

TAJ POLLUTION MATTER

M.C.Mehta Vs UOI & Ors. W.P.(C) No.13381/1984



This writ Petition was filed by Shri M.C.Mehta, Advocate as a public interest litigation regarding pollution caused to the Taj Mahal in Agra. The sources of air pollution in Agra region were particularly iron foundries, ferro-alloys industries, rubber processing, lime processing, engineering, chemical industries, brick kilns, refractory units and automobiles. The Petitioner also alleged that distant sources of pollution were the Mathura Refinery and Ferozabad bangles and glass industries. It was also stated that the sulphur dioxide emitted by the Mathura Refinery and the industries located in Agra and Ferozabad when combined with moisture in the atmosphere forms sulphuric acid and causes "acid rain" which has a corroding effect on the gleaming white marble. The industrial and refinery emissions from brick kilns, vehicular traffic and generator sets were alleged primarily responsible for polluting the ambient air in and around Taj Trapezium Zone (TTZ) as



identified by the Central Pollution Control Board. The Petitioner also referred the "Report on Environmental Impact of Mathura Refinery" (Varadharajan Committee) published by the Government of India in the year 1978. Subsequently, the reports of the Central Pollution Control Board under the title "Inventory and Assessment of Pollution Emission: In and Around Agra-Mathura Region (Abridged)" and the report of the National Environmental Engineering Research Institute (NEERI) entitled "Over-View Report" regarding status of air pollution around the Taj published in the year 1990 were also referred. On the directions of the Hon'ble Supreme Court, the NEERI and the Ministry of Environment & Forests had undertaken an extensive study for re-defining the TTZ (Taj Trapezium Zone) and re-alienating the area management environmental plan.

The NEERI in its report had observed that the industries in the TTZ (Districts of Agra Mathura, Ferozabad and Bharatpur) were the main sources of air pollution in the area and suggested that the air polluting industries in the area be shifted outside the TTZ. The Hon'ble Supreme Court after examining all the reports viz, four reports from NEERI, two reports from Varadarajan and several reports by the Central Pollution Control Board and U.P.Board, on 31.12.1996 directed that the industries in the TTZ were the active contributors to the air pollution in the said area. All the 292 industries were to approach/apply to the GAIL before 15.2.1997 for grant of industrial gas-connection. The industries which were not in a position to obtain gas-connections, to approach UPSIDC/U.P.Government before 28.2.1997, for allotment of alternative plots in the industrial estates outside TTZ. Those industries, which neither applied for gas-connection nor for alternate industrial plots should stop functioning using coke/coal as fuel in the TTZ w.e.f. 30.4.1997. The supply of coke/coal to these industries shall be stopped forthwith. The GAIL should commence supply of gas to the industries by 30.6.1997, with these directions the issue relating to 292 industries was disposed off.

Now, none of the 292 industries is using coal/coke as fuel. As per the information given by the Government of Uttar Pradesh to the Hon'ble Supreme Court, the present operational status of those industries is as follows:



Units closed	: 187
Units based on electricity	: 53
Units based on CNG/LPG/Electricity	: 42
Units not using any fuel	: 03
Units not found	: 07

Total	: 292
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Constitution Of Mahajan Committee:

The Mahajan Committee was constituted by the orders of the Hon'ble Supreme Court dated 5.2.1996. The Mahajan Committee was consisted of Shri Krishan Mahajan, Advocate and two senior scientists of the Central Pollution Control Board. The Hon'ble Supreme Court on 30.8.1996 directed the Mahajan Committee to inspect the progress of the green belt developed around the Taj Mahal every three months and submit progress report in the Court for the period of next three years.

Earlier, on the basis of the report submitted by the NEERI regarding development of green belt around Taj Mahal, the Hon'ble Supreme Court on 30.8.1996 and 3.12.1996 directed the Ministry of Environment & Forests, Government of India for monitoring and maintenance of the trees planted in the green belt. The officials of the Central Pollution Control Board were also directed for inspection of the Green Belt area in every three months. The Central Pollution Control Board had submitted so far 35 reports in compliance of the Hon'ble Supreme Court orders.

On the directions of the Hon'ble Supreme Court, dated 13.9.2000 the Central Pollution Control Board inspected the Foundry Nagar Industrial area, Agra and the premises of the Taj and submitted its report with its recommendations. The Hon'ble Court on 7.11.2000 while accepting the recommendations of the Central Board directed that the four Ambient Air Quality Monitoring Stations be installed in Agra region and these stations be run continuously for one year all the seven days in a week. These air quality monitoring stations are to be run by the Central Pollution Control Board and monitoring report of these stations be submitted in the Court every month. The Central Pollution Control



Board submitted a detailed proposal for establishing four air quality monitoring stations in Agra region before the Court. The Hon'ble court considered the proposal of the Central Board and accepted the recommendations of the Mahajan Committee in the matter on 4.5.2001 and directed that the full cost towards the hardware for monitoring stations and hardware for Central Laboratory would be provided by the Mission Management Board (MMB) (functioning under the Ministry of Environment, Government of Uttar Pradesh and is located in Lucknow) and with regard to the remaining amount of operational cost would be made available by the Central Government to the Central Pollution Control Board within four weeks from the date of the order. The Central Board has established four ambient air quality monitoring stations in Agra and these stations have been commissioned in the month of January, 2002. Monitoring reports are being submitted to the Hon'ble Court on regular basis since February, 2002.

Apart from the establishment and operation of four monitoring stations in Agra, the Hon'ble Supreme Court, is monitoring several other important issues which were directly related to the pollution problems of Agra and TTZ area. The following issues are under active consideration of the Hon'ble Supreme Court:

1. Industries located in Agra including foundry units;
 2. Compliance of direction of the Hon'ble Supreme Court by the Mission Management Board;
 3. Traffic management & encroachment within the 500 metre zone of the Taj Mahal;
 4. Slaughter house;
 5. Agra Heritage Fund;
 6. Opening of Taj Mahal in the night;
 7. Unauthorized construction within 100 metre from the southern gate of the Taj Mahal;
 8. Booking window at Taj Mahal for collection of Toll Tax;
 9. Supply of gas to the industries located in Firozabad;
 10. Brick kilns located 20 km away from Taj Mahal or any other significant monument in the TTZ area including Bharatpur Bird Sanctuary ;
 11. Promotion of Non-Conventional Energy Source; and
 12. Security of Taj Mahal.
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