



UN Special Rapporteurs on EIA 2020

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Why in News

Recently, a group of **Special Rapporteurs to the United Nations** (UN) has written to the Indian government **expressing concerns over the draft Environment Impact Assessment (EIA) notification 2020**.

Special Rapporteurs are **independent experts working on behalf of the UN**. They work on a country or a thematic mandate specified by the **United Nations Human Rights Council** (UNHRC).

Key Points

- The group has highlighted that the proposed notification **appeared to have clauses that obstructed people's rights to a safe, clean and healthy environment**.
- There are **clauses which exempt several large industries and projects from the public consultation**, as part of the **Environmental Impact Assessment process**.
 - The draft notification **provides for a reduction of the time period from 30 days to 20 days** for the public to submit their responses during a public hearing for any application seeking environmental clearance.
 - This time frame is inadequate for the preparation of views, comments and suggestions and without a meaningful public hearing, the whole EIA process **would lack transparency and credibility**.
- The draft notification **does not require publication of information or holding of public consultation for projects** labelled by the Central government as '**involving strategic considerations**'.

- The 2020 draft notification **allows for post-facto approval for projects** which means that the clearances for projects can be awarded even if they have started construction or have been running phase without securing environmental clearances. Post facto approval is the **derogation of the fundamental principles of environmental jurisprudence and violation of the precautionary principle**, which is a principle of environmental sustainability.
- The group has **sought the government's response** on how the provisions of the notification are consonant with **India's obligations under international law**.
 - India is a party to the **Rio declaration (also known as the Earth Summit) adopted by the United Nations Conference on Environment and Development** (UNCED) **in 1992**, which articulated a catalogue of environmental principles including sustainable development, precautionary principle, and EIA.
Following the **Rio Conference 1992**, EIA became part of the **formalised legal framework in India in 1994**.
 - India is also party to the **Convention on Biological Diversity** (CBD) and **United Nations Framework on Climate Change** (UNFCCC), which contain a requirement to have a prior EIA in situations having a significant threat to the environment.
- **Indian Government's Response:**
 - The Environment Ministry Secretary has held that **nothing in the proposed EIA, 2020 violates the UN Declaration of Human Rights** and that the rapporteurs' concerns are "**misplaced**".
 - The proposed EIA is still a draft and was issued for public consultation. The **imperfections in the existing EIA would be amended** in the new notification.
 - With regard to **post facto clearances**, the **violation of not taking prior approval would be punished as per law** and projects that are already running would be considered only on merit.

Way Forward

- These clauses and exemptions are **unjustified** and the general **public must be consulted**. The argument becomes **even stronger after the recent Vizag gas leak incident**.
- It becomes even more significant in the wake of the **Covid-19 pandemic** which has **demonstrated the value of the environment** for human's well-being. **Reduced forest cover and consequent closeness of wildlife and related virus reservoirs (zoonotic diseases)** to humans, and more polluted air impacting human health highlight the need to preserve the environment.

- The ministry, instead of reducing the time for public consultation, should **focus on ensuring access to information as well as awareness** about the public hearing and its impact upon the whole EIA process.
- “**Grow Now, Sustain Later**” **should not be the policy**, as the notion is dangerously tilted against the concept of sustainable development and with the EIA, there should **also be a Social Impact Assessment to achieve sustainable development in true sense.**

Source: TH