



Published and distributed by:

ESG Environment
Support
Group

105, East End 'B' Main Road
9th Block, Jayanagar
Bangalore 560 069 INDIA
Tel: 91-80-26531339/ 22441977 Fax: 91-08-26534364
Email: esg@bgl.vsnl.net.in / esg@esgindia.org
Web: <http://www.esgindia.org>

Production and dissemination supported by grants from:



www.greengrants.org



www.aidindia.org

Environment Support Group (ESG) is an independent not-for-profit non-governmental organisation, registered as a Trust. Its main functions involve research, training, campaign support, and advocacy on a variety of environmental and social justice issues.



Green Tapism

A Review of the
Environmental Impact Assessment Notification - 2006

by

Leo F. Saldanha Abhayraj Naik
Arpita Joshi Subramanya Sastry

ESG Environment
Support
Group

On 14th September 2006 the Environmental Impact Assessment Notification 2006 was issued by the Indian Ministry of Environment and Forests (MoEF). This Notification was brought into force as a subordinate legislation despite serious opposition from many sectors across India - in particular from leading Parliamentarians and civil society organisations.

The *raison d'être* for amending the 1994 EIA Notification and replacing it with the 2006 version, as claimed by MoEF, was to promote transparent, decentralized and efficient environmental regulatory mechanisms in India. MoEF highlighted that the EIA Notification – 2006 would:

- ▶ Incorporate necessary environmental safeguards at planning stages;
- ▶ Involve stakeholders in the public consultation processes;
- ▶ Identify developmental projects based on impact potential instead of by investment criteria.

In complete contrast to these claims, the EIA Notification – 2006 comes across as poorly developed and shockingly regressive subordinate legislation.

Green Tapism: A Review of the Environmental Impact Assessment Notification 2006 presents that in dissonance with stated objectives the new Notification promotes non-transparency in environmental decision making, concentrates power with the Centre or States and unnecessarily creates new layers of technical bureaucracies. The outcomes of this deeply flawed and undemocratic legislation are likely to be:

- ▶ Weak review of environment and social impacts;
- ▶ Reduced involvement of local governance bodies and the wider public;
- ▶ A preferred status to investment over environmental and social concerns.

The acute need for urgent action in developing strong environmental regulatory systems is highlighted in *Green Tapism* recognising the highly adverse impacts from climate change and escalating environmental degradation experienced in India. It argues that the EIA Notification – 2006 instead of responding to such crises is actually a design for unmitigated environmental and social destruction. It also analyses India's past experiences in environmental regulation with the objectives of EIA based planning, both in the Indian and International contexts.

Based on extensive research into the jurisprudential and legal basis of environmental regulatory mechanisms, *Green Tapism* strongly argues for repealing the EIA Notification – 2006.

As a report and a resource book, *Green Tapism* can be relied upon for a critical appraisal of operational issues of the EIA Notification- 2006, its legal basis (or the lack of it), the problems that can be expected in its implementation, the implications for local communities and environmental groups in particular, and the widespread aggravation of the

environmental and social impacts the Notification is likely to cause.

Written in a simple style, highly illustrated and providing a variety of case studies and examples, *Green Tapism* is essential reading for researchers, campaigners, social activists, environmental regulatory agency officials, analysts, journalists, students, public administration officials, lawyers and judges, investors and in general anyone who is concerned about the state of our environment.

