



**A CRITICAL STUDY ON PARTICIPATION OF PUBLIC IN ENVIRONMENTAL  
DECISION MAKING WITH REFERENCE TO ENVIRONMENTAL IMPACT  
ASSESSMENT NOTIFICATION (2020) IN INDIA**

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**ABSTRACT**

This study explores public perceptions of the draft, analyzing its implications for sustainable environmental governance through empirical research conducted in Chennai, with a sample size of 202 respondents. Independent variables such as age, gender, education, employment status, and place of residence were examined against dependent variables including awareness of the draft, familiarity with exemptions, performance of clearance authorities, public participation, and other relevant factors. Statistical analyses, including one-way ANOVA, chi-square, and correlation tests, were conducted using SPSS. The study is relevant as it evaluates the public's role in environmental decision-making within a democratic framework, offering insights into the readiness of EIA policies to align with global sustainability goals. Findings reveal low public satisfaction with the EIA 2020 draft, with respondents emphasizing the reduction in public hearing periods, exemption of critical projects, and limited avenues for reporting violations as detrimental to environmental protection. The study underscores a significant lack of trust in the draft's potential enforcement and highlights the need for enhanced transparency, biannual compliance reports, and inclusive public hearings to strengthen citizen involvement. Future research should broaden geographical coverage to offer more comprehensive insights. The findings strongly suggest dissatisfaction with the EIA 2020 draft, reflecting concerns over its potential to undermine public participation and weaken environmental safeguards.

**KEYWORDS;** Environmental Impact Assessment (EIA), Public Participation, Environmental Governance, EIA 2020 Draft and Sustainable Development.

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## INTRODUCTION:

Participation of public in environmental policy making is given to every citizen in a democratic country. The state should preemptively and proactively consult its citizens, provide them with opportunities for participation, and inform them about the avenues for greater participation. If the said information flows between the public then it would lead to a better and effective policy, it can help to avoid unintended consequences and can increase support in protecting the environment by sustainable use of the resources. There should be a proper public participation process without incurring burdensome costs both to the public and the state. The best known public participation process for the environment is through Environment Impact Assessments. When the public is given ample notice along with the necessary information to understand and participate meaningfully, these assessments can be effective ways to safeguard against environmental harms. On the other hand, public consultations that serve only to inform of a decision that has already been made undermines public trust, reduces legitimacy, and stifles the flow of important information. To such participation in India the parliament have made impact assessment notifications. The UNEP defines Environmental Impact Assessment (EIA) as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment. The first EIA notification was promulgated in 1994 by the then Ministry of Environment and Forests (now the Ministry of Environment, Forests and Climate Change). It is statutorily backed by the Environment Protection Act, 1986 which contains various

provisions on EIA methodology and process. The government uses the Environmental Impact Assessment notification of 2006 introduced the decentralisation of clearance into central and state projects (category A and category B respectively). It is also mandated clearance for Projects such as mining, thermal power plants, river valley, infrastructure (road, highway, ports, harbours and airports) and industries including very small electroplating or foundry units. The recent draft of environmental Impact Assessment 2020 with the intention of replacing the existing EIA Notification, 2006 has faced huge criticism from various environmentalists. Even though the notification has not come into force, its possibility to be implemented in future is more likely. Firstly, it Reduced Time for Public Hearings it reduces the notice period for public hearings from 30 days to 20 days. It also exempted certain projects from clearance, such projects include

- Offshore and onshore oil, gas and shale exploration
- ,inland waterway projects and expansion or widening of highways between 25 km and 100 km with defined parameters. (include roads that cut through forests and dredging of major rivers).
- Aerial ropeways in ecologically sensitive areas.
- Specified building construction and area development projects; built-up area up to 1,50,000 sq. m.

The EIA Notification 2020 excludes reporting of violations and non-compliance by the public. Instead, the government will take cognisance of reports only from the violator-promoter, government authority, Appraisal Committee or Regulatory Authority. Although the draft is not enforce

but no changes were made in the draft after this criticisms. So in this research it will delve into the analysis of such changes and it's impact it will have in India. In comparison countries like Bhutan , Estonia and Lithuania are the countries where EIA statements are publicly available. In the Association of Southeast Asian Nations (ASEAN), the implementation of EIA processes varies depending on the country's unique characteristics. For example, countries that initiated the EIA process before 1990 have their own outstanding topography

## OBJECTIVES

1. To study the public's role in environmental decision making.
2. To evaluate the effectiveness of environmental authorities and boards by EIA analysis.
3. To identify the factors which contribute to the further development of public participation in environmental initiatives made in India.

## STATEMENT OF THE PROBLEM

The draft Environmental Impact Assessment (EIA) 2020 strengthens the government's control over the environmental review process, reducing public engagement and offering no remedy to the political and bureaucratic stronghold on EIA, which affects industries. By limiting public consultation, it disregards the rights of marginalised groups, including tribals. The draft also allows the government to designate any project as "strategic," enabling swift clearance without public disclosure, raising concerns over unchecked approvals. Furthermore, reducing the notice period for public hearings from 30 to 20 days limits the time for communities to review EIA reports, particularly in regions where information is not easily accessible or widely available in local languages. This

approach diverges from India's commitments to international environmental agreements, such as the UN Conference on Human, Environment and Development, the Rio Summit, the UNFCCC, and the Paris Climate Accord, all of which have historically strengthened India's environmental governance.

## REVIEW OF LITERATURE

**P. Naidu · (15 Feb 2022)** Generally, the main objective of an Environmental Impact Assessment notification is to protect the environment and reduce environmental impact, especially when the environment conflicts with development. In addition, it safeguards the health and safety of those connected to the environment. The purpose of this manuscript is to examine the role of Environmental Impact Assessments in the protection of the environment. Aside from studying the differences between the EIA Notification 2006 and the draft 2020 EIA Notification draft, we have also taken a closer look at the most pertinent issues and concerns regarding this 2020 EIA Notification draft. The 2020 EIA Notification draft needs improvements to protect the environment and reduce environmental impact from development projects.

**M. Nomani · 23 Jan 2023** The EIA law began in 1994 has finished 25 years of its authorisation and work in 2019. The EIA law encouraged excellent administration and ecological equity. The EIA law is in the constant deluge of experimentation, as evident from the 55-time changes and 230 government circulars from 2006-2021. The EIA Notification, 2006, has intensified the disarray and alteration in EIA law arrangement. The salubrious enactment made statutory requirements on the continuous relaxing mode. The worldwide rankings on the working of EIA law in 2020

by Yale University's Environmental Performance Index positioned India as 168 out of 180 nations. The fundamental qualities of benchmarking contain 32 markers and decade execution patterns. The EIA Notification, 2020 subsumes these concerns by providing public participation, ex-post-facto clearances, and speedy authorisations of environmental projects. The EIA law gets promissory to ecological improvement, contamination control standards and health protection.

**Katakam Venkata Seetha Ram et al (1 Sep 2022).** EIA is a resolution making tool as it suggests various options from the environment pollution point view from which an environment friendly one can be selected. Spread over four stages from screening, scoping, public consultation to the final approval EIA plays an important role for the decision makers for accepting or rejecting the development projects. In India the first EIA was notified in 1994 and was subsequently expanded in 2006. Recently in 2020 the Government released a new EIA draft which it claimed takes care of amendments and judgments related to the topic and invited suggestions from the stake holders. However, the new policy drew protests from many stake holders and environment experts who claim that the new draft dilutes the existing EIA process. This article looks critically into the contentious provisions of the new draft and suggests the way ahead.

**J. K. Panigrahi et al · (1 Jul 2012)** An appraisal of the EIA system against systematic evaluation criteria, based on discussions with various stakeholders, EIA expert committee members, approval authorities, project proponents, NGOs and consulting professionals, reveals various drawbacks of the EIA system. These mainly include; inadequate capacity of EIA

approval authorities, deficiencies in screening and scoping, poor quality EIA reports, inadequate public participation and weak monitoring. Overall, EIA is used presently as a project justification tool rather than as a project planning tool to contribute to achieving sustainable development. While shortcomings are challenging, Government of India is showing a high degree of commitment. The EIA system in the country is undergoing progressive refinements by steadily removing the constraints. The paper identifies opportunities for taking advantage of the current circumstances for strengthening the EIA process.

**Urmila Jha-Thakur · (4 May 2023).** letter provides an overview of the EIA system in India for the last three decades. The strengths and weaknesses of the system are summarised here based on the key reviews, which have been undertaken during this time. The main purpose of this contribution is however to reflect on the recent attempts to introduce changes within the EIA system in India via the Draft EIA Notification of 2020 and the subsequent regulatory instruments. The proposed changes are compared and contrasted against the identified strengths and weaknesses. Though the Draft Notification was rejected, it showcases the intention of the Government towards dilution of the EIA system and its failure portrays the extent to which public opinion and understanding of EIA has evolved in the country. The Draft EIA Notification of 2020 was rejected, highlighting the government's intention to dilute the EIA system and the evolution of public opinion and understanding of the system in India.

**Stellina Jolly et al · (8 Jul 2021).** The Draft EIA Notification normalizes ex post facto clearance, which allows construction or operation of the project without a prior

environmental clearance. It has significantly curtailed the scope of public consultation and participation by the introduction of a large number of exemptions for projects. Further, it is silent over the project's transboundary impacts and exempts projects within 100 km of the border areas from public consultation. Thus, the Draft EIA Notification violates the environmental law principles provided under domestic and international laws by restricting adequate scrutiny of projects. The article critically evaluates the three significant dilutions that have threatened the effectiveness of the Draft EIA Notification including ex post facto clearance, public consultation, and the exemption granted to transboundary projects, and emphasizes its need for reconsideration before the publication of the final Notification.

**A. Rathi · 10 Oct 2023** The emphasis on exempting several categories of projects from the EIA requirements and public consultation, standardization of sector-specific terms of reference and environmental clearance conditions, and decentralization of the decision-making to simplify and fast-track the environmental clearance procedure for development projects is apparent. The list of projects/activities requiring prior environmental clearance and the procedures reveal that promoting the ease of doing business scores over precautionary principles. Efforts to increase the effectiveness and improve transparency in monitoring the implementation of environmental clearance conditions are visible. Still, the prime issues of improving the efficiency and efficacy of the EIA framework and institutional reforms in the EIA system need to be earnestly addressed. The evaluation using an ex-ante framework unveils the areas needing meticulous attention to revamp the EIA regulation.

**A. Barker et al (1 Jul 1999).** An evaluation of the quality of environmental impact assessment (EIA) reports, modifications to projects as a result of EIA, and the influence of changes to EIA procedures in the United Kingdom, Germany, Spain, Belgium, Denmark, Greece, Ireland, and Portugal is reported. The overall proportion of “satisfactory” EIA reports sampled increased from 50% to 71% between 1990–1991 and 1994–1996. Several modifications to projects occurred as a result of the EIA process, but there was no apparent trend over time relating to the number or significance of modifications. All the eight Member States had taken major or minor measures to modify EIA procedures and these either have already improved the quality of EIA practice or are expected to do so. A series of recommendations to improve the performance of the EIA process is presented.

**C. Wood, et al (1 Jul 1997)** Environmental assessment (EA) is intended to ensure that environmental considerations are properly weighed in the decisions made by local planning authorities on planning applications. This paper analyses whether, to what extent, and how, EA has influenced LPA decisions. Forty case studies were analysed by examining relevant documentation and conducting interviews with participants in the EA process. EA appears to have had a gradual rather than a revolutionary effect on decision-making. Its main benefits have been the enhanced provision of environmental information and, to a lesser extent, assistance in setting conditions and in modifying proposals. However, these benefits are not occurring in all cases, and changes are needed if the expected advantages of EA—better integration of environmental considerations

into project planning and decision-making-are to be fully realised in the UK.

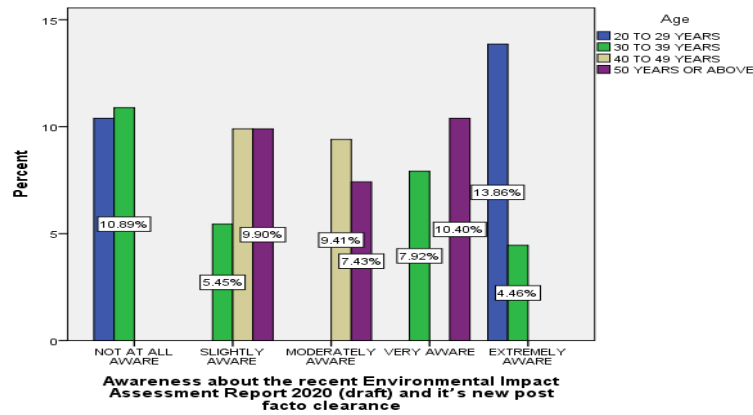
**Yan Song · 28 Dec 2022** Environmental impact assessment (EIA) has been widely recognized as a crucial instrument for sound decision-making that will promote environmental conservation and sustainable development. International jurisprudence has clarified the obligation of EIA under customary international law, especially concerning its legal status, threshold standards, and procedural requirements, as well as the issue of State responsibility. As suggested by this article, international tribunals tend to adopt a procedural-oriented and State-based approach regarding the obligation of EIA, leaving more discretion to the States pursuing the proposed activities. This approach is insufficient to realize the role of EIA in fostering sound decision-making. As for the BBNJ negotiations, in light of the legal status of the Area in international law and the established rules governing the issues of EIA, especially the three Regulations and Recommendations adopted by ISA, the future implementation agreement should reinforce international regulations regarding the substance and implementation of EIA obligations.

## METHODOLOGY

This research is a empirical research with a sample size of 202 samples, and the sample label is Chennai. The independent variables are age, gender, education qualification, employment status, and Place of residence. The dependent variables covers various aspects related to the research, which include Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance, Familiarity about the exemption of offshore and onshore oil & gas corporation from environmental clearance, Performance of clearance authorities and redressal mechanisms, Importance of publics' participation in projects which are seen as harmful to their environment, Agreeability "The reduction of compliance report to be submitted from biannually to annually as will give an opportunity to project proponents to hide disastrous consequences, which could go unnoticed" , factors that will improve. and provide for active public participation and acceptability to hypothesis "The new EIA 2020 (draft) Strengthens the Government but Weakens the Public thus it challenges the participation of public in environmental decision making".All of which are graphically represented as One -way ANOVA, Chi -square test, correlation, and complex charts using SPSS.

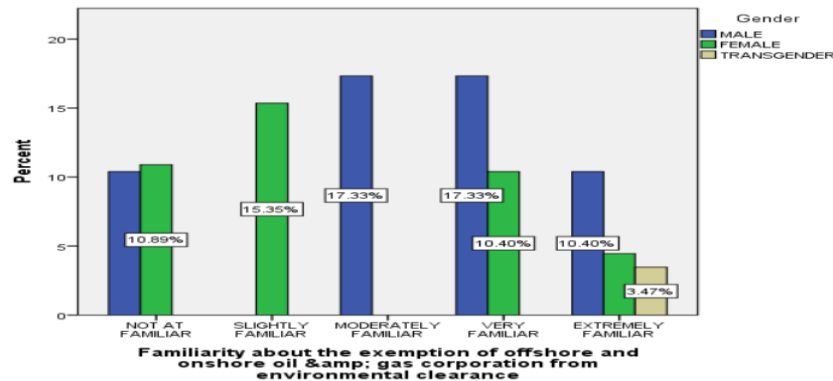
## DATA ANALYSIS COMPLEX CHARTS FIGURES

**FIGURE 1**

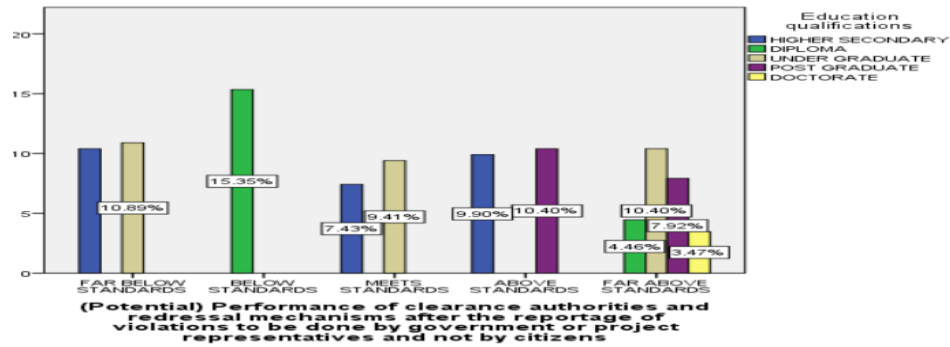


**LEGEND:** This figure shows the distribution of respondents based on age structure and their awareness on recent environment impact assessment report 2020(draft) and it's new post facto clearance.

**FIGURE 2**



**LEGEND:** This figure shows the distribution of respondents based on gender and their Familiarity about the exemption of offshore and onshore oil & gas corporation from environmental clearance.

**FIGURE 3**

**LEGEND:** This figure shows the distribution of respondents based on education qualifications and their opinion potential Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens.

**TABLES**  
**ONE WAY ANOVA**  
**TABLE 1**

**Descriptives**

Familiarity about the exemption of offshore and onshore oil &amp; gas corporation from environmental clearance

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
20 TO 29 YEARS	49	3.29	2.000	.286	2.71	3.86	1	5
30 TO 39 YEARS	58	2.36	1.398	.184	1.99	2.73	1	5
40 TO 49 YEARS	39	2.49	.506	.081	2.32	2.65	2	3
50 YEARS OR ABOVE	56	4.00	.000	.000	4.00	4.00	4	4
Total	202	3.06	1.422	.100	2.87	3.26	1	5

**ANOVA**

Familiarity about the exemption of offshore and onshore oil &amp; gas corporation from environmental clearance

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	93.023	3	31.008	19.606	.000
Within Groups	313.140	198	1.582		
Total	406.163	201			

**HYPOTHESIS :** Null hypothesis is rejected and Alternative hypothesis is accepted.

**LEGEND :** The above table shows the Anova test.

**INFERENCE :** There is a significance between age and Familiarity about the exemption of offshore and onshore oil & gas corporation from environmental clearance.



**TABLE 2****Descriptives**

Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
HIGHER SECONDARY	56	1.89	.802	.107	1.68	2.11	1	3
DIPLOMA	40	2.68	1.269	.201	2.27	3.08	2	5
UNDER GRADUATE	62	2.97	1.679	.213	2.54	3.39	1	5
POST GRADUATE	37	4.00	.000	.000	4.00	4.00	4	4
DOCTORATE	7	5.00	.000	.000	5.00	5.00	5	5
Total	202	2.87	1.419	.100	2.67	3.07	1	5

**ANOVA**

Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	134.586	4	33.646	24.543	.000
Within Groups	270.068	197	1.371		
Total	404.653	201			

**HYPOTHESIS :** Null hypothesis is rejected and Alternative hypothesis is accepted.**LEGEND :** The above table shows the Anova test.**INFERENCE :** There is a significance between education qualification and their opinion on Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance.**TABLE 3****Descriptives**

(Potential) Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
MALE	112	3.46	1.433	.135	3.20	3.73	1	5
FEMALE	83	2.57	1.399	.154	2.26	2.87	1	5
TRANSGENDER	7	5.00	.000	.000	5.00	5.00	5	5
Total	202	3.15	1.499	.105	2.94	3.36	1	5

**ANOVA**

(Potential) Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	63.302	2	31.651	16.223	.000
Within Groups	388.243	199	1.951		
Total	451.545	201			

**HYPOTHESIS :** Null hypothesis is rejected and Alternative hypothesis is accepted.

**LEGEND :** The above table shows the Anova test.

**INFERENCE :** There is a significance between gender and their opinion on potential Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens .

## RESULTS:

**FIGURE 1:** This figure shows that 13.86% of respondents age between 20 to 29 years have responded between very to extremely aware on Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance

**FIGURE 2:** This figure shows that 17.33% of male respondents are moderately to very familiar about the exemption of offshore and onshore oil & gas corporation from environmental clearance

**FIGURE 3:** This figure shows that 15.32% of the respondents who have completed diploma have responded below standards for potential Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens

**TABLE 1:** This table above shows the Anova test here the result value is .000 actually the  $P=.005$  now this is less than  $P$  value so Null hypothesis is rejected and Alternative hypothesis is accepted. There is a significance between age and Familiarity about the exemption of offshore and onshore oil & gas corporation from environmental clearance.

**TABLE 2:** This table above shows the Anova test here the result value is .000 actually the  $P=.005$  now this is less than  $P$  value so Null hypothesis is rejected and

Alternative hypothesis is accepted. There is a significance between education qualification and their opinion on Awareness about the recent Environmental Impact Assessment Report 2020 (draft) and it's new post facto clearance.

**TABLE 3:** This table above shows the Anova test here the result value is .000 actually the  $P=.005$  now this is less than  $P$  value so Null hypothesis is rejected and Alternative hypothesis is accepted. There is a significance between gender and their opinion on potential Performance of clearance authorities and redressal mechanisms after the reportage of violations to be done by government or project representatives and not by citizens .

## DISCUSSION

Figure 1 highlights that 13.86% of respondents aged between 20 and 29 years are very to extremely aware of the EIA Report 2020 (draft). This suggests that younger respondents are more engaged with environmental policy, potentially due to heightened environmental education or media influence targeting this demographic.

Figure 2 shows that 17.33% of male respondents are moderately to very familiar with exemptions granted to offshore and onshore oil and gas corporations from environmental clearance. This may reflect a gendered perspective on industrial practices, where men may be more exposed to or aware of industrial operations due to occupational patterns.

Figure 3 indicates that 15.32% of respondents with a diploma rate the performance of clearance authorities and redressal mechanisms below standards. This finding reflects dissatisfaction with regulatory authorities' handling of environmental violations, especially among

individuals with moderate educational qualifications.

Table 1 identifies a significant association between age and familiarity with exemptions in offshore and onshore projects, showing that age influences awareness levels.

Table 2 reveals a significant association between educational qualifications and awareness of the EIA 2020 (draft), suggesting education's critical role in policy understanding.

Table 3 shows a significant relationship between gender and perceptions of the performance of clearance authorities, highlighting gendered differences in evaluating governance.

## SUGGESTIONS

- Implement targeted awareness programs for urban and educated populations to leverage their interest in environmental governance, focusing on compliance report submission policies and their implications.
- Enhance the public hearing systems in regions with significant environmental projects, ensuring active involvement of self-employed and public-sector respondents who prioritize participation in decision-making.
- Address the performance gaps in clearance authorities and redressal mechanisms by integrating citizen reporting mechanisms alongside government oversight, especially in industrial zones.
- Develop region-specific educational initiatives about offshore and onshore project exemptions to improve awareness, particularly

among younger and middle-aged demographics.

## LIMITATIONS:

The limitations of this research includes sample size, which is 202 and it is collected within the city of Chennai, Tamil Nadu. The research is also done mostly among Diploma and UG graduates so it showed less diverse opinions. Also the respondents are mostly from sub urban regions of India, mostly from Tamil Nadu.

## CONCLUSION

The study highlights public perceptions regarding the potential enforcement of the Environmental Impact Assessment (EIA) 2020 draft, emphasizing its implications for environmental governance in India. The findings reveal significant variations in awareness, familiarity, and approval ratings across demographic groups, particularly concerning post facto clearances, exemptions for oil and gas corporations, and the reduction in compliance reporting frequency. Urban, educated respondents demonstrate higher awareness levels but express concerns about the draft's ability to strengthen government control while undermining public participation. The performance of clearance authorities and redressal mechanisms was critiqued, with respondents identifying gaps in transparency and citizen inclusivity. Factors like better public hearing systems, increased consultation periods, and biannual compliance reporting were prioritized to enhance public involvement in addressing environmental violations. These insights suggest that the EIA 2020 draft, if implemented in its current form, may face public resistance and could exacerbate existing challenges in ensuring accountability and sustainability. Future research must expand the sample size and include diverse geographic regions to gain a more representative understanding of public

opinion. Policymakers should leverage these insights to revise the draft, ensuring it incorporates mechanisms for citizen reporting, stronger public hearings, and stricter compliance requirements. The findings of this study clearly indicate that people are largely dissatisfied with the EIA 2020 draft. Concerns about its potential to prioritize industrial interests over environmental sustainability and public involvement highlight the urgent need for a more transparent and participatory framework to address these issues effectively

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