

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. No.474 IN WRIT PETITION (CIVIL) NO.13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(For permission to amend I.A. No.444)

Date: 18/01/2010 These Matters was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE AFTAB ALAM

Mr. Krishan Mahajan, Adv. (A.C.)

For Petitioner(s)

In-person

For Applicant(s)

Mr. A.D.N. Rao, Adv.

For Respondent(s)

Mr. T.N. Singh, Adv.  
Mr. Rajeev Dubey, Adv.  
Mr. Kamendra Mishra, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Arijit Prasad, Adv.  
Mr. Fuzail A. Ayyubi, Adv.  
Mr. S.N. Terdal, Adv.  
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Order passed in the interlocutory  
application is placed on the file.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Madhu Saxena ]  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No.474 IN WRIT PETITION (C) NO.13381/1984

M.C. Mehta

Petitioner(s)

Versus

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O R D E R

The story of an emperor's extraordinary love for his wife that led to its creation and its magnificent beauty attracts around 1.4 million visitors to the Taj Mahal annually, of which 20-25% are foreigners and the rest Indian. The peak period for the visitors is from mid-December to mid-January and on December 27, 2009 the number of people visiting Taj Mahal was thirty six thousand six hundred and seventy eight (36, 678).

There are three points of entry into the premises of the Taj Mahal complex; one on the western side through the Western Gate, the other on

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- 2 -

the eastern side through the Eastern Gate and the third on the southern side through the Southern Gate. Sixty five per cent (65%) of the visitors, almost all Indians, come through the Western Gates. Thirty per cent (30%) of the visitors, that include most of the foreigners, use the Eastern Gate around which most of the big and expensive hotels are located and very few people [no more than five per cent (5%)] use the Southern Gate on the side of the crowded, medieval part of the town.

On a week day the number of visitors through the Western Gate is calculated at six thousand nine hundred and thirty (6,930) and on the weekends twelve thousand two hundred and fifty (12,250). Through the Eastern Gate the number for the weekdays and the weekends are two thousand eight hundred fifteen [2815 (1600 Indians & 1215 foreigners)] and four thousand (4000) respectively. It may be added here that these numbers do not include young persons below the age of fifteen years as they are allowed entry without tickets.

At present tickets for entry into the Taj Mahal complex can be purchased only at the three points of entry. The tickets are for the whole day, that is to say a ticket holder can enter into the monument complex and spend the rest of the day there till the closure time.

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- 3 -

Each person entering into the Taj Mahal complex is subjected to security clearance that includes passing through a metal detector door. There are four metal detector doors on the Western Gate and three on the Eastern Gate. The CISF personnel who conduct the frisking and body-search are able to clear 3 to 4 persons in a minute. As a result, on the Western Gate there are normally two queues of 300 metres each with around twenty four hundred (2400) people in queues. The waiting time for security clearance for every visitor is two and a half to three hours. On the Eastern Gate there are normally two queues of 120 metres each with nine hundred and sixty (960) people in the queues and the waiting time on this side is approximately one and a half to two hours. The areas where the queues are formed are open to sky and there are no facilities worth the name for the visitors waiting in queues.

A visitor to the Taj Mahal is thus put under considerable strain that may be avoided and the load of the visitors also has an adverse impact on the monument.

In this background the Archeological Survey of India ("ASI" hereinafter) has approached the

court with a number of proposals aimed at upgrading the facilities and conveniences for the visitors and

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- 4 -

regulating their entry into the Taj Mahal complex aimed at vastly improving and enriching the experience of visiting the Taj Mahal without in any way affecting the solemn grandeur of one of the world's wonders of the medieval times. On January 11, 2010 the Director, ASI made a presentation before us of a project prepared by 'The Taj Mahal Conservation Collaborative'. It was proposed that the ticket for entry into the Taj Mahal complex would no longer be for the whole day but would be for limited hours. Also, the entry ticket will be available all over the country through many different outlets and will also be available online. This would indeed be of great convenience to the visitors but would also lead to considerable increase in the number of visitors. The main proposals, therefore, deal with the management of visitors at the two gates. The main proposals consist of constructing two Visitors' Centres, one at the Western Gate and the other at the Eastern Gate and setting up of two Site Interpretation Centres, both inside the Taj Mahal complex, one on the western side and the other on the eastern side. Visitors Centres:

The Visitors' Centre on the western side is proposed to be constructed at the site of ITDC restaurant building. It is a non-historic structure

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- 5 -

and it would be demolished for construction of the Visitors' Centre. The ASI would compensate the ITDC by allowing it to run the restaurant in the Western Gate Visitors' Centre directly but not by outsourcing. The Director, ASI informed us that a meeting in that connection was held with the Secretary, tourism who was agreeable to the proposal. The construction of the western Visitors' Centre would require, apart from demolishing the ITDC restaurant building, felling down of seven trees. These trees are thirty to sixty years old and their positions are indicated in the project report. For felling down those seven trees, the ASI will plant thirty six new trees at the points indicated in the project report. There will also be the need for some diversion of road for easy access to the Visitors' Centre.

The Visitors' Centre on the eastern side is proposed to be located at the site of the building of the Directorate of Horticulture, located near the Eastern Gate. The ASI will relocate these offices at some other place(s) in Agra. The construction of the Eastern Gate Visitors' Centre would require removal of the building of the Directorate of Horticulture and felling down of seven trees. These trees are forty to eighty years old and their positions were

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- 6 -

shown in the presentation. The ASI would make compensatory plantation of 16 trees at the points indicated in the presentation. The construction of the Visitors' Centre would need some diversion of road and laying out of some new road(s).

The Director presented before us the building plan and the lay out of the Visitors' Centres on both sides. The structures would be six

feet below the ground and only seven feet above the ground. We were told by the Director that "the Visitors' Centres are folded within the landscape with the minimum impact on the historic sites". In other words, the two buildings will be barely visible, camouflaged by landscaping.

Each Visitors' Centre shall have twenty eight thousand five hundred (28, 500) square feet of holding area and shall provide accommodation for:

1. purchase of entry tickets with a covered queuing area,
2. Covered area for security queuing,
3. Ten metal detector doors for security checks,
4. A luggage room,
5. An information area,
6. Waiting room for photographers/guides,
7. Waiting room for security staff,
8. Drinking water fountains,
9. Ladies and gents toilets.

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- 7 -

Apart from the covered area there would be a large open-to-sky courtyard (17meters x 17meters) leading to the entrance to the Taj Mahal complex.

We were shown how the structure would look from the above. In the presentation it was shown as manicured lawn/area open-to-sky. We are conscious that the plan is at a very preliminary stage but we are constrained to observe that though appearing as a nice lawn with some good looking trees, the area seems to have a modern look and does not seem to have the same character as the gardens inside the Taj Mahal complex or a typical Mughal garden. It needs hardly be stated that even lawns and open areas have different characters and can reflect different cultures and different periods of time. We are sure while finalising the plan the ASI shall ensure that the area over the buildings of the Visitors' Centres has, as much as possible, the same character as the gardens inside the Taj Mahal complex and it melts into the monument of which it would serve as the entry point.

#### Site Interpretation:

Apart from the two Visitors' Centres at the two gates, there is the proposal to set up Site Interpretation Centres, one each on the western and

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- 8 -

eastern sides. On the western side, the Interpretation Centre is proposed to be located in the Taj Garden (nursery) and on the eastern side in the History Conservation Centre (gaushala). The Site Interpretation Centres would give to those visitors, who care to go to them, a historical introduction to the monument through audio visual programmes. We were informed that the equipments and appliances for the Site Interpretation Centres will be set up in the existing structures, without in any manner degrading or even disturbing them. We could see that Mr. Krishan Mahajan, learned amicus curiae and the other lawyers appearing for the different sides were somewhat uncomfortable with the idea of setting up the Site Interpretation Centres inside the structures within the Taj complex. We too have reservations about this proposal. The idea of installing modern electronic equipments inside structures built during 1632 to 1653 AD appears more

than a little incongruous. An audio-visual  
historical introduction to the monument is  
undoubtedly a good idea but the ASI must find some  
space for it outside the Taj complex.

On a careful consideration of the matter and  
having regard to the present problems and concerns  
which are indeed very realistic we, in principle,  
approve the proposal for construction

of two  
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- 9 -

Visitors' Centres, one on the western side and the  
other on the eastern side at the sites indicated in  
the presentation. However, the actual construction  
of the Centres should start only after the final  
plans are presented and approved by this Court.

.....J.  
[S.H. KAPADIA]

.....J.  
[AFTAB ALAM]

New Delhi,  
January 18, 2010.