



ENVIRONMENT

Judicial Clarity on Environmental Impact Assessments: The Vanshakti Judgment

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Introduction

In a significant judgment on environmental governance, the Supreme Court in *Vanshakti v. Union of India* (2025 INSC 961) upheld the Ministry of Environment, Forest and Climate Change's (MoEF&CC) notification dated 29th January 2025, which clarified the applicability of general conditions to building and township projects under the 2006 Environmental Impact Assessment (EIA) Notification.

The petitioner, NGO Vanshakti, challenged the 2025 notification and a subsequent Office Memorandum dated 30th January 2025, contending that they diluted environmental safeguards by excluding the "General Conditions" for certain construction and area development projects. The Court, however, ruled that the 2006 notification itself never applied such conditions to projects under Entries 8(a) and 8(b), and thus, the 2025 clarification did not amount to any dilution.

At the same time, the Court struck down Note 1 in Entry 8(a), which exempted industrial sheds, schools, colleges, and hostels from EIA requirements, holding it to be arbitrary and contrary to the objectives of the Environment (Protection) Act, 1986.

Analysis

The petitioner argued that the MoEF&CC's 2025 notification nullified previous judicial directions, including the Kerala High Court and National Green Tribunal (NGT) orders that had quashed earlier attempts to weaken the 2006 EIA framework. It was submitted that the government repeatedly sought to bypass environmental safeguards by reissuing modified notifications after judicial rebuke.

The Supreme Court, led by Chief Justice B.R. Gavai, rejected this contention. The bench observed that a plain reading of the 2006 notification showed that "General Conditions" which restrict project approvals within specified distances of protected or eco-sensitive zones were never applicable to building or township projects listed under Entries 8(a) and 8(b).

"Wherever the delegated legislation intended the General Conditions to apply, it specifically said so. Entry 8(a) and 8(b) never contained such stipulation," the Court held.

The Court clarified that the 2025 notification merely codified this interpretation and was not a deviation or dilution of environmental safeguards.

It further noted that the State Environment Impact Assessment Authorities (SEIAAs) statutory expert bodies constituted under the Environment (Protection) Act, were competent to appraise such projects, as the MoEF&CC alone could not handle assessments nationwide.

However, the Court disagreed with the government's decision to exempt construction projects for industrial or educational purposes (Note 1 under Entry 8(a)). It observed that large-scale construction, regardless of purpose, has an environmental footprint and cannot be shielded from assessment mechanisms.

"Education is no longer a purely service-oriented activity; it has become a thriving industry. There is no rational basis to exclude educational or industrial buildings from environmental scrutiny," the judgment stated.

The Court emphasized that sustainable development remains the guiding principle for environmental adjudication. Referring to precedents such as *Vellore Citizens' Welfare Forum v. Union of India* (1996), *Intellectuals Forum v. State of A.P.* (2006), and *State of U.P. v. Uday Education Trust* (2022), the bench reiterated that environmental protection and developmental needs must be balanced through responsible regulation.

Conclusion

The Supreme Court's decision in *Vanshakti v. Union of India* reinforces the doctrine of sustainable development and provides crucial interpretive clarity on the Environmental Impact Assessment regime.

By upholding the 2025 MoEF&CC notification (with the exception of Note 1), the Court ensured that environmental regulation remains effective without stalling legitimate development. The judgment strikes a pragmatic balance between ecological conservation and administrative feasibility recognizing the role of SEIAAs in localized environmental governance while safeguarding against arbitrary exemptions.

This ruling will likely serve as a key precedent for future disputes on the scope of delegated environmental legislation and the limits of administrative clarification.

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