



Church of South India

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01 August 2020

To

THE SECRETARY

Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110 003.

Respected Sir,

Sub: Objection against the draft E.I.A. Notification
Proposing to amend the Environment Impact Notification,
2006 - Reg.

1) This representation is on behalf of the Church of South India (C.S.I.). The C.S.I. is the largest Protestant Church in India, having a membership of 4.3 million. The C.S.I. is the only Church in India mentioned Ecological Concerns as a mission in the Constitution and the Mission statement. UNDP has honoured the ecological contributions and long-term commitment of the C.S.I. and privileged to receive the award from Mr Baan Ki Moon, Secretary-General of U.N. on 3rd November 2009. We are continuously and constantly engaged in Eco-Ministry, campaigns for Climate Justice, Green Protocol and Green School Programme, educating the community and children for sustainable development. We are on the process of converting our 2000 schools into Green Schools with the support of C.S.E., New Delhi. As eco-conservation is one of the missions of the C.S.I., we would like to present the Objections against the draft E.I.A. Notification Proposing to amend the Environment Impact Notification, 2006.

2) The changes in the new draft E.I.A. notification proposed are supposed to take into account the experience with the current E.I.A. notification, 2006. It is supposed to take into account the new realities, like the changing climate or now even the issues related to COVID 19 crisis which has many environmental dimensions. The new draft is also supposed to take into account



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the relevant pronouncements of the judiciary and in this case National Green Tribunal in the interim period since the previous Notification. It is supposed to take into account the new scientific developments that have happened since September 2006 when the previous Notification came into effect. The new draft has to include factors of increasing incidents of flood disasters, including urban floods; changing monsoon pattern; improved knowledge about the status of biodiversity in various agro-climatic situations. It is expected to include the requirements due to India's international environmental commitments. The experience of other countries can also be a useful guide in improving our environmental governance. The new draft is also expected to follow the principle of non-regression and also follow the basic tenets of the Constitution, including basic tenets of democratic functioning, Article 21, Article 48A, among others. The Notification has to take into account the public commitments of the Government, including Ganga Rejuvenation and River Rejuvenation, Conservation of the Himalayas and the Western Ghats, among others. The draft notification has to adhere to basic environment principles including those of Precautionary principle, Polluter-pays principle, Sustainable Development principle, Inter-Generational Equity, Principle of Non-regression and avoiding conflict of interest. After the National Green Tribunal Act came into force, many of these are the statutory duty of the State. A close reading of the draft E.I.A. Notification 2020 and comparison with the existing Notification shows that the draft fails on each and every one of these requirements. The present draft EIA Notifications observed to be more industry-centric than Environment centric.

3) Any dilution on the existing environmental regulations is against the powers delegated by the Parliament under the provisions of E.P. Act. The Central Government has power only to take measures to protect and improve the Environment, and not otherwise. Once an activity is found to be having a potential impact on the Environment and brought under a regulation to protect and improve the Environment, such regulation cannot be diluted or taken away by the Ministry. The proposed draft is a dilution of the existing Notification, and hence it is without power or authority. This draft notification is against the principle of Non-



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regression and hence violative of the fundamental rights guaranteed under Article 21, 14 of the Constitution of India.

4) 21.4.2014 directed MoEF to insist Wildlife Clearance for all projects seeking Environmental Clearance located within 10 km of Wildlife Sanctuary, National Parks or other Ecologically Protected Areas. Subsequent to the above directions of Supreme Court, the Ministry has issued O.M.s dated 27.02.2007, 02.12.2009 and 08.08.2019. The present draft E.I.A. Notification has not considered any of the above aspects.

5) The Principal Bench of National Green Tribunal dealt with the issue vide judgment dated 08.12.2017 and struck down the dilution of norms for Environment Impact Assessment which were found to be deviating from the 'Precautionary Principle' by delegating such power to the local authorities which were held to be a retrograde step. The N.G.T. had categorically stated that all building construction projects of built-up area between 20,000 sq.mtrs up to 1,50,000 sq.mtrs required to undergo the appraisal process by the Expert Appraisal Committee and to take prior Environmental Clearance. This decision of the N.G.T. was upheld by Hon'ble Supreme Court vide its Judgement dated 23.3.2018. However, the draft E.I.A. Notification ignored the directions of N.G.T. and of the Hon'ble Supreme Court and the new draft E.I.A. notification has gone a step ahead by granting deemed approvals for such projects.

6) Section 3 of the Environment Protection Act 1986 gives power to the Environment Regulatory authorities to prohibit or permit a project in a specified location. The permit for establishing a project is not a single line approval. It is conditional permission. The site-specific conditions in environmental clearance approval letter are the safeguards to be followed by the project in setting up and in the operation of the project.

7) Mining activities which are nothing, but exploitation of our natural resources by altering the land forever, and all types of large building construction projects are severe environment polluters. These activities were carried out earlier with a total lack of concerns for Environment and the health and well-being



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of the residents in the vicinity of these projects. The sole motive of mine owners and the real estate lobby is to make profits at any cost. In the past, through the intervention of the Supreme Court, mining activities of less than five hectares and building construction projects were brought under the E.I.A. Regime. That means the Central Government has failed to undertake its statutory duty to re-look into the parameters of activities involved in the Notification and include more activities in the Schedule which are later found as detrimental and having potential impact over the Environment. Any mining activity or building construction activity before the commencement of their operations needed to apply along with the Environmental Impact Assessment studies and the mitigation measures to nullify the likely Impacts due to the projects. These applications are appraised by a committee consisting of a group of 15 Environmental Experts. The said Expert committee conducts site visit and recommend the safeguards in the form of conditions to be followed to maintain Environmental Equilibrium. The present draft E.I.A. Notification proposes exemption of the category mentioned above of projects from the scrutiny of the projects by the Environmental Expert Committee, their field visit and following safeguards to protect the Environment. The proposal as per the draft E.I.A. Notification is to grant Environmental Approval to the category mentioned above of projects on expiry of 15 days from the date of submission of application. The Environmental approval will be generated online by the software and will reach the mine owner as well as the builder without any type of Environmental Scrutiny by the Experts. This procedure will lead to an indiscriminate way of mining and rampant building construction. It will cause severe Environmental damages to the Ecology, to the forests, to the groundwater, increase in air pollution and noise pollution, damage to the nearby houses/structures, large scale landslides, scarcity of water, aggravating floods etc. Since there is severe deterioration of environmental parameters every day, a more stringent regime is to be introduced in the above-mentioned category of projects than a dilution of the existing norms.

8) The proposed draft E.I.A. Notification is against the Rio Declaration of 1990 wherein India is a Signatory. The E.I.A. Notification 1994 is made in compliance to the country's



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commitment under Article 253 of the Constitution of India. Therefore, any deviation from the current E.I.A. Regime is against the commitment of India to the International Treaty

9) Overall, the issuance of E.I.A. Notification, 2020 is a clear example of the arbitrary exercise of power, abuse of power by the Ministry of Environment, Forests and Climate Change, and hence is liable to be withdrawn fully. A new draft has to be prepared keeping the constitutional duties of the Ministry, Statutory duty of the Government and the growing need of Environmental Protection.

Hence, for the reasons stated above, the Church of South India most humbly pray and request before your good office to take into consideration the objections raised by us and take necessary steps to cancel the draft E.I.A. Notification as a whole.

With kind regards,

Yours Truly,

C. Fernandas Rathina Raja
GENERAL SECRETARY, CSI

