



To,
Shri C.K Mishra
Secretary, Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan, Jor Bagh, New Delhi
Email: secy-moef@nic.in

Subject: Draft EIA notification, 2020 [F.N.2-50/2018/IA.III]

Dear Shri Mishra,

This is with reference to the draft EIA notification, 2020 which has been uploaded on the environment ministry's website on 12.3.2020 seeking public comments.

The draft EIA notifications are issued by the Central Government in exercise of its powers under the Environment Protection Act, 1986 (EPA). The EPA is described in its Long Title as "An Act to provide for the protection and improvement of environment and for matters connected therewith". The EIA notification has significant bearing on life, livelihood of people affected by industrial and infrastructural projects. The regulations through EIA is aimed to assess and study the impacts of pollution, discharge of water and effluents, deforestation and land use change.

All Rules, Guidelines and other executive instructions issued in exercise of the power vested in the government under the EPA, 1986 must advance the foundational objective of the Act to protect and improve the environment, and the prevention of hazards to human beings, other living creatures, plants and property.

The draft guidelines have watered down the protective provisions envisaged in the EPA, 1960 in the interest of 'ease of doing business' and is a departure from the EIA, 2006. Instead of strengthening existing assessments and ensuring compliances from infrastructural projects, the guidelines have proposed for sweeping dilutions to the existing provisions relating to public hearing and various mandatory provisions of compliance. Several categories of projects have been exempted from Public hearing and notice period further reduced to 20 days. The impacts of the projects can only be assessed at the local levels and public hearing process is a crucial requirement for participatory environmental decision making.

The notifications include new exemptions, reduced scope of public hearings and exemption to all expansion/ modernisation projects within a 50% increase in production capacity, reduction in monitoring cycles from six monthly to yearly and institutionalizing appraisal for projects that initiated construction without approvals.

The draft EIA dilutes the already established appraisal procedures tremendously. This reduced level of monitoring and scrutiny makes the process highly susceptible to environmental destruction and unsustainable natural resource extraction. Further the polluters pay model with only monetary compensation is a recipe for disaster for environmental protection in India.

Comptroller & Auditor General of India (CAG) in its report¹ on environmental and post clearance monitoring observed that EIA assessment reports did not comply with Terms of Reference in 25% of the cases. It also goes on to say that the cumulative impact studies were not made mandatory before preparing the EIA reports and as a result the impact of a number of projects in a region on the ecosystem was not known. It clearly states in the report that the concerns and reservations of the local people in the public hearing was not included in the final environment impact assessment report and in many cases public hearings did not follow the quorum for the meeting and many people who participated were not residents of the area.

This draft notification proposed with the intention of creating enabling conditions on "ease of doing business" will seriously compromise the rights of project affected people as well as have an adverse impact on the environment. To retain such safeguards all industrial and infrastructural projects must continue to undertake proper assessment and study of environmental impacts of the projects, compliances and recognise the rights of project affected people to public participation in environmental decisions.

¹ The Comptroller & Auditor General of India Performance Audit Report No. 39 of 2016 on Environmental Clearance and Post Clearance Monitoring was tabled in Parliament on 10th March 2017



We are also concerned that this draft notification has been put out for public comments in the midst of a serious Pandemic that the country is grappling with where most parts of the country are under a lockdown or not fully functional. This kind of notification requires more debate and discussion with stakeholders and especially with the affected communities which is not possible due to restrictions on movement and large consultations.

We request MOEFCC to immediately withdraw the proposed amendments of the Draft EIA notification 2020. Once the situation normalizes, the Ministry should hold public discussions at state and district level on the implication of these amendments. It should put the issues of Environmental protection, compliance and strengthening public opinion process as key elements in the draft amendment and do away with all the proposed dilution of the protective clauses.

Sincerely

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