

Draft EIA 2020: Multiple Fault Lines

Draft notification dismantles the very foundations of environmental protection laws

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Prologue

This report evaluates the proposed changes in the Draft Environment Impact Assessment (EIA) Notification 2020 along with an analysis of the Youth Perception Survey on the EIA and environment in general which we conducted between August 2 – 7, 2020.

Amidst the global pandemic, the Ministry of Environment, Forest and Climate Change (MoEFCC) put out a new Draft EIA Notification 2020 to amend the present procedure i.e. EIA notification of 2006. EIA is a legal framework for scrutiny of the likely environmental effects of proposed development projects and, in general, is associated with conservation and sustainable development. Now, with the proposed draft notification, MoEFCC intends to diminish the EIA norms to accelerate the ease of doing business at the cost of environment and biodiversity.

The draft EIA notification of 2020 not only codifies the progressive weakening of EIA governance but also fundamentally dismantles the legal framework of India's Environment (Protection) Act, 1986 (EPA, 1986). EIA in its current form is limited to the approval of individual development projects as an outdated tool. To keep pace with global standards, EIA needs to take cognizance of the cumulative environment impact of multiple development projects in the same regions and consider strategic impacts of policies and strategies within which development interventions are

conceived. India needs take on stronger EIA law – one that considers strategic environmental assessment (SEA) and not a weaker one. Even the 2006 EIA notification is not enough.

Our quick Youth Perception Survey on the Draft EIA Notification 2020 reflects the growing sensitivity on environmental issues among the young people in India.

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1. Brief Legislative History of EIA

EIA is a process to assess the impact of development projects¹ on the environment. EIA is based on the precautionary principle² i.e. when scientific data is inconclusive, the benefit of doubt is given to the environment. Designed to be a critical tool in environmental decision-making and control the actions of private entities³, EIA has been introduced in most countries through international conventions⁴.

The principle of EIA originated in the United States after the Federal Government passed the National Environmental Policy Act (NEPA) in 1969 which requires Federal Agencies to take environmental considerations in decision-making for development projects.

It is also around the same time that India incorporated environmental protection as an integral part of the development process⁶ in the Fourth Five Year Plan of India (1969-1974) which stated that “planning for harmonious development is possible only on the basis of a comprehensive appraisal of environmental problems”⁷. India – as a State party, signed the Stockholm Declaration in 1972⁸ and went on to enact its first set of

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¹ Reddy, A. M. (2017). *Environmental Impact Assessment: Theory and Practice*, Butterworth-Heinemann Oxford; MacKinnon, A. J., Duinker, P. N. & Walker, T. R. (2018). *The Application of Science in Environmental Impact Assessment*, Routledge Focus. Centre for Science and Environment. *Understanding EIA*. From: <https://www.cseindia.org/understanding-eia-383>; Modak, P. & Biswas, A. K. (2001). *Conducting Environmental Impact Assessment for Developing Countries*. Oxford University Press.

² Gullett, W. (1998). *Environmental Impact Assessment and the Precautionary Principle: Legislating Caution in Environmental Protection*. University of Wollongong. from: <https://ro.uow.edu.au/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1137&context=lawpapers>.

³ Kohli, K. & Menon, M. (2008). Re-engineering the Legal and Policy Regimes on Environment. *Economic and Political Weekly*, 43(23), 16-17.

⁴ Hironaka, A. The Globalisation of Environmental Protection: The Case of Environmental Impact Assessment. *International Journal of Comparative Sociology*. 43(1), 65-78. From: <https://doi.org/10.1177/002071520204300104>, Morgan, R. K. (2012). Environmental Impact Assessment: The State of the Art. *Impact Assessment and Project Appraisal Journal*, 30(1), 5-14. From: <https://doi.org/10.1080/14615517.2012.661557>.

⁵ The National Environmental Policy Act of 1969 (as amended), Office of NEPA Policy and Compliance - U.S. Department of Energy. From: https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-NEPA.pdf.

⁶ Ramesh, J. (2017) *Indira Gandhi: A Life in Nature*. Simon & Schuster.

⁷ Planning Commission. (1969). *Fourth Five Year Plan of India (1969-74)*. Government of India; Turaga, R. M. R. & Sugathan, A. (2020). Environmental Regulations in India, *Oxford Research Encyclopaedias*. From: <https://oxfordre.com/environmentalscience/view/10.1093/acrefore/9780199389414.001.0001/acrefore-9780199389414-e-417#acrefore-9780199389414-e-417-bibItem-0116>.

⁸ Sohn, L. B. (1973). The Stockholm Declaration on the Human Development. *The Harvard International Law Journal*, 14(3), 423-515.

environment legislations – namely the Water Act, 1974⁹ and the Air Act, 1981¹⁰. With these enactments, the debate on environment protection took shape in India.

The EIA procedure was first introduced in India in the early 1980s on the Silent Valley Hydroelectric Project¹¹. Considering the serious implications to the biodiversity and ecosystem of the Silent Valley, the project was abandoned¹² in 1985. This marked the beginning of the EIA regime in India. However, there was no legislative backing for the EIA procedure. In the aftermath of the Bhopal Gas Leak tragedy¹³ in 1984, India enacted the EPA, 1986 – an umbrella legislation for the protection and improvement of the environment¹⁴, and introduced the Environment (Protection) Rules in 1986.

India released its first EIA notification in 1994¹⁵ which made environmental clearance mandatory for the expansion or modernisation of any activity on new projects listed in Schedule 1 of the notification¹⁶. It required 30 categories of developmental and industrial projects to go through scrutiny under the provisions EPA, 1986.

The Ministry of Environment and Forest notified the new EIA notification in September 2006¹⁷, which incorporated judicial directions to make the EIA process more transparent and expedient. The 2006 notification also introduced a new list of infrastructure and industrial projects which required environmental clearance.

⁹ The Water (Prevention and Control of Pollution) Act, 1974.

¹⁰ The Air (Prevention and Control of Pollution), 1981.

¹¹ Paliwal, R. (2006). EIA Practice in India and its Evaluation Using SWOT Analysis. *Environment Impact Assessment*, 26, 492-510; Ministry of Environment and Forest. (2003). *Draft Report on Formulation of Revised Environment Clearance Process – Phased Implementation: Environment Management Capacity Building Project: EIA Component*. Government of India; Valappil M., Devusy D., Hens L. (1994). Evaluation of the Environmental Impact Assessment Procedure in India. *Impact Assessment*, 12(1), 75-88. From: <https://doi.org/10.1080/07349165.1994.9725851>.

¹² Dattatri, S. (2015, September). Silent Valley – A People’s Movement that Saved a Forest, *Conservation India*. From: <https://www.conservationindia.org/case-studies/silent-valley-a-peoples-movement-that-saved-a-forest>.

¹³ Ramaseshan, R. (1985). Bhopal Gas Tragedy: Callousness Abounding. *Economic and Political Weekly*, 20(2), 56-57; Bader, M. (1987). The Bhopal Working Group Report. *American Journal of Public Health*, 77(7), 878-879; Broughton, E. (2005). The Bhopal Disaster and its Afterman: A Review. *Environmental Health*, 4(6). From: <https://doi.org/10.1186/1476-069X-4-6>.

¹⁴ Abraham, C. M. & Abraham, S. (1991). The Bhopal Case and the Development of Environmental Law in India. *The International and Comparative Law Quarterly*, 40 (2), 334-365. From: <https://doi.org/10.1093/iclqaj/40.2.334>.

¹⁵ Section 3 (1) and (2)(v) of Environment (Protection) Act, 1986 read with Rule 5 (3)(a) of the Environment (Protection) Rules, 1986.

¹⁶ Ministry of Environment & Forests. (1994). *Notification on Environmental Impact Assessment of Development Projects*. Gazette of India.

¹⁷ Ministry of Environment, Forest and Climate Change. (2006). *Notification on Environment Impact Assessment Notification 2006*. Gazette of India.

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At present, infrastructure and commercial projects like dams, mining, industries, hydroelectric plants, nuclear power plants, thermal power plants, industries, airports, ports and harbours, rail, highways and bridges require EIA approval if such projects are located in environmentally fragile or sensitive areas.

2. Draft EIA Notification 2020 – as it is

On March 12, 2020, the MoEFCC released the Draft EIA Notification 2020¹⁸ for public feedback¹⁹. The proposal aimed to amend 12 of the 14 provisions of the 2006 EIA Notification. Here are the major changes proposed in the 2020 Draft Notification:

- It allows “ex post facto environmental clearance” i.e. a project need not obtain government approval regarding their proposal before they begin the project.
- Clause 3 (1) proposes the reduction in the timeframe for conducting public hearings from 30 days to 20 days.
- “Strategic” projects will not need clearance and Clause 5 (7) will empower the government to label projects with complete discretion – proposing that no information on “such projects shall be placed in the public domain”. Projects concerning national security and defence will not require environmental clearance.
- Clause 7 (7) limits the powers of the States and Union Territories by curtailing their power to nominate their members.
- Clause 12 (2) proposes standardized ‘Terms of Reference’ for all projects.
- Clause 14 (1)(c) grants discretionary power to the Regulatory Authority to undertake public consultations through any means that the Appraisal Committee deems fit.
- Clause 14 (2) lists the projects that will be exempted from public consultation, namely:
 - liner projects in border areas
 - off-shore projects which are located farther than 12 nautical miles
 - Oil and Gas pipeline transportation projects that pass-through wildlife sanctuaries, national parks and ecologically sensitive areas.
- Clause 14 (6) and (7) propose to reduce the timeframe for public consultation from 45 days to 40 days.
- Clause 14 (9) and (10) propose that responses to an EIA shall be forwarded to the project proponents to address “material environment concerns” and that the questioning community will not receive any further information.
- Clause 16 proposes that an EIA is not required in the process of project modernisation up to a 25% intended increase in production capacity. A public consultation will not be required where there is up to a 50% increase in production.

¹⁸ Ministry of Environment, Forest and Climate Change. (2020). *Draft Notification*. Gazette of India. From: http://moef.gov.in/wp-content/uploads/2020/03/Draft_EIA2020.pdf

¹⁹ Rule 5 (3)(a) of the Environment (Protection) Rules, 1986.

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- Clause 18 (4) empowers the Regulatory Authority to allow project proponents to change the location of the project site, without a secondary public consultation, after the project has undergone the initial public consultation and has been granted prior-environmental clearance.
- Clause 19 (1) proposes to extend the validity of the environmental clearance in three phases: the construction or installation phase, the mining phase and the operations phase. The proposed extended validity for:
 - mining projects shall be increased from 30 years to 50 years,
 - river valley projects shall be increased from 10 years to 15 years,
 - irrigation projects and nuclear power projects shall be increased from 5 years to 15 years, and
 - all other projects from 5 years to 10 years.
- Clause 20 (4) proposes that project proponents shall be required to submit compliance reports annually on June 30 instead of two half-year compliance report submissions.
- Clause 20 (5) proposes a penalty for any failure to submit compliance reports on time. For each additional day after the deadline:
 - 'B2' category projects will be fined Rs 500 per day,
 - 'B1' category projects will be fined Rs 1000 per day, and
 - 'A' category projects will be fined Rs 500 per day.
- Clause 22 (1) proposes that cognizance of the violation shall be made only by:
 - Suo moto application of the project proponent, or
 - Reports by any Government Authority, or
 - Appraisal Committee, or
 - Regulatory Authority.
- Clause 21 (2) empowers the Appraisal Committee to evaluate whether any project being carried out at a site is permissible for further construction or expansion under environment protection laws.
- Clause 26 proposes to exempt 40 different projects and industries from prior-environment clearance and prior-environment permission.

3. Issues

The draft EIA 2020 notification is against constitutional law and the EPA, 1986. Despite India's commitment to international laws and treaties, this national policy has the potential to accelerate the depletion of the environment, biodiversity and wildlife sanctuaries in India.

The EPA, 1986, in its long title, describes its purpose as an "Act to provide for the protection and improvement of the environment and matters connected therewith ..." In its Preamble, it resolves to implement the decision taken at the Stockholm Conference of 1972 for the improvement of the human environment even as other provisions of India's

foremost environmental statute bind the government to advance its principles in matters concerning the environment.

The draft EIA notification 2020 deviates from the statutory foundation of the EPA, 1986 and the *vires* of Article 21²⁰ of the Indian Constitution which guarantees the right to clean²¹ and healthy environment²². The provisions of the draft notification are contrary to the objectives and norms of the EPA, 1986 that are critical for the protection of India's biodiversity and wildlife. It dilutes the nature, definitions and punishments for a range of environmental law violations and changes the regulatory and protective standards to such an extent that it makes them redundant.

Appellate courts in India have repeatedly, through their judicial orders, strengthened public participation in the EIA process²³. Given that a majority of India's rural population is illiterate, and notifications are not easily accessible to them²⁴, the government is duty bound to distribute copies of proponents' reports to the public²⁵ and encourage public awareness through wide and effective dissemination of information on the EIA²⁶. In EIA consultations, local communities act as the jury instead of being a passive audience²⁷. They have the right to equitable access to information on the impact of projects²⁸ and to be informed about the final decisions made by the regulatory authority upon the completion of the public hearing²⁹. The draft EIA 2020 drastically reduced the timeline for both public hearings and consultations, thus diminishing the existing provisions for public participation which is intrinsic and instrumental to the EIA³⁰. Should the 2020 notification come into effect, the public participation provisos in environmental governance will be reduced to having no real power³¹.

²⁰ Article 21 of the Constitution of India, 1949 - Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

²¹ *Subhash Kumar vs State of Bihar* [1991 AIR 420, 1991 SCR (1) 5]; *M C Mehta vs Union of India* [(1991) 2 SCC 353].

²² *M C Mehta vs Union of India* [1988 AIR 1115; 1988 SCR (2) 530].

²³ Menon, P. & Mahuli, V. (2020, August). Whose EIA draft is it anyway - people or project proponents? *Down-To-Earth*. From: <https://www.downtoearth.org.in/news/environment/whose-eia-draft-is-it-anyway-people-or-project-proponents--72659>.

²⁴ *Centre for Social Justice vs Union of India* [2001 AIR Guj 71].

²⁵ *M C Mehta v Union of India* [1985 Writ Petition (Civil) 4677 of 1985] (Supreme Court of India).

²⁶ *Science Technology National Resource Policy vs Union of India* [2005 10 SCC 510].

²⁷ *Samarth Trust and Another vs Union of India and Others* [Writ Petition (Civil) No 9317 of 2009] (High Court of Delhi).

²⁸ *Tirupur Dyeing Factory Workers Assn vs Noyyal River Ayacutdars Protections Assn* [(2009) 9 SCC 737].

²⁹ *Rudresh Naik vs Goa State Coastal Zone Management Authority* [2013, All (1) NGT Reporter (2) Delhi 47].

³⁰ *Hanuman Laxman Aroskar vs Union of India* [Civil Appeal No 12251 of 2018] (Supreme Court of India).

³¹ *Him Parivesh Environment Protection Society vs State of Himachal Pradesh* [CWPIIL 15/2009] (High Court of Himachal Pradesh).

Furthermore, the notification proposes to give legitimacy to ex post facto clearances, which will allow industrial projects to start before satisfying legal requirements and environmental clearances (ECs). On April 1, 2020, the Supreme Court of India proscribed the practice of ex post facto environmental clearances³². The court held that the “grant of an ex-post-facto environmental clearance would be detrimental to the environment and could lead to the irreparable degradation of the environment. The concept of ex post facto or retrospective EC is completely alien to Indian environmental jurisprudence.

The draft notification increases the categories of development projects and industries that are to be exempted from the EIA process entirely. Many of these projects are proposed in forested and remote areas of the country, for example the hydrological project is proposed in Arunachal Pradesh’s Dibang Valley³³ – a subtropical evergreen broad-leaved forest and subtropical rainforests. In Arunachal Pradesh and elsewhere, this will further marginalise tribal communities and forest dwellers who have insecure tenurial rights under the Forest Rights Act, 2006³⁴.

The draft notification will provide impunity to polluters by allowing project proponents to continue their illegal projects if they pay a compensation fee. The penalties prescribed for the violation of environmental norms bear no relationship with the cost of the project or the adverse impacts on the environment. They do not in any way align with the principle of polluter pays³⁵ while also going against the precautionary principle³⁶ that is intrinsic to environmental protection. The notification also takes the burden of proof off of the project proponents to establish that the proposed project or factory will not have an adverse impact on the environment.

India is party to the Convention on Biological Diversity³⁷, the United Nations Framework Convention on Climate Change (UNFCCC), and the Rio Declaration 1992³⁸. The Convention on Biological Diversity is an international legal instrument that encourages actions which will lead to a sustainable future, while the UNFCCC aims to prevent dangerous human interference with the climate system. The Rio Declaration articulates critical environmental standards such as the precautionary principle and environment impact

³² *Alembic Pharmaceuticals Ltd vs Rohit Prajapati & Ors* [Civil Appeal No. 1526 of 2016] (Supreme Court of India).

³³ Adlakha, N. (2020, April). The Curious Case of India’s Environment Ministry. *The Hindu*. From: <https://www.thehindu.com/sci-tech/energy-and-environment/how-the-ministry-of-environment-forest-and-climate-change-has-been-making-inroads-into-indias-forests/article31454680.ece>

³⁴ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act, 2006).

³⁵ *Indian Council for Enviro-Legal Action vs. Union of India* [(1996) 3 SCC 212]; *M C Mehta vs. Union of India* [AIR 1987 SC 1086]; *M C Mehta vs Kamal Nath & Ors* [(1997) 1 SCC388].

³⁶ *Vellore Citizens Welfare Forum vs Union of India & Ors.* [(1996) 5 SCC 647].

³⁷ The Convention on Biological Diversity, 1992.

³⁸ United Nations Conference on Environment and Development, 1992 (Rio Declaration, 1992).

assessments. Furthermore, the United Nations Environment Programme endorses the EIA as an integrated approach including social, economic and environmental factors to increase sustainability and development³⁹. Under international environmental law, the EIA plays a key role in making an informed decision for a sustainable future. Any attempt to mitigate the EIA procedure will obstruct India's international obligations under global agreements and treaties and as such attracts a legal challenge.

The EIA is also vital to obtaining loans and grants from international financial institutions like the World Bank and the Asia Development Bank. Global financial institutions not only require the EIA of development projects but also sometimes need strategic environment assessment reports regarding development policies and regional development plans in order to grant financial benefits to entities.

Internationally, the procedure for an EIA and public participation has been elaborated in the Espoo Convention⁴⁰ and Aarhus Convention⁴¹. Though India is not party to any of these conventions, it can adopt these ideals to balance development and sustainability.

The draft notification categorises the projects requiring an EIA on the basis of the size of the financial investment, instead of ecological, social, health and geographical impacts of such development projects. If enacted and passed, it will pose a serious threat to the country's wildlife and fragile biodiversity.

Increasing the tenure of the validity of environmental clearances for projects including mining and river valley projects will cause irreversible damage to the ecology of the area it is being undertaken in. Increasing 'development' inside national parks and sanctuaries, threatens iconic endangered species and their habitats. A recent survey showed that there were more dogs than tigers in a major reserve forest, revealing the grim reality of how rapidly wildlife was disappearing in India⁴². India's forests and wildlife reserves not only need preservation but also fortification from economic development.

³⁹ Abaza, H., Bisset, R. & Sadler, B. (2004). *Environment Impact Assessment and Strategic Environment Assessment: Towards an Integrated Approach*. United Nations Environment Programme. From: https://wedocs.unep.org/bitstream/handle/20.500.11822/8753/Environmental_impact_assessment.pdf?sequence=3&%3BisAllowed.

⁴⁰ Convention on Environmental Impact Assessment in a Transboundary Context, 1991. From: https://www.unece.org/fileadmin/DAM/env/eia/documents/legaltexts/Espoo_Convention_authentic_ENG.pdf.

⁴¹ Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, 1998. From: <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

⁴² Mazoomdaar, J. (2020, August). What camera traps saw during survey: More domestic dogs than tigers in major reserves. *Indian Express*. From: <https://indianexpress.com/article/cities/delhi/tiger-reserves-domestic-dogs-india-survey-6536467/>.

The Draft EIA is based on the government's objective to ease the doing of business and fails to meet the principles and standards for environmental protections.

4. **Youth Perception Survey: Findings and Analysis**

4.1. Methodology

We conducted a quick Youth Perception Survey on the Draft EIA Notification 2020 through social media. A Google Doc survey was circulated on the popular social media platform, Instagram⁴³. The purpose of the survey was to gauge whether a percentage of India's youth is invested in protecting the environment and how aware they are of the Draft EIA 2020.

Instagram was selected because, upon the release of the draft notification, many Indian social media pages (dedicated to protecting the environment) began a social media campaign to encourage public participation in the discourse surrounding it. The Google Doc link to the survey, written in extremely simple language to reach a wider population, was shared with social media creators and they were encouraged to share it with their followers. Using this method, responses were collected from August 2 to August 7, 2020. The study was completed by 273 respondents anonymously from 67 cities of India.

For the purposes of this report, we restricted the sample to Indian nationals only. This research is not exhaustive and the results were collected "using sampling techniques that limited their scope, temporality, size and variety, and which tried to capture and define their levels of error, bias, uncertainty and provenance"⁴⁴. The data is entirely participatory. The nature of Instagram meant the survey could only be shared with certain groups of followers, and it may have even appealed more to individuals who were already inclined to care about the environment due to the pages that shared it. However, Instagram is a great tool to include hard-to-reach populations⁴⁵.

The survey can only indicate whether there is a section of the Indian youth that is invested in the draft. The questions related to some of the major themes discussed in the EIA, but not explicitly described as such. This was done in the hope that even if the individuals

⁴³ Solan, L. & Quan-Haase, A. (2017). *The SAGE Handbook of Social Media Research Methods*. SAGE Publication.

⁴⁴ Miller, H. J. (2010). The data avalanche is here. Shouldn't we be digging? *Journal of Regional Science*, 50(1), 181–201. From: <https://doi.org/10.1111/j.1467-9787.2009.00641.x>.

⁴⁵ Guillory, J., Wiant, K., Farrelly, M., Fiocco, L., Alam, I., Hoffman, L., (et. al). (2018). Recruiting Hard-to-Reach Populations for Survey Research: Using Facebook and Instagram Advertisements and In-Person Intercept in LGBT Bars and Nightclubs to Recruit LGBT Young Adults. *Journal of Medical Internet Research*, 20 (6). From: [doi:10.2196/jmir.9461](https://doi.org/10.2196/jmir.9461).

participating knew nothing of the EIA, their general ideas on government policy regarding the environment could be understood.

Survey Questionnaire
<ul style="list-style-type: none">● Do you know what the Environment Impact Assessment (EIA) is?<ul style="list-style-type: none">○ Yes○ No● Do you know about the India's proposed Draft EIA Notification 2020?<ul style="list-style-type: none">○ Yes○ No● How much do you care about protecting the environment on a scale of 0 to 10?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● Do you think mining is bad for the environment?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● Do you think because of the COVID-19 pandemic, the government should relax environment protection laws to help businesses?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● Do you think only the government should decide on environmental laws?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● Do you trust the government to protect the environment?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● If a forest had to be cleared to open a defence aircraft factory, do you support this project?<ul style="list-style-type: none">○ I do○ I don't○ I don't care● Do you think the government should:<ul style="list-style-type: none">○ focus on relaxing environmental rules to help businesses○ focus on protecting the environment from businesses○ balance them both

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- How often should industries file reports about following environmental rules?
 - Once a year
 - Once in two years
 - Never
- Which age group do you belong to?
 - Below 20 years
 - Between 20 and 30 years
 - Above 30 years
- Which city do you currently live in?
- What is your nationality

4.2. Findings

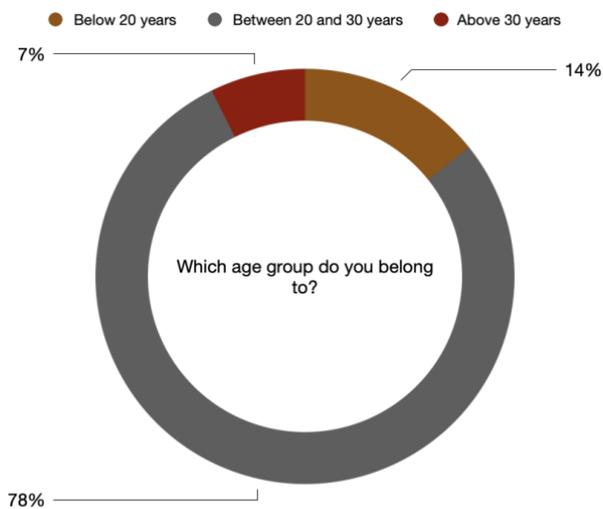


Figure 1

The survey had respondents from three age brackets, viz. respondents below 20 years (14 per cent), respondents between 20 and 30 years (78 per cent), and respondents above 30 years (7 per cent). See Figure 1.

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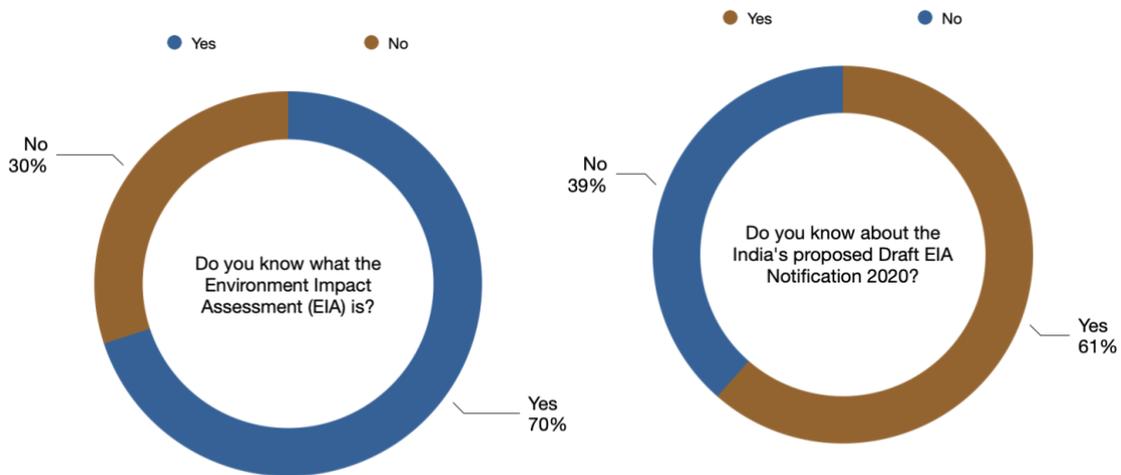


Figure 2

Figure 3

The majority of the respondents were aware of the EIA (See Figure 2) and about 61 per cent of the total respondents knew of the proposed Draft EIA 2020 notification (See Figure 3).

■ How much do you care about protecting the environment on a scale of 0 to 10?

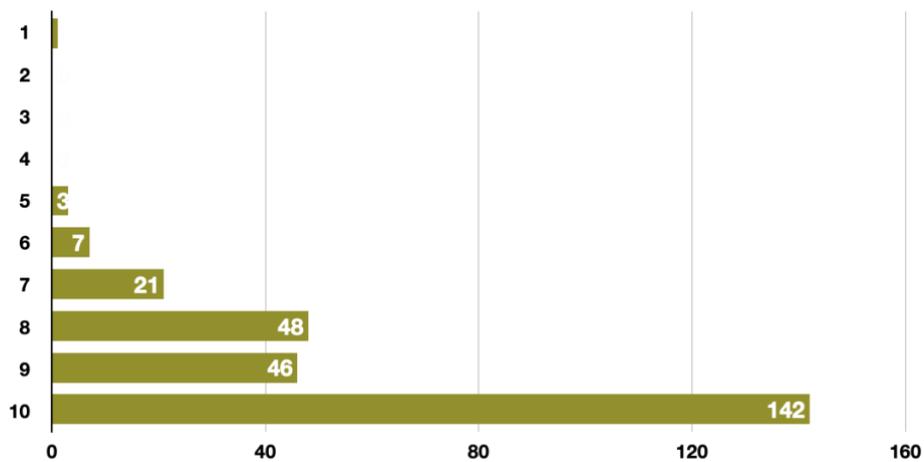


Figure 4

Out of 273 respondents, a majority of the respondents expressed their deep concern about environmental issues.

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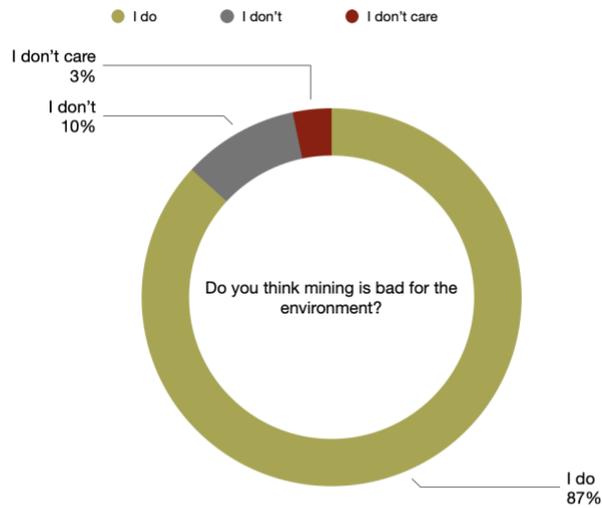


Figure 5

In a lead opinion, respondents agreed that mining was bad for the environment, clearly indicating the growing awareness and concern in young people regarding the side effects under-regulated mining has on biodiversity.

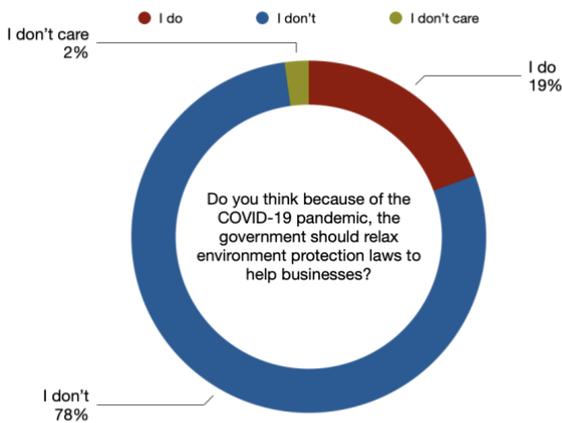


Figure 6

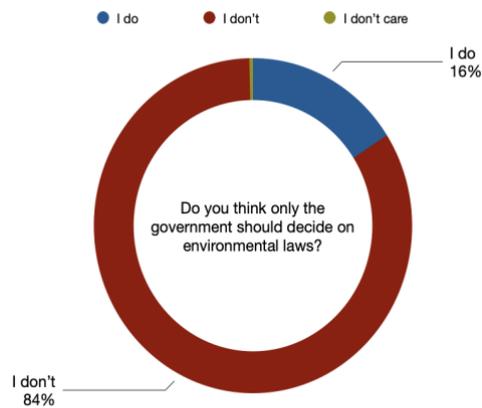


Figure 7

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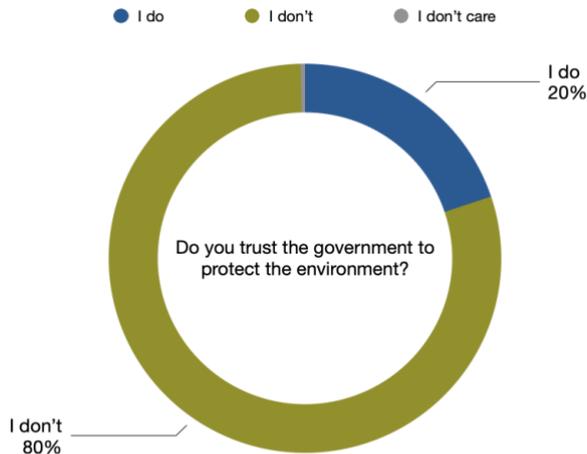


Figure 8

A fraction of respondents believed that the government should support businesses by diluting environmental protection laws, while the majority expressed their disapproval. (See Figure 6). Moreover, 80 per cent of the respondents expressed scepticism regarding the government's protection of the environment (See Figure 7).

Supporting public participation in decisions relating to the environment, the majority of the respondents didn't think that the government should take unilateral decisions concerning environmental issues. (See Figure 8).

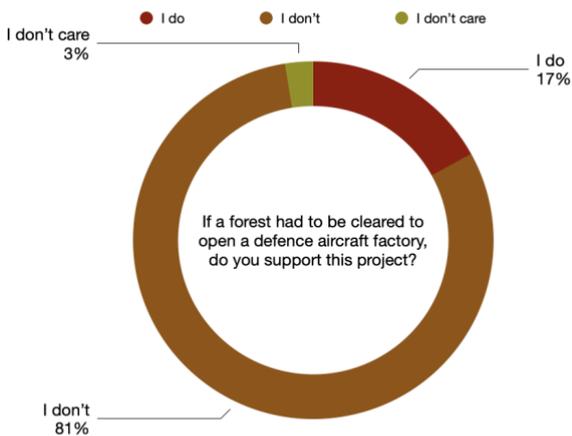


Figure 9

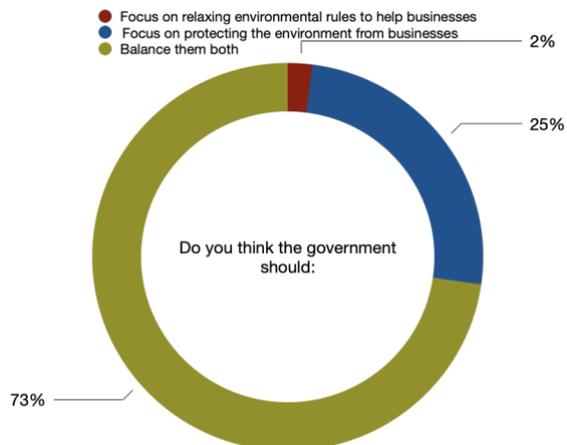


Figure 10

A majority of respondents did not support the setting up of projects like defence aircraft factories by clearing forested area (See Figure 9) and believed that that government should balance both –environmental protection and businesses (See Figure 10).

5. Conclusion

The Draft EIA 2020 notification is a systematic and institutional dilution of fundamental environment protections norms and should be withdrawn. The State has a duty under Article 48A of the Indian Constitution that it “shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country”. By proposing a law like the Draft EIA 2020, the State has abdicated from its constitutional duty and has failed to uphold the citizen’s fundamental right to a healthy and safe environment.

India’s youth is increasingly aware about environment and climate change issues and have started taking to social media platforms⁴⁶ to amplify their voices and demonstrate their protests. This momentum among the younger generation has been echoed globally⁴⁷. This has been indorsed and reflected in our Youth Perception Survey. There is a growing sense of urgency among our youth to act for the cause for a green and sustainable future. It is in this vein that students⁴⁸ from across India urged the MoEFCC to withdraw the Draft EIA 2020 notification.

One of the most prevalent arguments for diluting environmental laws has been that it is pro-development and is necessary for promoting growth and creating jobs. This argument is fundamentally flawed as decades of experience has shown that in the longer run environmental degradation leads to lower and not more development, unsafe rather than decent jobs. The need for economic recovery in the aftermath of the COVID pandemic does not provide any justification for weakening environmental protection. We need to use the opportunity to rebuild better and support more sustainable ways of living rather than

⁴⁶ Praveen, S R. (2020, August). Social media abuzz with campaign against EIA. The Hindu. From:

[https://www.thehindu.com/news/national/kerala/social-media-abuzz-with-campaign-against-](https://www.thehindu.com/news/national/kerala/social-media-abuzz-with-campaign-against-eia/article32317780.ece)

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⁴⁷ Sengupta, S. (2019, September). Protesting Climate Change, young People Take to Streets in a global

Strike. *The New York Times*. From: [https://www.nytimes.com/2019/09/20/climate/global-climate-](https://www.nytimes.com/2019/09/20/climate/global-climate-strike.html)

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⁴⁸ Lobo, S. (2020, August). Over 75 Tamil Nadu Youth Groups write to Centre against Environment Impact

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15 Draft EIA 2020: Multiple Fault Lines

Draft notification dismantles the very foundations of environmental protection laws

'race to the bottom' to weaken environmental protections to attract investments and businesses.