

To,

Dated: 29.06.2020

The Secretary,

Ministry of Environment, Forest and Climate Change,

Indira Paryavaran Bhawan,

Jor Bagh Road, Aliganj,

New Delhi-110 003.

Subject: Scrap Draft "EIA Notification 2020" – Reject Attempts to Relax Environmental Regulations: primary comments on the Draft EIA Notification 2020.

Dear Madam/Sir,

We, the representatives of different organisations from Himachal Pradesh would like to submit our objections related to the draft EIA notification 2020 and demand to scrap the same.

We believe that the EIA Notification, first issued in 1994, under the Environment Protection Act 1986, is a critical mechanism which regulates clearances granted to all kinds of development projects and economic activities in the country. It is one of the environmental decision-making processes that makes it mandatory for project developers and companies to not just study the socio-economic, ecological and other impacts of a proposed project but also place them in front of the affected communities for their opinions and objections, thus ensuring the process of a free, fair and informed consent. However, this notification has been amended and read down several times, in the last two decades, in favour of 'easing the norms' for business. The latest draft continues to move in the direction of rendering the EIA process anti-people, anti-nature and against the spirit of the Constitution.

The Draft amendments of 2020 flout the "precautionary principle" on which the environment decision making process itself is based. In the context of the already vulnerable and sensitive Himalayan region, flouting of various provisions of even the

present EIA notification has heavily impacted the local ecology and livelihoods of the people. The new amendments will only legitimise and legalise these violations and this will mean irreparable damage to the Himalayan ecosystem.

Various organisations have submitted detailed objections and have demanded for withdrawal of this draft in toto. We are in full agreement with this demand and we endorse those submissions. However, with this submission we are here raising some of the problematic dilutions and changes in the draft which will spell doom specifically for the Himalayas:

1. **Dilution of the definition of 'construction work' by excluding activities like levelling of ground, fencing and geotechnical investigation from "prior environment permission'** - Levelling and geotechnical surveys for projects impact landscapes especially in mountain terrains. Levelling of mountains slopes causes soil erosion and can trigger landslides and the geotechnical investigation for roads and hydropower projects involves heavy construction activity like the excavation of tunnels into the mountains. There are many instances where these construction activities have caused landslides, cracks in the houses and disturbed the hydrological regime which is visible in the form of drying up of springs and seepages. Leaving these activities from the process of environmental decision making checks, from taking preventive measures and action can be a source of conflict between local communities and project developers. Further in case of industrial projects this also means that a site once chosen may become fait accompli and not be put through an options assessment process because the work has already been done on it. This is extremely problematic
2. **EIA Reports require only one season data:** The amendment has altered the multi season baseline data collection for project EIA studies and replaced this with one-time season data. Though River valley projects have been exempted from this, we would like to point out that each and every development project - be it mining, mine based industries, highways and various other industries require atleast a 3 season assessment in any and all

ecologically diverse and fragile areas as the seasonal variations are very drastic and create different circumstances which have very specific local impacts.

- 3. Dismantling the Public Consultation process:** We strongly oppose the move of the MoEF & CC to exempt a range of projects from Public Consultation. This will no doubt mean that the conflicts between the communities and the state/private sector are going to escalate manifold and lead to huge ecological losses as the communities are in many cases the guardians and care-takers of forests, rivers, land and other natural resources. This seriously compromises the only semblance of democracy in the environmental decision making process.

In addition the reduction of the time prior to public hearing from 30 to 20 days is also highly objectionable. In the given 30 day period itself the information about Public hearings does not reach all the affected areas which are often spread out widely in case of mountains with some project-affected communities residing in remote and inaccessible terrains. Here accessing information takes a long time and reducing this time to 20 days will completely exclude such people from raising their grievances and suggestions in the public consultation. This is a clear attempt to block their participation in the environmental decision making process.

- 4. The post-facto clearance of projects is in ultra vires to the basic tenets of environmental decision making:** This includes assessing the environmental viability of a projects, to place certain preventive conditions to protect the environment and its monitoring aspect. These are important aspects in vulnerable ecosystems like mountains to protect the local ecology and the livelihoods of local communities. If these principles are not followed it can lead to a disastrous situation which can be irreversible in the himalayan context. In this situation who is going to be responsible for the losses? If the project proponent is not in a position to pay for losses will the MoEF&CC take the responsibility of losses? This provision will encourage project developers to bypass the process of environmental decision making. By suggesting such a

provision it looks like that MoEFF&CC is flouting the basic foundations and purpose for which this ministry has been created in the first place i.e. to protect and improve the environment and biodiversity of the country. We absolutely oppose this amendment.

5. **Distance from protected areas criteria in draft EIA Notification 2020 is unscientific and will cause immense harm to wildlife in mountain areas:** it is well known fact that the wildlife in mountains moves to higher reaches in summer season and tends to move to lower altitudes in search of food and water in winters due to heavy snowfall in upper reaches. In mountains mostly hydro projects are mushrooming up in all major rivers and their small tributaries. It's the small streams where small projects are coming up who are the major habitat of wildlife. As it is the siting criteria for projects are completely arbitrary and unscientific and their distance from critical wildlife habitats is also being determined at 5, 7, 15 and 20 kms without any scientific basis whatsoever.
6. **Exempting projects from EIA reports:** The proposal to categorise the projects requiring an environmental impact assessment on the basis of the size of investment, rather than ecological, social, health and geographical impacts of the project, is also a matter of grave concern in general and specifically for mountain communities. For instance, in case of hydropower projects below 25 MW which now will not require an EIA study, it's the water of smaller streams where these projects come up, which is utilised by local communities for irrigation, fishing and running water mills. The areas around small streams are grazing grounds and forests which get adversely impacted. These rivers are spawning grounds for fish and small hydro projects have had a severe impact on these. Thus, small or medium size hydro projects coming on these streams need thorough scrutiny - thus making of such categorisations is thoroughly questionable.
7. **Legitimising and giving free hand for non-compliance:** Weakening of monitoring and compliance mechanisms for Environment Condition is also a grave concern. Already the system of monitoring is weak, the conditions loose, the pollution control board corrupt and companies non accountable thus leading

to widespread destruction of local ecology and impacting health, lives and livelihoods of project affected communities. In case of hydropower projects for instance, the illegal and unmonitored dumping of muck along river beds, in forests and on common lands, has damaged pastures, disrupted the flow of the rivers and caused massive disasters when floods occur.

The proposed changes render our country and especially sensitive landscapes more vulnerable to unprecedented environmental disasters by decreasing public participation and giving a free reign to those profiting from extractive and polluting projects. Hence, we strongly demand that: -

The Government withdraws this draft notification immediately.

1. That the government issues a revised notification only after giving due consideration to the environmental concerns that have been raised by various environmental groups and communities. For this purpose, countrywide regional consultations should be carried out, as was done while deciding on BT Brinjal trials.
2. That such a process be initiated after the country has recovered from the lockdown and the pandemic and that the government should create a robust and strong environmental regulatory and governance regime that makes project proponents accountable and keeps the affected communities and ecological concerns at the centre of the EIA and environmental decision making process.
3. That the central government considers a rethink of its economic policies in the light of global climate crisis and the vulnerability of natural ecosystems, focusing on non-polluting and local livelihood generating small and medium businesses.

Looking forward to a positive response.

Sincerely

1. Kulbhushan Upmanyu; Himalay Bachao Samiti, Chamba
2. R S Negi and Jiya Lal Negi; Him Lok Jagriti Manch; Kinnaur
3. Shanta Kumar Negi; Hangrang Sanghrsh Samiti; Kinnaur

4. Uma Mahajan; Himachal Van Adhikar Manch; Shimla
5. Prem Katoch and Kesang Thakur; Save Lahaul Spiti; Lahaul & Spiti
6. Sonam Targey and Takpa Tenzin; Spiti Civil Society; Lahaul & Spiti
7. Rajneesh Sharma, Save Mount Global Jurist NGOs; Bilaspur
8. People's Campaign for Socio-Economic Equity; Himachal Pradesh
9. All India Gujjar Mahasabha, Himachal Pradesh
10. Ghoomantu Pahupalak Mahasabha; Chamba Unit
11. Ayushi Negi; Assistant Professor; Shimla
12. Vaishnavi Rathore; Environment Journalist
13. Himshi Singh and Prakash Bhandari; Himdhara- Environment Research and Action Collective; Kangra

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