Bar on Ex-Post Facto Environmental Clearances

***Prelims**: General issues on Environmental ecology | Public Policy | Current events of national and international importance*

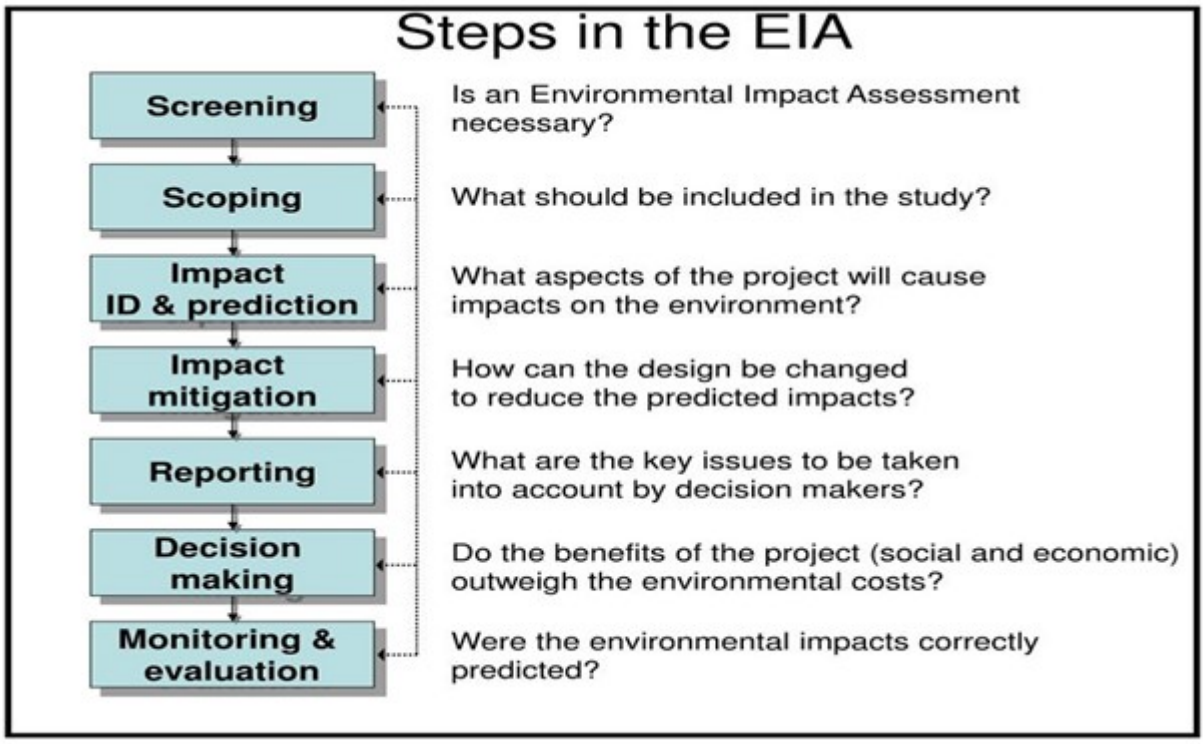
Why in News?

Recently, Supreme Court barred the Indian government from granting retrospective environmental clearances (ECs) in the future.

- **Case** – It arose from petitions *challenging the legality* of 2 Office Memorandums (OMs) that enabled environmental clearance to projects that had begun operations without prior approval under the Environment Impact Assessment (EIA) Notification, 2006.
- The petitioners argued that the memorandums ***violated the fundamental requirement of prior clearance*** and weakened environmental protections.

> ***2006 Environment Impact Assessment (EIA) Notification** under the Environment (Protection) Act, 1986 had imposed certain restrictions and prohibitions on new projects or activities, on the expansion or modernization of existing projects and activities based on their potential environmental impacts.*

> *Under EIA notification 2006, it is mandatory of getting for **prior Environmental Clearance** for certain new projects, expansion or modernization of existing projects based on their potential on environmental impact.*



- **Verdict** – Supreme Court *strikes down* previous Office Memorandums (OMs) and notifications that permitted such approvals for mining and industrial projects.
- Supreme Court ruled that projects initiated without mandatory prior environmental clearance *cannot later be legalised*.
- *No leniency should be shown* to corporations, real estate developers, public sector undertakings and mining industries that deliberately ignored environmental laws.
- The bench *explicitly prohibited the government* from reintroducing any policy similar to the 2017 notification, which had allowed retrospective environmental clearances.
- However, it clarified that clearances already granted under these provisions would remain unaffected.
- **Significance** – The ruling strengthens the enforcement of prior environmental clearances, marking a significant step towards *stricter ecological accountability*.

Reference

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