

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 2757
TO BE ANSWERED ON 17.03.2025

Pending Environmental Clearance

2757. SHRI K GOPINATH:

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

- (a) whether the Government is aware that several environmental clearances have been delayed due to legal hurdles, particularly in cases involving violations;
- (b) if so, the details of the projects which have been impacted in the last three years and the current year;
- (c) the steps proposed by the Government to address these delays and resolve the legal hurdles promptly; and
- (d) whether the Government has adopted any specific measures or policy reforms to streamline the clearance process and prevent such delays in the future and if so, the details thereof?

ANSWER

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

(SHRI KIRTI VARDHAN SINGH)

(a) to (d) The Government of India has issued Environment Impact Assessment (EIA) Notification, 2006 under the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986. As per the aforesaid notification dated 14th September, 2006, construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule of the Notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986. The environmental clearances granted by the Central Government or by the State Environmental Impact Assessment Authorities (SEIAAs) are issued only after following the detailed procedure laid down in the aforesaid notification which, *inter alia*, involves screening (only for category 'B' projects and activities), scoping, public consultation and appraisal at the Central level or at the State level as the case may be, before placing to the competent authority for final decision.

The Government of India has also enacted the National Green Tribunal Act, 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other national resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected there with or incidental thereto. The appeal against the decision of the

competent authority at the Central and or at the State level regarding grant of prior environmental clearance or otherwise lies primarily with the NGT which has its Principal Bench at Delhi and Benches at Pune, Chennai, Bhopal and Kolkatta. Writ Petitions/ PIL/ Appeals etc. are also filed before the Hon'ble High Court and Hon'ble Supreme Court regarding various projects and activities forming part of the EIA Notification, 2006 as amended which have impact on the related Project Activities. As of now, there are 199 cases which have been filed in the NGT; 32 cases in Supreme Court and 70 cases in High Court. These cases also include cases pertaining to non-compliance of the provisions of EIA Notification, 2006, as amended in respect of projects/ activities, which are otherwise eligible for grant of prior EC. The procedure laid down by the Ministry to deal with such cases of non-compliance of EIA Notification, 2006, as amended, is currently sub-judice.

The Government has been taking necessary steps as per the due procedure to resolve the legal hurdles. In addition, Ministry has, in recent past, undertaken many systemic reforms to streamline the clearance process both through the technological intervention, upgrading the PARIVESH (Single Window Portal providing end to end online solution) portal and Policy reforms through amendments in the EIA Notification 2006 such as delegating powers to SEIAAs for Mining, Irrigation and Power projects, standardizing Terms of Reference (ToR), increasing the validity of ToR/EC, allowing flexibility in baseline data collection before ToR approval, and reforms in Public Hearing process.
