



सत्यमेव जयते

State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 2 Meet.2014

Date: 01.12.2015

Direction under Section 5 of the Environment (Protection) Act, 1986

1. Whereas, the Ministry of Environment and Forests, Government of India have issued Notification No. S.O. 1533 (E) dated 14th September 2006 under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.
2. Whereas, all new, expansion and modernization and change in product-mix projects listed in schedule to the aforesaid notification require Prior Environmental Clearance from the concerned regulatory authority.
3. Whereas, the State Level Environment Impact Assessment Authority while discussing about the cases of violation of EIA Notification, 2006 during the meeting held on 11th November 2015, noted that there are instances where the project proponents have started construction / production activity based on the Consent for Establishment issued by the Karnataka State Pollution Control Board, even though such activities require prior Environmental Clearance under EIA Notification, 2006 and the amendments made thereon.
4. Whereas, the Authority further noted that the project authorities have availed financial assistance from banks and other institutions based on the Consent for Establishment issued by the Karnataka State Pollution Control Board, even though they require prior Environmental Clearance under EIA Notification, 2006 and the amendments made thereon.
5. Whereas, all such activities that have been undertaken without the prior Environmental Clearance as required under EIA Notification, 2006 and the amendments made thereon constitute violation of the provisions of Environment (Protection) Act, 1986.
6. Whereas, the Authority opined that all such activities get delayed as initiating action against them for the violation becomes mandatory and such proponents apart from facing criminal charges will have to sustain monetary losses for suspending the activity started during the period of legal procedure.

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7. Whereas, the Authority observed that the Karnataka State Pollution Control Board is also an Authority vested with the responsibility to ensure compliance to various notifications, rules, regulations made under the Environment (Protection) Act, 1986,

8. Whereas, the Authority noted that the violators upon issue of notices for initiating legal actions for such violations take the shelter of the Consent for Establishment issued by the Karnataka State Pollution Control Board to defend the violations, thereby the Consent for Establishment is serving as a tool to defend the violation.

9. Whereas, the Authority reiterated that the projects and activities that are listed in the schedule to the Notification No. S.O. 1533(E) dated 14th September 2006 and the amendments thereon require "Prior Environmental Clearance" under the said notification and therefore should precede all other clearances.

10. Whereas, the Authority in view of the facts and circumstances in the foregone paras have decided to issue direction under section 5 of the Environment (Protection) Act, 1986 in exercise of the powers conferred on the Authority vide Notification S.O. 637(E) dated 28th February 2014, to issue CFE for all such projects attracting EIA Notification, 2006 and the subsequent amendments only after the submission of copy of prior Environmental Clearance issued in accordance with law.

Wherefore, the Member Secretary, Karnataka State Pollution Control Board, Parisara Bhavana, No. 49, Church Street, Bangalore- 560001 is hereby directed by the State Level Environment Impact Assessment Authority, Karnataka under the provisions of Section 5 of the Environment (Protection) Act, 1986 to issue CFE for all such projects attracting EIA Notification, 2006 and the subsequent amendments only after the submission of copy of prior Environmental Clearance issued in accordance with law.

Arrangements made for ensuring compliance on the above direction shall be filed before the Authority on or before 10th of December 2015.


(RAMACHANDRA) 1/12/15
Member Secretary, SEIAA.

To,

The Member Secretary,
Karnataka State Pollution Control Board,
Parisara Bhavana, No. 49,
Church Street, Bangalore- 560001.