

What is EIA and Why You Should Continue to Care

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Environmental Impact Assessment is a planning tool for any nation who is concerned about protecting nature as well as public health. It is a framework which helps the environment protection agency of a nation to decide if it wants to allow the construction of an infrastructure project based on the impacts this project will have on the environment.

Environmental Impact Assessment (EIA) is a strategic tool which helps create a balance between environment and development. It is a framework for ensuring sustainable development, defined as that development which meets the needs of the present without compromising the needs of future generations. EIA therefore helps save the environment for the present and future generations.

EIA in India was officially notified somewhere around 1994, as part of the Environmental (Protection) Act of 1986. Interestingly, EIA in India was first started more than 15 years before it was notified. The first EIA studies conducted in India were for river-valley projects as early as 1977-78. The Ministry of Environment, Forests and Climate Change was and continues to be the nodal agency for assessing EIAs in India. Around 30 different types of projects were notified to require prior environmental clearance as part of EIA Notification of 1994.

EIA Notification, 1994

EIA Notification 1994 rested a large part of the EIA process on the Centre/MoEFCC though it did require the company constructing the project to obtain a clearance from the respective State Pollution Control Board (SPCB). It also required for the EIA Report to be prepared before a public hearing could be conducted. This was a useful attribute since the public may not always be aware or sensitized about the ambient environment.

EIA Notification, 1994 had some inherent strengths which made it an effective tool for ensuring sustainable development. One of these was the fact that it did not give any special treatment to expansion or modernisation of an existing project. Any existing

project which wanted to expand had to apply afresh for environmental clearance. This ensured that cumulative environmental impacts of a project, which was about to increase in size, could be assessed in a more precise manner.

A second strength of the EIA Notification, 1994 was that it did not assign any time limit or “target” for completing any stage of the environmental clearance process. This allowed thorough assessment of the environmental impacts of a project. It also displayed the sensitivity of the policy makers more than 25 years ago, who perhaps understood that nature is not time bound. And that it is us humans who need to adjust our working according to the principles of nature, and not the other way around.

This understanding became clearer to the people of Delhi when they had to keep children away from school due to air pollution. It is now clear to the rest of the world when schools, colleges and a lot of other places are shut due to a tiny Coronavirus.

EIA Notification, 2006

The EIA Notification, 1994 was found to have certain issues and within three years of its notification, the process of amending the EIA framework had begun. A Draft EIA Notification was made public in 2005 for the purpose of inviting comments. A key grievance of environmentalists has been that the comments received in 2005-06 were never made public, and perhaps not considered properly. The Draft EIA Notification, 2005 was approved an year later in 2006.

The major difference in the New EIA Notification 2006 from the earlier one (1994) was decentralizing power to the State Governments. EIA Notification, 2006 divided “development” projects into Category A and B. Category A projects require clearance from Central Government (MoEF). Category B projects require clearance from State Government. It also allowed state government to further classify Category B project into B1 or B2 category. B1 projects require preparation of EIA reports while B2 projects do not require EIA report.

EIA Notification, 2006 also seemed to a big discouraging towards environmental groups working to protect the environment. It did not support the participation of environmental groups in public hearing though it did ask them to submit their comments in written separately. It also encouraged the expansion of existing projects and introduced provisions to ensure that these could be done without carrying out any further EIA or public hearing. This was though to slow down the pace of “development” and the fact that EIAs were supposed to do that for the sake of environment had begun to be forgotten.

Draft EIA Notification 2020

The MoEFCC has once again released a draft of the EIA Notification with some modifications and has invited public comments on it. The objective this time seems to be to streamline the environmental clearance process. This will also speed up the environmental clearance process for “development” projects at considerable risk to the

EIA process. To share some of the concerns, the time period for receiving comments on an EIA report has been reduced from 30 days to 20 days in the draft EIA Notification, 2020. This is only going to make the participation of the locals as well as environmental groups in the EIA process even more difficult.

Further, projects who want to expand or increase their capacity up to 50% will not require to undertake any kind of public consultation. This means that if the project of a company is not allowed by the local people because it is too large, the said company can reduce its initial proposed capacity to half. Subsequent to getting environmental clearance, the said company can double its capacity or production without requiring public consultation. This alone is the biggest loophole in the Draft EIA Notification, 2020. As a concerned citizen, you must participate in the decision making process and submit your feedback to the MoEFCC as soon as possible.

Another major drawback of the existing EIA framework that has not been addressed in draft EIA Notification 2020 is that of who should conduct it. At present, the EIA is conducted by the same company by recruiting a third-party (another company) to carry out the EIA. The list of such third-party EIA conducting companies is maintained by the MoEFCC. However, based on past experience, even the Government is aware that this is a major loophole in the system and a company conducting an EIA of its own project will certainly introduce bias leading to faulty assessments. This has been a widely accepted concern since almost a decade and has still been rectified in the draft 2020 notification.

The Way Forward

Environmental Impact Assessment is a planning framework for environmental protection and sustainable development. It is a tool available with the Environmental Ministry for protecting nature and natural resources of India. As is true in all other cases, the Environment Ministry needs public support for strengthening the EIA process and making it more robust and meaningful. Without public support, there can be no political will since the balance is already tilted towards industry and commerce. This requires each and every citizen to take special interest in not just the EIA drafting process but also in the state and status of *our common environment*.

The Environment Ministry also must take proactive steps in receiving citizen feedback. In addition, not only should the Ministry strengthen the EIA process in the best interest of forest and wildlife of India, it must also move from EIA to a more holistic Strategic Environmental Assessment (SEA) paradigm. As part of the SEA, India's energy and mineral requirement and harnessing potential should be determined after conducting rigorous carrying capacity studies focusing on the biogeographic zones of the country. However, this can be made possible only when the citizens of India start taking that special interest in the environment around them, even in the remotest parts of the country.

Protecting the environment is everyone's responsibility. The state of the environment today is extremely concerning and no sensible person, agency of industry can argue against causing any more harm to it. Species are predicted to be getting extinct in large

numbers, sea-level has already risen and is about to engulf coastal cities, pollution of all kinds is on the rise and Nature is at its breaking point. If all of us realize this and start caring about the environment, even if it is for ensuring our own survival, that will be the most impactful feedback we can give to our Environment Ministry. We have shown that we care, let us continue to sustain our interest in environmental issues around us, and continue to care.

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