

Environmental Impact Assessment

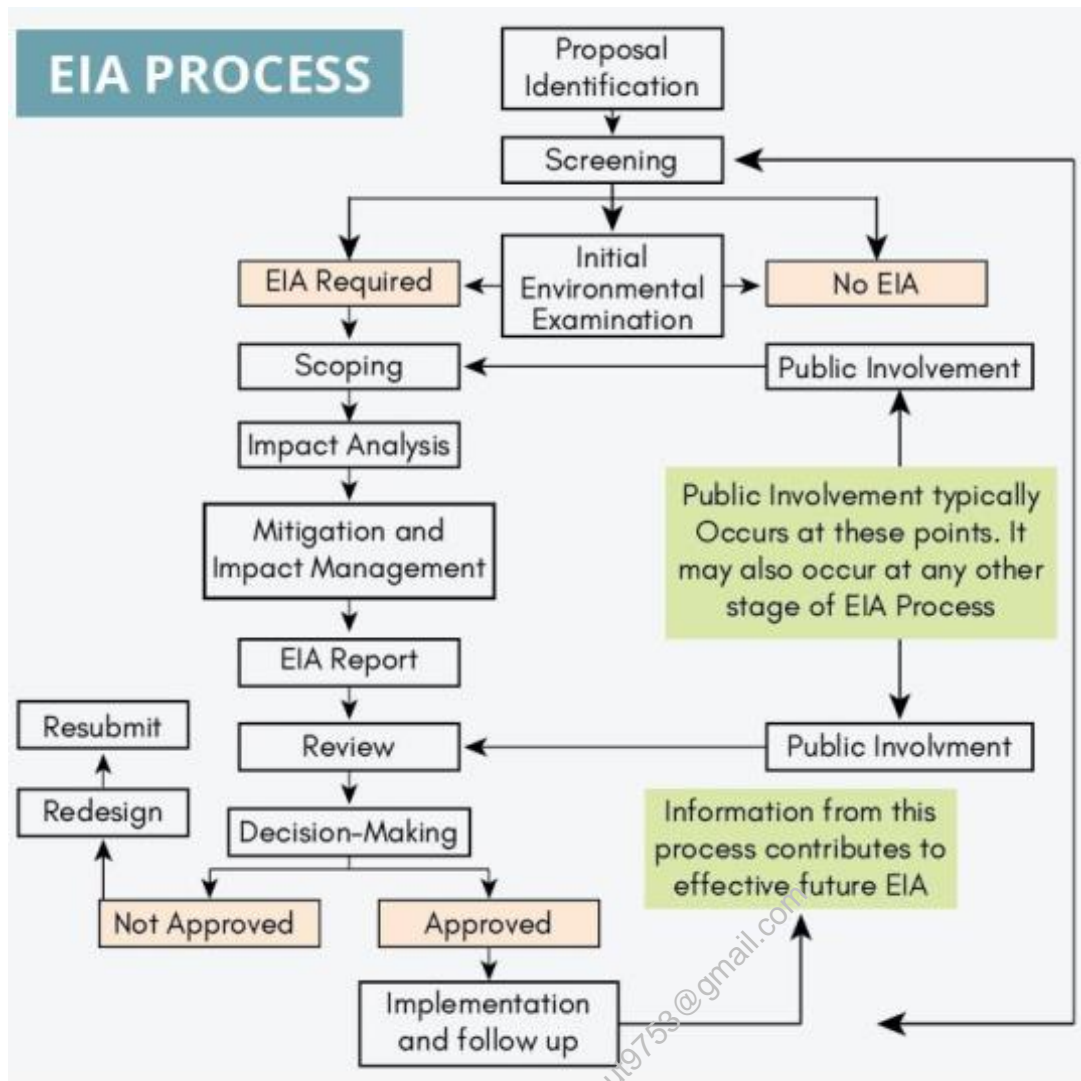
The concept of Environmental Impact Assessment (EIA) in India can be traced back to the 1970s, following the global recognition of environmental concerns. However, the formal and legal framework for EIA in India was established much later:

1. **Post-Stockholm Conference (1972):** The United Nations Conference on the Human Environment held in Stockholm in 1972 was a pivotal moment, leading to a greater environmental consciousness globally and in India.
2. **42nd Amendment of the Constitution (1976):** This amendment added a new chapter to the Indian Constitution, emphasizing the protection and improvement of the environment.
3. **Environmental (Protection) Act (1986):** This Act provided the legal framework for environmental protection in India and also allowed the government to take measures to protect and improve environmental quality, set standards for emissions and discharge of pollution, and lay down procedures for hazardous substances.
4. **EIA Notification (1994):** The actual process of EIA was formally introduced in India in 1994 under the Environmental (Protection) Act, 1986. This notification made EIA mandatory for a wide range of projects.
5. **Subsequent Amendments:** The EIA Notification has been amended several times to bring more activities under its purview and to streamline the process.

Current EIA Process in India:

The current EIA process in India, as per the latest amendment, typically involves the following steps:

1. **Screening:** The first step is to determine whether or not a project requires an EIA. This is based on the nature and location of the project.
2. **Scoping:** This step identifies the key issues and impacts that should be considered in the EIA. It involves determining the extent and range of activities, potential impacts, and the study area.
3. **Preparation of the EIA Report:** This involves the collection of baseline data, assessing the potential impacts of the project on the environment, and proposing mitigation measures. The report is prepared by an accredited environmental consultant.
4. **Public Consultation:** This involves sharing information on the proposed project and its potential impacts with the public, and receiving feedback. It includes public hearings where objections and suggestions from the public are collected.
5. **Appraisal:** The EIA report, along with the outcomes of the public consultation, is appraised by an Expert Appraisal Committee (EAC) or State Level Expert Appraisal Committee (SEAC). They evaluate the report and make recommendations.
6. **Decision Making:** Based on the appraisal, the regulatory authority (the Ministry of Environment, Forest and Climate Change or State Environment Impact Assessment Authority) will either grant, reject, or propose modifications to the environmental clearance.
7. **Monitoring and Compliance:** Post environmental clearance, the project proponent must ensure compliance with environmental conditions and safeguards. Monitoring is often conducted to ensure adherence to the stipulated conditions.



Demarcation of Projects under EIA

Projects are categorized into different schedules and thresholds under the EIA Notification, which determine the level of scrutiny they require:

1. **Category A:** Projects with potentially significant national-level environmental impacts fall under this category. They are appraised and granted clearance by the central government (MoEF&CC and EAC).
2. **Category B:** These are projects with potentially less significant environmental impacts. Category B is further divided into two sub-categories:
 - **B1:** Projects requiring EIA reports, appraised at the state level.
 - **B2:** Projects that do not require an EIA report. They still need environmental clearance but follow a simpler process.

Who Conducts EIA?

1. **Project Proponent:** The responsibility for preparing the EIA report lies primarily with the project proponent (the individual or company proposing the project). They must hire an accredited environmental consultant or agency to prepare the EIA report.
2. **Accredited Consultants/Agencies:** These are specialized organizations accredited by the Quality Council of India or the National Accreditation Board for Education and Training. They conduct the necessary environmental assessment studies.

3. **Regulatory Authorities:** The appraisal of the EIA report and the final decision on environmental clearance are made by regulatory authorities. At the central level, this is the Ministry of Environment, Forest, and Climate Change (MoEF&CC) and its Expert Appraisal Committees (EACs). At the state level, State Environment Impact Assessment Authorities (SEIAAs) and their respective State Level Expert Appraisal Committees (SEACs) are responsible.

Criticism of EIA in India

1. **Quality of EIA Reports:** There are concerns about the quality and reliability of EIA reports, often due to poor data quality, inadequate assessment, and sometimes, allegations of data manipulation.
2. **Conflict of Interest:** Since the project proponent commissions the EIA report, there can be a conflict of interest, questioning the impartiality of the assessment.
3. **Public Consultation Process:** The public consultation process, including public hearings, is often criticized for being merely procedural, lacking in meaningful engagement with local communities and stakeholders.
4. **Lack of Comprehensive Assessment:** Critics argue that EIA reports often lack a holistic approach, failing to fully assess cumulative, long-term, and indirect impacts.
5. **Transparency and Accessibility:** Issues with transparency and access to information have been raised, limiting the ability of the public and interested parties to engage effectively in the EIA process.
6. **Post-clearance Monitoring and Compliance:** There is a perceived lack of effective monitoring and enforcement mechanisms to ensure compliance with EIA conditions after a project is cleared.
7. **Recent Amendments and Proposals:** Proposed amendments to the EIA process have raised concerns among environmentalists and civil society about potentially weakening environmental safeguards, reducing public participation, and increasing the scope for post-facto clearances.

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