

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UN-STARRED QUESTION NO. 2284
TO BE ANSWERED ON 09.08.2021

Environment (Protection) Amendment Rules, 2020

2284. SHRI K.J. ALPHONS:

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

- (a) whether the post-facto approval of the projects, which the Bill allows, is in violation of the “precautionary principle” and whether there can be a possibility that the environmental damage caused by any such project is likely to be waived off by Government;
- (b) whether the suggestions and recommendations by the public and those affected were considered and taken into account; and
- (c) whether certain irreversible environmental, social or health consequences of the project could go unnoticed because of the change in the submission time since the compliance report by the promoter will now be submitted yearly instead of half-yearly?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

- (a) No bill is proposed by the Government that allows *post-facto* environmental approval of projects. However, Ministry had published draft Environment Impact Assessment (EIA) Notification, 2020 dated 11.04.2020 for seeking comments from public. The said draft EIA Notification 2020 also does not provide for *ex post facto* clearance to violation cases. Environmental Clearance can be refused also after consideration on merit. The said draft notification *inter alia* provided that the Environment Clearance, if issued after consideration on merit & with such modifications as may be imposed, to the project shall only be prospective and shall be effective from the date of its issuance. Further in such cases, the said notification specifically laid down that the project proponent shall be liable to action under Section 15 of the Environment (Protection) Act, 1986 in addition to liability for bearing the costs towards mitigation of environmental damage through appropriate remedial action and community augmentation plans. There is no such provision for waiving off the environmental damage caused by any such project confirmed as a violation case.
- (b) & (c) The draft EIA Notification, 2020 was published in the Official Gazette on 11th April, 2020 with the purpose of seeking public comments. Several comments/suggestions have been received from various stakeholders across the country. The notification has not been finalized.
