

# **EIA 2020: An Environmental Compromise**

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## **Abstract**

*The battle between conservation and industrialization gains a new dimension with the recent changes to the EIA brought out by the Government of India. While the Government wants to cut down on the red tape and inefficiency associated with the lackadaisical bureaucracy, the new amendments significantly compromise on the basic principles of environmental conservation. This essay, while exploring the need for the new laws with regards to India's growing economic aspiration, also discusses why messing around with the environment is not a wise idea. The social and moral aspects of changing environmental laws, which actually accelerates environmental degradation is also looked at. This essay concludes that economic growth by compromising with the nature is not sustainable in the long term and that this policy must have a relook.*

## **What is EIA?**

Environment or Economy? This has been the million-dollar question for most modern governments across the world. The new EIA 2020 Notification rekindled the question in India. The Environmental Impact Assessment was introduced by the Government of India way back in

1986 in the aftermath of the Bhopal Gas Tragedy. EIA is basically a tool to gauge the impact of a project on the environment<sup>[1]</sup>. A properly done EIA not only studies the ecological impact of a project but also takes into account various alternatives to minimise the environmental repercussions of the said project. The EIA allows for the detection of potential complications, leading to course correction at an early stage. Proper monitoring, compliance and regular auditing are the pillars upon which the whole idea of an Environmental Impact Assessment stands. The EIA promotes community participation in a project which is especially important, as the local population is as much a stakeholder in the project as the investor. This helps reduce local conflicts and lays the base for a sustainable project. The EIA is not only useful while beginning a project but also plays a major role in commissioning, functioning as well as going as far as the decommissioning of the project.

### **The Need for change: A myopic outdated law?**

With the old law brought in place nearly 34 years ago, the proponents of the new EIA 2020 claim that a change has been a long time in the coming. The aspirations of the country have grown by leaps and bounds. What was then a developing country reliant on imports, India is now looking to stake its place amongst developed countries. With India looking to flex its muscle in the global manufacturing arena, the slow-moving 'system' had to be reformed. Environmental clearances especially were seen as the devil. The new EIA laws promise to cut the red tape and bring a more business-friendly outlook to the investors looking to invest in the 'Indian story'. By reducing the time taken for environmental clearances to be approved and reducing the scope for frivolous obstructions, the EIA does just that. Strategic projects too can be exempted from seeking environmental clearances thus ensuring much needed Foreign Direct Investments in India's

defence sector<sup>[2]</sup>. Border areas, especially the North Eastern region which had been devoid of development because of the cumbersome process can finally see the light of the day.

### **Social Implications: Is the voice of the public being curtailed?**

Despite being a firm believer in the need for India to take a progressive outlook towards industries, I am of the opinion that these changes are ultimately detrimental to the sustainability of the country at large. With controversial clause like giving post-facto clearances to already existing industries, there lies an immense power at the hands of the bureaucracy. Not to mention the ethics of starting the project and then seeking environmental clearance for starting the project in the first place!

While the slow-moving processes of India are usually blamed on the democratic principle of every voice being heard, this also ensures accountability from the big guns, especially when they are making use of public resources. Reducing the time for public consultations from 30 days to 20 days in the new EIA is another clause which will of course make things move faster. But it also reduces the time available for people to gather evidence and present their case. It prevents activists from mobilising resources to counter big money. The influence of public is further reduced as violations will now have to be reported by the violators themselves or competent government authority. This is like giving the keys of the jail to the criminal. While the intention to reduce niggles by mischievous 'activists' is commendable, whether the noble ideals of self-regulation will be followed by the corporate biggies is a cause for concern.

The constitution of India states that “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”<sup>[3]</sup>. By reducing the scope of public participation in the process of Environmental Impact Assessment, this law is effectively deterring the citizen from fulfilling his duties to the country.

### **The Environmental Compromise**

But more importantly, apart from the social concerns about public participation and fears of crony capitalism, what is worrying is the way the environment is considered as an afterthought. For long, conservation and industrialisation has been at loggerheads. Rapid industrialisation is being blamed for climate change. The grandiosely-named Ministry of Environment, Forests and Climate Change’s primary mandate is to formulate policies and programmes to conserve India’s rich natural resources, its biodiversity, and to prevent pollution<sup>[4]</sup>. What is the ministry doing framing policies for ‘Ease of Doing Business’? Isn’t this a conflict of interest? Let the Ministry of Commerce and Industries take steps to promote investments in India by easing FDI norms or reforming the labour structure or even overhauling the tax regime. There are multiple ways to welcome investors to the Indian dream. Compromising on vital aspects like the environment will only attract businesses with dubious interests and track records who are looking to escape the tough regulations being imposed worldwide. Even China, which is otherwise known for its extremely responsive attitude towards investors in the manufacturing sector has recently started tightening the screws on the environmental violators. While China’s new 2020 Action Plan increases environmental inspections threefold<sup>[5]</sup>, India’s new EIA rules cut down the self submissions by companies from twice a year to once a year.

While the decisions to exempt border areas (up to a 100kms from the Line of Actual Control (LAC)) might be good from strategic perspectives, we should take into account that these areas are one of pristine ecologically sensitive areas in the country. A survey by the Zoological Survey of India states that the Himalayan regions are home to 30% of India's fauna, several of which are endangered species<sup>[6]</sup>. The ecologically sensitive Himalayan ecosystem, which is already under stress because of climate change will be further affected by indiscriminate industrial activity. The 100 km exemption zone might spell death for the sensitive North Eastern region, which so far has remained pristine. While I agree that the lack of industrial activity in the NE region is worrying, is tampering with the environment the only way? The forest ecosystem of NE India is already under severe stress because of numerous factors like rapid population boom, illegal encroachment, and logging<sup>[7]</sup>. The new EIA gives state sanction for unbridled industrialisation which the fragile ecosystem may not be able to handle.

India or rather the whole world is grappling with issues of global warming and climate change. There are possibly thousands of case studies and research reports about how rampant industrialisation is playing spoilsport to ecological stability. Floods and droughts are occurring in India with increasing frequency<sup>[8]</sup>. Unseasonal rains are causing havoc to the lives of the people dependent on the agrarian economy. And in India, those people are not by any means less. The question here is should we compromise the principles of sustainability and environmental cautiousness for 'Ease of Doing Business'? Should we compromise on clean air and soil for the desire to attract industries who are coming here only for the lax regulations?

## **The Way Forward**

‘Ease of Doing Business’ is a term which ranks the regulatory environment in a country for a business to start its operation and function smoothly. There are enough bureaucratic shortcomings in the Indian system which can be reformed without having to meddle into environmental checkpoints. The law should be amended to increase community participation with enough equity to all the stakeholders. Contrary to popular perception, community participation in good confidence will reduce local conflicts than increase it. India is, after all a democracy. Who better to trust to look after the environmental welfare than the people who live in that environment! The morally ambiguous clauses of post-facto clearances should be given another look at. While it is important to develop the remote areas by the border, we should understand the ecological significance of that particular environment. Economic activities which are sustainable in nature can be introduced for uplifting the people there. National security is important. So is the environment. International co-operation is a must to demilitarise eco-sensitive areas.

The Directive Principles of State Policies states that “The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.” The policies of the state must strive forward in this direction. These new laws made to accommodate industrial interests, while they may be good for the economy of the country on the short term, goes against the direction laid down by the founding fathers of the country.

*“The earth, the air, the land and the water are not an inheritance from our forefathers but on loan from our children. So we have to handover to them at least as it was handed over to us.”*

- Mahatma Gandhi

This quote by Mahatma Gandhi is a good reminder of humankind's responsibilities. Economic prosperity will come, might be a little slowly. But if we build a strong base for a sustainable environment, the development which comes after will be all the better for it.

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