



Received: 17-06-2026
Accepted: 27-07-2026

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Environmental Impact Assessment in India: Policy Framework for Sustainable Development

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Abstract

Environmental Impact Assessment (EIA) is a systematic process used to evaluate the potential environmental, social, and economic effects of proposed projects before decision-making. It ensures sustainable development by identifying and mitigating adverse environmental consequences. The EIA process includes screening, scoping, impact assessment, mitigation planning, public consultation, and final decision-making. In India, EIA is legally mandated under the Environment Protection Act, 1986, and has evolved significantly through key regulations such as the EIA Notification, 1994, and its successor, the EIA Notification, 2006. The latter decentralized Environmental Clearance, classifying projects into Category A (appraised at the

Central Level) and Category B (assessed at the State Level). Stakeholders in the EIA process include Project Proponents, Environmental Consultants, Regulatory Authorities, State Pollution Control Boards, Local Communities, and Expert Committees. The process ensures public participation and integrates environmental considerations into project planning. Post-clearance monitoring and compliance reporting are essential to enforce environmental safeguards. The EIA framework balances economic growth with ecological sustainability, promoting responsible decision-making. By assessing alternatives and risk factors, EIA minimizes environmental degradation while supporting long-term sustainability.

Keywords: EIA Notification, Sustainable Development, Project Proponent, Stakeholders

1. Introduction

Environmental knowledge has been deeply rooted in Indian culture for centuries, with doctrines dating back to the Vedic period emphasizing the conservation of nature and the pursuit of sustainable living. Ancient traditions held that ecological balance was intrinsically linked to the moral conduct of individuals and society (Mann, 2018; Prasad, 2015) ^[5, 13]. In India, environmental protection is recognized as a fundamental duty, enshrined in Article 48-A and Article 51-A (g) of the Constitution. Every citizen is entrusted with the duty to safeguard and enhance the natural environment—spanning forests, lakes, rivers, and wildlife—while nurturing a spirit of kindness toward all forms of life. The principle of sustainable development is also closely connected to the “right to life” under Article 21, ensuring that economic growth does not come at the expense of environmental integrity. However, while the Constitution acknowledges environmental rights, many such provisions remain in non-enforceable sections (Burns, 2016) ^[1]. The 42nd Constitutional Amendment of 1976 reinforced these commitments, reflecting a national resolve toward environmental stewardship (Rana, 2016) ^[14]. Despite this constitutional awareness, serious environmental challenges have persisted, particularly as India has pursued rapid development (Chandra, 2015) ^[2]. The accelerated pace of industrialization, urbanization, and infrastructure expansion has placed immense strain on natural resources, contributing to pollution, habitat loss, and ecological imbalance. Since independence, the tension between ecological preservation and economic growth has been a consistent theme in governance. Recognizing these challenges, the Ministry of Environment, Forest and Climate Change (MoEF & CC) has implemented a range of policy measures and legal frameworks to regulate environmental impacts. The environmental governance framework in India is anchored in a series of key legislations designed to address specific domains of pollution control and environmental protection which includes the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986. The recent addition of “Climate Change” to the Ministry’s title underscores India’s increasing commitment to addressing both domestic and global environmental challenges,

including the mitigation of climate change impacts. Among the Ministry's significant regulatory initiatives is the Environmental Impact Assessment (EIA) Notification, 2006, issued under the Environment (Protection) Act. This framework mandates that specific categories of development projects obtain prior environmental clearance before commencement. The evolution of the EIA reflects a heightened global and national awareness of the far-reaching consequences of human-induced environmental change (Morgan, 2012) ^[10].

2. Materials and Methods

The research draws upon both field experiences and an extensive review of official documents issued by the Government of India. The conclusions presented reflect the author's interpretation and understanding of the applicable rules and legal frameworks. The majority of the literature consulted comprises Notifications published by the Government of India, supplemented by relevant journal publications. All reviewed documents were systematically downloaded and archived for ease of future reference. The following section provides a concise discussion of key issues related to Environmental Impact Assessment (EIA) in India.

3. Environmental Impact Assessment (EIA)

Environmental Impact Assessment is a systematic process used to evaluate the potential environmental consequences of proposed projects or developments. It takes into account the interconnected socio-economic, cultural, and public health implications—both beneficial and adverse—to promote decisions that support long-term sustainability. According to the United Nations Environment Programme (UNEP), Environmental Impact Assessment (EIA) serves as a mechanism to identify and evaluate a project's environmental, social, and economic consequences before choices are finalized. Its primary purpose is to foresee potential environmental effects at the initial stages of a project's planning and design. This allows stakeholders to implement measures to mitigate adverse effects, tailor projects to local environmental conditions, and provide decision-makers with well-informed choices. The EIA process typically involves screening, scoping, impact assessment, mitigation strategies, public consultation, and final decision-making. Screening determines whether a project requires an EIA, while scoping identifies key environmental concerns. The impact assessment stage evaluates potential effects, and mitigation strategies are formulated to minimize harm. Public participation is integral to the process, ensuring that community concerns and insights are incorporated into project planning. In India, EIA is legally mandated under the Environment Protection Act, 1986, which provides a framework for assessing and managing environmental risks associated with developmental projects. The statutory provisions of this Act outline the EIA methodology, ensuring that projects comply with environmental sustainability norms before receiving approval. Overall, EIA plays a crucial role in balancing economic development with environmental conservation by guiding responsible decision-making and promoting long-term sustainability.

EIA is a methodical process designed to foresee and manage the environmental consequences of proposed projects or policies (Glasson *et al.*, 2012) ^[4]. It supports informed

decision-making by promoting sustainable development, reducing ecological harm, and enhancing positive outcomes (Petts, 2009) ^[12]. EIA arose as a response to growing apprehension about environmental deterioration during the rapid industrial expansion of the 1960s, culminating in the passage of the U.S. Environmental Legislation. National Environmental Policy Act (NEPA) in 1969, which pioneered modern assessment practices (Sadler, 2013; Glasson *et al.*, 2012) ^[15, 4]. Today, EIA is embedded in environmental governance worldwide, with legal frameworks requiring its application across diverse sectors (Wood, 2003) ^[17]. Environmental Impact Assessment (EIA) in India began in the 1970s with the Water Act (1974) and Air Act (1981), focusing mainly on industrial pollution control (Parikh, 2003). However, these early efforts had limited scope. A major advancement came with the 1994 EIA Notification under the Environment (Protection) Act, 1986, which formalized the EIA process and made environmental clearance mandatory for a wide range of development projects (Srivastava & Srivastava, 2007) ^[16].

4. History of Environmental Impact Assessment (EIA) in India

Environmental Impact Assessment in India has evolved significantly over the past few decades. The initiative was set in motion in 1976–77, when the Planning Commission instructed the Department of Science and Technology to evaluate river valley projects through an environmental lens. On 27 January 1994, a pivotal moment unfolded when the Ministry of Environment, Forest and Climate Change (MoEF & CC), exercising its authority under the Environment (Protection) Act, 1986, issued the landmark EIA Notification, 1994 (MoEF & CC, 1994) ^[7]. This directive made it compulsory to obtain Environmental Clearance (EC) for the initiation, expansion, or modernization of projects specified in Schedule-1 of the notification (MoEF & CC, 2014) ^[8]. This notification signalled the onset of a systematic framework for environmental governance in India. The next significant reform came in September, 2006 when the Ministry of Environment, Forests, and Climate Change introduced a new EIA Legislation popularly known as EIA Notification, 2006 (MoEF & CC, 2016) ^[9]. This regulation broadened the scope of the EIA, mandating that sectors such as mining, thermal power plants, river valley projects, infrastructure (including roads, highways, ports, harbours, and airports), and industries (including small-scale electroplating and foundry units), along with other activities specified in its Schedule, must obtain Environmental Clearance prior to commencing operations. Unlike the EIA Notification, 1994, which centralized Environmental Clearance under the Central Government, the EIA Notification, 2006 delegated this responsibility to State Governments, depending on the size and capacity of the proposed projects. This decentralization aimed to streamline the approval process while ensuring environmental safeguards were upheld at both national and state levels. EIA continues to evolve in India, playing a crucial role in balancing economic development with environmental sustainability.

5. The Environmental Impact Assessment (EIA) Process

The EIA process is a dynamic and iterative procedure involving multiple steps to assess and mitigate environmental impacts. The key stages include:

- a) **Screening:** The project is evaluated based on factors such as scale, location, and type of development to determine whether statutory Environmental Clearance is required.
- b) **Scoping:** This stage identifies potential environmental impacts, the extent of their influence, mitigation measures, and the necessity for monitoring.
- c) **Baseline Data Collection:** Baseline data refers to the existing environmental conditions of the study area, serving as a reference for impact assessment.
- d) **Impact Prediction:** Both positive and negative impacts, whether reversible, irreversible, temporary, or permanent, are analyzed, requiring a thorough understanding of the project.
- e) **Mitigation Measures & EIA Report:** The EIA report outlines strategies to prevent, minimize, or offset potential environmental impacts. It also includes compensation plans for unavoidable environmental damage.
- f) **Public Hearing:** Upon completion of the EIA report, local communities and environmental organizations near the project site are informed and consulted for their feedback.
- g) **Decision-Making:** The Impact Assessment Authority, along with experts, consults the project in-charge and relevant stakeholders to make a final decision, considering the EIA findings and the Environmental Management Plan (EMP).
- h) **Monitoring & Implementation of EMP:** The project's implementation phases are closely monitored to ensure compliance with environmental safeguards and mitigation strategies.
- i) **Assessment of Alternatives & Mitigation Planning:** Various alternatives, including different project locations and technologies, are analyzed based on their environmental impact. The selected option is supported by a mitigation plan and an EMP to enhance environmental performance.
- j) **Risk Assessment:** The process includes inventory analysis, hazard probability evaluation, and risk indexing to identify and mitigate potential environmental hazards.

By following these steps, the EIA process ensures that environmental considerations are integrated into project planning and decision-making, promoting sustainable development.

6. Stakeholders in the Environmental Impact Assessment (EIA) Process

The EIA process involves multiple stakeholders, each contributing to the assessment, review, and implementation of environmental safeguards. Their roles and responsibilities are outlined below:

1. **Project Proponents:** These are individuals, companies, or government agencies that propose and develop the project. They are responsible for ensuring that the project complies with environmental regulations and integrates necessary mitigation measures.
2. **Environmental Consultants:** These professionals or consulting firms conduct environmental studies and prepare the EIA report on behalf of the project proponents. They assess potential environmental impacts, suggest mitigation strategies, and ensure that the project aligns with sustainability principles.

3. **Pollution Control Board (State/National):** The State and National Pollution Control Boards regulate and monitor environmental pollution levels. They review the EIA report, issue necessary permits, and ensure that the project adheres to environmental laws and pollution control standards.
4. **Public & Local Communities:** The general public, including local communities, environmental organizations, and other stakeholders, have the right to participate in the EIA process. Through public hearings and consultations, they can express concerns, provide feedback, and influence decision-making to safeguard their environmental and social interests.
5. **Impact Assessment Agency:** This agency is responsible for reviewing the EIA report, evaluating its findings, and making informed decisions regarding project approval or rejection. It works closely with experts, policymakers, and regulatory bodies to ensure that environmental concerns are properly addressed.
6. **Regional Offices of MoEF & CC:** These Regional Offices of the MoEF & CC oversee environmental management and policy enforcement at the local level. They provide guidance, monitor compliance with environmental regulations, and support the effective implementation of EIA recommendations.

7. Salient Features of EIA Notification, 2006

The EIA Notification, 2006 introduced significant changes aimed at decentralizing the Environmental Clearance process (MoEF & CC, 2016) ^[9]. The EIA Notification of 2006 refined the Environmental Clearance process by dividing projects into two primary categories according to their potential environmental impact. Category-A projects are reviewed at the national level by the Expert Appraisal Committee (EAC) under the Ministry of Environment, Forest and Climate Change (MoEF & CC), while Category-B projects undergo assessment at the state level by the State Environmental Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC). Category-B Projects are further divided into Category-B1 Projects, which mandatorily require an Environmental Impact Assessment (EIA) and must undergo the full assessment process, and Category-B2 Projects, which are considered to have lower environmental risks and are exempted from the full EIA process. The estimated duration for obtaining Environmental Clearance is around 300 days, distributed as follows: 45 days for screening and initial submissions, 120 days for scoping and TOR issuance, 45 days for drafting the report, 60 days for public consultation and incorporating PH issues with an action plan, and 30 days for expert appraisal and the final decision on clearance approval or rejection.

8. Requirements of prior Environmental Clearance (EC)

Prior Environmental Clearance (EC) is required for certain projects and activities before any construction work or land preparation begins, except for securing the land. This clearance must be obtained from the appropriate regulatory authority: the Central Government in the Ministry of Environment and Forests for projects classified under Category 'A' in the Schedule, and the State Environment Impact Assessment Authority (SEIAA) for projects under Category 'B.' The following projects or activities require prior EC: (i) all new projects or activities listed in the Schedule of this notification; (ii) expansion and

modernization of existing projects or activities that exceed the specified capacity limits for their sector, meaning those that surpass the threshold limits in the Schedule after expansion or modernization; and (iii) any change in the product mix of an existing manufacturing unit listed in the Schedule that goes beyond the specified range.

9. Grant or Rejection of Prior EC

The responsibility of granting or denying prior Environmental Clearance (EC) lies with the regulatory authority, which bases its decision on the recommendations of the Expert Appraisal Committee (EAC) or the State Level Expert Appraisal Committee (SEAC). The authority must notify the applicant of its decision within 45 days of receiving these recommendations, meaning a total timeframe of 105 days from the receipt of the final Environmental Impact Assessment (EIA) Report. If an EIA is not required, the same 105-day period applies from the date of submission of a complete application with all necessary documents, except in specific circumstances. Generally, the regulatory authority follows the recommendations provided by the relevant appraisal committee. However, if it disagrees, it must seek reconsideration within 45 days, providing justification for its stance and informing the applicant accordingly. The appraisal committee must then reassess the authority's concerns and provide its views within 60 days. The final decision, which takes the committee's input into account, must be communicated to the applicant within the subsequent 30 days. If the regulatory authority fails to respond within the given timeframe, the applicant may consider the EC either granted or denied based on the appraisal committee's final recommendation. After the deadline expires, the final decision along with the recommendations is made part of the public record. Prior clearances from other regulatory bodies are not mandatory before applying for EC, undergoing screening, scoping, appraisal, or awaiting a decision from the regulatory authority unless such clearances are legally required or technically essential. If an applicant intentionally withholds, misrepresents, or provides false information that is crucial to the evaluation process, the application may be rejected, or an already granted EC may be revoked. Such actions will be subject to a fair process, including a personal hearing for the applicant, in adherence to natural justice principles.

10. Validity of EC

The duration of an EC begins on the date it is issued or presumed granted and remains valid until the commencement of production or the completion of construction activities, depending on the type of project. Through Notification No. S.O. 1807(E), MoEF & CC amended specific provisions of the Environmental Impact Assessment (EIA) Notification, 2006, focusing on the validity periods of Environmental Clearances (EC) across various project categories (MoEF & CC, 2022) ^[6]. The revised validity periods for River Valley Projects, the Environmental Clearance (EC) was previously valid for 10 years, with an extension provision of up to 3 years. Under the revised framework, the validity has been extended to 13 years, with a further extension permissible for up to 2 additional years. In the case of Nuclear Projects, the EC validity has undergone a substantial revision from the earlier duration of 7 years to an extended validity of 15 years.

Furthermore, an additional extension of up to 5 years is allowed. For projects excluding River Valley, Nuclear, and Mining sectors, the earlier EC validity of seven years with an option for a three year extension, has been updated to a ten-year validity period, allowing for an additional one-year extension if required. Mining Projects continue to maintain their original EC validity of 30 years. However, beyond this initial period, the adequacy of the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) must be reviewed every 5 years. Based on this periodic assessment, a further extension of up to 20 years may be granted.

11. Post Environmental Clearance Monitoring

Following clearance, project proponent must submit compliance reports every six months, specifically on June 1st and December 1st of each year, in both hard and digital formats to the regulatory authority. These reports are considered public records and must be made accessible to any requester. The latest compliance report must also be published on the regulatory authority's website.

12. Transferability of EC

An EC may be transferred to another legally eligible entity within its validity period, provided the transfer is requested by either the original holder or the recipient with a written "no objection" from the current holder. The transfer occurs under the original terms and conditions and does not require additional review by the appraisal committee.

13. Operation of EIA Notification, 1994

With the official publication of EIA Notification, 2006, the Environment Impact Assessment (EIA) Notification of 1994 is repealed. However, for applications pending at the time of this Notification's release, the Central Government has the discretion to relax certain provisions of the new framework or extend the validity of the 1994 notification for up to one year, except for the list of projects that require prior EC.

14. Commencement of project operations following the grant of EC

After receiving Environmental Clearance (EC), project proponents must secure the requisite Consent to Establish (CTE) from the concerned State Pollution Control Board (SPCB) before commencing any construction or operational activities. This consent is issued in accordance with Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. The CTE serves as a legal prerequisite for initiating any construction or industrial activity that may have an environmental impact. Following the completion of construction activities, the installation of all pollution control devices and verification that these systems are operational and compliant with prescribed environmental standards, the project authorities must obtain the Consent to Operate (CTO). The CTO is also issued by the respective SPCB under the same legislative provisions-Section 26 of the Water (Prevention and Control of Pollution) Act, 1974, which regulates wastewater discharge and water pollution control measures, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, which governs emissions and air quality management. The CTO ensures that the project operates within permissible pollution limits, adheres to environmental compliance norms, and maintains

sustainable operational practices to mitigate adverse environmental impacts.

15. Monitoring of projects accorded EC

In accordance with the prevailing environmental regulations, the monitoring of compliance with the conditions stipulated in the Environmental Clearance (EC) is being conducted by the respective Regional Offices of the Ministry of Environment, Forest, and Climate Change. However, the responsibility for ensuring compliance with the terms and conditions specified under the Consent to Establish (CTE) and Consent to Operate (CTO) lies with the respective State Pollution Control Boards (SPCBs), which are actively engaged in monitoring and enforcement to uphold environmental standards.

16. EC and Compliance Requirements

The EC is granted to a project only after thorough appraisal of its potential environmental impacts. Along with the clearance, the regulatory authority prescribes a set of specific and general conditions that the project proponent is legally bound to comply with throughout the life cycle of the project. These conditions are framed to ensure that the project is implemented in an environmentally sustainable manner and that adverse impacts are either avoided or minimized. The EC conditions typically cover various environmental aspects, including but not limited to: (i) Air and water pollution control measures, (ii) Solid and hazardous waste management, (iii) Conservation of biodiversity and natural resources, (iv) Public health and safety provisions, (v) Periodic environmental monitoring and reporting, (vi) Rehabilitation and resettlement (if applicable), (vii) Corporate Environmental Responsibility (CER) activities etc. These conditions are both project-specific and general, and are aimed at mitigating the environmental impact of the proposed activity.

17. Responsibility of the Project Proponent

The project proponent is fully responsible for implementing all the EC conditions in letter and spirit. This includes ensuring the installation and proper functioning of pollution control devices, regular submission of compliance reports, and engaging with local communities when required. Non-compliance not only defeats the purpose of environmental safeguards but also poses risks to ecological balance and public health.

18. Non-Compliance and Legal Implications

Non-compliance with the conditions stipulated in the Environmental Clearance (EC) constitutes a breach of the provisions set forth under the EIA Notification, 2006, which is a legally enforceable framework under the Environment (Protection) Act, 1986 (MoEF, 2014). Such deviations may attract regulatory actions, including the issuance of Show-Cause Notices by the competent authority namely, the Ministry of Environment, Forest and Climate Change (MoEF & CC), New Delhi for Category-A projects, and the respective State Environment Impact Assessment Authorities (SEIAAs) for Category-B projects. Depending on the severity of the non-compliance, actions may also include the suspension or revocation of the EC, imposition of Environmental Compensation or other statutory penalties, initiation of legal proceedings under applicable

Environmental Laws, and potential adverse implications on the grant of future clearances to the project proponent. The Ministry, in collaboration with the concerned SEIAAs, regularly monitors the compliance status of projects, and any observed deviations are taken seriously and addressed in strict accordance with the prevailing legal framework.

19. Conclusion

Environmental Impact Assessment (EIA) plays a vital role in ensuring sustainable development by identifying and mitigating the potential environmental consequences of proposed projects before they are implemented. It serves as a vital instrument for informed decision-making, enabling policymakers, developers, and communities to evaluate environmental considerations and adopt more sustainable and responsible approaches (Chandrasekhar, 2008) [3]. EIA promotes transparency, public participation, and accountability, giving voice to stakeholders, including marginalized communities. By integrating environmental considerations early in the planning process, EIA helps prevent ecological degradation, conserves natural resources, and safeguards human health and well-being. Ultimately, it ensures that economic development is balanced with environmental protection, supporting a more resilient and sustainable future.

Compliance with EC conditions is a core responsibility of all project proponents. EC ensures that industrial and developmental activities align with environmental sustainability norms. These conditions are designed to minimize adverse environmental impacts through measures like pollution control, waste management, afforestation, and biodiversity conservation. Non-compliance of EC conditions is a serious violation and is closely monitored by regulatory bodies like the MoEF & CC and SEIAA. Violations can lead to Show Cause Notices and, in severe cases, revocation of the EC; halting the project, causing financial losses, legal penalties, and reputational damage. Moreover, such disruptions can delay development and affect livelihoods. Therefore, full adherence to EC conditions is both a legal requirement and a moral duty. It helps maintain ecological balance, reduce pollution, and support sustainable resource use. Implementing strong environmental management systems, regular monitoring, and adopting best practices like renewable energy use can further strengthen compliance. Ultimately, commitment to EC conditions safeguards the environment while ensuring the long-term viability and credibility of development projects.

20. Acknowledgments

I extend my heartfelt gratitude to the Additional Principal Chief Conservator of Forests (Central), MoEF & CC, Shillong, for her steadfast support, encouragement, and kind permission to publish this paper.

21. Conflict of Interest

The authors hereby declare that there are no conflicts of interest associated with the publication of this work. The views, interpretations, and opinions expressed in this document are solely those of the authors and are presented for academic and scholarly purposes. They do not necessarily reflect the views, policies, or positions of the organization(s) with which the authors are affiliated.

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