

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
STARRED QUESTION NO. 150
TO BE ANSWERED ON 24.12.2018

Stipulation of environmental condition for grant of building permission

*150. SHRI N. GOKULAKRISHNAN

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether it is a fact that Government has issued a notification recently, allowing local bodies to stipulate environmental conditions while granting building permission;
- (b) whether it is also a fact that this will improve launch pipeline time and help save time and cost overrun for developers; and
- (c) whether it is a fact that as per the said notification, municipalities, development authorities and district panchayats can stipulate environmental conditions while granting building permission for building or construction projects measuring more than 50,000 sq.metre and less than 1,50,000 sq. metre of built up area?

ANSWER

MINISTER FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. HARSH VARDHAN)

(a) to (c): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (C) OF THE RAJYA SABHA STARRED QUESTION NO. 150 RAISED BY SHRI N. GOKULAKRISHNAN REGARDING STIPULATION OF ENVIRONMENTAL CONDITION FOR GRANT OF BUILDING PERMISSION DUE FOR REPLY ON 24.12.2018.

(a) to (c) Yes sir. The Ministry has issued a Notification vide S.O.5733 (E) dated 14th November 2018 wherein in exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government has delegated the power to local bodies such as Municipalities, Development Authorities, District Panchayats as the case may be, to ensure the compliance of the environmental conditions as specified in the Appendix of the Notification in respect of building or construction projects with built-up area >20,000 sq. mtrs. to 50,000 sq. mtrs. and industrial sheds, educational institutions, hospitals and hostels for educational institutions \geq 20,000 sq. mtrs. upto 1,50,000 sq. mtrs. along with building permission and to ensure that the conditions specified in the Appendix are complied with, before granting the occupation certificate/completion certificate.

Subsequently vide Notification no. S.O.5736 (E) dated 15th November 2018, the Ministry has increased the threshold for obtaining a prior environmental clearance up to 50,000 square metres built up areas for Building or Construction projects and empowered the local bodies such as Municipalities, Development Authorities and District Panchayats, to stipulate environmental conditions while granting building permission, for the Building or Construction projects with built-up area \geq 20,000 sq. m. and <50,000 sq. m. and industrial sheds, educational institutions, hospitals and hostels for educational institutions from built-up area \geq 20,000 sq.m. to <1,50,000 sq.m. as specified in Notification S.O. 5733(E) dated 14th November, 2018.

The above Notifications have been issued for streamlining the permissions for buildings and construction sector while simultaneously strengthening efforts to improve environment through greater objectivity and transparency as it is important to streamline the process to achieve housing for all by 2022 with the objective of making available affordable housing to weaker section in urban areas, while ensuring better environment compliance monitoring through mechanism of building occupation/ completion/ use permissions being exercised by the local bodies, which are closer to the subject matter in this particular sector.

However, the operation of both the aforesaid notifications has been stayed by the Hon'ble High Court of Delhi vide order dated 26th November 2018 in the matter of Social Action for Forest and Environment vs. Union of India in W.P.(C) 12570/2018. The notification dated 14th November 2018 has also been stayed by the Hon'ble National Green Tribunal, Principal Bench vide order dated 3rd December 2018 in the matter of Shashikant Vithal Kamble vs. Union of India &Ors in O.A. no 1017/2018.
