

appraisal by appraisal committee or during processing of applications by any Regulatory Authority. The public, NGOs and other affected persons can approach any of the government authorities, who after preliminary verification, can refer the matter to the Ministry or respective States for taking action in the matter.

Draft EIA Notification 2020

837. SHRI K.C. VENUGOPAL: Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

(a) whether Government has taken into note the larger concern on the proposed Environmental Impact Assessment Notification 2020 with regard to its impact on nature;

(b) whether Government is aware that the condition which allows the project owners to, post facto, pay compensation in cases would lead to high intensity of exploitation of nature without any impunity;

(c) categories and projects which were excluded from the public consultation in Environmental Impact Assessment under the proposed EIA Notification; and

(d) the details thereof and the reasons to exclude them from the purview of public consultations?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (SHRI BABUL SUPRIYO): (a) The Draft Environment Impact Assessment Notification 2020 has been prepared after obtaining views of different stakeholders and due deliberation by the Expert Committee constituted for the purpose. The Government has received responses on the draft Notification, 2020 from different stake holders, which are being considered.

(b) The draft EIA Notification 2020 does not provide for *ex post facto* clearance to violation cases. The environmental clearance, if issued, to the project shall only be prospective and shall be effective from the date of its issuance. Any violation of the EIA Notification, 2006, that is in force, under the Environment (Protection) Act, 1986 results in contravention under the Environment (Protection) Act, 1986 itself, thereby attracting the provisions of Section 15/19 of the said Act. Section 15 of the Environment (Protection) Act, 1986 provides for penalty or imprisonment or both for contravention of the Act. In the same manner, a violation of any provisions in the EIA, 2020 shall attract the penal provisions of Section 15 of Environment (Protection) Act, 1986.

The Clause 22 (14) of the draft EIA Notification 2020 clearly specifies that the project proponent is liable for action under Section 15/19 of the Environment (Protection) Act, 1986 which provides for penalty or imprisonment or both in case of contravention of the Act. In addition, the draft notification also lays down additional liability on the project proponent for causing damage to the environment through assessment of environment damage caused, remedial and community -augmentation plans (reference clause 22(5) of the draft notification).

(c) and (d) The number of activities exempted from public hearing has been reduced from 9 in ETA 2006 [Refer clause 7(111) of EIA 2006] to 7 activities in Draft EIA 2020 [Clause 14(2) of Draft EIA 2020]. Further, the requirement of public hearing has not been exempted for any large projects or activities. In Draft EIA 2020, the public consultation has been proposed for exemption for certain category of projects or activities in respect of MSME sector and projects adopting clean technology.

Concerns in draft EIA Notification

838. SHRI K.C. VENUGOPAL: Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

(a) reasons Government did not publish the Environment Impact Assessment (EIA) Notification in regional languages as required by the law;

(b) actions taken by Government to clear the concerns of citizens regarding the EIA Notification;

(c) whether Government has received objections from the State Governments on the proposed Notification; and

(d) if so, whether Government is ready to make amendments avoiding the current proposals which would seriously lead to exploitation of nature?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (SHRI BABUL SUPRIYO): (a) The draft EIA Notification, 2020 has been issued in accordance with the Article 346 of Constitution of India; Official Languages Act, 1963 and Official Languages Rules, 1976. Further, Rule 5(3) of the Environment (Protection) Rules, 1986 mandates notification in Official Gazette. Therefore, as per the requirement under Article 346 of Constitution of India; Official Languages Act, 1963 and Official Languages Rules, 1976, the Central Government published the draft notification both in Hindi and in English through the Official Gazette.