

(1996) 03 SC CK 0159

In the Supreme Court Of India

Case No : Writ Petition (C) No. 13381 of 1984

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 15-03-1996

Acts Referred:

Citation : (1997) 6 SCALE 14 : (1998) 8 SCC 711

Hon'ble Judges : S. Saghir Ahmad, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Pursuant to this Court's order dated 20-2-1996, affidavits have been filed by Mr Kamal Nath and other officers and members of the Special Cell. We have been taken through the affidavits. We are not satisfied with the same. We are prima facie of the view that the contempt proceedings be initiated against all these persons.

2. Issue notice to Shri Kamal Nath and officers from Serial Nos. 3 to 12 mentioned at p. 4 of the office report dated 14-3-1996 returnable on 12-7-1996 to show cause why they be not held guilty for contempt of court and be punished suitably.

3. Mr V.R. Reddy, learned Additional Solicitor General appearing for the contemnors, states that the contemnors as well as the other authorities of the Government of India shall take immediate steps to plant the green belt as directed by this Court from time to time. He may do so. He further states that he would file the progress report in this respect.

4. We are in the process of hearing arguments regarding preservation of the Taj and protecting the environment in the Taj Trapezium. Mr Mahajan, learned counsel has taken us through the part of the affidavit filed by Mr P.B.S. Senger, Superintending Archaeologist, Agra Circle, Agra, Archaeological Survey of India (ASI). Paras 10 and 11 of the affidavit are as under:

"That there is a significant increase of visitors to this monument. On the basis of the sale admission tickets, there were about 11.5 lakh visitors in the year 1990-91 which have increased to over 20 lakhs in the year 1993-94. The above figures do not include the number of children below 15 years, State guests, official delegates, etc., who are exempted from payment of entrance fee besides a large number of visitors who come on Fridays when entry is free. Some photographs showing the crowd are annexed as Annexure III.

Another reason for a large crowd on Friday is due to the reason that the Agra Development Authority has enhanced the toll tax from Rs 1.50 to Rs 10.00 and Rs 100.00 during morning and evening hours. This has resulted in overcrowding at the monument especially after 8 a.m. and before 4 p.m. The photographs showing a long queue between 14.00 to 16.00 hrs are enclosed herewith as Annexure IV."

5. It is obvious that more than 20 lakh people visit the Taj Mahal every year. The toll tax now charged is Rs 10 and Rs 100 as indicated in para 11, quoted above.

6. ASI or the Government of India do not get any share out of the toll tax collected from the visitors. Only an additional fee of fifty paise per visitor is charged which goes to the Consolidated Fund of India. The net result is that almost the totality of the amount which is collected from the visitors goes to the Development Authority, Agra. This Court has been monitoring the cases relating to environment protection and pollution control in the Taj Trapezium for about the last four years. We are in a position to take judicial notice of the fact that the Agra Development Authority has not done much to preserve the Taj or to develop the city of Agra. We are prima facie of the view that the Agra Development Authority does not deserve such a large amount of share out of the money collected from the visitors. The totality of this amount should be spent on the preservation of the Taj and cleaning the city of Agra where lakhs of people come from all over the world every year. Apart from the Taj Mahal, the city has also to be made beautiful and attractive.

7. We issue notice to the Secretary, Ministry of Environment, Government of India, Ministry of Tourism, Government of India, and Secretary, Tourism and Urban Development, Government of Uttar Pradesh, to examine this matter and give their response to this Court by way of an affidavit of a responsible officer within two weeks of the receipt of this order. Mr Ashok K. Srivastava, learned counsel accepts notice on behalf of the Government of Uttar Pradesh.

8. Registry to serve notices to the Secretaries of the Government of India within three days.

9. To come up on 4-4-1996. Slaughterhouse matter

10. Pursuant to this Court's order dated 23-2-1996, Dr Babu Ram, Assistant Commissioner (Carcass Utilisation), Department of Animal Husbandry and Dairying, Ministry of Agriculture, Government of India has filed an affidavit.

Learned counsel for the Union of India, after consulting Dr Babu Ram, states that the project of constructing a slaughterhouse at Agra shall be executed on a turnkey basis. He further states that NDDDB has agreed to act as a consultant. NDDDB has agreed to do the designing, preparation of drawings and estimation of costs.

11. We issue notice to NDDDB through its Delhi office to indicate as to within how much time the initial work to be done by NDDDB shall be completed. We have been informed that NDDDB wants three months' time for this purpose. We do not agree. We request the NDDDB to complete the work of designing, preparation of drawings and estimation of costs within a period of one month of the receipt of this order. We direct that a responsible officer of NDDDB should file an affidavit in this Court within two weeks of the receipt of this order.

12. A copy of the order be served on the local office of NDDDB through Dr Babu Ram, who is present in court.

13. To come up on 4-4-1996.