

**Statement on
AIPSN Response to Draft EIA Notification 2020**

(For Release to Press and Other Campaign Purposes)

It is deeply regrettable that the Union Ministry of Environment Forests & Climate Change (MoEFCC) has decided to press ahead with the Draft EIA Notification 2020 (hereafter Draft EIA 2020), despite many Organizations and Experts calling for extending the period for responses beyond 30 June 2020 given the continuing restrictions related to the Covid-19 pandemic. These restrictions have prevented grassroots level consultations, especially with nature-dependent and marginalized communities, that are required for fruitful public participation in discussions on Draft EIA 2020.

Nevertheless, the All India Peoples Science Network (AIPSN), comprising 40 Peoples Science Organizations in 25 States/UTs, has held extensive consultations to the extent possible and has submitted its considered Response to Draft EIA 2020. While our response (click [here](#) or [here](#)) contains clause-by-clause critiques and recommendations, a brief summary of salient points is presented here.

The present Government, since it first took office in 2014, has embarked on a determined course to severely dilute Environmental Regulations and norms in India, and weaken monitoring by regulatory agencies, so as to advance the “ease of doing business” and give corporates greater freedom to set up and run projects at the cost of the natural environment, and at the expense of lives and livelihoods of hundreds of millions of people dependent on it. Environmental Regulations and systems for appraisal, approval and monitoring of projects have been painstakingly built up over the years under pressure from civil society organizations, affected communities and experts in the environmental and broader scientific community, all of whom have sought sustainable development while protecting the natural environment which sustains life itself.

Unfortunately, far from tightening these norms and closing the many loopholes that have crept in under pressure from vested interests, Draft EIA 2020 has further weakened environmental regulation, and reduced transparency and accountability. In fact, several provisions specifically seek to circumvent National Green Tribunal (NGT), High Court and even Supreme Court rulings based on EIA 2006 and objecting to many Orders/Notifications issued from time to time.

The major objectionable changes sought to be introduced through Draft EIA 2020 include:

- re-classification of various types of Projects, with a number of them potentially having considerable environmental impact being placed in Category B2 under which no Appraisal or public consultation/hearing is required: eg. Oil and Gas exploration (such permission was given in the fertile Cauvery delta region leading to farmer uproar in Tamil Nadu and subsequent withdrawal of permission), Water Aerodromes, River Waterways and other projects requiring dredging of river beds (cleverly dropped in Draft EIA2020 from the definition of “capital dredging” which it clearly is), Construction and Area Development Projects of 20,000-50,000 sq.m area (NGT had earlier ruled against an attempt to exempt projects of 20,000 to 150,000 sq.m, therefore this attempt in Draft EIA2020); and “linear projects” which would only be appraised and public consultations held in those districts of National Park, Sanctuaries or Coral Reefs through which they pass (exempting huge tracts through which pipelines etc may traverse)

- another set of Projects with significant environmental impact are now exempted from obtaining Prior Environment Clearance, (a provision originally meant for artisan groups such as Potters etc for excavating of clay) such as Solar Photo Voltaic (SPV) power projects, Solar Thermal power plants, Solar Parks, coal and mineral exploration, and another vague category of “R&D Projects,” Minor Irrigation Projects of upto 2000 ha command area, Hazardous Waste recycling units etc, Defence and Explosives Manufacturing Units,
- defence and national security projects, including projects deemed to be “strategic” by the Central Government,” are to be exempt from Appraisal and public hearings, with the added proviso that that “no information relating to such projects shall be placed in public domain:” classified information of military/security projects need not be disclosed, but external aspects with impact on environment such as area covered, construction in coastal regions, air pollution and/or liquid effluents discharged etc should be disclosed and appraised; further, the declaration of some projects as “strategic” is vague, non-transparent and open to misuse for hiding all kinds of projects from public scrutiny
- notice period for public to respond to Public Consultations reduced from the earlier already inadequate 30 days to a mere 20 days now
- among the most egregious provisions of Draft EIA 2020 related to violations i.e. projects starting construction or operations or expansion/modernization without receiving prior Environment Clearance (EC) would henceforth be given post-facto EC and permitted to continue after paying small fines: (the Vizag LG Polystyrene plant was operating without EC and was seeking post-facto approval) NGT and Supreme Court have repeatedly ruled post-facto EC to be violative of environmental laws, and Draft EIA 2020 attempts to subvert these rulings by incorporating such provisions in the Notification