

EIA notification and impact on Northeast

■ Pradip Bhuyan

The Environmental Impact Assessment (EIA) 2006 Notification issued under the Environment Protection Act, 1986 as amended from time to time is a piece of very important legislation that looks at potential adverse effects on environment and society from industrial or infrastructure projects through an established procedure. However, since 2006 the EIA 2006 has undergone a number of amendments which have greatly diluted its efficacy. Now the latest notification of the EIA 2020 is sure to put the last nail in the proverbial coffin to the original spirit of the EIA 2006 for sustainable development of the country. The proposed notification would cause a landmark shift in the way clearances shall be given to industries and infrastructure projects.

Public consultation and hearing are important components in the EIA procedures. Public hearing was a part of any big project and the sentiments of the people were aimed to be integrated in a practical way to the project. But the EIA 2020 excludes the public hearing process from many categories of industries and activities – some of them highly toxic – building construction, elevated roads, flyovers, all projects under B2 category, modernization of irrigation, all projects concerning national defence or for other strategic considerations, which do not even require environment appraisal but merely an environment permission on secondary information.

Also, there is a provision in the draft notification that the Govern-

ment can cancel public hearings if it feels that situation is not conducive to hold proper public hearings. In short, the public hearing process for various projects which was part of the EIA 2006 as amended has been sidelined and totally diluted in the draft EIA 2020.

Also, it is disturbing that EIA 2020 advocates a policy that gives a lifeline to industries to regularize their status by post facto clearances which would legitimize projects in complete violation of laws.

The 100-km serial distance which defines the 'border area' as per the draft notification covers about 95% of the entire Northeast which is surrounded by Bhutan, China, Myanmar and Bangladesh on all sides.

Under the heading 'Public Consultation', projects requiring prior environmental clearance (EC) or permission cover activities like oil and gas transportation pipeline, etc., and highways, expressways, expansion of NHs, amongst many other items. These two – oil and gas pipelines and highway – are not covered under the exemption list of Public Consultation, i.e., there will be public consultation for these projects in the country but the same two items are exempted from the preview of Public Consultation under 2(f) for the border area. It means highways and oil and gas pipelines projects for the northeastern States will have no public consultation as will be the case with the

rest of the country.

It is a completely discriminatory treatment towards Northeast India which is the most biodiverse hotspot of the country. It is clear that the 'Border Area' tag has been incorporated in the draft EIA 2020 to include the Northeast as border area so that highways, expressways, oil and gas pipelines, etc., can be constructed without public consultation as applicable for the rest of the country.

Also, the Northeast like the rest

The draft EIA 2020 has kept a window for any person to register any objections or suggestions on the draft notification in writing or through email.... The public should express their views in large numbers to make an impact as the first step of protest.

of the country will face the brunt of many other projects which are exempted from public consultation.

The country needs development, there cannot be any two opinion about that. But the people, their voices and concerns must be part of the process. By stifling the public hearing process which embraces the concerns of ecology, environment, security of homes and lands of large body of people, cultural heritage etc., empowering projects with post facto approval, announcing the vital notification during coronavirus pandemic, flood, etc., and without publicity in

scheduled languages for the general public, the notification of MoEFCC signals a very negative trend for sustainable development.

As an example of sustainable development, a highway going from A to B need not be a straight line if there are major environmental and other legitimate concerns of the public through public hearing; a highway can take a detour or incorporate corrective measures to minimize the destruction of ecology, environment and social fabric.

But the right of the people of the Northeast to be heard through a public consultation in matters of such projects is removed in the draft EIA 2020 notification by placing the Northeast in the Border Area category. As an example, a proposed highway alignment in Meghalaya may run through Sacred Grooves and other ecological hotspots and people will not have the legal tool to protest their

concerns like the rest of the country. The same will be the fate for all the other six States.

Many toxic industries are proposed to be exempted from public consultation when many significant toxic gas tragedies have occurred in India after the Bhopal gas tragedy. Toxic gas leaks cannot be contained within industrial estates.

The process of post facto regularizations as per provisions of the draft notification will give a window to regularize the illegal activities of the Coal India Ltd and others. Also, the Government can plan a highway through the 500-km

Dehing Patkai rainforest to facilitate various activities within the reserve forest area without any public hearing if the draft notification is passed – a probability today but may happen one day in future.

It is relevant to recall that the British started work in the coal fields of Assam in 1882, but in 1888 declared Upper Dehing which is contiguous to their coal mining activities as a reserve forest when there was no concept of legal protection to environment. The British in their sagacity in these matters made a clear distinction between areas for coal mining, oil extraction and preservation of contiguous biodiverse areas. Also, they undertook underground mining to minimize environmental degradation.

The draft EIA 2020 has kept a window for any person to register any objections or suggestions on the draft notification in writing or through email to eia2020-moefcc@gov.in. In view of the insidious and serious consequences to our environment heritage, culture, land, etc., as posed by the draft EIA 2020 notification, the public should express their views in large numbers to make an impact as the first step of protest.

The northeastern States should also register their protest regarding discriminatory treatment to the Northeast. The issue is not about political affiliation, but objecting to a draft notification by MoEFCC which is blatantly anti-environment and anti-people, as well as discriminatory for the Northeast region.

The coronavirus pandemic has halted the entire world on its track. It is a wake-up call for humanity to take notice of Nature for humanity to survive.