



PRESS RELEASE

August 11, 2020

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Modi Govt. has endangered Ecological Security, Lives & Livelihoods by EIA 2020

EIA 2020 is Anti-People & Anti-Environment

EIA 2020 = "Money over Environment" & "Expediency over Transparency"

Environmental Impact Assessment Notification 2020 (EIA 2020) is an assault on India's Ecological Security, Environment, Flora & Fauna, Forests, Fragile Ecosystems, Millions of poor-advantaged & disadvantaged and the future of the generations to come. The "Suit-Boot Sarkar" has placed "money over environment", "expediency over transparency" and "profit over preservation".

A myopic Modi Government, blinded by an insatiable lust to promote crony capitalist friends, is hell bent upon jeopardising and compromising India's future. As the period of objections against EIA 2020 ends today, with a crescendo of objections from environmentalists, civil society groups, activists and enlightened citizens; We, at INC, are duty bound to place the unfathomable quest of environmental degradation by the BJP Government, through the EIA 2020, as follows:-

1. EIA 2020 "licenses and legitimises environmental damage" indefinitely by "monetising environmental crimes".

The draft EIA 2020 allows the project owners to, post-facto, pay compensation in cases where they pollute the environment and continue their operations as if nothing has changed (Clause 22). The act of paying compensation is presumed to retrieve/reverse the environmental damage caused introducing a concept of monitoring environmental crimes. This is an amnesty scheme giving a clean-chit to polluters without a cut-off date. Even the Supreme Court (Alembic Pharmaceuticals Ltd v. Rohit Prajapati and ors.) has observed that post-facto clearances are unrecognised in environmental jurisprudence but does the Modi government care?

2. Public consultation endangered and public hearing "done away with" for a large category of projects.

Public consultation is an embodiment of 'Natural Justice'. Draft EIA 2020 appears to make "public consultations and people wisdom" a possible irritant, attempting to reduce it to a mere formality.

(i) Under category "B-2" projects, public consultation has been given a complete 'go-by' and many category "A" projects requiring public consultation have been recategorised as "B-2" projects requiring no consultations, without any scientific backing. For example, off-shore and onshore oil and gas exploration have been recategorised from "A" to "B-2". Similarly, building and maintaining the infrastructure for Inland Waterways (having a lasting



impact on the ecosystems of rivers, water bodies & fishing communities) have been recategorised from “A” to “B-2”.

(ii) Strangely, EIA Report is now required to be provided only in “English” and not in any “local/regional language”. The implication to deny understanding of the impact to the local community is obvious. Not only this, the draft EIA Report would not be openly accessible to the public but only on written request for electronic inspection at a specified place. The intent of denial is *writ large*.

(iii) Projects relating to “pipelines and roads in border areas” have been completely exempted from “public consultation”. Border areas have been defined as “area falling within 100 kilometres arial distance from the Line of Actual Control with bordering countries of India”. This effects exempts almost all projects in north-east India from the public consultation process despite north-east being home to India’s richest biodiversity.

(iv) Construction projects under category “B-2” will now be exempt from public hearing. For example, under 2006 EIA notification, building projects above 20,000 sq. meters requires prior environmental clearance. Suddenly, this limit has been increased to 1,50,000 sq. meters for prior environmental clearances virtually exempting every building project.

3. Draft EIA 2020 does away “Environmental Impact Assessment” (EIA) altogether in many cases.

(i) 40 types of projects have been completely excluded, including sand and clay extraction, coal and non-coal mineral prospecting, solar thermal power projects and solar parks. No criteria for this exemption has been made public.

(ii) The draft EIA categorisation of projects in category “A”, “B-1” & “B-2” is itself whimsical in many cases. Category “B-2” projects require no EIA and can proceed merely on the basis of “prior environmental permission”.

(iii) Even this categorisation is not founded upon “potential social and environmental impacts”. For example, LNG terminals have been recategorised from category “A” to “B-2”, hence requiring no EIA. The reason is inexplicable.

(iv) Many irrigation projects, metallurgical industries, arial ropeways etc., earlier in category “A” have been reduced to category “B-1” or “B-2”, diluting the EIA requirements altogether.

(v) No environmental clearance or permission is now required for a “strategic project”. What is a “strategic project” has not been defined, leaving complete room for subjectivity and arbitrariness as per the whims of the executive.

4. Long periods of validity of “environmental clearances” allows projects to “secure” lands for long durations without accountability or transparency.

Draft EIA 2020 has considerably increased the period of validity of prior EC. Incase of mining project, the period has been increased from 30 years to 50 years. Incase of River Valley, Nuclear Power and Irrigation projects, the period has been increased from 10 to 15 years. This promotes land grab, not development, by a blanket increase in validity of environmental clearances.



5. Union Government unilaterally acquiring power to appoint State Environmental Impact Assessment Authorities thereby killing cooperative federalism

This usurpation of power by Modi Government virtually makes the role and responsibility of State Governments rudderless and that of a mute spectator.

6. “Climate Change” or it’s impacts given a complete ‘go-by’

Over 14% of India’s population lives in coastal districts. A significant portion of India’s population lives below the poverty line and is effected by sea level rise, high temperatures and frequency of ‘extreme weather events’. EIA 2020 completely ignores them.

7. EIA 2020 is in complete negation of the Environmental Protection Act, 1986 as also the Judgements of the Supreme Court.