



Environmental Impact Assessment Notifications in India: Strengths, Weaknesses, Opportunities and Threats

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In the late 1970s, the Environmental Impact Assessment (EIA) emerged in India for river valley projects. Later, in the first EIA notification published in 1994, industries requiring prior environmental clearance were categorised as red, orange and green. In the EIA 2006 notification, the projects were further categorised based on their size and capacities as Category A and Category B projects. The most recent one is the draft EIA notification, 2020, which has several loopholes that encourage fast-track Environment Clearance (EC) for the projects through modifications such as exemption of many projects from the requirement of EIA and shortened public consultation period.

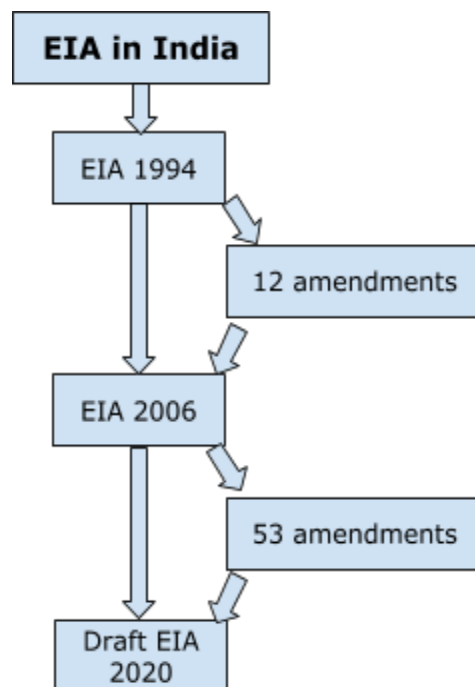


Figure 1: Chronological order of EIA.

EIA is done to evaluate the likely impacts of the project proposed on the surrounding environment. Also, in the EC process, the queries or suggestions of local people about the proposed project are undertaken during the 'public consultation' arranged by the project proponent, based on that the Environmental Appraisal Committee (EAC) takes its decision to give a "go" or "no go" for a project. However, the triple tragedies in India (back to back three industrial accidents) on 7th May 2020 and other environmental destruction reflect that the environmental laws have been poorly implemented. The Baghjan oil fields fire in Assam, clearance granted for three infrastructure projects in Mollem National Park in Goa and the Etalin Hydro project in Dibang Valley in Arunachal Pradesh, are the different examples that highlight the clearances have been granted to many projects without fulfilment of EC conditions, which has crucial impacts on the environment and



indigenous communities. Thus, India requires concrete green laws and effective implementation of these laws to manage and conserve its natural resources without any compromise.

Analysing	EIA notification, 1994
Strengths	The EC is mandatory, even for activities such as expansion and modernisation of industries, that are listed in Schedule I of the Notification
	Screening; Scoping; Selection of alternatives; Mitigation measures; and Submission of Environmental statement, are the 5 stages that are to be crossed before getting EC
	If any project proponent is found guilty for submission of wrong information, reports, decisions and recommendations in concern of their project and its impacts on the surrounding ecosystem, such projects will be automatically rejected and will not be allowed to proceed towards construction and operation
Weaknesses	The small-sized and low-capacity projects, that have potential to cause significant impacts on the environment due to disposal of waste and toxic chemicals in air, water and soil, for eg. electroplating industry, are exempted from Schedule I of the Notification
	The public hearing is the best way to understand the social and environmental issues due to proposed projects, thus, it should also take place during EIA to prepare a more detailed report. However, it does take place only once, that is, during the end stage of project clearance
Opportunities	Local communities are invited through advertisements and other local methods to participate when the public hearing is conducted in the region around the project to keep their problems (if any) before the Impact Assessment Agency (IAA) takes any decision on the proposed project
Threats	The Impact Assessment Agency (IAA) of the Central Government does not have any experts who can evaluate the environmental impacts of large-scale projects such as dams, coal mining and ports and harbour, which raises questions on the effectiveness of their decision making on such projects
	The terms of reference (ToR), which is the document that provides a baseline for preparing the EIA report, is decided by the



	project proponent, without any consultation from local communities, who face the brunt of destruction and pollution caused
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Table 1: A SWOT analysis of EIA notification, 1994.

Analysing	EIA notification, 2006
Strengths	For decentralisation of projects and better decision making, the projects/activities listed in Schedule I have been categorised as per the size and capacity of the projects to Category A projects, appraised by National level Impact Assessment Agency (IAA) and the Expert Appraisal Committee (EAC), and Category B projects, appraised by State Level Environment Impact Assessment Authority (SEIAA) and State Level Expert Appraisal Committee (SEAC). Further, Category B projects were divided into Category B1 and B2
	The public consultation consists of two major components: 1. Listen to the views of local people 2. Get written responses of interested people and organisations Thus, the voice of local communities are also heard and considered for better decision making
Weaknesses	To finalise the ToR during scoping, the Expert Appraisal Committee (EAC) is completely dependent on the information provided by the project proponent.
	There is no provision that makes it mandatory for proponents to hire a team that has all the experts such as wildlife experts, conservationists, anthropologists and social scientists, for EIA study at the proposed site. Hence, the cumulative impact of projects on the surrounding ecosystem, natural resources, wildlife and local communities, are always unknown.
Opportunities	After the approval of ToR, a baseline study is done during the monsoon (if prescribed) and non-monsoon period, to evaluate the possible environmental impacts of the proposed project. However, a baseline study lacks a comprehensive external cost accounting and assessment of both, environmental and social impact
	The Category B2 projects are completely excluded from the EIA and public hearing. So, adding projects in this category can provide a free pass to the projects to operate and expand without any concern about impacts on the surrounding



	environment and local communities.
Threats	Many projects/activities include expansion of roads and highways, modernisation of irrigation projects, etc., with significant environmental and social impacts, have been excluded from the public hearing
	Declaring some projects/industries like nuclear energy as strategic so that the Environment Management Plans (EMPs) for such industries can be kept confidential and they can bypass the public-hearing

Table 2: A SWOT analysis of EIA notification, 2006.

Analysing	Draft EIA notification, 2020
Strengths	NA
Weaknesses	The two initial stages, screening and scoping are significant to decide on need and methodology for EIA for proposed projects, respectively. However, they are nullified in this Notification to ensure speedy clearance of projects
	The period for submission of public responses is reduced from 30 days to 20 days. This does not give sufficient time for the public and experts to review the document and give valuable inputs.
Opportunities	In addition to the consultants hired by project proponents, the communities who are going to be impacted should also simultaneously do the EIA for an upcoming project in their area, with the governmental support, and the two reports should be compared before decision making
	Standardise the limits for acceptable social and environmental impacts of development to protect the environment or the ecosystems, which are life support systems for all living beings on Earth
	Study of the cumulative impact assessment of all existing and upcoming projects should be made to know the impacts on people and resources in local to wide areas in the surroundings of the projects
Threats	It allows post-facto clearance for projects that are operating without any EC and replaces half-yearly reporting with annual reporting of compliance, resulting in the possibility of increased



	violations and further destruction of the environment
	The Central Government is getting power to categorise projects as 'strategic' and no information related to such projects shall be placed in the public domain and will not be disclosed under RTI (Right To Information) Act

Table 3: A SWOT analysis of draft EIA notification, 2020 (NA-Not Available).

This SWOT analysis is done to identify and understand the strengths, weaknesses, opportunities and threats of provisions mentioned in the EIA Notifications over the years. It is observed that there is a steady dilution of green laws in India, which could have an adverse impact on the future generation, especially in the wake of the global concern of climate change. It is high time we recognised that compromise on the environment will benefit no one in the long run. Thus, it is necessary to have rigid laws, decentralise the EC process, increase transparency, strengthen public hearing for better decision making, periodically monitor the infrastructure projects and regulate them to operate in line with important commitments like the Paris agreement and the UN Declaration of the Rights of Indigenous Peoples, and stringently enforce environmental laws against activities detrimental to nature and local populations. At the same time, it is important to sensitise the public and engage them in conversations on the environment so that they play an active role in conserving nature from further destruction.