

Campaign for Environmental Justice - India

PRESS RELEASE

PRIME MINISTER ASKED TO STOP UNCONSTITUTIONAL AMENDMENT TO EIA NOTIFICATION EXTENDING SOPS TO INDUSTRY DURING ELECTIONS

24 March 2009

More than 500 environmentalists, people's movements, social activists, social action networks, NGOs and concerned individuals from across India and the world have called for suspension of all work on the proposed amendments to the Environment Impact Assessment Notification - 2006. In a letter addressed to Prime Minister Dr. Manmohan Singh, who holds additional charge as Minister of Environment & Forests, signatories have alleged that the timing and content of the proposed amendments represent a gross misuse of executive power as the proposed amendments amount to handing out concessions to several industrial and infrastructure sectors, many of which are substantial donors to election campaign funds of the ruling party UPA alliance. Coming together as Campaign for Environmental Justice-India, the signatories have decided to complain to the Election Commission of India that the proposed amendment offers highly questionable and illegal concessions to big businesses that is in violation of the model Code of Conduct.

The signatories have demanded that the proposed amendments be shelved, and a comprehensive review be conducted of the EIA process with a view to increasing environmental protection and public participation in environmental decision-making. The clear demand is that nothing should be done that would limit the possibility of a comprehensive Environment Impact Assessment Act being introduced by the new Government thus obviating executive misuse of subordinate legislations, such as the EIA Notification, due to the lack of Parliamentary oversight.

The Draft amendments to the EIA Notification - 2006 was released on 19 January, 2009 for comments for a 60 day period only on the website of the Ministry. Many environmental groups, social activists, academics and other signatories refused to comment, instead demanding the total revocation of these unconstitutional Amendments as it constitutes abuse of executive power. Further, it advantages profit motives of corporate India by saving thousands of crores of rupees by escaping the need to implement environmental and social safeguards.

The EIA Notification - 2006 presently requires that projects (both greenfield ventures and expansion projects) that cause pollution, destruction of natural resources, displacement and other significant impacts on the environment must go through a series of clearance steps as per standards and with the prior consent of statutory agencies, both at State & Central levels, as applicable. This notification lays down procedures requiring the project developers to comply with a variety of national legislations such as the Environment Protection Act, Forest Conservation Act, Water and Air (Control of Pollution) and a range of international treaties such as the Rio Declaration. It may be recalled that this Notification too was issued overriding massive public opposition to offering of various sops to polluting industries. Tatas, Mahindras, Toyota and other automobile giants, for instance, secretly and successfully lobbied the Prime Minister's Office through 2006 to get the highly polluting automobile manufacturing sector out of the purview of the environmental clearance regime.

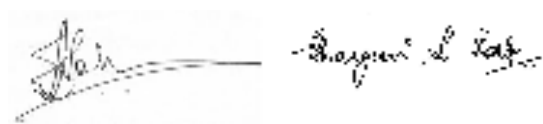
The proposed amendment dilutes an already weak EIA Notification. The most unconstitutional feature of the proposed amendment is that it does away with critical regulatory and oversight mechanisms for three years. This is sought to be done by extending to applicants a relief in the form of 'self certification' that merely requires them to declare their projects cause no additional pollution and thus open the gateway for self regulation. Such a concession is shockingly offered because the Ministry admits that along with many States and Union Territories, it has failed to establish regulatory institutions such as State Environment Impact Assessment Authority and State Environment Appraisal Committee – key instrumentalities to implement the regulatory features of the EIA Notification – 2006.

This failure in discharge of executive and regulatory power is now paraded as a reason to provide blanket exemption for highly polluting industrial and infrastructure sectors. Beneficiaries include shipping, port developers, building and construction sectors, area development projects, mining sector, petrochemical industry, modernisation of airports, and expansion of all sorts of manufacturing sectors. This is bound to increase displacement of urban, rural and forest dwelling

communities while seriously compromising India's human and ecological security.

Another significant concern is that the Ministry seeks to dilute environmental regulation a mere six months after unveiling a National Action Plan for Climate Change with stated long term objectives including “**protecting the poor and vulnerable sections of society through an inclusive and sustainable development strategy, sensitive to climate change**”. Worldwide, strong and effective environmental regulation of industrial and infrastructure development is considered the most apt way to tackle climate change. India has instead decided to advantage its polluting sectors risking a precipitous fall in its compliance with climate change obligations.

In a country besotted with an extremely weak environmental regulatory system that has failed to control pollution and protect our forests and natural resources, the current move only makes matters far worse for the protection of ecological and human security. The proposed amendments are clearly violative of the spirit of the Constitution of India. CEJ-I calls upon all political parties and the media to be vigilant & expose such instances of abuse of executive powers by the Government in power.



Leo F. Saldanha, Bhargavi S. Rao, Nandini Chami and Sruthi Subbanna
Environment Support Group, Bangalore

for Campaign for Environmental Justice – India

Cc:

Copy of the letter addressed to Prime Minister of India with endorsements (also accessible at www.esgindia.org)

Address for contact:

Environment Support Group @, 105, East End B Main Road, Jayanagar 9th Block East, Bangalore 560069. INDIA. Tel: 91-80-26531339/22441977 Voice/Fax: 91-80-26534364

Email: esg@esgindia.org or esgindia@gmail.com Web: www.esgindia.org

Cell: 09448377403