Draft EIA Notification

Why in news?

The Union Ministry of Environment has introduced a new Environment Impact Assessment (EIA) Notification.

What is the background?

- India is a signatory to the Stockholm Declaration (1972) on Environment.
- We enacted laws to control water (1974) and air (1981) pollution soon after.
- But it was only after the Bhopal gas leak disaster in 1984 we legislated an umbrella Act for environmental protection in 1986.
- Under the Environment (Protection) Act, 1986, India notified its first EIA norms in 1994.
- It set 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.

What are the problems in existing mechanism?

- Though established to safeguard the environment, the EIA process, often achieved the opposite.
- It had a facade of legal paperwork for a range of de facto concessions enjoyed by industries.
- Lack of administrative capacity to ensure compliance often renders long lists of clearance conditions meaningless.
- Then there are periodic amendments exempting one category of industries or the other from scrutiny.

What are the key changes in 2020 notification?

- It seeks to replace the existing EIA notification of 2006.
- It proposed to reduce or even remove public participation, and by extension independent expert opinion, from the process of granting environmental clearances.
- **Section 26 -** It provides a list of projects that would not attract environmental clearance or permission, including coal mining and seismic

surveys for oil, methane and shale gas on some lands.

- **Strategic projects -** Projects concerning national defence and security are naturally considered strategic.
- But the government also gets to decide on the "strategic" tag for other projects.
- The 2020 draft says no information on "such projects shall be placed in the public domain".
- **Section 14 -** All inland waterways projects and expansion/widening of national highways will be exempt from prior clearance.
- It also limits the scope of public involvement to the districts concerned, in the case of national parks and sanctuaries where pipeline infrastructure will pass.
- These include roads that cut through forests and dredging of major rivers.
- Further, it retains the clause that if a public agency or authority considers the local situation not conducive to participation by citizens, the public consultation need not include a public hearing.
- The Centre has also displayed unseemly haste to get them in place.
- The deadline to August 11, only after Delhi High Court order to extend it.

Source: The Hindu, The Indian Express

