

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO.1035
TO BE ANSWERED ON 08.02.2019

Environment Clearance for Real Estate Projects

1035. SHRI C.N. JAYADEVAN

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

- (a) whether it is a fact that the 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 having to obtain a prior environmental clearance;
- (b) if so, the details thereof and the reasons therefor; and
- (c) its likely impact on the groundwater or surface water resources and pollution check in the area?

ANSWER

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

(a) to (c) Yes Madam. 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 increased the threshold for obtaining a prior environmental clearance upto 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.

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 of Delhi in the matters of Social Action for Forest and Environment vs. Union of India in W.P.(C) 12570/2018 and Society for Protection of Environment & Biodiversity (SPENBIO) Vs. Union of India in Writ Petition (Civil) No. 12570. The notification dated 14th November 2018 has also been stayed by the Hon'ble National Green Tribunal, Principal Bench in the matter of Shashikant Vithal Kamble vs. Union of India & Ors in O.A. no 1017/2018.
