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Q7

How does the draft Environment Impact Assessment (EIA) Notification, 2020 differ from the existing EIA Notification, 2006?

UPSC Civil Services Mains 2020 · GS III · 10 marks · Environment and Conservation

Conservation, environmental pollution and degradation, environmental impact assessment.

Core demand of the question

- How does the draft Environment Impact Assessment (EIA) Notification, 2020 differ from the **EIA Notification, 2006**?
- Treat the 2020 text as a DRAFT only. 2006 remains the notified EIA until a new final notification. Do not describe 2020 as enacted law
- Keep the explanation within a 10-mark length

Revision summary

EIA 2006 is the notified prior environmental clearance system under the EP Act.

Draft EIA 2020 proposed post-facto clearance, shorter and narrower public hearings, and more exemptions.

It also sketched more central discretion and lighter post-clearance watch.

The 2020 text was a draft for comments, not a replacement gazette.

Naming 2020 as enacted EIA law is a factual error.

Introduction

EIA in India is a subordinate notification under the Environment (Protection) Act, 1986. The **EIA Notification, 2006** is still the notified procedure for prior environmental clearance. The **draft EIA Notification, 2020** was a MoEFCC proposal put out for comment. It was not brought into force as a final gazette replacing 2006. Any comparison is draft versus living law, not old Act versus new Act.

Body

What EIA 2006 actually is

- **It is the notified regime:** screening, scoping, public consultation, and appraisal, with **Category A** (MoEFCC and EAC) and **Category B** (SEIAA and SEAC).
- **Prior environmental clearance** is required before a listed project is built or expanded, subject to the schedule.
- **Public hearing** is a defined step for many Category A and B1 projects, with a notice window and a role for the local affected public, not only for files in Delhi.
- Post-clearance **compliance** is supposed to be monitored; violation is not meant to be a parallel easy door.

How the 2020 draft proposed to differ

- **Post-facto (ex-post facto) clearance:** the draft sketched a path to regularise projects that had already started without EC, with penalty. That is a break from the 2006 logic of **prior clearance**. Courts have since treated post-facto environmental clearance with deep suspicion; the draft's politics were exactly this dilution.
- **Public consultation thinned:** shorter hearing windows, more project types moved toward **B2** (no EIA, no hearing), and wider exemptions for 'strategic', border, and some linear or expansion cases. 2006 already had exemptions; the draft widened them.
- **Centralisation and discretion:** more items pulled toward the Centre; 'strategic' labelling could reduce disclosure.
- **Compliance self-reporting** and longer validity of clearances were proposed, which critics read as weaker watch after the stamp.
- **Modernisation and expansion** were to face lighter rungs than a new project, raising the risk of cumulative load without a fresh public test.

What did not happen

- The draft drew large public and scientific objection in 2020. **No final 2020 EIA notification replaced 2006.**
- Clearance practice in the years after still runs on **2006**, as amended from time to time, not on a 2020 statute-like code.
- Answer-writers who call 'EIA 2020' the law are describing a proposal as if it were notified. That is factually wrong.

Flow diagram

EP Act 1986 -> EIA Notification 2006 notified
 Draft EIA 2020 -> Post-facto thinner hearings
 Draft EIA 2020 -> Not brought into force
 EIA Notification 2006 notified -> Living clearance law
 Not brought into force -> EIA Notification 2006 notified

Conclusion

EIA 2006 is the notified prior-clearance and public-hearing system. Draft EIA 2020 proposed post-facto regularisation, thinner hearings, more exemptions, and lighter compliance. It remained a draft. Until a new final notification is gazetted, 2006 is the law to name.

Facts & figures

EIA Notification, 2006

The notified EIA procedure still in force, with Category A/B and public consultation for many projects.

Draft EIA Notification, 2020

MoEFCC draft only; not the final notified EIA code.

Prior clearance

2006 principle that listed activity needs EC before construction, not after the factory exists.

Post-facto proposal

Draft 2020 idea of regularising already-started illegal projects; the core controversy.

Public hearing

Statutory-style consultation step in 2006 for many A and B1 projects; the draft sought to shrink its reach.

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