

SC stays memo allowing post facto green nod for projects

Law Stipulates Prior Approval, Say Petitioners

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New Delhi: The Supreme Court on Tuesday stayed the operation of a January 2022 office memorandum issued by the ministry of environment, forest and climate change allowing ex post facto environment clearance to projects that allegedly had a grave impact on the ecology. These were being availed of mainly by mining lease holders.

Appearing for NGO 'Vanashakti', senior advocate Gopal Shankaranarayanan told a bench of Justices B R Gavai and Sandeep Mehta that the concept of ex post facto environment clearance — ie clearance after the projects had already begun or been completed — was an anathema to

IN THE COURTS	
<p>➤ Delhi court issues notice to Delhi police on bail plea of Parliament breach accused Neelam Azad in which she alleged she was produced in court 29 hrs after arrest P 7</p>	<p>➤ Wife entitled to divorce on grounds of physical cruelty if forcibly subjected to sexual perversions by husband, rules Kerala high court P 7</p>
<p>➤ Denied job in two schools, transgender woman moves SC. 'We will do something,' assures CJI-led bench P 7</p>	<p>➤ Why does an accused person have to strip in lock-up, asks Bombay HC P 7</p>
	<p>➤ Woman denied relief as Apple argues that damage to laptop due to coffee spill not part of accident cover P 7</p>

Environment Protection Act, which mandated prior environment clearance before starting work on any project.

The counsel said the Environment Impact Assessment notification of 2006 insists on prior environment clearance for all projects and informed the court that the problem started with an office memorandum of 2017 which provided a six-month window for alleged violators to apply for post facto clearance. This was stayed by the Madras high court. On July 7, 2021,

the ministry issued standard operating procedures for processing EIA applications allowing ex post facto environment clearance through the back door, leading to the HC staying its operation. "When an independent question of one Bokaro project came up in the SC in December 2021, the SC said although the Madras HC stay was not challenged, it anyway applied only to Tamil Nadu," Shankaranarayanan said.