

The Indian Himalayan Region needs its own EIA

Posted at: 18/10/2023

Context:

The Teesta dam breach in Sikkim in early October and the recent floods and landslides in Himachal Pradesh are a stark reminder of the havoc our development model is wreaking on our environment and ecology especially in the mountains. It is imperative to assess the worthiness of any significant human endeavour in terms of its impact on the environment.

Environment Impact Assessment (EIA):

1. The basis of the EIA is one such process defined by the United Nations Environment Programme (UNEP) as a tool to identify the environmental, social, and economic impacts of a project before it is implemented. This tool compares various alternatives for the proposed project, predicts and analyses all possible environmental repercussions in various scenarios. The EIA also helps decide appropriate mitigation strategies.
2. The EIA process would need comprehensive, reliable data and would deliver results only if it is designed to seek the most appropriate, relevant and reliable information regarding the project. Hence, the baseline data on the basis of which future likely impacts are being predicted are very crucial.

History of EIA in India:

1. In 1994, the Union Ministry of Environment, Forests and Climate Change (MoEFCC) under the Environment (Protection) Act 1986 (EPA), promulgated the first EIA notification making Environmental Clearance (EC) mandatory for setting up some specified new projects and also for expansion or modernisation of some specific activities.
2. The EIA 2006 notification lays down the procedure as well as institutional setup to give environmental clearance for the projects that need such clearance as per this notification. Only projects enumerated in the schedule attached to the notification require prior EC. An EIA is not required for many projects. This notification has categorised projects under various heads such as mining, extraction of natural resources and power generation, and physical infrastructure.
3. The case of the Indian Himalayan Region (IHR)
4. Unfortunately, the threshold limits beyond which EIA is warranted for all these projects is the same across the country. Despite all levels of government being acutely aware of the special needs of the IHR (it serves as a water tower and the provider of ecosystem services), the region's vulnerabilities and fragility have not been considered separately. Even the draft 2020 notification which was floated for public discussion does not treat the IHR differently than the rest of the country

Flaws in the graded approach:

1. The Indian regulatory system uses a graded approach, a differentiated risk management approach depending on whether a project is coming up within a protected forest, a reserved forest, a national park, or a critical tiger habitat.
2. The stringency of environmental conditions proposed in the terms of references at the scoping stage of the EIA process is proportionate to the value and sensitivity of the habitat being impacted by the project.
3. We have enough systemic understanding that the Himalayas are inherently vulnerable to extreme weather conditions such as heavy rains, flash floods, and landslides and are seismically active. Climate change has added another layer of vulnerability to this ecosystem.
4. The increasing frequency with which the Himalayan States are witnessing devastation every year after extreme weather conditions shows that the region is already paying a heavy price for this indifference.
5. The needs of these mountains could be addressed at all four stages of the EIA — screening, scoping, public consultation, and appraisal — if the yardstick for projects and activities requiring EC in mountainous regions is made commensurate with the ecological needs of this region.

Regulation and implementation of EIA in India:

1. There is no regulator at the national level, as suggested by the Supreme Court of India in 2011 in Lafarge Umiam Mining case, to carry out an independent, objective and transparent appraisal and approval of the projects for ECs and to monitor the implementation of the conditions laid down in the EC.
2. The EIA process now reacts to development proposals rather than anticipate them. Due the fact that they are financed by the project proponent, there is a veering in favour of the project.
3. The process now does not adequately consider cumulative impacts as far as impacts caused by several projects in the area are concerned but does to some extent cover the project's subcomponents or ancillary developments.
4. In many cases, the EIA is done in a 'box ticking approach' manner, as a mere formality that needs to be done for EC before a project can be started.

Conclusion:

Policymakers would do well to explore other tools such as the strategic environmental assessment which takes into account the cumulative impact of development in an area to address the needs of the IHR as a fundamental policy.

