



Association for Protection of Democratic Rights

গণতান্ত্রিক অধিকার রক্ষা সমিতি

Eternal Vigilance is the Price of Liberty

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To
Mr. C K Mishra, Secretary
Ministry of Environment, forest & Climate Change (MoEF&CC)
New Delhi

In the matter of

DRAFT ENVIRONMENT IMPACT

ASSESSMENT (EIA) NOTIFICATION 2020

The Central Government proposes to issue the said notification for imposing certain restrictions and prohibition on the undertaking some projects or expansion or modernization of such existing projects entailing capacity addition, in any part of India,” in supersession of the Environment Impact Assessment notification, 2006 and its subsequent amendments, says the draft Notification. The word ‘**certain**’ discards any expectation of anyone about ‘**required**’ restrictions and prohibition in ecology and environment protection of the country!

UNEP desires implementing of environmentally sound policies and practices. The purpose of EIA Notifications in India is to implement sound policies and practices to protect our country’s environment and mitigate pollution and not for their further destruction and degradation as we all see in mines, bigdams, industrial units or waste treatment plants, etc.

Current developmental policies and practices of the government are open-ended for the investors (both foreign and indigenous). The proposed new notification (2020)

relies on and leaves almost everything to their good wishes including a section of corrupt bureaucracy. The hon'ble Minister currently leading the Department of Environment is himself a witness to how the corruption brigade in the department of industry and mining works in tandem with investors' money-making machine. The overall result in 2020 is that from her East to West and from North to South, India is neck-deep into a drum of petrol. Disastrous events daily happen in our country (Korba, Vapi, etc.)

A '*Down To Earth (State of India's Environment 2020: In Figures)* report (2020) pictured this situation in these words: **Environmental crimes: India may take up to 33 yrs to clear case backlog.** The environment cases move in a snail's pace. We, APDR, are shouldering this burden like many others in many parts of our country who moved environmental issues in the courts. About the police and Pollution Control Boards, the less said the better! The NGT is on the verge of being wound up. For the central government Section-4 of the NGT Act (*tribunal to have full-time chairperson and at least 10, but not exceeding 20 judicial and expert members at all times.* seems to be no more an obligation, no more a 'necessity'! How many are there now? In such a scenario, conceiving a 'Regulatory Authority' and an 'Appraisal Committee' as reliable checks against the widest relaxations granted in the notification-draft to projects, developers and investors defy the common sense of our society.

If the purpose of having an EIA scheme is to attract international funds, lip-service to international commitments and to arrange open space for economic recovery in its current downturns and Corona devastations rather than concern for the environment, pollution and climate change predicts misfortune for the nation as a whole. We hope the government will not traverse this course and you will prefer to scrap the draft and advise the government to go for a new notification in active consultation with all stakeholders, environment activists and experts in various fields with an open mind.

We may recall facts about the step-by-step dilution of EIA (ref: MoEF Order of 14-3-2014) as it existed in 1994. The government's rationale behind such dilution is developmental urgency being blocked due to EIA (protracted and procrastinated) formalities. The draft Notification -2020 seeks to waive off or lessen the 'rigour' of EIA in the interest of superfast nation building. Thus, those who raise questions regarding the government ethics of putting economy ahead of environment and ecology (which is one form of developmental extremism too) are treated as 'enemies of the nation', as 'preachers of extremism', etc. and framed under the UAPA (activists of *FridaysforFuture.in*) or threatened to withdraw their posts made in the social media (*Padma Priya* in TN). Acting as per Constitutional Article 51-A (g) is the duty of an Indian citizen. So, we, APDR, want public freedom to criticise or accept the draft Notification. This freedom, we think, is also badly affected by your failure to provide this document in all the 22 scheduled languages. Rules must be followed in their letters and spirit. Too much hurry gives a bad signal after all.

About violations and non-compliance, the said notification indicates the government's softness towards such offences against the people and state and proposes to exclude a lot of activities from the EIA net. Even compliance reporting by project proponents is intended to be made annual instead of biannual. The number of concessions and accommodations abounds for the violators, contradicting the purpose of EIA. The way sought for easing EIA restrictions and process is in line with earlier governments with only semblances of cosmetic newness. This is your departmental failure.

Easing the EIA process is necessary, but there are alternative ways to do so if innovative ideas are adopted about **screening, scoping, public hearing** (in order to gain prior knowledge about local public perceptions about development) **and area-wise preliminary assessments** for sustainability of eco-system and environment are undertaken well before any project proposals comes. This is nothing but integrating policies and practices with the inner urge of the people for secure life and also for the

security, progress and development of the country as a whole. The draft Notification is devised on a policy perspective of addressing only individual projects coming to the department for EC. Development is not a ‘Go as you like’ game. The government seems to have only ‘goals and targets’ left to be fulfilled through the ‘good wishes’ (so-called ‘Corporate Social Responsibilities’) of the members of the chambers of business. We, on the other hand, believe that the principle of ‘minimum government’ in environment and ecology protection and sustenance is counter-productive and may be disastrous for a country like India whose biodiversity is enormous and uniquely varies from place to place. The country needs thorough and continuous EIAs with people’s participation to establish regional need-based growth strategy along with national needs. Every square-inch of our country is precious and every person is precious, but India’s urbanisation has so far been accompanied by alarmingly high pollution ; now the target is shifted non-urban areas (villages, tribal areas, fragile hilly areas etc.); but, the draft Notification exempted ‘B-2’ category of projects (Clause 13, subcl.11 of EIA) from prior EIA compulsions. This is worrying because their destinations are the countryside.

APDR proposes not to exempt any industry or project from EIA, be they MSME or giants. There are ample examples in West Bengal and in other states showing MSME units have great polluting potential. We request you to consider this point.

‘The knowledge of local communities is transmitted by aural and visual traditions through generations which must also be considered when these communities raise objections during a public hearing’, said our Apex Court in 2018 in *Hanuman Laxman Aroskar vs UoI*. But, the Draft Notification seeks to do away with the process of Public Hearing for Category A and B-1 projects (likely to constitute the majority of cases amongst all). This is just ‘silencing’ the *Vox Populi*, if not more: silencing or destroying the EPA 1986 on which the MoEF itself stands. The legal framework to address eco-environmental hazards in India is weak from the beginning and

consecutive governments at the Centre and States have weakened them by their insistent inaction due to political pitfalls of environment issues. Given the state bureaucracy losing its independent and assertive role in India, things have worsened further.

The government has lessons to learn from Singrauli, Korba, Vapi, Patancheru, Tutikorin, Baghjan, Vishakhapatnam and many more cases of disasters happening daily. The people remain afraid awaiting another Bhopal to happen at any time. We are talking of 'Man-made disasters' wherein your ministry shall be primarily held responsible.

Due to its regressive, non-transparent, pro-violators, misinterpretative nature, APDR demands that the 'Draft Notification-2020' be scrapped or shelved till widest discussions take place and national unity achieved on the subject.

The guiding theme of the EIA exercise must not be exploiting the Nature and Environment for immediate corporate profit, but to live with nature and environment with emphasis on their preservation and nurture. This is our (and the government's) duty to the future mankind. We have no right to decimate and destroy nature and environment,

India cannot be allowed to remain dirty forever! It should not be made dirtier in the coming days!



(Dhiraj Sengupta)



Kolkata: Monday, August 10, 2020