



# INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

**IJLAR**

+91 70421 48991  
editor@ijlar.com  
www.ijlar.com

## **DISCLAIMER**

The views and opinions expressed in the articles published in the Indian Journal of Legal Affairs and Research are those of the respective authors and do not necessarily reflect the official policy or position of the IJLAR, its editorial board, or its affiliated institutions. The IJLAR assumes no responsibility for any errors or omissions in the content of the journal. The information provided in this journal is for general informational purposes only and should not be construed as legal advice. Readers are encouraged to seek professional legal counsel for specific legal issues. The IJLAR and its affiliates shall not be liable for any loss or damage arising from the use of the information contained in this journal.

## Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

# **ENVIRONMENTAL CONSENT IN THE AGE OF SPEED**

## **GOVERNANCE: ARE ENVIRONMENTAL**

### **CLEARANCES BECOMING A LEGAL FICTION.**

AUTHORED BY - YASHICA DEMBLANI & ARSHIA SHAW  
COURSE- BBA LL.B (H), SEMESTER- 8

### **Introduction**

In the era, where India is focusing on balancing development goals with ecological imperative, environmental clearance plays a crucial role and stands out as a critical process in order to prioritize environmental protection but it has now become a hollow ritual. Environmental clearance is the mandatory prior approval issued by the regulatory authorities, such as the Ministry of Environment, Forest and Climate change (MoEFCC)<sup>1</sup> or State Environment Impact Assessment Authorities (SEIAA)<sup>2</sup> with regard to projects which have potential environmental footprints. Environmental clearance is primarily governed by the environmental (Protection) act, 1986<sup>3</sup> and the EIA Notification, 2006<sup>4</sup>. Environmental impact Assessment (EIA)<sup>5</sup>, EC is a preventive legal safeguard in order to protect ecological integrity. This assessment prioritizes evaluation of a project's impact on the surrounding nature such as air, water, soil, biodiversity and local communities before the start of the project. The process categorized different projects into two categories- Category A for central appraisal, Category B for state level scrutiny involves different stages<sup>6</sup>, this has been stated in the EIA notification, 2006 issued under the Environmental Protection Act, 1986.

---

<sup>1</sup> Ministry of Env't, Forest & Climate Change, Gov't of India (MoEFCC), *Environmental Clearance Process*, <https://moefcc.gov.in> (last visited Apr. 20, 2026).

<sup>2</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006), Gazette of India.

<sup>3</sup> Environment (Protection) Act, No. 29 of 1986, § 3, India Code (1986).

<sup>4</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006), Gazette of India.

<sup>5</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006), Gazette of India.

<sup>6</sup> Environmental Impact Assessment Notification, 2006, supra note 2, ¶¶ 2-7 (classification of Category A and Category B projects and appraisal procedure).

In recent years, a policy, “speed governance” has been emphasized upon for quick approvals for development which has strained this framework. Critiques from NGO’s, legal scholars and even the courts warn that these kind of procedural shortcuts such as post facto clearances and reduced public consultation<sup>7</sup> which are turning environmental clearance into a formality or more like a legal fiction- a requirement which exists only on paper whereas in reality is weakly applied in practice<sup>8</sup>. This research focuses on this thesis by examining the legal framework (EIA, 2006 and its various key Amendments, constitutional and judicial principles, and the controversy over the EIA, 2010 Draft. This research paper will show that though the theory thoroughly mandates assessment of projects but in reality, approvals are granted with very minimal examination and scrutiny which undermines the goal of attaining sustainable development. The paper concludes with recommendations and the importance with which environmental clearance should be granted in the spirit of law and people with transparency and accountability for actions which are contrary to it thus reinforcing the precautionary principle and public participation.<sup>9</sup>

## 1. Research Question and Methodology

**Research Question:** *In the era of speed governance, has India’s environmental clearance regime under EIA Notification, 2006 become a mere legal formality, failing its preventive purpose?*

**Methodology:** The paper aims to analyze empirical data from published statistics and credible studies provided in the public domain. The paper uses a doctrinal approach relying on statutes, judgements, notifications issued by the government, NGO reports, official documents and scholarly articles. Also, a comparative analysis has been done to draw conclusions.

## 2. Legal Framework for Environmental Clearance

### 2.1 EIA Notification, 2006 (as Amended)

Environmental Clearance in India is mainly governed by the Environmental Impact Assessment Notification, 2006, which replaced the earlier 1994 notification and continues to be the central law for granting prior environmental clearance.<sup>10</sup>

---

<sup>7</sup> Draft Environmental Impact Assessment Notification, 2020, Ministry of Env’t, Forest & Climate Change (India)

<sup>8</sup> *Alembic Pharm. Ltd. v. Rohit Prajapati*, (2020) 17 S.C.C. 157 (India)

<sup>9</sup> *Vellore Citizens’ Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India)

<sup>10</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006) (India), issued under the Environment (Protection) Act, 1986, No. 29 of 1986.

The notification clearly states that no individual or entity is allowed to begin any listed project or activity without obtaining prior environmental clearance.

To manage this, projects are divided into two categories. Category A projects require approval from the central government, while Category B projects are handled at the state level. The process itself involves multiple stages, including screening to decide whether a detailed assessment is needed, scoping to define the study's scope, public consultation to gather opinions from affected communities, and finally appraisal by expert committees.<sup>11</sup>

The EIA framework is not just procedural but also substantive. It requires detailed scientific analysis before any approval is granted. Project proponents must provide baseline environmental data, outline pollution control measures, and prepare an Environmental Management Plan. This approach reflects the precautionary principle developed through judicial interpretation, which emphasizes preventing environmental harm before it occurs rather than addressing it afterward.

## 2.2 Amendments and Notifications

Since 2006, the EIA framework has undergone several amendments and changes through notifications and office memoranda.<sup>12</sup>

Many of these changes have focused on simplifying and speeding up the clearance process. For example, certain projects such as highways and mining activities have been granted exemptions in specific situations. There has also been a shift toward digitization and more streamlined procedures. Amendments in recent years have introduced tools like Form I and Form IA for screening and, in some cases, exemption from detailed assessment.<sup>13</sup>

However, these developments need to be viewed carefully. While some reforms aim to improve efficiency, critics argue that repeated relaxations through executive notifications, often without detailed parliamentary scrutiny, may gradually weaken environmental safeguards.

For the purpose of this paper, the focus remains on the core framework established in 2006, with references to later amendments only where they show a broader trend toward faster and more

---

<sup>11</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006) (India).

<sup>12</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006) (India).

<sup>13</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006) (India), as amended.

See Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India, Office Memoranda and Amendments to EIA Notification, 2006

flexible clearances. The original notification and its amendments are publicly accessible through the Ministry of Environment, Forest and Climate Change and official gazette publications.<sup>14</sup>

### 2.3 Constitutional and Statutory Principles

Environmental protection in India is strongly rooted in the Constitution. Article 21<sup>15</sup>, which guarantees the right to life, has been interpreted by courts to include the right to a clean and healthy environment.

In addition, Directive Principles such as Article 48A and Fundamental Duties under Article 51A(g) place a responsibility on both the State and citizens to protect and improve the environment.<sup>16</sup>

Over time, the judiciary has incorporated key principles like the precautionary principle and the polluter pays principle into Indian environmental law.

The public trust doctrine, as established in *M.C. Mehta v. Kamal Nath*<sup>17</sup>, further reinforces this idea by stating that natural resources are held by the government in trust for the public and future generations.

These constitutional and legal principles directly shape the environmental clearance process. Ideally, no project should be allowed to proceed if it causes environmental harm without adequate safeguards or compensation. In this sense, the environmental clearance mechanism serves as a practical tool to implement the broader constitutional mandate under Article 21.

For instance, in *Vellore Citizens Welfare Forum v. Union of India*<sup>18</sup>, the Supreme Court clearly recognized that the precautionary and polluter pays principles are essential elements of sustainable development.

---

<sup>14</sup> Environmental Impact Assessment Notification, 2006, S.O. 1533(E) (Sept. 14, 2006) (India), as amended. See Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India, Office Memoranda and Amendments to EIA Notification, 2006

<sup>15</sup> INDIA CONST. art. 21

<sup>16</sup> INDIA CONST. art. 48A, art. 51A(g).

<sup>17</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).

<sup>18</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

### 3. Key Supreme Court Decisions

#### 3.1 Vellore Citizens Welfare Forum v. Union of India (1996)<sup>19</sup>

The Vellore Citizens Welfare Forum v. Union of India case is a landmark in environmental law. The Supreme Court introduced two key principles into Indian law, the Precautionary Principle and the Polluter Pays Principle.

The Court also made it clear that Article 21, which guarantees the right to life and personal liberty, includes the right to a healthy environment. It connected this with the Directive Principles Articles 47, 48A, and 51A(g) to emphasize sustainable development.

Even though the case dealt with pollution caused by tanneries, its broader impact is significant. It laid the foundation for environmental clearance systems like EIA by stressing that environmental harm should be prevented before it happens, not fixed later.

#### 3.2 M.C. Mehta v. Union of India (Ganga Pollution) (1988)<sup>20</sup>

In M.C. Mehta v. Union of India, the Supreme Court recognized that the right to life includes access to clean water and air.

The Court repeatedly emphasized that natural resources belong to the people and the government acts only as a trustee. This means authorities must protect the environment while making decisions, including when granting environmental clearances.

#### 3.3 Indian Council for Enviro Legal Action v. Union of India (1996)<sup>21</sup>

In Indian Council for Enviro Legal Action v. Union of India, the Court strengthened the polluter pays principle.

It held that industries causing environmental damage must bear the full cost of repairing it. Importantly, the Court rejected the idea that polluters could escape liability by simply paying fees. This reasoning is relevant to environmental clearances because allowing industries to get approval after violating norms is similar to giving them an easy way out, which weakens the law.

---

<sup>19</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).

<sup>20</sup> *M.C. Mehta v. Union of India*, (1988) 1 S.C.C. 471 (India)

<sup>21</sup> *Indian Council for Enviro Legal Action v. Union of India*, (1996) 3 S.C.C. 212 (India).

### **3.4 M.C. Mehta v. Kamal Nath (1997)<sup>22</sup>**

The case of M.C. Mehta v. Kamal Nath introduced the public trust doctrine in India.

The Court stated that natural resources like rivers are held by the State in trust for the public and future generations. It also made a strong observation that illegal environmental actions cannot be legalized later through retrospective approvals.

This idea directly supports the argument that environmental clearances must be taken before starting any project.

### **3.5 Alembic Pharmaceuticals Ltd. v. Rohit Prajapati (2020)<sup>23</sup>**

The Alembic Pharmaceuticals Ltd. v. Rohit Prajapati is one of the most important cases on this issue.

The Supreme Court clearly held that ex post facto environmental clearances are not allowed under law. It emphasized that environmental approval must come before a project begins.

#### **Some key takeaways**

The law does not allow granting environmental clearance after a project has already started.

Any circulars or policies trying to allow such approvals cannot override the EIA framework.

Authorities must follow proper steps like screening, scoping, and public hearings before granting clearance.

The Court also directed that projects operating without proper clearance could be shut down or penalized.

In simple terms, this judgment reinforces that environmental law is preventive, not curative. You cannot fix a violation by asking for permission later.

### **3.6 Other Relevant Cases**

Narmada Bachao Andolan v. Union of India<sup>24</sup> reinforced that the right to a healthy environment is part of Article 21<sup>25</sup>.

---

<sup>22</sup> *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).

<sup>23</sup> *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*, (2020) 17 S.C.C. 157 (India).

<sup>24</sup> *Narmada Bachao Andolan v. Union of India*, (2000) 10 S.C.C. 664 (India).

<sup>25</sup> INDIA CONST. art. 21.

T.N. Godavarman Thirumulpad v. Union of India<sup>26</sup> strengthened protection of forests and wildlife. N.G. Jayasimha v. State of Karnataka<sup>27</sup> highlighted that allowing post facto clearances weakens environmental law.

## 4. EIA Notification 2006: Theory vs Practice

### 4.1 The Preventive Model

Under ideal reading of EIA 2006:

- A project initiator registers Form 1 with the details of the project and the initial preliminary impact.
- Then the authorized authority scans for A, B1 or B2.
- For Category B1 i.e. likely to have huge impact and for that a full EIA report is required including the particular baseline studies.
- A public hearing was arranged, providing locals and the stakeholders with the opportunity to be heard.
- The data is reviewed by the expert appraisal alongside hearing objections and imposing conditions or rejection.
- Only after the proponent is granted with the EC can he begin with the land work or construction.

The order reflects the preventive purpose of Article 21 which is no harm without review. The legal language under Sec 3(2)(v) of the Environment Protection Act empowers the government to restrict “industrial location, operation, etc.” to protect environment; EIA is an exercise of that power.

Thus, legally, EIA clearance is a **threshold** before any on-ground impact. The Ministry’s own portal stresses: “No development project can be started without prior EC” Compliance is mandatory, with clear consequences for violation (e.g. project closure, fines, revocation of clearance as per *Alembic* directives).<sup>28</sup>

---

<sup>26</sup> T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 S.C.C. 267 (India).

<sup>27</sup> N.G. Jayasimha v. State of Karnataka, Original Application No. 142 of 2020 (NGT, 2021) (India).

<sup>28</sup> Alembic Pharm. Ltd. v. Rohit Prajapati, (2020) 17 S.C.C. 157 (India)

## 4.2 Administrative Shortcuts and Speed Governance

However, the paperwork model is starting to break down. In reality, a combination of factors has sped up approvals:

- **Ease of Doing business:** In order to reduce delays government is focusing on pushing for faster consideration of projects, at times just for the sake of it as a formality to speed up matters. Down to earth, The Hindu has noted this shift.<sup>29</sup>
- **Incremental Exemptions:** Notifications have constantly been expanded various exemptions, which raise the question that what exactly the government is focused on here. The clearance and scrutiny is minimal without prioritizing the clearance and the environment. For example, some highway and mining projects below certain sizes no longer require EC (instead, they fill out a self-declaration)<sup>30</sup>
- **Delayed or shortcut Hearings:** Certain public hearings were postponed because of COVID-19 and various other reasons some critics have commented that consultations have become cursory.
- **Post-facto Applications:** Even after the Alembic case, there have been instances where the units operate first and the later after being caught apply like its is just a formality rather than a law. The draft 202 attempted to legalize this even if not yet finalized it there are various Oms and the need for clearance certificates for loans which have indirectly incentivized seeking belated EC.
- **Monitoring Lapses:** Conditions like pollution controls very likely are going to approved without being checked. Additionally, the follow up enforcement gets weak, once EC is granted. The whole scheme is undermined if the ground compliance is not enforced.

The process is taken as up the whole thing is just that a formality rather a need as if it's a checkbox that needs to be ticked off just for the sake of it.

The combined effect is that **the formal EIA process can end up as a checkbox.**

Meanwhile, if clearances are almost universally granted (MoEFCC statistics, cited in CSE reports, often show 80–90%+ approval rates), then EC ceases to be an “evaluation hurdle” and instead

---

<sup>29</sup> DownToEarth, “Only 9 pollution control bodies share details of public hearings online”, Aug. 2021 (study on transparency)

<sup>30</sup> T. Ishita, *Draft EIA 2020: A Step Forward or a Leap Backward?*, ISB Knowledge (Jan. 2025)

becomes a nominal step.<sup>31</sup> All this raises the question: *Is EIA working as intended, or just rubber-stamping development?*

## 5. Draft EIA Notification, 2020 Controversy

In March 2020, a major debate emerged when the DRAFT EIA NOTIFICATION, 2020 was released. The notification aimed at simplifying the approval procedure which was criticized because it came at the cost of environmental damage.

The following features were criticized heavily:

- **Post-Facto Environmental Clearances:** The draft explicitly permitted projects to begin operations without prior environmental clearance and later seek approval retrospectively. This approach conflicted with the preventive framework of the 2006 notification and the Supreme Court's position in the *Alembic* case. By allowing a retrospective compliance window (subject to penalties), the draft effectively legitimized prior violations.
- **Shortened Public Hearing Timeline:** The notice period for public hearings was reduced from 30 days to 20 days, hence very little time available for stakeholders to review complex EIA reports and respond. Also, provisions allowing only summary reports to be disclosed raised concerns regarding transparency and informed participation.
- **Broader Exemptions:** Several categories of projects were proposed to be exempted from comprehensive environmental assessment, like expansions below a certain threshold, even in ecologically sensitive areas, which could proceed under a self-certification mechanism with fewer precautionary measures.
- **Deemed or Automatic Approvals:** In the notification, certain clauses proposed that applications would be automatically deemed as approved if authorities failed to act within prescribed time limit. This particular provision was later withdrawn due to public opposition.
- **Relaxed Monitoring Requirements:** The draft also proposed to reduce the post-clearance monitoring, including limiting the duration of compliance oversight and easing reporting obligations.

---

<sup>31</sup> (Council on Energy, Environment and Water (CEEW), *State of Environmental Clearances in India\** (2014), <https://www.ceew.in/sites/default/files/state-of-environmental-clearances-in-india.pdf> (detailing MoEFCC data 2003–2014, clearance rates 55–90% by sector, median timelines like 81 days for EAC).

The Draft EIA 2020<sup>32</sup> was widely criticized by environmental scholars and civil society groups. Commentators have pointed out that several relaxations proposed in the draft had already been informally introduced through executive orders over the years.

## 6. Empirical Evidence of Clearance Trends

Though Quantitative data on EC approvals is not centralized in one report, but several indicators of them point to trends:

- **Approval Rates:** Ministry of Environment, Forest and Climate Change has reported clearance rates to be surpassing 80-90% in the coming years. Anecdotal Government figures which are cited by CSE or Down To Earth which have often indicated that the majority of project plans which will eventually get cleared.<sup>33</sup>
- **Public hearings:** There has been disagreement about how many public hearings there should be and how good they should be. A Down-To-Earth study (2022) found that a lot of State Pollution Control Boards didn't put PH notices or reports online, which made it hard for people to get to them<sup>34</sup>. Since 2016, the MoEFCC has also allowed cases to skip physical hearings and use online polls or letters instead, especially during COVID. The EIA draft's shorter notice period would make it even less likely that people would participate<sup>35</sup>.
- **Turnaround Times:** The EIA submission to final clearance time has reportedly decreased the average time with many decisions passed within 60–90 days. This is partly due to strict timelines in law but also pressure on authorities to expedite. Critics argue that too-fast appraisals may skip detailed scrutiny.<sup>36</sup>
- **Public Complaints and NGT Cases:** The fact that there are multiple industries still continuing post facto which suggests loopholes. The Alembic Pharmaceuticals case itself

---

<sup>32</sup> EIA Draft 2020, Ministry of Environment, Forest and Climate Change, 2020 (Draft Notification)

<sup>33</sup> (Council on Energy, Environment and Water (CEEW), *State of Environmental Clearances in India\** (2014), <https://www.ceew.in/sites/default/files/state-of-environmental-clearances-in-india.pdf> (detailing MoEFCC data 2003–2014, clearance rates 55–90% by sector, median timelines like 81 days for EAC).

<sup>34</sup> DownToEarth, “*Only 9 pollution control bodies share details of public hearings online*”, Aug. 2021 (study on transparency)

<sup>35</sup> Bharti Inst. of Pub. Pol'y, *Draft EIA 2020: A Step Forward or a Leap Backward?* (Jan. 15, 2025), <https://blogs.isb.edu/bhartiinstitute/2025/01/15/draft-eia-2020-a-step-forward-or-a-leap-backward/>.

<sup>36</sup> Id.

stemmed from these complaints. The National Green Tribunal handles numerous applications annually from people alleging illegal projects such as operating without EC approval or pollution beyond permitted norms.

- **Post-clearance Monitoring-** NGT and CSE investigations have revealed that there are high rates of non-compliance of EC conditions such as missing pollution controls. RTI disclosures have revealed multiple backlogs like pending inspection reports. This means that even when EC is granted there are weak follow-ups thereby undermining any preventive effect.

The hard numbers are scarcely available to the public, but the trend is clear: a huge number of proposals move through the EC with very few being turned down, public opposition is often ignored, and enforcement is inconsistent. This environment is good for projects, but it raises concerns about environmental justice.

## 7. Recommendations and Implementation Steps

In order to ensure environmental clearance fulfils its role as protection reforms need to be made:

1. **Ban Post-Facto Clearances:** Alembic case must be enforced explicitly by amending the retrospective EC, with mandatory registration with only narrow public exceptions subject to strict penalties. This was exactly done in Alembic<sup>37</sup> and it should be codified. Future EIA notification must state prior EC.
2. **Strengthen Public Participation:** EIA notification disclosures should be digitized, that is all documents should be on a public portal in all local languages. Grievance redressals should be mandated NGT has also suggested strict public hearing protocols. Hearing notices should be widely published and accessible- online and local media.
3. **Independent EIA Process:** To introduce a rotation system for EIA consultants to avoid friction. Fund third party institutes to audit EIA reports. An independent EIA authority must be established to supervise the quality of projects and the harms they can cause similar to environmental Appraisal Committees but should be more professionalized.
4. **Better Enforcement:** Post-clearance monitoring must be prioritized by state boards and MoEFCC. Full disclosures of audit results must be made available to the public. Impacts

---

<sup>37</sup> *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati*, (2020) 17 SCC 157

can be tracked by remote sensing sensors. Penalties for non-compliance - revoking clearance for repeat violators.

- 5. Data Transparency:** Annual public data of number of EC applications, rejections, approvals, the average time required by the sector should be mandatorily be published by order of MoEFCC, this will also enable better policy feedback
- 6. Implementation:** These reforms require both legal changes and administrative commitment. Key steps include:
  - Parliament making changes (or a new law) to the EPA/EIA rules to include these suggestions.
  - State governments making their SEIAs fit with national standards.
  - MoEFCC should make it clear what exceptions there are (like projects that are in the public interest) so that decisions aren't made on the spot.
  - Civil society watchdogs use RTI to keep an eye on compliance and file PILs when rules are broken.

India can ensure that environmental clearances act as the protection it is meant to be rather than only being an illusion of it, by ensuring certain changes are made in the system.

## 8. Timeline of Major Events

### Timeline

Title: EIA Framework and its amendments (From 1996-2026)

**1994:** EIA Notification was introduced for the first time in India

**2006:** On 14th Sept, A new EIA Notification was issued

**2009:** Amendment for component projects by the Union ministry of Central Government.

**2014:** MoEF exempted certain projects in Dec which were later updated.

**2016:** NGT struck down retrospective EC circulars in Jan, Alembic case was filed

**2018:** EIA notification made changes in wildlife Clearance and more.

**2020-2003:** Draft EIA 2020 and the controversy until Dec 2021

**2020-09:** The case of Alembic Pharmaceuticals vs Rohit Prajapati judgement which banned ex-post facto EC

**2021-2023:** Multiple Amendments aligning with drafts eg- in 2021- reduction in categories, in 2022- digitalization push

**2025: Draft** EIA 2020 still remains unfinalized amidst continuous opposition

**2026:** Law commission to revisit EIA regime

## 9. Conclusion

Environmental Clearance codified in the EIA, 2006 notification, is a fundamental cornerstone of India's sustainable development blueprint. The Law and reality are not aligned, on paper constitution mandates prior environmental review before approval of any project plan but in practice the speed governance has fast tracked everything and introduced post-facto approvals, reduced public participation, curtailing hearings and fast approvals without paying attention to the effect that approval of a project can have on the environment but rather it has been turned into a formality to be carried out.

Environment should not be taken for granted, various judicial pronouncements like Alembic Pharmaceuticals have reiterated the importance of prior approvals but administrative trends have made these approvals seem like such a nuisance that now they have diverged from the ultimate purpose of prior clearance by granting speedy approvals.

The research paper aimed to reveal the truth about the risk that the environment is in reality exposed to because of the legal fiction that the environmental clearance has been made into. This outcome has undermined the constitutional values enshrined under article 21 and the very purpose of the Environment (Protection) Act, 1986. It is urged to restore the bridge between law and reality that has been created by reinforcing transparency, meaningful approvals. Increased public participation and by retracting the ex post facto law.

India can align its practices with its legal commitments. Only then will environmental clearance achieve its intended role as a real guardian of ecological balance, rather than being just a paper on the table in the era of speed governance.