

## Diluting the EIA process spells a path of no return

The draft environmental impact assessment 2020 is a brazen attempt to weaken critical checks and balances

On July 12, Fridays for Future India (FFF), a collective of young environmental campaigners, received a notice from the Delhi police that accused it of committing offences under the Unlawful Activities (Prevention) Act. Its alleged crime: “sending too many emails” to the Minister for Environment, Forest and Climate Change, Prakash Javadekar, with subjects tagged “EIA 2020”. Over the last few weeks, the FFF has organised a sustained protest against a proposed new notification, which aims to replace the existing model of conducting environmental impact assessments (EIA) in India. The notice the group received claimed that the campaign’s details published on its website contained “objectionable contents” and constituted “unlawful activities or terrorists act[s]” which were “dangerous for the peace, tranquillity and sovereignty of India”.

Even though the notice was eventually withdrawn, after the police cited a “clerical” error, that the country’s anti-terror law can be invoked with such facile ease is a shuddering thought. But equally this must also make us wonder what it is about the FFF’s campaign that drew such ire out of the government. Is the new draft EIA policy so critical to the state’s programme that even the slightest acts of dissent are to be quashed with maximum force?

The wreckages of COVID-19, one would have thought, would have given the government a chance to reassess what its goals towards climate justice ought to be. After all, the pandemic has had a searing effect on how we lead our lives. It has altered our relationships not only with each other but also with the environment. During this time, the decades of pitiful investment in public health and education have clearly been brought to the fore, as has the fragility of our basic infrastructure.

But the responses to the crisis seem to mirror the failures of the past: the more that goes wrong, the more we want to do the same things again, as though all that we desire is a return to a pre-pandemic status quo. What we do not seem to understand is that the supposed normality that we are craving does not mean that there are no fresh disasters ahead. And those disasters, as every sign demonstrates, are likely to be all the more catastrophic unless we contend with the deplorable neglect that we have shown towards the environment. It is time we recognised, as Bill McKibben wrote in *The New Yorker*, that “normal is the enemy”.

### Culture of disregard

Yet, the proposed new EIA policy symbolises a rush to restore society to where it was before COVID-19 halted its motor of progress. The draft notification takes an already inadequate system and seeks to infuse into it a culture of disregard. It is almost as though, to the state, the global climate emergency is operating in a parallel universe of its own.

Around the world, legislative interventions mandating EIAs began to burgeon in the late 1960s. The basic credo of these measures was to ensure that the state had at its possession a disinterested analysis of any development project and the potential impact that it might have on the environment. It took India, though, until 1994 before it notified its first set of assessment norms, under the Environment (Protection) Act, 1986. This policy mandated that projects beyond a certain size from certain sectors — such as mining, thermal power plants, ports, airports and atomic energy — secure an environmental clearance as a precondition to their commencement. But the notification, subject as it was to regular amendments, proved a failure.

### Abandoning rigour

In 2006, a new EIA programme was conceived, ironically on the back of corporate pressure. There was a belief that the 1994 system hindered speedy growth. The new draft attempted to decentralise the process. It increased the number of projects that required an environmental clearance, but also created appraisal committees at the level of both the Centre and States, the recommendations of which were made a qualification for a sanctioning. What is more, the programme also mandated that pollution control boards hold a public hearing to glean the concerns of those living around the site of a project.

But, in practice, the 2006 notification also proved regressive. The course remained mired in opacity. The final EIA report, for example, was not made available to the public; the procedure for securing clearances for certain kinds of projects was accelerated; and there was little scope available for independent judicial review. When clearances were challenged, the courts treated the views of the assessment authorities as sacrosanct. In the process, EIAs, far from serving as a bulwark for environmental justice, came to be regarded as a mere inconvenience, as a bureaucratic exercise that promoters of a project had to simply navigate through.

Now, as we find ourselves amidst not just a pandemic but also a global climate emergency, it is hard not to despair at the nature of changes that we need to make, to not merely our laws and regulations, but also to how we lead our lives. Yet, the government is on a warpath to further weaken an already fragile system. As many campaigners have highlighted, the new draft is riddled with problems. It enables a sweeping clearance apparatus to a number of critical projects that previously required an EIA of special rigour; where some industries require expert appraisal under the existing 2006 notification, they will, under the new notification, be subject to less demanding processes. These include aerial ropeways, metallurgical industries, and a raft of irrigation projects, among others.

### Damaging fundamental tenets

What is more, the new proposal does nothing to strengthen the expert appraisal committees on which so much responsibility is reposed, leaving the body rudderless. It also does away with the need for public consultation for a slew of different sectors, negating perhaps a redeeming feature of the 2006 notification. But, most egregiously, the proposal opens up a window for securing post-facto clearances. That is, companies which have commenced a project without a valid certificate will be allowed to regularise their operations by paying a fine. If there is a singular logic to the EIA process, it is that an environmental clearance is a prerequisite to the launching of a project. But here the government wants to reverse that fundamental tenet.

There is no doubt that a mere strengthening of the existing EIA norms will not by itself be sufficient. We need a renewed vision for the country; one that sees the protection of the environment as not merely a value unto itself but as something even more foundational to our democracy. To that end, we must begin to imagine a future where, as the American law professor, Jedediah S. Purdy, argues, our ecological and egalitarian projects can fuse together.

For this to happen, though, we have to see ourselves as not distinct from the environment that we live in, but as an intrinsic part of it. Under such a model, our economic solutions will have to necessarily subsume a commitment to our natural surroundings. To achieve this broader vision we will need deeper thinking, greater political initiative, and a leap of faith.

But, in the meantime, to allow the government to weaken the EIA process has the potential to make things irredeemable. And here, Wendell Berry's words are worth recalling: "Whether we and our politicians know it or not, nature is party to all our deals and decisions," and it "has more votes, a longer memory, and a sterner sense of justice than we do."

### DEFINITIONS:

- ❖ **dilute** (verb) – diminish, reduce, decrease.
- ❖ **Environmental Impact Assessment (EIA)** (noun) – a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.
- ❖ **spell** (verb) – lead to, result in, bring about.
- ❖ **path of no return** (phrase) – one way (in which any attempt to return will be impossible or difficult).
- ❖ **brazen** (adjective) – bold and shameless; unashamed, unembarrassed; blatant/flagrant.
- ❖ **checks and balances** (plural noun) – a system in which all departments of a government organization have right to amend/limit the powers of the other departments in order to avoid dominance of one department.
- ❖ **alleged** (adjective) – supposed, reported, purported, unproven.
- ❖ **offence** (noun) – breach, violation of the law.

- ❖ **climate change** (noun) – a long-term change in the Earth’s climate, or of a region on Earth
- ❖ **sustained** (adjective) – continuous, constant, prolonged, persistent.
- ❖ **tranquility** (noun) – peacefulness, restfulness, calmness, quietness.
- ❖ **sovereignty** (noun) – independent authority.
- ❖ **eventually** (adverb) – in the end, in due course, after some time.
- ❖ **clerical error** (noun) – an error on the part of an office worker while copying or writing out a document.
- ❖ **invoke** (verb) – cite, refer to, adduce.
- ❖ **facile** (adjective) – simplistic, superficial, oversimplified; undemanding, unexacting, trouble-free/uncomplicated.
- ❖ **shuddering** (adjective) – unsteady, shaky, unbalanced.
- ❖ **ire** (noun) – anger, rage, fury, wrath, outrage.
- ❖ slightest superlative adjective of **slight** (adjective) – small, modest, little.
- ❖ **dissent** (noun) – disagreement, disapproval, opposition.
- ❖ **quash** (verb) – suppress, crush, thwart, stifle, rule against, disallow.
- ❖ **wreckage** (noun) – destruction, devastation, ruin.
- ❖ **climate justice** (noun) – climate justice links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable and sharing the burdens and benefits of climate change and its resolution equitably and fairly. It means trying to ensure that people and the planet are treated fairly in the ways in which we try to reduce further climate changes & adapt to the changes we have brought about in the climate.
- ❖ **ought to** (modal verb) – must, should.
- ❖ **searing** (adjective) – strong, severe, stinging, devastating.
- ❖ **decade** (noun) – a period of ten years.
- ❖ **pitiful** (adjective) – insufficient, insignificant, inadequate, very small.
- ❖ **public health** (noun) – the branch of medicine handling public health; public health is also the science of protecting and improving the health of people and their communities through education, policy making and research for disease and injury prevention.
- ❖ **bring to the fore** (phrase) – to move something forward to a most important position (to make it more visible).
- ❖ **fragility** (noun) – vulnerability, riskiness, unreliability.
- ❖ **mirror** (verb) – reflect, reproduce, repeat, imitate; reiterate.
- ❖ **status quo** (noun) – the present situation, the current state, the existing state of affairs.
- ❖ **normality** (noun) – reason, rationality, a normal state of affairs, regularity.
- ❖ **crave** (verb) – long for, yearn for, aspire to, seek.
- ❖ **all the more** (phrase) – even more.
- ❖ **catastrophic** (adjective) – destructive, ruinous, disastrous.
- ❖ **contend with** (phrasal verb) – cope with, face, grapple with, deal with.
- ❖ **deplorable** (adjective) – disgraceful, dishonourable, unacceptable.
- ❖ **neglect** (noun) – negligence, lack of concern, laxity, disregard, irresponsibility.
- ❖ **rush** (noun) – hurry, haste, urgency.
- ❖ **infuse** (verb) – add, impart, introduce.
- ❖ **parallel universe** (noun) – coexisting universe.
- ❖ **of one’s own** (phrase) – (of something) belongs to someone, rather than to other people.
- ❖ **intervention** (noun) – involvement, interference, interposition.
- ❖ **burgeon** (verb) – increase exponentially, grow rapidly, escalate.
- ❖ **credo** (noun) – attitude; morality, belief/idea.
- ❖ **disinterested** (adjective) – indifferent, unconcerned, uncaring.
- ❖ **precondition** (noun) – necessary condition, requirement, necessity.
- ❖ **commencement** (noun) – beginning, start.
- ❖ **rigour** (noun) – attention to detail, diligence, accuracy/precision.
- ❖ **conceive** (verb) – think up, devise, originate.
- ❖ **ironically** (adverb) – paradoxically, unexpectedly, strangely.
- ❖ **on the back of** (phrase) – as a result of, after, subsequent to; in support of.
- ❖ **hinder** (verb) – obstruct, impede, inhibit, hamper.
- ❖ **decentralise** (verb) – transfer of the power/control (of a department/ organisation/ government) from a single place to other locations.

- ❖ **what is more** (phrase) – moreover, in addition, furthermore.
- ❖ **glean** (verb) – obtain, get, take/gather, collect (information with difficulty).
- ❖ **regressive** (adjective) – retrograde, retrogressive, unprogressive/negative.
- ❖ **mire in** (verb) – entangle, catch up, involve, mix up (a difficult situation).
- ❖ **opacity** (noun) – obscurity, lack of clarity, non-transparency.
- ❖ **sacrosanct** (adjective) – inviolable, sacred, protected (a principle).
- ❖ **far from** (phrase) – not, not at all, nowhere near.
- ❖ **bulwark** (noun) – protector, guard, supporter.
- ❖ **inconvenience** (noun) – trouble, bother, burden, disturbance.
- ❖ **bureaucratic** (adjective) – governmental, ministerial, administrative.
- ❖ **navigate** (verb) – proceed, move, manage.
- ❖ **amidst** (preposition) – amid, in the middle of; during.
- ❖ **despair** (verb) – lose, abandon, give up hope, lose heart, be discouraged.
- ❖ **warpath** (noun) – aggressive, argumentative, hostile frame of mind/course of action.
- ❖ **fragile** (adjective) – weak, shaky/risky, unreliable, insubstantial, feeble/unsound.
- ❖ **highlight** (verb) – underline, underscore, emphasize, call attention to.
- ❖ **riddle with** (verb) – fill with, spread through, overrun, plague/beset (something undesirable).
- ❖ **enable** (verb) – allow, permit, give permission to.
- ❖ **sweeping** (adjective) – complete/total, comprehensive, all-inclusive, all-embracing, far-reaching.
- ❖ **apparatus** (noun) – structure, system, framework, organization.
- ❖ **appraisal** (noun) – assessment, evaluation, consideration.
- ❖ **aerial rope-way** (noun) – it is defined as a transport system in which the transit material is carried in purpose made cars, suspended from overhead rope.
- ❖ **metallurgical** (adjective) – relating to the scientific study of the structures and uses of metals.
- ❖ **raft** (noun) – a large amount of.
- ❖ **irrigation** (noun) – the process of (artificially) supplying water to farm land to grow crops & plants.
- ❖ **tenet** (noun) – principle, belief, doctrine/rule.
- ❖ **repose** (verb) – set, place (a confidence or trust or responsibility in something).
- ❖ **rudderless** (noun) – having no (clear) aim/principle; lacking in control, lacking in direction.
- ❖ **do away with** (phrasal verb) – abolish, discard, remove.
- ❖ **slew of** (noun) – a large number of, lot, range.
- ❖ **negate** (verb) – invalidate, nullify, cancel out.
- ❖ **perhaps** (adverb) – maybe, possibly.
- ❖ **redeeming** (adjective) – compensatory, compensating.
- ❖ **egregiously** (adverb) – shockingly, horribly, awfully/very badly.
- ❖ **open up** (phrasal verb) – make available (to create/start developing new opportunities).
- ❖ **window** (noun) – opportunity, chance, opening.
- ❖ **secure** (verb) – get, gain, obtain something (particularly with difficulty).
- ❖ **post-facto** (adjective) – after a certain event.
- ❖ **prerequisite** (noun) – essential/necessary condition, requirement.
- ❖ **unto** (preposition) – archaic term for “to”.
- ❖ **to that end** (phrase) – for that reason, with that goal.
- ❖ **ecological** (adjective) – relating to the branch of biology which studies the interactions among organisms and their environment.
- ❖ **egalitarian** (adjective) – fair, just, common/equal; supporting social equality.
- ❖ **fuse** (verb) – combine, put together, blend/merge.
- ❖ **see (oneself)** (verb) – regard, consider, think of (in a particular way).
- ❖ **distinct** (adjective) – separate, different, unconnected, detached.
- ❖ **intrinsic** (adjective) – integral, basic, essential, natural, inherent.
- ❖ **subsume** (verb) – include, incorporate, absorb, encompass.
- ❖ **leap of faith** (phrase) – blindly going into or doing something with a belief that it is correct or will work.