

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO.678
TO BE ANSWERED ON 17.12.2018

Exemption in EIA process

678. SHRI D. RAJA

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

- (a) whether it is a fact that Government has notified exempting real estate projects with a built up area of upto 50,000 square metres, from the Environmental Impact Assessment (EIA) process and from obtaining a prior environmental clearance;
- (b) if so, the details thereof and reasons therefor; and
- (c) its impact on the groundwater or surface water resources and pollution in the area?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

(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 1,50,000sq. 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 exempted Building or Construction projects with a built-up area upto 50,000 square metres, from the Environmental Impact Assessment (EIA) process and from obtaining a prior environmental clearance. Local bodies such as Municipalities, Development Authorities and District Panchayats, shall 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”

Further, the Ministry in the Notification dated 14th November, 2018 has specified various environmental conditions, inter alia, for Topography & natural drainage; Air Quality

& Noise; Waste Management; Green cover; Top soil preservation and re-use; Water Conservation; Rain Water Harvesting; Ground Water Recharge; and Transport to address the issues related to impact on the ground and surface water and pollution in the area.

However, the operation of both the aforesaid notifications has been stayed by the Hon'ble High Court 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.
