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**EDITORIAL ANALYSIS**

# EIA Amendment 2026 – Streamlining Delays or Bypassing Environmental Scrutiny?

 **DOWN TO EARTH**

21 March 2026

**SUBJECTS COVERED****ENVIRONMENT****POLITY****GS PAPERS****GS2****GS3****CURATED & WRITTEN BY****Bharat Choudhary**

UPSC Educator &amp; Content Creator •

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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GS2

GS3

**DTE**

Down to Earth

MAINS RELEVANCE:

GS Paper 2

GS Paper 3



## INTERVIEW ANGLE

*"Can environmental clearance processes be made faster without compromising the quality of environmental assessment? Where is the balance?"*

## WHY IN NEWS

The Union Ministry of Environment, Forest and Climate Change (MoEFCC) issued a draft notification proposing amendments to the EIA Notification, 2006. Down to Earth editorial questions whether the amendments genuinely fix institutional delays or bypass environmental scrutiny under the guise of efficiency.

## WHAT IS EIA?

**Environmental Impact Assessment (EIA)** is the process of evaluating the likely environmental consequences of a proposed project or development before it is approved. In India, EIA is governed by the **EIA Notification, 2006** issued under the **Environment (Protection) Act, 1986**.

## THE EIA PROCESS IN INDIA

Stage	Description
<b>1. Screening</b>	Determine whether the project requires EIA (Category A or B)
<b>2. Scoping</b>	Identify key environmental issues to study; prepare Terms of Reference (ToR)
<b>3. Baseline data</b>	Collect data on existing environmental conditions (1 season minimum)
<b>4. Impact prediction</b>	Assess potential impacts on air, water, soil, biodiversity, communities
<b>5. Public hearing</b>	Mandatory for most Category A and B1 projects; community input
<b>6. EIA report</b>	Comprehensive report submitted to Expert Appraisal Committee (EAC)
<b>7. Decision</b>	MoEFCC (Category A) or SEIAA (Category B) grants or denies Environmental Clearance (EC)
<b>8. Post-clearance monitoring</b>	Compliance reports; renewal every 5 years

## PROJECT CATEGORIES UNDER EIA 2006

Category	Appraisal Body	Public Hearing	Examples
<b>Category A</b>	Central EAC (MoEFCC)	Mandatory	Thermal power >500 MW, mining >50 ha, nuclear, river valley
<b>Category B1</b>	SEIAA/SEAC (State)	Mandatory	Medium-scale mining, certain industrial clusters
<b>Category B2</b>	SEIAA/SEAC (State)	<b>Not required</b>	Small-scale projects; standard terms of reference

## THE PROPOSED AMENDMENTS — KEY CHANGES

The editorial highlights several concerning proposals:

### 1. Expansion of B2 Category (Exempt from Public Hearing)

The amendment proposes **moving more project types from B1 to B2**, effectively exempting them from public hearings. This concerns environmentalists because:

Public hearings are the **only statutory mechanism** for affected communities to voice concerns

B2 projects use **standardised ToR** – less rigorous assessment

The shift reduces democratic participation in environmental governance

## 2. Post-Facto Clearance Formalisation

Projects that begin construction **before obtaining EC** can regularise their violations by paying a penalty

Critics call this a “**pollute first, pay later**” approach

The Supreme Court in **Alembic Pharmaceuticals v. Rohit Prajapati (2020)** held that post-facto EC is impermissible – the amendment potentially contradicts this ruling

## 3. Reduced Public Comment Period

The draft reduces the public comment period on EIA reports from **30 days to 20 days**

This limits the ability of affected communities and civil society to review technical documents

Remote and rural communities face additional barriers (language, access to documents)

## 4. Strategic EIA vs Project-Level EIA

The amendment introduces provisions for **Strategic Environmental Assessment (SEA)** at the regional/sectoral level

While SEA is internationally recognised as good practice (EU SEA Directive, 2001), the concern is whether it will **replace** project-level EIA rather than **complement** it

## WHY THIS MATTERS — INDIA'S ENVIRONMENTAL TRACK RECORD

Indicator	Data
Forest cover change (2021 vs 2019)	Net increase of 1,540 sq km (but quality of forests declining)
Projects granted EC (2014-2024)	<b>Over 90%</b> of projects that apply receive clearance
Average EC processing time	150-300 days (government target: 75 days)
EAC meetings per year	~200+ (Central level)
Violations detected (2020-2024)	Hundreds of projects operated without valid EC or violated conditions

## KEY LEGAL FRAMEWORK

Law	Year	Relevance
<b>Environment (Protection) Act</b>	1986	Parent legislation for EIA Notification
<b>EIA Notification</b>	2006 (amended multiple times)	Mandatory EIA for listed activities
<b>Forest Conservation Act</b>	1980 (amended 2023)	Separate clearance for diversion of forest land
<b>Wildlife Protection Act</b>	1972 (amended 2022)	Clearance near protected areas
<b>Coastal Regulation Zone Notification</b>	2019	Clearance for coastal projects
<b>National Green Tribunal Act</b>	2010	NGT adjudicates environmental disputes

## THE EDITORIAL'S POSITION

Down to Earth argues that:

**Institutional delays are real** — but the solution is to **strengthen regulatory capacity** (more staff, better technology, faster processing) rather than weaken scrutiny

**Public hearings are non-negotiable** — expanding B2 category undermines the democratic foundation of environmental governance

**Post-facto clearance incentivises violations** — if penalties are cheaper than compliance, projects will violate first and pay later

**State authorities face conflicts of interest** — mandated to protect the environment but under pressure from state governments to clear projects swiftly for economic growth

**Climate context** — India's NDC commitments under the Paris Agreement require stronger environmental governance, not weaker

**UPSC RELEVANCE**

EIA Notification 2006, Environment Protection Act 1986, Category A/B1/B2 projects, EAC (Expert Appraisal Committee), SEIAA/SEAC, NGT Act 2010, Forest Conservation Act 1980 (amended 2023), *Alembic Pharmaceuticals v. Rohit Prajapati* (2020).

**MAINS GS2:**

Environmental governance; Centre-State relations in environmental clearance; democratic participation in policy-making.

**MAINS GS3:**

EIA process and effectiveness; balancing development with environmental protection; climate commitments and domestic regulation.

## ★ FACTS CORNER — KNOWLEDGEPEDIA

### EIA FRAMEWORK IN INDIA:

- Parent law: Environment (Protection) Act, 1986
- EIA Notification: 2006 (under Section 3 of EPA)
- Category A: Central EAC (MoEFCC); mandatory public hearing
- Category B1: SEIAA/SEAC (State); mandatory public hearing
- Category B2: SEIAA/SEAC (State); NO public hearing required
- EC approval rate: over 90% of applications granted clearance

### PROPOSED AMENDMENT CONCERNS:

- More projects shifted from B1 to B2 (exempt from public hearing)
- Post-facto clearance formalised (pay penalty after violation)
- Public comment period reduced from 30 to 20 days
- Alembic Pharmaceuticals v. Rohit Prajapati (2020): SC held post-facto EC impermissible

### RELATED LAWS:

- Forest Conservation Act, 1980 (amended 2023)
- Wildlife Protection Act, 1972 (amended 2022)
- CRZ Notification, 2019
- NGT Act, 2010 (National Green Tribunal)

### OTHER RELEVANT FACTS:

- Expert Appraisal Committee (EAC): recommends EC at central level
- SEIAA: State Environment Impact Assessment Authority
- SEAC: State Expert Appraisal Committee
- SEA: Strategic Environmental Assessment (EU Directive, 2001)
- India's forest cover: 7,13,789 sq km (21.71% of geographic area — ISFR 2021)

Sources: [Down to Earth](#) , [MoEFCC](#)

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CURATED & WRITTEN BY

# Bharat Choudhary

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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