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An Environmental Impact Assessment In India: A Modern Perspective On Legislation And Judicial Processes

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Abstract

An environmental impact assessment, which is or EIA, is a study conducted to forecast the effects of the project being considered on the surrounding area. EIA is a tool for making decisions since it provides a range of possibilities from the perspective of environmental contamination, from which one that is kinder to the environment can be chosen. The environmental rule of law's theoretical structure takes into account the unique difficulties that the field's inherently a polycentric and multidisciplinary nature poses for values of the rule of law that are widely accepted, like consistency in behaviour, clarity, and certainty. In this notion, the importance of the three branches of government—legislature, executive branch, and judicial branch—in bolstering or undermining the rule of law is highlighted. I create three broad indicators to evaluate the legal quality of each of these government entities' instruments in order to calculate their institutions contributions to the rules of law. In order to ascertain the global ramifications, this study investigates the domestic law-reform initiatives of Indian social groups, with a special emphasis on indigenous organisations reacting to extractive industries. The Act of 1986, the notifications that were issued of 2006 in connection with the Draft Notifications of 2020, and the Act of 2005 all contain provisions regarding the right to knowledge about the environment, which the writers discuss. However, a number of interested groups and environmental experts opposed the new regulation, claiming that it undermines the efficacious EIA process. This article provides suggestions for the future while critically analysing the contentious sections of the updated draft.

Keywords: Environmental Impact Assessment (EIA), Legal Quality, Law-Reform, Environmental Law, Environment Pollution, Indian Social Movements, Right To Information, Judiciary, Legislature, Rule Of Law, Draft Notification Of 2020, EIA Process.

I. INTRODUCTION

A cohesive story regarding environmental laws and regulations is extremely challenging to write in a nation as complex politically, socially, and historically as India. It is a nation where regulation of the environment struggled miserably to stop one of the biggest environmental disasters in history, the Bhopal gas leak of 1984, and yet it has a conservation ethic that dates back to Emperor Ashoka, who ruled in the third century BC[1]. Modern rights-based legislation for indigenous communities compete with massive colonial forestry statutes on the legislative books, and executive orders issued in a hurry compete with worldwide environment legal concepts for judges' attention in the legal system.

These kinds of inconsistencies undermine the essence of Indian environmental law. In this thesis, I present Indian environmental law as a disjointed, and hence, inadequately put into effect, collection of laws, regulations, and court rulings; it is distinguished by a number of legal frameworks that do not distinctly exhibit unifying standards. I propose that one of the reasons for this is because the three branches of the government—the legislature, the executive branch, and the judiciary—have not fulfilled their intended duties in the formation of Indian environmental legislation[2]. This eventually comes down to a disrespect for the rule of law, namely for one of its guiding principles—the ability to direct behaviour—and for the idea of the division of powers. Another factor contributing to this fragmentation is the imprecise division of responsibilities between Central and state governments within the federal structure of India.

I create a framework to show how Indian legal tools—whether they be judicial rulings, presidential decrees, or statutes—weaken the rule of law. I also consider if there are any unique aspects of the law regarding the environment that make it more suitable to think of a distinct "environmental rule of law," even though this framework may be applied to other sectors of the law. This Introduction explains the two goals that drove to the creation of this system. The first is to close a gap in Indian environmental law literature, which is largely focused on courts[3]. The following objective is to contribute critically and analytically to the debate on proposed institutional and legal reforms aimed at resolving India's environmental problems.

The term the term "environment is fairly broad. Its scope encompasses a broad range of phenomena. This phrase has the ability to characterise both a small region and an entire continent. It is dynamic. There are various ways in which the term "environment" might be understood. The term has multiple definitions supplied by various national and international legal

[1] Mahesh Rangarajan, 'India's Wildlife History: An Introduction' (Permanent Black 2001).
[2] Madhav Gadgil and Ramachandra Guha, This Fissured Land: An Ecological History of India (OUP 2012).
[3] Surya Deva, 'Public Interest Litigation in India: A Critical Review' (2009) 38 Civil Justice Quarterly.

documents. In general, the surroundings of an organism consists of the resources, stimuli, and other external factors that it interacts with. The United Nation's Declaration on the Human Environment's Preamble, which was approved in Stockholm in June 1972, states,

"Because he is both a product of his surroundings and a shaper of them, man can develop intellectually, morally, socially, and spiritually".

It is obvious that there are many different hazards to the surroundings, most of which are caused by humans. Developing techniques to shift behavioural patterns away from ecologically destructive practices and towards ecologically friendly ones is crucial if we are to address this issue[4]. Broadly speaking, there are two categories of methods for changing human behaviour: discouragements and incentives. Law is significant because it establishes a framework that governs the operation of incentive and discouragements. Law is everywhere. There are other, largely voluntary or discretionary ways to influence behaviour among people. Peer and familial pressure, education, ethics—all of these are relevant to varying degrees. Legislation, on the other hand, is difficult to escape. The "rule of law" is predicated on the idea that everyone is regulated by the same laws in a society at all times.

II.FINALISING OPEN SPACE IN THE INDIAN ECOLOGICAL LEGAL SCHOLARSHIP

India has a long history of mobilising civil society and grass activity for environmental causes, stemming with village-level protests opposing colonial forestry policies. This topic is the subject of a wealth of anthropology,, historical, and socio-political writing; modern research focuses on how initiatives for development affect local inhabitants, especially the indigenous population. Individual investigators, think tanks, and organisations that generate empirical reports covering topics like preservation and biodiversity, pollution from manufacturing, and climate change have an equally strong heritage of documenting ecological infractions.

Academic periodicals and journals also frequently offer analyses of the latest environmental developments. Collectively, these provide thorough factual descriptions of how environmental law is applied in India, typically with a focus on regulatory failure. Nonetheless, critical legal research on environmental issues typically focuses on the role—and more lately, the shortcomings—of the Indian higher judiciary. The development of Indian environmental law has been greatly aided by courts, particularly the Indian Supreme Court, with early research mostly focusing on the court's progressive judgements.

The first is how legislation has shaped Indian environment law; the second is an in-depth analysis of the legal justifications courts have used in regards to the environment, apart from how procedurally flexible they have been. Typically, descriptive treatments of Indian laws regarding the environment only touch on legislation[5]. As I address later in the thesis, many reform proposals fail to adequately take into account the expressive role of law and its ability to give the government and judiciary clear direction. Rather, the consideration of amending or enacting environmental laws is limited to their instrumental application, occurring only when it becomes necessary to give legal form to the authority of the administrative or judicial branch. Seldom are even somewhat more complex issues like the necessity of harmonising and combining various environmental laws and regulations addressed.

Two important regulatory structures in India that support public participation in environmental management are the Forest Rights Act and the EP Act. While the latter engages in public consultations, the former acknowledges the rights that traditional forest residents[6]. The Water Regulation Act of 1974 or the Air Quality Control Act of 1981, two pollution control laws, significantly reduce the opportunities for public involvement.

These public engagement techniques can be examined from three angles:

a. **Making laws and policies:** When laws are made, including policies and laws that are delegated to and subservient to.
b. **Organising:** When conducting exercises in landscape or planning for cities.
c. **Project Selections:** When projects, manufacturing facilities, or infrastructure projects like mines or roads are subject to regulations regarding the environment that evaluate them based on the type of activity involved and/or the location of the project.

Assessments could be done in advance of a project's start to determine whether it should move forward, or they could be done in the middle of an ongoing project to determine whether it should continue or grow depending on compliance and performance management.

Clearance for the construction project in question is contingent upon compliance with the public consultation processes outlined in the EIA Notice 2006. The EIA Notification define public hearings as "the process by which the concerns of local people impacted and others who have probable interest in the environmental impact of the project or activity are

[4] Joseph Raz, The Authority of Law: Essays on Law and Morality (OUP 2009, 2nd edition) 214.
[5] Zygmunt J.B. Plater Et Al., Environmental Law and Policy: Nature, Law, and Society 320 (4th ed. 2010).
[6] Sandra Fredman, Human Rights Transformed: Positive Rights and Positive Duties (OUP 2008).

ascertained[7]." The types of projects that are exempted from this requirement are also listed in the previously stated Notification.

In 2009, the Delhi High Court succinctly summed up the importance of holding a public hearing: …

Through conversation with those whose lives are impacted, who are not just provided with confidence regarding the scope of the project but also given an opportunity to voice their informed arguments for or against it, it brings honesty to the project in question and thereby offers knowledge to the community concerning the project. This kind of social audit, so to speak, gives a project social acceptability when needed and allows the EAC to obtain details regarding a project that might not be provided to it or might be withheld by the project proponent.

In a like vein, the Madras High Court emphasised the significance of public hearings in the following manner in another case:

Such public hearings must not to be a purely formal event held to fulfil the notice obligations. The District Magistrate or other officers with comparable authority must ensure that all those who are impacted are given a voice. It is important for the officers presiding over the public hearing to keep in mind that their sole purpose is to document the opinions of those who may be impacted. The opinions of individuals who are impacted should be heard by the statutory panel, not those who have gathered in the meeting room at the developer's request with a covert goal to stop or obstruct project resistance. The goal should be to hold the hearing in an open, transparent manner where everyone has the chance to voice their opinions, even those who disagree, without fear. A true record of the proceedings from the meeting ought to be included in the minutes of the hearing. The impacted people would feel more confident as a result of the statutory authority' constructive actions.

There are two things to be aware of right away. First, let's talk about terminology. The National Environmental Policy Act (NEPA), passed by the US Congress in 1969, contains certain requirements and an environmental evaluation process that are referred to as the "NEPA Process." The fundamental template for ecological impact assessment processes worldwide is NEPA[8]. On the other hand, the terms "EIA" and "EIA process" used in the paper are meant to refer to impact assessment procedures across the board and are not exclusive to NEPA or the procedures of any one legal system. Second, I have chosen to base this article primarily upon the broad concepts set by the International Court of Justice (ICJ Statute) as "general principles of law recognised by civilised countries."

A substitute definition is offered by the Reiteration (The third) of the US Foreign Relations Law, which refers to "general principles similar to the major legal frameworks of the world." The ICJ formulation's content is largely comparable to, or at least incorporates, that of the Restatement, despite its differing wording[9]. I have selected the ICJ phrasing for this debate, partly due of its seeming greater usage in judicial opinions and the literature. Lastly, it should be noted that neither the normative reach of the principle of equality in the international community nor its scope are attempted to be precisely defined or delineated in this article. I'll save that evaluation for later.

Time has demonstrated that NEPA and EIA procedures in general have had two significant effects on government procedures. First, it has compelled government organisations to "pause and consider their options before acting in a way that endangers the environment."18 Consequently, Professor Houck pointed out that NEPA's Environmental Impact Statement preparation procedure is its saving grace:

What matters is not what the statement says. It is in the preceding information, the investigations, lessons learned, and listening that agencies must do, the fear that they must have from other agencies, environmental organisations, the media, and reviewing courts, and the regular adjustments and answers that they must make.

For the past thirty years, the Indian judicial system has recognised the validity of a "right to a health and beneficial surroundings." This right has been interpreted differently by Indian courts, who have assigned it to Articles 21, 48A, and 51A (g) of the Indian Constitution. In order to maintain these extensive environmental rights, Indian law recognises a few procedural safeguards[10]. These protections, which are additionally referred to as procedural rights, include the ability to obtain information, participate in decisions-making procedures, and seek justice or channels for resolving concerns. Indian courts have occasionally linked each of these rights to fundamental rights, giving them constitutional weight. Nonetheless, these rights have primarily developed into more clearly defined statute rights distinct from constitutional law.

Because states were reluctant to recognise an essential right to environmental protection throughout the 1972 Stockholm Conference, scholars and activists related to the environmental community are said to have embraced a more an "instrumental" standpoint on human rights concerning the environment. Procedural freedoms under international law. It was acknowledged that successful environmental protection required procedural rights related to public awareness, participation from the public, and restitution; nevertheless, these rights had hitherto only been available in the context of

[7] Geetanjoy Sahu, 'Implications of Indian Supreme Court's Innovations for Environmental Jurisprudence' (2008) 4 Law, Environment and Development Journal 375.

[8] R. Barnes, Property Rights and Natural Resources (2009), 10.

[9] A. McHarg, B. Barton, A. Brad brook, and L. Godden, Property and the Law in Energy and Natural Resources (2010), 6.

[10] N. Smith, 'Commodification in Law: Ideologies, Intractability's and Hyperboles', (2009) 42 Continental Philosophy Review 1, at 4.

politics. It is possible to view the incorporation of procedural rights as a stopgap between applying already-existing rights regarding environmental preservation and creating a comprehensive and unique right to the preservation of the planet.
In their work, this viewpoint is put forth as the fourth argument. The Rio Declaration and Plan 215 were adopted with the goal of creating a world that is less polluting. The following statement from Our Common Future serves as the basis for Principle 10 of the Declaration from Rio:
The law cannot protect the interests of all people by itself. It mostly needs acceptance and encouragement from the community, which necessitates greater public participation in decisions that affect the environment.
EIA is now used widely as a tool for decision-making in the pursuit of environmentally friendly growth. According to the widely recognised definition,
"Eco-friendly growth is used to satisfy the needs of the present generation without sacrificing the ability of future generations to satisfy their own needs".
The proposed project's potential adverse environmental consequences are identified by the EIA exercise, which also recommends essential mitigation measures. As a result, EIA encourages sustainable development by making sure that planned developments don't jeopardise ecological processes and vital natural resources, nor do they have an adverse effect on the way of life for local and indigenous communities[11]. The beginnings of EIA in India is covered in the next section, which is also where the 2020 EIA draft is introduced and the significant revisions that are suggested are critically analysed. In the closing remarks, we address the future course of action and the problematic elements that must be addressed to promote environmentally conscious growth while adhering to environmental preserving standards.

III.EIA IN INDIA

1) Evolution of EIA in India

The National Committee on Environmental Policy and Coordination (NCEPC), established under the Department of Science and Technology (DST) in 1972, is where the Environmental Impact Assessment (EIA) originated in India[12]. During the UN conference on the human environment in Stockholm, NCEPC was established with the goal of giving initiatives for development a sustainability perspective. NCEPC examined all thermal, hydroelectricity, and irrigation initiatives from a climate effect perspective and supported research on the environment. The Department of Environment (DoE) was founded in 1980 in accordance with the NCEPC's recommendations, and in 1985 it changed its name to the Ministry of Environment and Forests (MoEF). The MoEF passed the Environmental Protection Act (EPA) in 1986, which required an EIA for a number of developments and resulted in the publication of an EIA notification.

2) EIA Notification, 1994

Under the 1986 Protection of the Environment Act, which made Environmental Clearance (EC) necessary for the inauguration of new projects or the extension of a group of activities mentioned in Schedule 1 of the notification, the MoEF released an EIA notifications on January 27, 1994[13]. The 1994 EIA notification's announced goal was to support the nation's environmentally conscious industrialization process while considering its impact on the environment and society. Seeking EC from the Union governance for the projects listed in Schedule 1 became required. Limits for pollutants from various activities were also taken to be considered in compliance with the Water Act (preventive measures and Controlling of Pollutant) of the year 1974, the Air Act (Prevention Measures and Control of Pollutant) of 1981, and the Noise Pollutant Regulations and Controlling Rules of 2000.
The 1994 EIA underwent multiple revisions before to its retirement in 2006. A 1997 amendment added an Exploratory Public Hearing (EPH) to the EIA and gave the State Pollutant Control Boards (SPCB) the authority to organize public hearings and hear stakeholder opinions and worries about the proposed project. Numerous sectors received exemptions from the EIA procedure based on the amount of investment under the 2002 amendment. Although longitudinal projects like highways and pipelines were exempted from the official EIA process, meetings with the public were to be held in each of the areas that the project passed through.
The Govindarajan Committee's suggestions, which were based on a thorough study carried out as part of the Environmental Management and Capacity Development Project, which was supported by the International Finance Corporation, were followed by the Minister of Environmental when they reformed the EIA process. The Ministry released a draft EIA notification in 2005, and on 14 September 2006, the formal EIA notification.

3) EIA Notification of 2006

The Ministry attempted to address shortcomings with the previous EIA procedure, including needing too much time and disproportion and unneeded details, delaying assessment meetings, revisiting technical issues at various stages of the evaluation, etc., with the new EIA announcement. It found both general problems that apply to all networks and unique problems that are specifically related to EIA. According to the then-secretary of the MoEF, the enforceable Good Practices

[11] N. Schrijver, Sovereignty over Natural Resources: Balancing Rights and Duties (1997), 5.
[12] Rural Litigation and Entitlement Kendra v State of Uttar Pradesh (1985).
[13] SCC 614; Indian Council for Enviro-Legal Action v Union of India (1996) 3 SCC 212.

in Regulations and Operations Rules for Excellent Practices addressed broad concerns, while the new EIA notification of 2006, involving time-bound demands for each phase, addressed specific issues related to the EIA process.
Furthermore, the State Environment Impact Audits Authority (SEIAA), which bases its decisions on the advice of the State-level Expert Assessment Council (SEAC), was granted substantial penalizing authority by the EIA of 2006 to state authorities based on the scope, size, and area of the building project[14].
A timeline was imposed and certain projects, like those related to construction and townships development, defence and strategic initiatives, the pipeline and transportation development, and defence projects, were excluded from the public consultation phase. Additionally, it permitted the public hearing to be excluded when the relevant authorities determined that the local circumstances did not support the proposed activity[15]. Furthermore, the only way for other parties with an interest, including NGOs, to voice their concerns was in writing.
Office memos and gazette notifications were used to alter the 2006 notification on multiple occasions. The amendments addressed a range of topics, including the applicability of the notification to specific businesses, the exempting of particular projects from public hearings, problems with the terms of a reference, etc. The Ministry, which is now called the Ministry of the Environment, Forestry, and Climate Change (MoEFCC), prepared a new draft notice in March 2020 and invited public input to replace the 2006 EIA notification.

4) New draft EIA 2020: suggested modifications and the disputes they generate

In compliance with the Environmental (Protection) Act, 1986, the Ministry published the draft Environmental Impact Assessment, or EIA, notification 2020 to replace the EIA notification that was issued in 2006. The stated objective of the 2020 EIA draft notice was to,
"Combine all 230 office memorandums and the 55 amendments that have been released since 2006".
Public responses were requested until August 11, 2020[16]. The Ministry stated that although industries were crucial to the growth of the nation, their establishment required timely approvals and careful examination. When it was open for recommendations, the Ministry claims to have gotten 1.7 million comments. Although the Ministry said that it was still in draft form and would,
"Aim to achieve a balance between growth and environmental issues".

The activists contested a number of the provisions' changes, claiming that doing so would weaken the integrity and strength of the regulatory clearance procedure. Nonetheless, the new draft has been well received by industry associations including the Federation of Indian Mineral Industries (FIMI). The following are the primary modifications made by the 2020 Draft to the 2006 Notification:

1. **Shorter public hearing times:** Without a question, public participation helps to legitimize and deepen the EIA process. However, the 2020 draft recommended reducing the notice period for public hearings to 20 days, citing the increasing usage of internet and mobile communications. However, proponents and environmental groups contend that the notion is unwarranted because the afflicted communities were not given enough time to read the study, understand its consequences, and come up with a meaningful response inside the present 30-day period.
2. **EIA initiatives that are excluded:** Numerous projects fall under the B2 category, which only requires an Environmental Management Plan (EMP) and does not require an Environmental Impact Assessment (EIA) procedure or public hearing[17]. These projects include cement manufacturing facilities, inland waterway initiatives, small-scale minerals mining operations, exploration for both onshore as well as offshore oil and gas, hydroelectricity and irrigation works, and the processing of petroleum and petrochemicals.
3. **Fully exempted undertakings:** Environmental Clearance (EC) or Ecological Permit (EP) are not required in advance for certain projects. The list has been expanded in the revised draft to include more than forty types of projects, including cement-based material, pharmaceuticals, and toxic wastewater treatment plants. Expansion, up to a 50% increase, and modernization projects including ports, dams, thermally power plants, etc. are also excluded.
4. **Compliance following clearance:** As part of the post-clearance conformance process, the project is periodically examined following permission, subject to the project proponent fulfilling specific environmental standards. The proposed proposal relaxes the current rule of six months for the period of compliance report submitting it[18]. Providing

[14] S. Nandakumar v The Secretary to Government of Tamil Nadu Department of Environment and Forest and Ors. (2010) SCC On Line Mad 3220.
[15] Ghosh P 2005 Draft Environmental Impact Assessment Notification 2005 Ministry of Environment and Forests, Government of India, New Delhi.
[16] Ministry of Environment, Forest and Climate Change 2020 Notification, S.O. 1199 (E), The Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), 23 Mar 2020.
[17] National Green Tribunal 2020 Dukalu Ram & Ors Vs Union of India & Ors, O.A. No. 200/2018, Principal Bench, 20 Mar 2020
[18] National Green Tribunal 2020 Sandeep Mittal Vs Ministry of Environment, Forests and Climate Change & Ors, O.A. No. 837/2018, Principal Bench, 31 July 2020.

unscrupulous or indifferent supporters of the project more time to conceal or handle major infractions. Nor would the fines imposed be unreasonably severe; category. An undertaking faces a three-year penalty of Rs. 2,500 per day of lateness, with no chance of recovering the EC. In fact, there are examples of prominent businesses like Jindal Power Limited and Coal India South Eastern Coal Fields that have been fined by the National Green Tribunal (NGT) for violating environmental regulations. A number of shortcomings in complying with the Environmental Commission's (EC) requirements were highlighted in the 2016 report on environmental clearance and post-clearance observing by the Comptrollers and Auditor General of India (CAG)[19]. These included noncompliance with regulations regarding tree-cutting, managing funds for an Environmental Management Plan (EMP), gathering water from the ground, preserving collecting rainfall structures, handling hazardous waste materials, etc. The environmental community argue that extending the deadline for submitting the report on compliance gives the project's supporters an unfair advantage to conceal negative effects from public view. A bench led by Justice AK Goel, the Chairperson of the NGT, identified in July 2020 inadequacies in the mechanisms for monitoring compliance with environmental regulations and requested that the Ministry check compliance with EC requirements at least once every quarter. Furthermore, reports of violations from the assessment committee, government and regulatory organizations, or the promoter are acknowledged in the revised draft notification of 2020[20]. One could argue that preventing members of the public and impacted groups from reporting violations ignores a workable and efficient system of oversight and compliance.

5. **Clearance after the fact:** Another contentious proposal in the 2020 draft is to grant a post-facto licence to a development that has been operating without environmental permission and to regularize it after paying a fine. The Indian Supreme Court's stance, which held that the concept of an ex post facto or retroactive approval for environmental purposes is incompatible with ecological law and detrimental to the surroundings, seems to be at odds with this section. Industry associations support this provision, but environmentalists worry about the spread of it because it allows businesses to open without permission and then get regularized by paying a fine, potentially after causing severe environmental harm[21]. There were eleven fatalities and hundreds of injured persons after a deadly gas leak at LG Polymers India Pvt. Ltd. in the Visakhapatnam in May 2021. The company carried out operations without environmental clearance. It makes fair to assume that there would be an increase in these events as post-facto clearance became more widespread.
6. **Conscientious Approval for "Strategic" Initiatives:** Even while the 2020 draft states that EC is necessary for projects that the national government deems "strategic," it also states that no information about these projects may be made public, which could make it easier to approve them without going through a rigorous clearance process. Furthermore, for these projects, there is no public hearing. Although there is no disagreement that initiatives pertaining to national security and defence should be considered strategic, the government has the authority to designate any project as "strategic," giving it the ability to ignore worries about the environment if it so chooses. This creates an opportunity for approval of any initiative judged strategic without requiring justification.
7. **International implications:** India has always been an enthusiastic supporter of environmental protection and is a party to various worldwide ecological accords, the most recent among them being the Paris Agreement on Climate Change. In truth, India has a strong voice in these forums worldwide, and developing countries particularly do follow India's lead. As a result, India must be mindful of the messages it conveys to other emerging countries and take a progressive stance that balances industrialisation with environmental specialists' concerns.

IV.CONCLUSION

The research in this article shows that jurisdictions all across the world have now essentially accepted the EIA standard. The results corroborate the widely held belief that environmental strategy and governance benefit greatly from the use of EIA procedures. The results also herald the establishment of an environmental standard that is practically accepted by all international authorities. Lastly, the survey results indicate that the EIA standard has evolved into a general legal principle that is a component of public worldwide environmental law[22].

India has made significant strides in its environmental law[23]. The acknowledgement of the right to reach the High Courts in matters related to environment is what has led to the improvement. Additionally, the Indian courts have been accommodating, freely reading these rights and adopting a stance that greatly benefits contemporary environmental

[19] Comptroller and Auditor General of India 2017 Report 39 of 2016 Ministry of Environment, Forest and Climate Change, Performance Audit, 10 Mar 2017.
[20] Supreme Court of India 2020 Judgment, Alembic Pharmaceutical vs. Rohit Prajapati & Ors, Civil Appeal No. 1526 of 2016. 01 Apr 2020.
[21] The Caravan 2021 LG Polymers evaded environmental clearance for years before Visakhapatnam tragedy, 14 Jan 2021 (website).
[22] S.P. Gupta and Ors. v President of India and Ors. (1981) Supp SCC 87.
[23] Wendling ZA, Emerson JW, de Sherbinin, A, Esty DC, et al. 2020 2020 Environmental Performance Index. New Haven, CT: Yale Centre for Environmental Law and Policy.

litigation and agitation. Things are far from perfect, though. It is critical to acknowledge the limitations imposed by the existing definitions of each of the three rights as well as the challenges standing in the way of their full realisation. There hasn't been much work done thus far to leverage the "rights language" and make the removal of these legal safeguards actually important.

Indian culture has long been imbued with a concern for the natural world, and Indians are well-known naturalists who work The State and every individual are required by Article 48-A of the Indian Constitution to treat every living thing with care and to safeguard and preserve the natural environment, including animals (Article 51-A (g)). India's economy is expanding rapidly while at the same time that the government is facing intense socioeconomic and political pressures to encourage significant economic growth through manufacture in order to keep up with the demands of the country's young population. It seems that the federal government needs to take action to encourage industrialisation without endangering the environment. The government must thus carefully strike a balance between business and environmental welfare. Since the 1994 EIA declaration, the country's framework for environmental preservation has been established and upheld, to put it generally.

Effective laws that are strictly enforced are typically preferable than broad, convoluted laws that are likely to be poorly implemented and violated. As a result, the government is free to streamline the legislation without compromising environmental protection. While the 2020 EIA draft's time-bound and easily complied with rules would be beneficial for environmental protection, the provisions that are prone to abuse should be critically evaluated.

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31. Houck, supra note 19, at 176. Moreover, "a sad lesson of the NEPA experience is that, given the resistance of federal development agencies and the limited supervisory power of CEQ, what citizen groups cannot enforce will die on the vine." Oliver A. Houck, Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law, 40 ENVTL. L. REP. 11033, 11038 (2010).
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33. Annie Donnelly Et Al., Int'l Inst. For Env't & Dev., A Directory of Impact Assessment Guidelines (2d ed. 1998).
34. Rodgers Muema Nzioka v. Tiomin Kenya Ltd. (2001) 2001 K.L.R. 97 (H.C.K.) (Kenya).