

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO.769
TO BE ANSWERED ON 14.12.2018

Environmental Conditions for Construction of Buildings

769. SHRI G. HARI

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

- (a) whether the Government has issued a notification recently for allowing local bodies to stipulate environmental conditions while granting building permission;
- (b) if so, the details thereof and the benefits likely to be achieved as a result thereof;
- (c) whether 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 square metre and less than 1,50,000 square metre of built up area; and
- (d) if so, the details thereof?

ANSWER

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

(a) to (d) Yes Madam. The Ministry has issued a Notification vide S.O.5733 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.

The benefits likely to be achieved as a result of the Notification are streamlining the permissions for buildings and construction sector while simultaneously strengthening efforts to improve the environment through greater objectivity and transparency.

However, the operation of the notification 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 and by the Hon'ble National Green Tribunal, Principal Bench vide order dated 3rd December 2018 in the matter of Shashikant Vitthal Kamble vs. Union of India & Ors in O.A. no 1017/2018.
