

Changes in Environment Impact assessment (EIA)

September 21, 2020

Given the need of balancing economic development with environmental sustainability, the 2020 EIA draft is considered a regressive departure from the 2006 version it seeks to replace. In this context it is necessary to study the importance of EIA and how the new changes proposed affect the very purpose of the assessment.

In News MoEF&CC has published the draft EIA Notification 2020.
Placing it in syllabus Ecology & Environment – Environment Impact Assessment (EIA)

Static dimensions

1. What is EIA?

Current dimensions

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2. Exemptions in the notification
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Content:

What is EIA?

EIA can be defined as **the study to predict the effect of a proposed activity/project on the environment.** As a decision making tool, EIA compares various alternatives for a project and seeks to identify the one which represents the best combination of economic and environmental costs and benefits. It helps to identify possible environmental effects of the proposed project, proposes measures to mitigate adverse effects and predicts whether there will be significant adverse environmental effects, even after the mitigation is

implemented.

It has benefits such as protection of environment, optimum utilisation of resources and saving of time and cost of the project. Properly conducted EIA also lessens conflicts by promoting community participation, informing decision makers, and helping lay the base for environmentally sound projects.

The **eight steps of the EIA process** are:

Screening: First stage of EIA, which determines whether the proposed project, requires an EIA and if it does, then the level of assessment required.

Scoping: This stage identifies the key issues and impacts that should be further investigated. This stage also defines the boundary and time limit of the study.

Impact analysis: This stage of EIA identifies and predicts the likely environmental and social impact of the proposed project and evaluates the significance.

Mitigation: This step in EIA recommends the actions to reduce and avoid the potential adverse environmental consequences of development activities.

Reporting: This stage presents the result of EIA in a form of a report to the decision-making body and other interested parties.

Review of EIA: It examines the adequacy and effectiveness of the EIA report and provides the information necessary for decision-making.

Decision-making: It decides whether the project is rejected, approved or needs further change.

Post monitoring: This stage comes into play once the project is commissioned. It checks to ensure that the impacts of the project do not exceed the legal standards and implementation

of the mitigation measures are in the manner as described in the EIA report.

History of EIA in India:

- A signatory to the Stockholm Declaration (1972) on Environment, India enacted laws to control water (1974) and air (1981) pollution soon after.
- It was only after the Bhopal gas leak disaster in 1984 that the country legislated an umbrella Act for environmental protection in 1986.
- Under the Environment (Protection) Act, 1986, **India notified its first EIA norms in 1994**, setting in place a legal framework for regulating activities that access, utilise, and affect (pollute) natural resources.
- Every development project has been required to go through the EIA process for obtaining prior environmental clearance ever since.
- The 1994 EIA notification was replaced with a modified draft in 2006.

Key changes in EIA notification 2020:

The two most significant changes in the new draft are the **provisions for post-facto project clearance and abandoning the public trust doctrine.**

1. Projects operating in violation of the Environment Act will now be able to apply for clearance (a reiteration of a March 2017 notification for projects operating without clearance). All a violator will need are **two plans for remediation and resource augmentation** corresponding to 1.5-2 times “the ecological damage assessed and economic benefit derived due to violation”. For such late applications, a developer will have to cough up **Rs 2,000-10,000 per day for the period of delay.**

2. According to the draft the **violation has to be reported either by a government authority or the developers themselves.** There is **no scope for any public complaint** about violations. Instead, the reliance is on the violators to disclose, suo motu, that they broke the law.

Exemptions in the notification:

- Removal of several activities from the purview of public consultation – **a list of projects has been included under Category B2, expressly exempted from the requirement of an EIA.**
- The projects under this category include:
 - offshore and onshore oil, gas and shale exploration,
 - **hydroelectric projects up to 25 MW,**
 - irrigation projects between 2,000 and 10,000 hectares of command area,
 - small and medium mineral beneficiation units,
 - small foundries involving furnace units,
 - some categories of re-rolling mills,
 - small and medium cement plants,
 - small clinker grinding units,
 - acids other than phosphoric or ammonia, sulphuric acid, MSMEs in dye and dye intermediates, bulk drugs, synthetic rubbers, medium-sized paint units,
 - **all inland waterway projects,**
 - **expansion or widening of highways between 25 km and 100 km with defined parameters,**
 - aerial ropeways in ecologically sensitive areas,
 - Most building construction projects of built-up area up to 1,50,000 sq m,
 - Specified building construction and area development projects,
 - Coal and non-coal mineral prospecting and solar

photovoltaic projects

Under existing norms the projects in this list are identified on the basis of screening by Expert Appraisal Committees, rather than being exempted through listing in the Schedule.

Criticisms:

1. The new draft **exempts a long list of projects from public consultation**. E.g. roads and pipelines in border areas will not require any public hearing. The 'border area' is defined as "area falling within 100 kilometres aerial distance from the Line of Actual Control with bordering countries of India." That would cover much of the Northeast, the repository of the country's richest biodiversity.
2. The new provision for post-facto environmental clearance would further weaken protections.
3. The **notice period for public hearing has been cut from 30 days to 20 days** which makes it difficult to study the draft EIA report when it is not provided in the regional language.
4. The project proponents need to submit **only one annual report on compliance with conditions, compared to the existing two**. ((The move is seen as retrograde, because the CAG found in 2016 that the deficiency in semi-annual compliance reporting was between 43% and 78%.)).
5. It offers no remedy for the political and bureaucratic stronghold on the EIA process and thereby on industries. Instead, it proposes to bolster the government's discretionary power while limiting public engagement in safeguarding the environment.
6. The **government gets to decide on the "strategic" tag for projects other than national defense and security**. The 2020 draft says no information on "such projects shall be placed in the public domain". This opens a window for summary clearance for any project deemed strategic without having to explain why.

Mould your thought: Critically analyse the key changes introduced in the Environment Impact Assessment (EIA) draft notification, 2020.

Approach to the answer:

- Define in brief the importance of EIA
- Jott down the changes introduced in the draft
- Write down the criticisms
- Way forward