Desai, Attorney General, Milon Kr. Banerjee, Gaurab Banerjee, R. Karanjawala and Bhaskar Pradhan, for the Respondent

Final Decision : Disposed Of

Judgement

1. We have heard all the counsel. Mr M.C. Mehta, petitioner-in-person filed the application seeking directions (i) to take action against the authorities responsible for damaging and destroying the green belt within 500 metres of Taj Mahal; (ii) to direct the State of U.P. to shift the venue of Yanni concert beyond 500 metres from the Taj Mahal as recommended by the Expert Committee of the Central Pollution Control Board; (iii) to direct the Union of India and the State of U.P. not to allow any vehicles, generators or sound equipments within 500 metres of Taj Mahal. (iv) He also sought for direction to constitute a committee to take necessary steps to protect the green belt as directed by this Court on the earlier occasion.

2. Shri Rakesh Dwivedi, the learned Additional Advocate General of U.P. has stated that he and the Additional Solicitor General personally inspected the site at which Yanni has set up the venue for organising the sound show and a photograph has been placed before us showing that it was across River Yamuna in the sand belt wherein there is no green belt existing and does not exist and that, therefore, there will not be any effect on the Taj Mahal by organising the

show. He also suggested that they have given directions that on the eastern side of the Taj Mahal at Shilpgram the vehicles would stop at a distance of 750 m. From there, the visitors would be taken by battery-operated buses up to a distance of 200 m away from the bridge and from there they would go by walk. The buses would stop beyond 200 m from the bridge. On the western side, all the vehicles would stop at the Red Fort and from there the visitors would be taken by buses up to a distance of 600 m away from the Taj Mahal outer wall. From there the visitors would go by walk. It is also stated that there is no damage to the existing green belt. Presently there is no access into the green belt by the visitors. Therefore, the apprehension of the petitioner that the green belt will get damaged is not correct.

3. In view of the above statement, we accept the undertaking given on behalf of the State of U.P. that the visitors coming from the eastern side of the Taj Mahal would stop their vehicles at a distance of 750 m of Shilpgram. From there the visitors would be taken on battery-operated buses up to a distance of 200 m away from the bridge. From there they would go by walk to the place of the show. Similarly the visitors coming from the western side would stop their vehicles at Red Fort and from there they would be taken by buses up to a distance of 600 m away from the outer wall of the Taj Mahal. From there all the visitors would go by walk. No visitor would visit within the green belt as existing today. Thereby there would not be any damage to the green belt by virtue of the concert or visitors or visitors' vehicles.

4. With a view to effectively ensure compliance thereof, we are of the view that an officer from the Archaeological Survey of India, one officer from the Agra Development Authority, one officer from the Central Pollution Control Board, one from the NEERI and one officer from the Ministry of Environment and Forests, Government of India would be constituted as a Committee. They will strictly monitor the above directions and they would also monitor the pollution to the Taj Mahal on account of sound or air pollution. With regard to the air pollution during night as per Schedule III of the Environmental Protection Rule, 1986, Ambient Air Quality Standards in respect of noise during silence zone, it should not exceed 40 decibels (db).

5. If there is any difficulty in this behalf, the Committee is at liberty to approach this Court for necessary directions. As soon as the show is over, the bridge constructed would be removed one week thereafter. During this period, the Taj Mahal will not be open for any of the visitors during night-time. The State Government is directed to provide appropriate security for monitoring the environment. The Committee would assess any damage, if any, that would be done to the Taj Mahal so that in future necessary steps be taken to avoid damage and to prevent such damages in future to the Taj Mahal. The application is disposed of accordingly.

6. Compliance report be submitted within two weeks. If any damage is caused, to the Taj Mahal due to the sound or air pollution, that would be considered after

the report is submitted by the Committee as constituted earlier and appropriate directions would be given in that behalf.