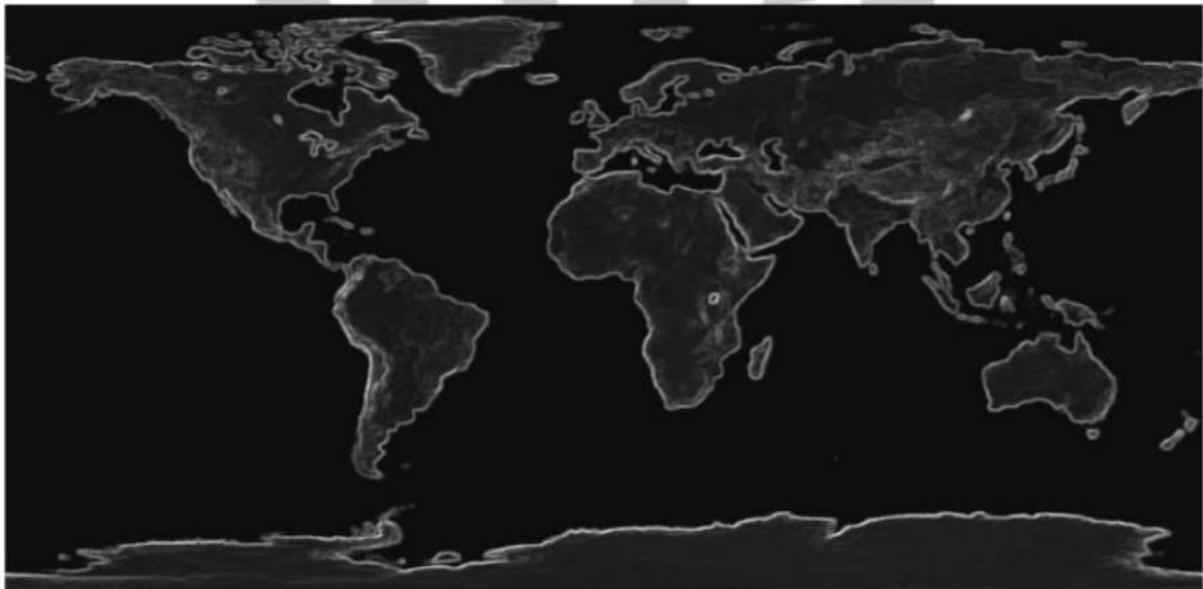




ANALYSIS OF THE ENVIRONMENT IMPACT ASSESSMENT BILL 2020

Impact of EIA Bill on the Indian Environmental landscape

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Among the several laws and statutes existing in India, Environment Impact Assessment Bill is another one seeking changes in the regulation of risks furthered by the large scale infrastructural investment by the government and public, which is subject to evaluation through the provisions of the Act. After severe incidents like the Bhopal Gas Tragedy, one of the most gruesome environmental tragedies in India, the government legislated the framework of laws for the regulation of the activities that affect the existence of natural resources. The Act requires each of the projects seeking development to go through the process of environment clearance test. The bill Environment Impact Assessment is an amendment to the existing legislation of the Environment Impact Assessment, 2006. Furthermore, the Environment Impact Assessment, 2006 was also a replacement for the EIA notification that was released in 1994.¹

As the process of a public hearing, many other provisions exist under the Act as an essential component to consider for sanction of a development project. There are multiple benefits as well as loopholes in the present proposed EIA bill, which affects the environment and people of India at large. Many experts and activists termed the 2020 amendment draft of the EIA bill as a '*regressive departure* from the previous version of the Act. The reason for this is the extensive changes like reinforcing the discretionary power of government and reducing the period given to people to respond.

There are numerous problems in regards to this bill introduced by the government recently. . It is so because many of the assessments done are not really up to the mark or efficient but only a copy-paste task. The earlier Act of 2006 mandates the notion of assessment process performed before the beginning of the project. The notification of the amendment draft dismantles this firm idea of assessment before the advancement of the project. The EIA Bill has provisions through which the illegal projects started without the environmental impact assessment can now be legalized through an appraisal committee.² Furthermore, as stated above, the bill provides extensive discretionary powers to the government as here too, only a representative from government or a project proponent can file for the violations of provisions included in the Act. According to the proposed bill, the citizens have no such power to report for violations. This play is shallow and is like making a cat guard a milk bowl. There are further provisions that strengthen the government's power.

It is a mandatory provision under the environmental impact assessment regime to be subjected to a public hearing. In these public hearing matters, the public is first briefed about the changes the project might bring to their lives and the process for mitigation of waste by the company. Thereafter, the record is maintained about the opinion of the general public upon it. The Environment Impact Assessment Act, 2006 confers upon people almost thirty days for this. However, the newly drafted bill curtails this period by ten days, making it twenty days in all. It is problematic for tribals or poverty stricken people and they seem to be most affected by

¹Indian Express. (2020, August 10). Explained: Reading the draft Environment Impact Assessment norms, and finding the red flags. Retrieved from <https://indianexpress.com/article/explained/draft-environment-impact-assessment-norms-explained-6482324/>

²Mint. (2020, July 2). EIA Draft 2020: All the ways it weakens an important environmental safeguard. Retrieved from <https://www.livemint.com/mint-lounge/features/eia-draft-2020-weakening-an-important-environmental-safeguard-11593611958824.html>



this. . To understand the Act, the project, its impact upon the community life and the submission of written documents of appraisal becomes challenging to do within the timeframe of twenty days and also becomes inconvenient for people who might not even understand the language. Kanchi Kohli, who analyses EIA legislation and its effects, said that authorities were earlier mandated to monitor projects for compliance with environmental norms every six months. It has now been proposed that the monitoring frequency can be carried out once a year. She says “*Shorter processing times pose both institutional challenges and the quality of participation,*”³ Thus, on one hand, it strengthens the autocratic power of the government while, on the other hand, it weakens the participation of the general public.

There are instances where it seems that the Environment Impact Assessment draft has provisions that support the industries and development projects more rather than a reinforcement of a much more transparent and advanced process. The projects concerning the modernization, irrigation, construction of buildings or highways, development projects for defense, etc. are the development projects which would not require public participation. The list goes on for the major development projects like pipelines and road construction in border areas which in return hampers the sustainable development of the country.

The exemption demarcated for border areas for not engaging in public participation is worse for the general public as it would exclude almost all of them in the regions of North-east India. The North-Eastern region of India is mostly rich in natural resources and has the most abundant biodiversity as compared to other states or regions of India. Moreover, the development and construction projects concerning the expansion and construction of highways are also exempted from the clearance before its start. Indeed, these projects, too, indulge in hampering the roads in forests or through rivers. The draft gives some suggestions and factors to consider like a reduction in days for airing their concern, curtailment in public participation, and sanctions to the illegal projects causing great disturbances to the environment. These factors depict the lack of balance that shall strike between the sustainable development and the protection of natural resources.

The earlier Act of 2006 mandated that buildings below 20,000 sq. m did not require the environmental clearance but just the sanction from the appraisal committee at the state level. To much disappointment, there are saddening changes to this provision affecting the natural resources and recourse to the action. The new Environment Impact Assessment Bill proposes to increase the limitations of 20,000 sq. m. of construction of buildings to 1,50,000 sq. m. This huge and drastic increase in the limit threatens the environment and signifies the impact of greenhouse gas emissions and intensifying air pollution in cities like Delhi, Kanpur, etc. The air pollution in these cities and other cities of India is constituted of the dust particulate matter and dry soil out of construction material at the maximum amount. The cities, like Delhi, are the main victims of the pollution caused mainly by building constructions and modernization. The authorities have neglected and ignored these concerns in the Environment Impact

³The Hindu. (2020, March 12). New environment impact norm cuts time for public hearing. Retrieved from <https://www.thehindu.com/sci-tech/energy-and-environment/new-environment-impact-norm-cuts-time-for-public-hearing/article31052406.ece>



Assessment Bill, which are the main components to enrich and improve the natural environment and debarred external disturbances as well.

Recently, there have been many instances that showcase that if these changes come into effect, then it can become harder for the protection of the environment and natural resources. The factories and development projects that exist for years as of now may prove harmful for the environment if provided legality. The legality to operations of such projects under the rules laid in the new environmental impact assessment bill turns every other effort of protecting the environment as futile. The recent disastrous activity that happened is the leak of styrene gas in Andhra Pradesh. The port city of Visakhapatnam, Andhra Pradesh, recently observed gas leak of styrene gas at the LG Polymer Plant. The incident occurred on the 7th of May, and it later came to light that this LG Polymer Plant was running without any environmental clearance by the concerned authorities.⁴ It is horrifying that this plant is running for more than twenty years without clearance and it might have caused more disastrous disturbances to the environment.

Another such incident and example is *Tinsukia*. Tinsukia, a district in the state of Assam observed the blowout of natural gas, which later caught fire. This accident occurred at the premises of Oil India Limited. The reports that came out from the State Pollution Board of Assam were shocking and appalling. The reports suggested that the plant was working for more than one and a half decades. Besides, it was working without any permission from the board. The similar plants and developmental projects are found in the state of Odisha, Chhattisgarh, and Andhra Pradesh that exploited the natural resources and environment without permission from the state board.

It is difficult to imagine degradation of the environmental resources, which can possibly occur after the legalization of their operations. These provisions of the new draft bill suggest the abatement of democracy. The curtailed public participation further strengthens this stance of silencing the voice of the public that otherwise has to be heard. According to the 2006 Act, the authorities are required to assess the projects' adherence to the norms of environment clearance within every half a year. The new bill suggests a change from six months to once a year now. The shorter time allowed to the public and for the institutions to work is challenging. The proposal for the EIA Bill is thus, a little more inclined on the anti-environment scale.

There are already numerous water crises and land environmental crises faced by the country. The new amendments to the bill intensify the difficulties for the public as well as the environment. The legislations framed by the authorities shall be citizen-friendly and more concerning towards the preservation and protection of the environment. Thus, the new Environment Impact Assessment Draft shall be challenged to make mandatory approval of environment clearance before the operations of developmental projects begin. Furthermore, there is a need for the replacement in provisions that allow the projects and plants to carry out their business operations without environmental impact assessment clearance.

⁴ DownToEarth. (2020, July 6). Why draft EIA 2020 needs a revaluation. Retrieved from <https://www.downtoearth.org.in/blog/environment/why-draft-eia-2020-needs-a-revaluation-72148>