

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 1037
TO BE ANSWERED ON 18.09.2020

Forest Rights under new EIA

1037. SHRI SUNIL DATTATRAY TATKARE:

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

- (a) whether it is a fact that the Ministry has recently proposed the new draft Environment Impact Assessment (EIA) thereby diluting the environment protection norms, if so, the details thereof;
- (b) whether the exemption of projects from public hearing as per draft EIA, undermines the rights of tribals and the authority of Gram sabhas, if so, the details thereof;
- (c) whether the Government proposes to protect the rights to minor forest produce and access to biodiversity as guaranteed under FRA, if so, the details thereof; and
- (d) whether the penalty imposed for violation of environmental laws has been reduced/diluted to mere fines in the EIA Notification, 2020, as opposed to imprisonment under EIA, 2006?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI BABUL SUPRIYO)

(a) The draft EIA Notification, 2020 aims to strengthen the environmental cause and strikes the balance between environment and development. The draft EIA Notification, 2020, *inter alia*, promotes environmental cause; removing redundancies & encourages modernization. Therefore, it brings defaulters into environmental regime with requisite action, penalty and remediation; and introduces standardization and technology driven process.

(b): The EIA process does not undermines the rights of tribals and the authority of Gram sabhas. The draft EIA 2020 has retained all the features of public consultation as they exist in EIA 2006 framework. In addition, to leverage on multiple communication channels that are now available, it also provides that, if required, based on the nature of project, public consultation through any other appropriate mode such as the electronic or virtual mode may also be recommended by the Appraisal Committee, or the Regulatory Authority, as an additional means of communication. Physical hearing will continue to exist.

(c): The rights of Scheduled Tribes and Other Traditional Forest Dwellers over the concerned forestland, if any, are specifically addressed and certificate from the concerned District Collector

is obtained before any diversion of Forestland is considered by the Government. Further, the Clause 17 (5(b)) of the draft EIA Notification 2020 clearly specifies requirement of in-principle approval for diversion of Forestland under Forest (Conservation) Act, 1980 involved in the project before grant of Environment Clearance. No changes were made through draft EIA, 2020 in respect of rights to minor forest produce and access to biodiversity under FRA.

(d): The EIA Notification, 2006 does not in itself provides for imprisonment. The violation of EIA Notification, 2006 that is in force in excise of powers 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 19 of the Environment (Protection) Act, 1986 for the violations committed by it. 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 and formulation remedial and community augmentation plan (reference clause 22(5) of the draft notification).
