

Research Papers

Research Papers/Articles EIA Article Compiles issues related to implementation of EIA notification in Gujarat. NGO approach in new mine A paper presented in mining conference at Nakhtrana. Marine Pollution in Gujarat A paper presented for marine pollution in Gujarat. Click for report Environment & quality of life: COMPLETION OF TEN YEARS OF EIA NOTIFICATION : A REVIEW & RECOMMENDATIONS Ministry of Forest & Environment (MoEF) issued Notification on Environmental Impact Assessment (EIA) on 27.1.1994 under the provisions of Environment (Protection) Act, 1986. Notification made EIA mandatory for 30 categories of new or expansion of any developmental (industrial and other) projects. So project proponent has to prepare EIA report which contain the impact on environment due to the project and Environmental Management Plan (EMP) as mitigative measures of the impact. On 27.1.2004 the notification has completed 10 years. So now it is high time to check the problems in implementing the notification, visual changes or impact of the notification and amendments needed in the notifications. India is the first country to enforce the laws on pollution after the United Nations conference at Stockholm in 1972. The Water (Prevention & Control) Act was formulated in 1974. Then the Air (Prevention & Control) Act came in 1981. But rather than decrease in level of water or air pollution it has increase gradually since then. So the authority had implemented the Environment Protection Act in 1986 which has covered almost all the aspect of environmental pollution under it. So it is known as Grand Act or Umbrella Act. Even though pollution level had continuous rise. So it was decided to control the pollution at source. Due to that EIA notification was imposed on 27.1.1994 for 30 category of polluting industries. Based on the EIA report the project proponent has to prepare Environment Management Plan (EMP) as remedial measures. Project Proponent submits the EIA report alongwith EMP to the Ministry of Forest & Environment. There is Environment Impact Assessment Agency (EIAA) in Ministry of Forest & Environment to scrutinize the submitted EIA reports. After scrutiny of the submitted report Ministry of Forest & Environment gives the Environmental Clearance (EC) to any project with certain conditions. After 1994 any new or expanded project under 30 categories has to obtain EC from Ministry of Forest & Environment. On 10 April 1997 the amendment in the EIA notification was made by introducing Environmental Public Hearing (EPH) in Environmental Clearance process. Before issuing NOC the State Pollution Control Board has to organize public hearing for the proposed project. The District Collector is the head of Environmental Public Hearing committee with other members from District Development Officer, state pollution control board, Department of Environment & Forest, Taluka and Gram Panchayat representative, senior citizen of the district etc. The EPH Committee hears the objection/suggestion regarding the project from public and hand over them to Ministry of Forest & Environment. Certain clauses are added to the EC of the project based on the objection/suggestion discussed in public hearing. It is an ideal system of public participation in environmental clearance process. But unfortunately the system was not followed properly. Our experiences were not so good regarding the Environmental Clearance process and particularly Environmental Public Hearing process. The public do not interested in following environmental laws. The implementing authority also not seems to keen in enforcing the environmental laws properly. So any law with ideal concept does not serve the purpose. Implementing agency has made them mere formality. We had summarize the loopholes in EPH and EC process as below :

- The EPH was held at district headquarters so affected village people could not participate in the EPH.
- The local people were not able to get even the executive summary of the proposed project so could not come to know about the exact impacts of project on their area.
- The minutes of EPH were not made available to the people so they could know that whether their representation had been considered or not.
- In the minutes of EPH there was no mention about quorum of the EPH committee.
- The notice of issuance of Environmental Clearance was not published in the newspaper.
- The Environmental Clearance copy was not made available even if demanding several times, so the conditions imposed on the project could not be known. Due to these loopholes there was not much peoples' participation in Environmental Clearance process. After watching several EPH in Gujarat we felt the need of judicial direction in this regard. So we filed a PIL in Hon'ble High Court of Gujarat under Centre for Social Justice Vs. Union of India vide SCA 8529/1999 and got landmark judgement regarding EPH proceedings. After the directions from High Court people are getting the EIA reports, minutes of EPH etc. But still they are not getting copy of EC issued. We scrutinize the EIA report received before EPH and raise the objections/ propose suggestions regarding the project during EPH. After reviewing several EIA reports following are our observations regarding EC process: 1. Very respected government organization National Environmental Engineering Research Institute - NEERI has copied the data of previous EIA report in the EIA report of Vadodara based Gujarat Refinery. We draw attention of authority in this issue so EIA report was rejected. It is surprising that the NEERI is doing such practice in EIA report preparation. 2. Engineers' India Ltd. had prepared the EIA report of Gas Authority of India Ltd. - GAIL for its pipeline project. But the survey was carried out in monsoon season, which was violation of EIA guideline. EIL was ordered to re survey and resubmission of EIA report. 3. Most of the EIA reports were found in lacking scientific data. The data given in the report does not supported by scientific methodology or models. The sampling techniques are also not described properly. In most of the survey the environmental parameter monitoring and analysis is not carried out simultaneously. So cumulative effects several parameters can not be work out. 4. Small-scale industries that are located in notified industrial area also have to carry out impact assessment survey in 10-km radius, which is not practical or affordable. So in this case the EIA reports are prepared to fulfill the legal provision only. 5. Many EIA reports contain the old data. There is no guideline that how much old data will be valid for report. 6. No authority checks the EIA report before appearing in EPH. So during EPH many discrepancies comes out from report and its clarification takes too much time. More over when the direction of re EIA is issued, re EPH is not organized. So people can not come to know about the re EIA report. Such practice has made the

whole system non-transparent. 7. Now the public notices of EC issued are published. But even after that people are not able to get copy of clearance issued. It is described in the notice that the clearance letter is available on ministry's website. But it is foolish to expect the local village people visit the website and get the clearance from there. 8. There is no guideline or registration process for agencies that prepares the EIA reports. Due to this many non-technical non-environmental background people make the EIA report, which increase the load of EIAA of Ministry of Forest & Environment. 9. There is no guideline for issuance of NOC from state pollution control board after EPH completed. So the whole EC process become lengthy and only to comply with law provision. Sometimes project proponent withdraws the projects due to the time taken in the process which ultimately affect the prosperity of the area. EIA notification has completed its ten long years. There are about eight amendments in the notification but most of them in favour of project proponents rather than common public. But still there is need and scope of further amendment in the EIA notification. Following are some of our suggestion regarding improvement in the existing Environmental Clearance process: 1. Each State Pollution Control Board / Pollution Control Committee should have a separate EIA scrutiny cell. It will reduce the load on EIAA of Ministry of Forest & Environment and encourage the decentralization of powers. Only after scrutiny of report in this cell the report should put in EPH. 2. Re EIA report should be instructed for misleading data of lack in data. Re EPH must be organized on re EIA reports, which sustain the spirit of peoples' participation in EC process and increase the transparency. 3. During EPH most of village people made oral representation which is not included in minutes. The audio/video cassette should be submitted to the Ministry of Forest & Environment along with minutes of EPH. 4. Govt. authorities should prepare a periodical common regional EIA report for notified industrial area, which ease the project proponent's task by reducing technical and economical burden from them. 5. Registration system should be introduced for EIA preparing agencies based on certain criteria like technical staff, laboratory facilities etc. 6. Some academic institutes and govt. agencies are preparing EIA reports. First their working load should be checked and then they should be allowed for the same. 7. Timeframe must be specified for issuance of NOC after EPH conducted from State Pollution Control Board / Pollution Control Committee. 8. There is no need to organize EPH for mining activity proposed in less than 25 ha. So project proponent divide his land in various parts to escape from EPH. This is only one example. Such several guidelines need reconsideration. 9. There is relaxation from EIA report preparation for pipeline projects. But for some particular parameter needs impact assessment so based on some parameter EIA report should be re introduced for this project. 10. Several organization are working on EIA notification and its extended laws in the country. Periodical meetings should be arranged of these organizations to strengthen the Environmental Clearance Process. From: Mahesh Pandya / Hiral Talati / Kinnari Shah Paryavaran Mitra (Centre for Social Justice - Janvikas) 502, Raj Avenue, Bhaikaka nagar road, Nr. Thaltej cross roads Ahmedabad - 380059 Tele fax - 079-26851321 Email - paryavaranmitra@yahoo.com / paryavaranmitra@indiatimes.com The role of community in promoting compliance & sustainable development. Role of Engineer in protection of environment A paper presented at Vadodara on Engineers day. Environmental Clearance Process A note prepared by Paryavaranmitra on Environmental Clearance Process. EIA NOTIFICATION : REVIEW & RECOMMENDATIONS : A Paper presented at National Workshop On Environmental Impact Assessment Flaws, Dilutions In The Legislation And Need For Change at Mumbai Mangroves - A paper presented on Legal aspect of mangrove in Gujarat at Gujarat Ecology Commission workshop.