



Mains Practice Question

Q. How does the draft Environment Impact Assessment (EIA) Notification, 2020 differ from the existing EIA Notification, 2006.

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Approach

- Start your answer by mentioning the context of the draft Environment Impact Assessment (EIA) Notification, 2020
- Highlight major differences between the draft and current notification.
- Conclude suitably.

Introduction

Recently, the Ministry of Environment, Forest, and Climate Change (MoEFCC) has proposed a draft Environmental Impact Assessment (EIA) notification 2020, that seeks to replace the current EIA notification which goes back to 2006.

Body

Major Differences Between Draft And Current Notification

- **Post-Facto Approval:** From a stark departure from the current notification, the new draft allows for post-facto approval for projects.
 - It means that the clearances for projects can be awarded even if they have started construction or have been running phase without securing environmental clearances.
 - Post facto approval is the derogation of the fundamental principles of environmental jurisprudence and violation of the “precautionary principle,” which is a principle of environmental sustainability.
- **Public Consultation Process:** The draft notification provides for a reduction of the time period from 30 days to 20 days for the public to submit their responses during a public hearing for any application seeking environmental clearance.
 - If adequate time is not given for the preparation of views, comments, and suggestions to those who would be affected by the project, then such public hearings would not be meaningful.
- **Compliance Report Issue:** The 2006 notification required that the project proponent submit a report every six months, showing that they are carrying out their activities as per the terms on which permission has been given.
 - However, the new draft requires the promoter to submit a report only once every year.
- **Diluting EIA Process:** Unlike the existing notification, with the draft notification, the central government gets the power to categorize projects as “strategic.”
 - Once a project is considered as strategic, the draft notification states that no information

- related to such projects shall be placed in the public domain.
- Further, the draft notification states that the new construction projects up to 1,50,000 square meters (instead of the existing 20,000 square metres) do not need “detailed scrutiny” by the Expert Committee, nor do they need EIA studies and public consultation.

Conclusion

The draft EIA rule 2020, envisages consolidating the existing EIA rules and has the potential of alleviating some ambiguity in the present law. However, it must not compromise the existing principles of environmental sustainability.

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