

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 990
TO BE ANSWERED ON 18.09.2020

New EIA Notification

990. SHRIMATI KANIMOZHI KARUNANIDHI:

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

- (a) whether the Government proposes to exempt general public from reporting environmental violations to the concerned authorities, as per the new EIA draft Notification;
- (b) if so, the details thereof;
- (c) whether the Government is aware that such blanket provision is against the citizen's right to healthy environment which is an integral part of Right to Life provided under Article 21 of the Indian Constitution; and
- (d) if so, the details thereof?

ANSWER

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

(a) to (d): No Madam, the draft EIA Notification 2020 does not curb the right of any concern or affected person to report cases of violation. Clauses 22 (1) and 23 (1) of the Draft EIA Notification, 2020 mention that the cognizance of violation or non-compliance shall be made on the basis of (a) Suo moto application of project proponent, (b) Report by any Government authority, (c) Violation/Non-compliance found during the appraisal by appraisal committee or while 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 verifications, can refer the matter to the Ministry or respective States for taking further action in the matter.

The draft EIA Notification 2020 is not against the citizen's right to healthy environment. Rather, the draft, *inter alia*, promotes the environmental cause; removes redundancies; encourages modernization and Ease of Doing Business; brings defaulters into the environmental regime with requisite action, penalty and remediation; and introduces standardization and a technology driven process.

It follows the following principles/doctrines to ensure public well being and environmental sustainability:

- a. Polluter Pays Principle: Late filing fee, damage cost, remediation plans)
- b. Precautionary Principle: Capturing violation cases , remediation plans, monitoring framework
- c. Public Trust Doctrine: Adequate public inputs/consultation is envisaged. New channels of public consultation are envisaged in the draft. Issuance of Draft EIA for public consultation is a testimony to this principle
