

HOW NOT TO DO AN ENVIRONMENTAL ASSESSMENT

Relevant for: Environment & Disaster Management | Topic: Environmental Conservation, Sustainable Development & EIA

The [“redevelopment” projects of Delhi](#) which have been in the news are caught up in legal tangles. In these, it is the ones related to their environmental approvals that stand out. This article outlines three ways in which these projects have used the Environmental Impact Assessment (EIA) process to subvert the right of citizens to a better environment. A case in point is the approval process for the “World Trade Centre” in Nauroji Nagar in south Delhi.

EIA reports are a critical component of India’s environmental decision-making process in that they are supposed to be a detailed study of the potential impacts of proposed projects. Based on these reports, the Environment Ministry or other relevant regulatory bodies may or may not grant approval to a project. The EIA reports are also important to define measures that the project could take in order to contain or offset project impacts. To ensure that they are an accurate account of scientific facts and observations, the law mandates the engagement of an accredited independent EIA consultant to undertake the study.

The EIA reports of the redevelopment projects are an exercise in the worst possible research practices and ethics. The consultant for the Nauroji Nagar project has used material from copyrighted papers, webpages and other EIA reports. It even mentions that the water quality study was undertaken in 2015, one year before the project was commissioned to NBCC. It cites eight water quality monitoring locations for the study which are situated in Tamil Nadu. This content can be traced back to the EIA report of Tamil Nadu Minerals Ltd. which was prepared by the same consultant. Another example is the text under “Hydrogeology of PIA District” on page 42 of the EIA report. This is a carbon copy of material from a copyrighted book (2015) titled “Management of Water, Energy and Bio-resources in the Era of Climate Change: Emerging Issues and Challenges”.

Such research practices in EIAs continue unabated because of the Environment Ministry’s failure to come down heavily on this. In the end, it is citizens who have to bear the brunt.

‘Why should redevelopment of south Delhi colonies be allowed?’

There are many instances of missing or misleading information which understate the potential impact of these projects. For example, the EIA’s ‘Terms of Reference’ (ToR) for Nauroji Nagar, which is essentially a commercial project, fail to mention the word “commercial”. Instead, it states that the project is for the “modernization” of government residential colonies. The NBCC’s “World Trade Centre” that is proposed to be built at this site has been called “a commercial complex” by the EIA report. The ToR requires the EIA report to include a detailed traffic impact analysis, but this is missing. The report is also oblivious to the many archaeological and cultural heritage sites that will be affected by the construction. Other examples are: A “Table 3-20: List of animal species in the study area” on page 76 lists the names of trees, while common plankton has been listed as fish species on page 81.

The EIA Notification 2006 says that “deliberate concealment and/or submission of false or misleading information or data...” can lead to a rejection of the application or cancellation of the approval. But it is unlikely that the Ministry will pursue this line against these projects as it would mean stopping the project of the more powerful Ministry of Urban Development.

EIA-based approvals for most projects also involve the process of conducting public hearings in order that the views and opinions of people who are likely to be affected can be taken on board before a decision to approve the project is made. In a world that is challenged by environmental degradation and social conflicts, scholars have upheld public participation to be a “threshold condition” for development.

Yet, it is disappointing that the government has generously exempted real estate projects from holding consultations. Since Delhi’s “redevelopment” projects were approved without public consultation, any problems raised now by citizens, such as those about the EIAs, will be rendered “post facto”. Nauroji Nagar has already been razed to the ground — homes, trees and all.

Citizen action and litigation has forced the project proponents and the Ministry of Urban Development to state that they will revise their plans to reduce or prevent tree felling. But this response is neither adequate nor legally acceptable. The Delhi High Court that is hearing this matter must ensure that these redevelopment projects reapply for approvals as a single integrated one, and in accordance with the law.

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