

PETITIONER:
TEHRI BANDH VIRODHI SANGARSH SAMITI AND ORS.

Vs.

RESPONDENT:
STATE OF U.P AND ORS.

DATE OF JUDGMENT 07/11/1990

BENCH:
SINGH, K.N. (J)
BENCH:
SINGH, K.N. (J)
KULDIP SINGH (J)

CITATION:
1990 SCR Supl. (2) 606 1992 SCC Supl. (1) 44
JT 1990 (4) 59 1990 SCALE (2) 1003

ACT:

Constitution of India, 1950: Article 32--Tehri Dam Construction of--Safety aspect--Consideration of--Court can only investigate and adjudicate the question whether the Government applied its mind.

Environmental Law: Tehri Dam--Construction of--Tehri Hydro Power Project--Implementation of--Safety aspect--Consideration of--Held UOI considered question in various details and relevant aspects.

HEADNOTE:

The petitioners have filed this petition in public interest under Article 32 of the Constitution praying that the respondents be restrained from constructing and implementing the Tehri Hydro Power Project and the Tehri Dam. They allege that in preparing the plan for Tehri Dam Project the safety aspect has not been taken into consideration; that the dam, if allowed to be constructed, will pose a serious threat to the life, ecology and the environments of the entire northern India as the site of the dam is prone to earthquake; and that the Government of India had not applied its mind to this very important aspect in preparing the project. The respondents, on the other hand, assert that the Government of India, through its various departments and ministries has at every stage considered all relevant data and fully applied its mind to the safety and various other aspects of the project.

Dismissing the petition, this Court,

HELD: (1) The Union of India considered the question of safety of the project in various details more than once. It satisfied itself by obtaining the reports of experts and also took into consideration the dissenting view of Dr. V.K. Gaur. The project has been finalised after obtaining the expert report of Prof. Jai Krislma. In the circumstances, it is not possible to hold that the Union of India has not applied its mind or has not considered the relevant aspects of the safety of the Dam. [613C-D]

(2) The questions relating to the design of the dam, the seismic potential of site where the dam is proposed to be constructed, and the various steps which have been taken for ensuring the safety of the dam

are highly intricate questions relating to science and engineering. This Court does not possess the requisite expertise to render any final opinion on the rival contentions of the experts. The court can only investigate and adjudicate the question as to whether the Government was conscious to the inherent danger as pointed out by the petitioners and applied its mind to the safety of the dam. [613E-G]

JUDGMENT :

JUDIS