

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO: 53
TO BE ANSWERED ON 18.07.2022

Ex-Post Facto Environmental Clearances

53. SHRI KURUVA GORANTLA MADHAV:

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

- (a) whether it is true that the Draft Environment Impact Assessment Notification 2020 proposes to provide for ex- post facto environmental clearances for projects;
- (b) if so, whether there are any industries or projects which have been strictly prohibited from taking benefit of such provision under the Draft 2020 Notification; and
- (c) the details of total projects or businesses that have been provided ex post facto environmental clearance under the existing rules?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI ASHWINI KUMAR CHOUBEY)

(a) & (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. However, the Ministry apart from the Notification issued under S.O.804 (E) dated 14/03/2017, has also issued a Standard Operating Procedure (SoP) dated 07/07/2021 for identification and handling of violation cases under EIA Notification 2006, in compliance to NGT's direction in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra.

(c) Forty-nine developmental projects have been accorded Environment Clearance by the Ministry at central level under the provisions of S.O. 804 (E) dated 14/03/2017, which was issued to appraise projects which fall under violation.
