Supreme Court on National Environmental Regulator

Why in news?

The Supreme Court has asked the government to explain why it had not set up an "independent environment regulator" under the Environment (Protection) Act, 1986 to oversee green clearances.

Why is the delay?

- The official policy prioritises ease of doing business.
- There is thus no consensus on what a new regulator can achieve.
- The draft Environmental Impact Assessment (EIA) Notification 2020 too seeks to advance that goal.
- It is much in line with virtually eliminating the civil society's role in environmental clearance.
- It does not encourage the public to voice its views and report violations, while independent scrutiny of proposals is weakened.

What are the shortfalls in EIA process?

- A key issue raised by the PIL is the lack of credibility of the EIA process.
- This is leaving way for reports that are often produced with the help of dubious expertise and manipulated data.
- The EIA process, especially after the notification in 2006, has been heavily critiqued for conflicts of interest.
- Under it, the proponent of a project herself/himself is responsible for producing the EIA report.
- In most cases, the proponents ignore the views of communities that would be displaced.
- They are ill-equipped to assess the loss of biodiversity and ecosystem services such as clean air, water and farm productivity.
- Clearances under forest, wildlife, air and water quality laws are heavily weighted in favour of promoters.
- The Centre has not taken any substantial move to set an independent regulator despite court's interventions in 2011 and 2014.
- The current PIL is forcing the government to come up with a fresh explanation on the delay year after year.

What are the implications?

- Polluting projects make way for conflict arising from pressure on scarce land and ecosystems.
- Such projects have already created clusters of industrial locations that are doing badly on the CPCB's Comprehensive Environmental Pollution Index.
- But this did not stop approvals for further polluting activity in some of these places.
- Other issues are the slow pace at which multiple departments process project proposals.
- This raises the transaction costs and results in the clamour to dispense with regulation.

What is the way forward?

- The Centre and States must acknowledge the ill effects of polluting projects.
- The remedies lie in administrative reform.
- It is eminently feasible, for instance, to produce a whitelist of lands for industry, reclaiming polluted areas.
- What India cannot afford to do is further degrade its forests, rivers, wetlands and air, whose health is vital for its large population.
- For a national regulator to work, the government must recognise the limits to extractive growth, respect a neutral body and preserve the integrity of the environment.

Source: The Hindu

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