Environmental Laws and EIA

1. Introduction

India is the first country in the world which has provision for environmental protection. In the 42th amendment of Indian constitution, there are two articles (Article 48A and 51A (g)) that exclusively deals with the environmental issues w.e.f 3rd January, 1977.

Article 48-A:

In the Directive Principles of State Policy, Article 48-A was inserted which orders the *State to make effort for protection and improvement of the environment and for safeguarding the forest and wildlife of the country.*

Article 51-A (g):

It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

2. Objectives

- Guidance for resource use and checking their overexploitation
- Regulating pollution and defining limits
- Resolving conflicts related to environment issues
- Punishing or imposing penalty on the violators of laws

3. Important legislations:

- The Water (Prevention and Control of Pollution) Act, 1974
- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1986
- The Hazardous Wastes (Management and Handling) Rules, 1989
- Bio-medical Waste (Management and Handling) Rules, 1998
- The Noise pollution (Regulation and Control) Rules, 2000
- The Municipal Solid Waste (Management and Handling) Rules, 2000

Other related laws and acts:

- Indian Forest Act, 1927
- The Wild life (Protection) Act, 1972
- The Forest (Conservation) Act, 1980
- EIA Notification, 1994
- Revised EIA notification, 2006.
- The Bio-Diversity Act, 2002

The regulatory authorities related to environmental protection and management are;

- Ministry of Environment and Forest, Govt. of India (MOEF)
- Central Pollution Control Board (CPCB)
- State Pollution Control Board (SPCB)

Functions of Ministry of Environment and Forest, Govt. of India:
- Environmental Policy Planning and Research
- Implementing legislation and monitor/control of pollution
- Forest Conservation, development and wild life protection
- Bio-sphere Reserve Programme

Main functions of the Central Pollution Control Board:
- Advise the Central Govt. for control of pollution of water
- Co-ordinate the activities of the State Boards
- Provide technical assistance and guidance to State Boards
- Plan and organize training
- Establish laboratories for testing

Functions of State Boards

- Plan and control/abate pollution of water
- Advise State Govt. on matters of water pollution
- To work in tune with CPCB
- To lay down standards of sewerage/trade effluents etc.

4. Some important Environmental Laws

The Water (Prevention and Control of Pollution) Act, 1974

Objectives:

- To prevent and control water pollution
- To maintain wholesomeness of water
- To provide penalties for contravention of the provisions of the Act
- To establish control on state water testing laboratories

The Air (Prevention and Control of Pollution) Act, 1981

Objectives:

- To provides for the prevention, control and abatement of air pollution
- Maintaining the quality of air
- Establishment of Boards for the prevention and control of air pollution

The Environment (Protection) Act, 1986

Objectives:

- Protection and improvement of environment (water, air and land)
- Prevention of Hazards to all living creatures (humans, plants and animals) and property
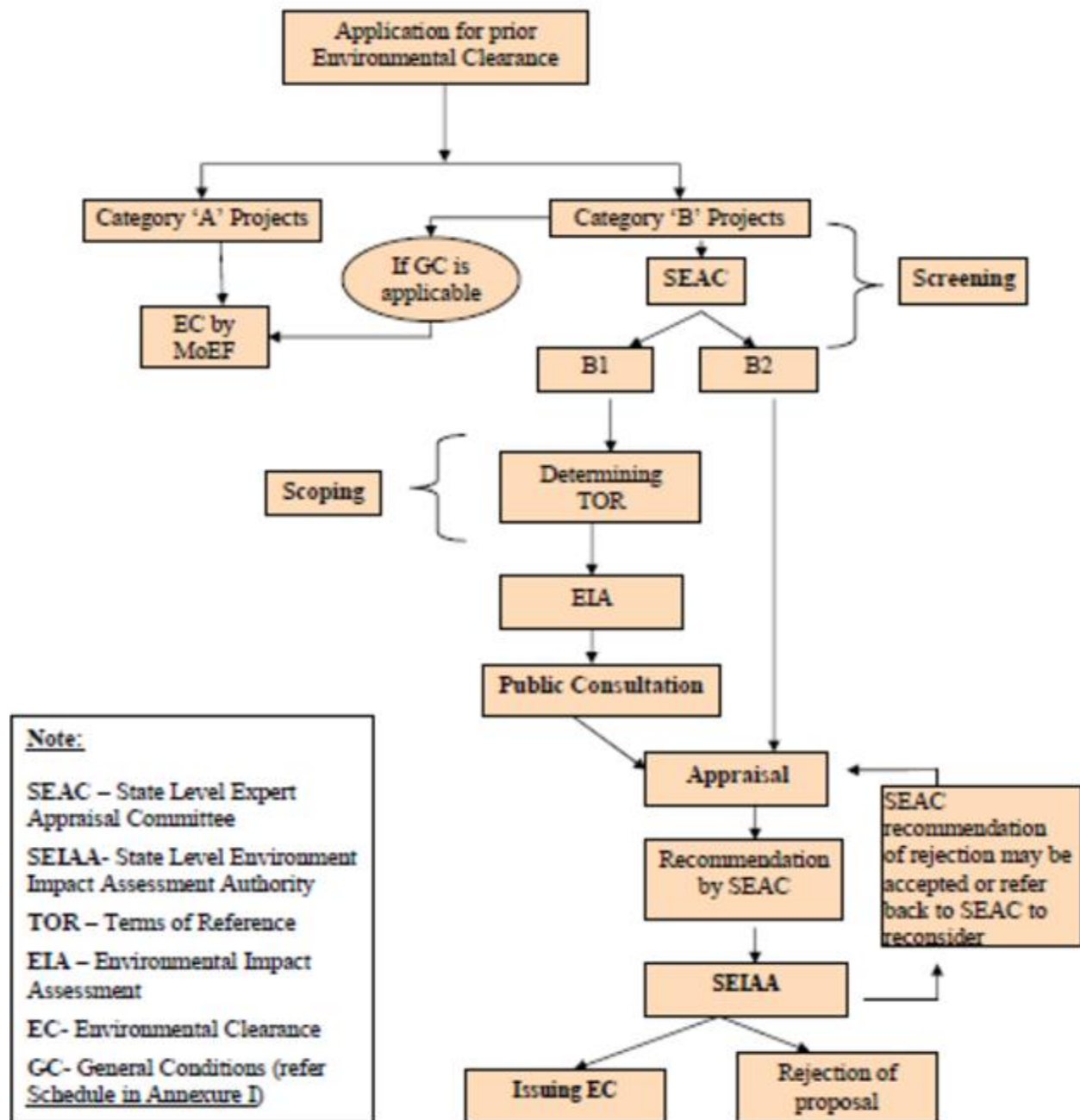- Maintenance of harmonious relationship between human beings and their environment

The Wildlife (Protection) Act, 1972

Objectives:

- To maintain ecological processes and life supporting systems
- To preserve the Biodiversity
- To ensure a continuous use of species i.e. protection and conservation of wildlife.

1. **Environmental Impact Assessment Notification, 1994 (*Amended in 2006*)**

- EIA is a tool that helps us beforehand to identify, assess and predict the impacts on environment because of an action and finally help us to mitigate the negative environmental impacts.

- On the basis of project size, capital investment, raw material used, pollution potential etc. all the projects are classified either as 'Category A' or 'Category B' (B further as B1 or B2). Category A projects should get clearance from govt. of India, ministry of Forest, Environment and Climate Change and B1 category projects should get clearance from respective State govt.

EIA Process in India

2. The major steps of the EIA process are briefly presented below:

1. **Screening** (to determine whether the proposed project requires an EIA; and if it requires EIA, then the level of assessment required)
2. **Scoping** (to identify the key issues and impact that should be further investigated; also to define the boundary and time limit of the study)
3. **Description of the project** (to clarify purpose, and characteristics of the project)
4. **Consideration of alternatives** (to identify alternatives of project in terms of location, scale, layout, operation etc.)
5. **Description of the environmental baseline** (to describe the current and future status (without project) of environmental parameters of the area)
6. **Identification of Key-Impacts** (to identify and enlist all the aspects / parameters that may be affected by the project)
7. **Impact Prediction and Evaluation** (to predict the magnitude of likely change in different parameters due to project implementation and to evaluate significance of these changes)
8. **Mitigation (to recommends** the actions for reducing or avoiding the major adverse environmental impact of the project)
9. **Public consultation** (to share the concerned information with the public and different stakeholders and to take their views of for necessary inputs)
10. **EIS Presentation** (to document all above steps in form of Environmental Impact Statement and presenting to decision making body and other stakeholders)
11. **Review** (to systematically review all steps of EIS and to give necessary feedback so as to ensure that all steps are properly done)
12. **Decision making** (to decide whether the project is rejected, approved or needs further change)
13. **Post-Monitoring** (after the project is commissioned, to check whether the impacts of the project do not exceed the legal standards and the mitigation measures are properly implemented)

Conclusion

Indian constitutional provisions are backed by a number of laws – acts, rules, and notifications. Indian Constitution was amended in the year 1976 and article 48-A was added which deals with environmental issues. Water Act, 1974; Air Act, 1981; EP Act, 1986; Noise Pollution Rules, 2000; Municipal Solid Waste Rules, 2000 are some of the important Acts/Rules related to environmental protection. EIA is a tool which helps in beforehand to identify, assess and predict the impacts on environment because of an action and finally help us to mitigate the negative environmental impacts.